

**Employment law – important definitions under labor law,
organization of recruitment. Employment of woman, minor,
disabled and non Saudi Employee welfare – working conditions,
working hours, leaves, wages. Work contract – duties of
employer and employee. Disciplinary procedure. Punishment
under labor law**

Definitions

Article (1):

This law shall be called the Labor Law.

Article (2):

The following terms and phrases, whenever mentioned in this Law, shall have the meanings expressed next to them, unless the context requires otherwise.

Ministry: Ministry of Labor.

Minister: Minister of Labor.

Labor Office: The administrative authority assuming jurisdiction over the labor affairs within an area specified by a decision of the Minister.

Employer: Any natural or corporate person employing one or more workers for a wage.

Worker: Any natural person working for an employer and under his management or supervision for a wage, even if he is not under his direct control.

Minor: Any person of fifteen and below eighteen years of age.

Work: The effort exerted in all human activities in execution of a (written or unwritten) work contract regardless of their nature or kind, be they industrial, trade, agricultural, technical or otherwise, whether physical or mental.

Original Work: For individuals: Their usual business activities. For firms: The activities for which the firm has been established as stated in its articles of incorporation, franchise contract- if a franchise company- or Commercial Register.

Temporary Work: Work considered by its nature to be part of the employer's activities, the completion of which requires a specific period or relates to a specific job and ends with its completion. It shall not exceed ninety days in either case.

Incidental Work: Work that is not considered by its nature to be part of the usual activities of an employer, and its execution does not require more than ninety days.

Seasonal Work: Work that takes place in known periodical seasons.

Part-time Work: Work performed by a part-time worker for an employer

and for less than half the usual daily working hours at the firm, whether such a worker works on a daily basis or on certain days of the week.

Continuous Service: Uninterrupted service of a worker for the same employer or his legal successor from the starting date of service. Service shall be deemed continuous in the following cases:

- (1) Official holidays and vacations.
- (2) Interruptions for sitting for examinations in accordance with the provisions of this Law.
- (3) Worker's unpaid absences from work for intermittent periods not exceeding twenty days per work year.

Basic Wage: All that is given to the worker for his work by virtue of a written or unwritten work contract regardless of the kind of wage or its method of payment, in addition to periodic increments.

Actual Wage: The basic wage plus all other due increments decided for the worker for the effort he exerts at work or for risks he encounters in performing his work, or those decided for the worker for the work under the work contract or work organization regulation. This includes:

- (1) The commission or percentage from sales or profits paid against what the worker markets, produces, collects or realizes from increased or enhanced production.
- (2) Allowances the worker is entitled to for exerted effort, or risks he encounters while performing his job.
- (3) Increments that may be granted in accordance with the standard of living or to meet family expenses.
- (4) Grant or reward: What the employer grants to the worker and what is paid to him for honesty or efficiency and the like, if such grant or reward is stipulated in the work contract or the work organization regulation of the firm or if customarily granted to the extent that the workers consider it part of the wage rather than a donation.
- (5) In rem privileges: what the employer commits himself to provide to the worker for his work by stating it in the work contract or the work organization regulation and its estimated at a maximum of two months basic wage per annum, unless it is otherwise determined to exceed that in the work contract or the work organization regulation.

Wage: actual wage.

Firm: Any enterprise run by a natural or corporate person who employs one or more workers for a wage of any kind.

Month: Thirty days, unless it is otherwise specified in the work contract or the work organization regulation.

Regulations: The Implementing Regulations of this Law.

ORGANIZATION OF RECRUITMENT

Employment Units

Article (22):

The Ministry shall provide employment units, free of charge, at locations convenient

for employers and workers, which shall undertake the following:

- (1) Assisting workers in finding suitable jobs and aiding employers in recruiting suitable workers.
- (2) Gathering necessary information on the labor market and its developments and analyzing such information to make it available to various public and private organizations concerned with economic and social planning affairs.
- (3) Performing the following duties:
 - (3-1) Registration of job seekers.
 - (3-2) Obtaining data on vacant jobs from employers.
 - (3-3) Referring workers' applications to suitable vacant jobs.
 - (3-4) Providing advice and assistance to job seekers with respect to vocational qualification and training or the required retraining to fill vacancies.
 - (3-5) Other matters decided by the Ministry.

Article (23):

Every citizen of working age who is capable of and willing to work may register his name at the employment unit, his date of birth, qualifications, previous employment, preferences and address.

Article (24):

The regulations shall specify the rules for work progress and procedures at the employment units, forms of registers, notices and others used for its work as well as the job classification tables, according to the official job classification, which shall be the basis for organization of recruitment.

Article (25):

Every employer shall send the following to the competent labor office:

- (1) A statement of vacant and new jobs, their types, locations, wages, and qualifications within a period not exceeding fifteen days from the date of vacancy or creation.
- (2) A notice of measures taken to employ the citizens nominated by the employment unit within seven days from receiving the nomination letter.
- (3) A list of names, jobs, professions, wages, ages, nationalities of his workers, numbers and dates of work permits for non- Saudis and other data specified in the Regulations.
- (4) A report on the status, conditions and nature of work and the anticipated increase or decrease in jobs during the year following the date of the report.
- (5) The statements specified in Paragraphs (3) and (4) of this Article shall be sent during the month of Muharram every year.

Article (26):

(1) All firms in all fields, and regardless of number of workers, shall work to attract and employ Saudis, provide conditions to keep them on the job and avail them of an adequate opportunity to prove their suitability for the job by guiding, training and qualifying them for their assigned jobs.

(2) The percentage of Saudi workers employed by the employer shall not be less than 75% of the total number of his workers. The Minister may temporarily reduce this percentage in case of non-availability of adequate technically or academically qualified workers or if it is not possible to fill the vacant jobs with nationals.

Article (27):

The Minister may - when necessary in respect of certain activities and professions and in some provinces and counties - require employers not employ workers until

they have been registered at the employment units under the terms and conditions

specified pursuant to his decision.

EMPLOYMENT OF THE DISABLED

Article (28):

Each employer employing twenty- five workers or more where the nature of his work allows recruitment of the professionally disabled shall employ a number of disabled that represents at least 4% of the total number of his workers whether through nomination by the employment units or otherwise, and he shall send to the competent labor office a list of the jobs and posts occupied by the professionally rehabilitated disabled persons and their wages

Article (29):

If a worker sustains a work injury that results in a loss in his usual capabilities that does not prevent him from performing another job, the employer, in whose service the work injury was sustained, shall employ said worker in a suitable job for the wage specified for such job. This shall not prejudice the worker's compensation for the injury

EMPLOYMENT OF NON-SAUDIS

Article (32):

Recruitment from abroad for the purpose of work may not be undertaken without the approval of the Ministry.

Article (33):

A non- Saudi may not engage in or be allowed to engage in any work except after obtaining a work permit from the Ministry, according to the form prepared by it for this purpose.

The conditions for granting the permit are as follows:

- (1) The worker has lawfully entered the country and is authorized to work.
- (2) He possesses the professional and academic qualifications which the country needs and which are not possessed by citizens or the available number of such citizens is insufficient to meet the needs, or that he belongs to the class of ordinary workers that the country needs.

(3) He has a contract with the employer and is under his responsibility.
The word "work" in this Article means any industrial, commercial, agricultural, financial or other work, and any service including domestic service.

Article (34):

No permit or license required by any other agency for engaging in a work or a profession may substitute for the said work permit.

Article (35):

Prior to renewing the work permit, it shall be ascertained that none of the Saudi applicants possesses the required qualifications and is willing to undertake the same work.

Article (36):

The Minister shall issue a decision specifying the professions and jobs which are prohibited for non-Saudis.

Article (37):

The work contract for non-Saudis shall be written and of a specified period. If the contract does not specify the duration, the duration of the work permit shall be deemed as the duration of the contract.

Article (38):

An employer may not employ the worker in a profession other than the one specified in his work permit. Before following the legal procedures for changing the profession, a worker is prohibited to engage in a profession other than his.

Article (39):

(1) Unless he has followed the stipulated legal rules and procedures, an employer may not allow his worker to work for others, and a worker may not work for other employers. Similarly, an employer may not employ workers of other employers.

(2) An employer may not allow a worker to work for his own account and a worker may not work for his own account.

Article (40):

(1) An employer shall incur the fees pertaining to recruitment of non-Saudi workers, the fees of the residence permit (Iqama) and work permit together with their renewal and the fines resulting from their delay, as well as the fees pertaining to change of profession, exit and re-entry visas and return tickets to the worker's home country at the end of the relation between the two parties.

(2) A worker shall incur the costs of returning to his home country if he is unfit for work or if he wishes to return to his home country without a legitimate reason.

(3) An employer shall bear the fees of transferring the services of a worker who wishes to transfer his service to him.

(4) An employer shall be responsible for the cost of preparing the body of a deceased worker and transporting it to the location where the contract

was concluded, or where the worker was recruited unless the worker is interred in the Kingdom with the approval of his family. The employer shall be relieved if the General Organization for Social Insurance (GOSI) undertakes the same.

Article (41):

The Regulations shall specify the conditions for recruitment from abroad, transfer of services and change of profession, and the controls and procedures thereof.

WORK RELATIONS

Work contract

Article (50):

A work contract is a contract concluded between an employer and a worker, whereby the latter undertakes to work under the management or supervision of the former for a wage.

Article (51):

The work contract shall be in duplicates, one copy to be retained by each of the two parties. However, a contract shall be deemed to exist even if not written. In this case the worker alone may establish the contract and his entitlements arising therefrom by all methods of proof. Either party may at any time demand that the contract be in writing.

As for workers of the government and public corporations, the appointment decision or order issued by the competent authority shall serve as the contract.

Article (52):

The work contract shall primarily include the name of the employer, venue, the name of the worker, nationality, identification, wage agreed upon, type and location of work, date of employment, duration of the contract if fixed, subject to the provisions of Article 37 of this Law.

Article (53):

If the worker is subject to a probation period, the same shall be expressly stated and clearly indicated in the work contract. Such probation period shall not exceed ninety days, exclusive of Eid al-Fitr and Eid al-Adha holidays and sick leaves. Each party shall have the right to terminate the contract during this period, unless the contract embodies a clause giving the right to terminate the contract to only one of them.

Article (54):

A worker may not be placed on probation more than once by the same

employer. As an exception to this, the worker may, with the approval of the contract parties, be subjected to another probation period of not more than ninety days on the condition that this period involves another profession or work. If the contract is terminated during the probation period, neither party shall be entitled to compensation nor shall the worker be entitled to an end-of-service award.

Article (55):

(1) The fixed-term contract shall terminate upon expiration of its term. If the two parties continue to implement it, it shall be deemed renewed for an indefinite period of time, subject to the provisions of Article (37) of this Law for non-Saudi workers.

(2) If the fixed-term contract incorporates a clause providing for its renewal for a similar term or a specified term, the contract shall be renewed for the period agreed upon. If the contract is renewed for two consecutive terms or if the original contract term and the renewal period amount to three years, whichever is less, and the two parties continue to implement it, the contract shall become an indefinite term contract.

Article (56):

In all cases where the contract term is renewed for a specific period of time, the contract renewal period shall be an extension of the original term in determining the worker's rights which takes into account the worker's period of service.

Article (57):

If the contract involves performance of a specific work, it shall terminate with the completion of the work agreed upon.

Article (58):

The employer may not transfer the worker from his original workplace to another place that entails a change in his place of residence, if such transfer is likely to cause serious harm to the worker and is not justified by the nature of work.

Article (59):

A monthly-paid worker may not be reclassified as a daily-paid, a weekly-paid or an hourly-paid worker nor as a worker paid by piecework, unless the worker agrees thereto in writing and without prejudice to the rights he has acquired during the period he spent as a monthly-paid worker.

Article (60):

Without prejudice to the provisions of Article (38) of this Law, a worker may not be assigned duties which are essentially different from the work agreed upon without his written consent, except in cases of necessity dictated by transient circumstances and for a period not exceeding thirty days a year

Duties and Disciplinary Rules

First: Employers' Duties

Article (61):

In addition to the duties provided for in this Law and the regulations and decisions issued for its implementation, the employer shall be required to:

(1) Refrain from using the worker without pay and shall not, without a judicial instrument, withhold the worker's wages or any part thereof.

The employer shall treat his workers with due respect and refrain from any action or utterances that may infringe upon their dignity and religion.

(2) Give the workers the time required to exercise their rights as provided for in this Law without any deductions from their wages against such time. He may regulate the exercise of this right in a manner not detrimental to the work progress.

(3) Facilitate for the employees of the competent authorities any task related to the enforcement of the provisions of this Law.

Article (62):

If the worker reports to work on the prescribed time or expresses his readiness to perform his work at such times but is prevented from doing so only by a cause which is ascribed to the employer, the worker shall be entitled to the wage for the period during which no work is performed.

Article (63):

The employer, his agents, or any person having authority over the workers shall forbid entry of any illegal substances into the places of work. Anyone who is found in possession of or consumes such substance shall be subject to the punishments provided for in this Law on, without prejudice to the other punishments provided for in Shari'ah.

Article (64):

Upon expiration of the work contract, the employer shall be required to:

(1) Give the worker, upon his request and free of charge, a certificate of work experience, indicating date of his employment, date of end of work, his profession, and the last wage received. If the certificate contains any remarks that are prejudicial to the worker's reputation or likely to limit his employment chances, the reasons shall be given.

(2) Return to the worker all certificates and documents he had submitted.

Second: Worker's Duties

Article (65):

In addition to the duties provided for in this Law and the regulations and decisions in implementation thereof, the worker shall be required to:

(1) Perform the work in accordance with the trade practice and the employer's instructions provided that such instructions do not conflict with the contract, the law or public morality and that they do not expose him to any undue hazards.

(2) Take due care of the employer's machinery, tools, supplies and raw

materials placed at his disposal or in his custody and return to the employers the unused materials.

(3) Abide by proper conduct and ethical norms during work.

(4) Extend all assistance and help without making it contingent on additional pay in cases of disasters or hazards threatening the workplace or the persons working therein.

(5) Undergo, upon the employer's request, the medical examinations required prior to or during employment to ensure that he is free from occupational or communicable diseases.

(6) Keep confidential the technical, trade and industrial secrets of the products or which he directly or indirectly contributed to their production, as well as all trade secrets related to the work or the firm, the disclosure of which is likely to cause damage to the employer's interests.

Disciplinary Rules

Article (66):

The disciplinary penalties that the employer may inflict on the worker:

(1) Warning.

(2) Fines.

(3) Withholding allowance or postponing it for a period not exceeding one year if prescribed by the employer.

(4) Postponement of promotion for a period not exceeding one year if prescribed by the employer.

(5) Suspension from work and withholding of wages.

(6) Dismissal from work in cases set forth by the law.

Article (67):

An employer may not inflict on a worker a penalty not provided for in this Law or in the work organization regulation.

Article (68):

The penalty shall not be made harsher in the event of repeated violation if one hundred eighty days have elapsed since the previous violation was committed, calculated from the date the worker is informed of the penalty for that violation.

Article (69):

A worker may not be accused of any offense discovered after the elapse of more

than thirty days, nor shall he be subjected to a disciplinary penalty after the elapse of more than thirty days from conclusion of the investigation and establishment of the worker's guilt.

Article (70):

A worker may not be subjected to disciplinary penalty for an act committed outside the workplace unless such act is related to the job, the employer or the manager in-charge.

Nor may a worker be fined for a single violation an amount in excess of a five-day wage, and no more than one penalty shall be applied for the same violation. No more than a five-day wage shall be deducted from his wages in one month in payment of fines, or his suspension from work without pay may not exceed five days a month.

Article (71):

A disciplinary action may not be imposed on a worker except after notifying him in writing of the allegations, interrogating him, hearing his defense and recording the same in minutes to be kept in his file. The interrogation may be verbal in minor violations the penalty for which does not go beyond a warning or a deduction of a one-day salary. This shall be recorded in minutes.

Article (72):

The worker shall be notified in writing of the decision of imposing the penalty on him. If he refuses to receive the same or if he is absent, the notice shall be sent to the address shown in his file by registered mail. The worker may object to the decision of imposing the penalty upon him within fifteen days, excluding official holidays, from the date of notifying him of the final decision. The objection shall be filed with the Commission for the Settlement of Labor Disputes which shall be required to issue its decision within thirty days from the date of registering the objection.

Article (73):

Fines imposed on the workers shall be entered in a special record, showing the worker's name, his wages, the amount of the fine, reasons and date of the fine. Such fines may not be disposed of except for the benefit of the firm's workers, upon the Ministry's approval.

Termination of Work Contract:

Article (74):

A work contract shall terminate in the following cases:

- (1) If both parties agree to terminate it, provided that the worker's consent be in writing.
- (2) If the term specified in the contract expires, unless the contract has been explicitly renewed in accordance with the provisions of this Law in which case it shall remain in force until the expiry of its term.
- (3) At the discretion of either party in indefinite term contracts.
- (4) The worker attains the age of retirement, which is sixty years for males and fifty five years for females, unless the two parties agree upon continuing work after this age. The retirement age may be reduced in cases of early retirement as provided for in the work organization regulation. If it is a fixed-term work contract which extends beyond the retirement age, it shall terminate at the end of its term.
- (5) Force majeure.

The provisions of Paragraph (4) of this Article shall apply two years after

this Law enters into force.

Article (75):

If the contract is of an indefinite term, either party may terminate it for a valid reason to be specified in a written notice to be served to the other party at least thirty days prior to the termination date if the worker is paid monthly and not less than fifteen days for others.

Article (76):

If the party terminating the contract does not observe the period provided for in Article (75) of this Law, such party shall be required to pay the other party compensation equal to the worker's wage for the duration of the notice or the balance thereof. The last wage received by the worker shall serve as the basis for estimating the compensation for workers who are paid by the time frame criterion. For workers who are paid by another criterion, the estimation shall take into account the provisions of Article (96) of this Law.

Article (77):

If the contract is terminated for an invalid reason, the party who is harmed by such termination shall be entitled to indemnity to be assessed by the Commission for the Settlement of Labor Disputes, taking into account the termination circumstances and actual and potential material and moral damages sustained.

Article (78):

A worker who has been dismissed from work without valid reason may demand reinstatement. Such claims shall be considered in accordance with the provisions of this Law and the Litigation Regulations before the Commissions for the Settlement of Labor Disputes

Article (79):

A work contract shall not expire by the death of the employer unless his person has been taken into consideration in concluding the contract, but shall expire with the death or incapacity of the worker in accordance with a medical report approved by the competent health authority or the authorized physician designated by the employer.

Article (80):

An employer may not terminate the contract without an award, advance notice or indemnity except in the following cases, and provided that he gives the worker a chance to state his reasons for objecting to the termination:

- (1) If, during or by reason of the work, the worker assaults the employer, the manager in-charge or any of his superiors.
- (2) If the worker fails to perform his essential obligations arising from the work contract, or to obey legitimate orders, or if, in spite of written warnings, he deliberately fails to observe the instructions related to the safety of work and workers as may be posted by the employer in a prominent place.
- (3) If it is established that the worker has committed a misconduct or an act

infringing on honesty or integrity.

(4) If the worker deliberately commits any act or default with the intent to cause material loss to the employer, provided that the latter shall report the incident to the appropriate authorities within twenty-four hours from being aware of such occurrence.

(5) If the worker resorts to forgery in order to obtain the job.

(6) If the worker is hired on probation.

(7) If the worker is absent without valid reason for more than twenty days in one year or for more than ten consecutive days, provided that the dismissal be preceded by a written warning from the employer to the worker if the latter is absent for ten days in the first case and for five days in the second.

(8) If the worker unlawfully takes advantage of his position for personal gain.

(9) If the worker discloses work-related industrial or commercial secrets.

Article (81):

Without prejudice to all of his statutory rights, a worker may leave his job without notice in any of the following cases:

(1) If the employer fails to fulfill his essential contractual or statutory obligations towards the worker.

(2) If the employer or his representative resorts to fraud at the time of contracting with respect to the work conditions and circumstances.

(3) If the employer assigns the worker, without his consent, to perform a work which is essentially different from the work agreed upon and in violation of provisions of Article (60) of this Law.

(4) If the employer, a family member or the manager in-charge commits a violent

assault or an immoral act against the worker or any of his family members.

(5) If the treatment by the employer or the manager in-charge is characterized by cruelty, injustice or insult.

(6) If there exists in the workplace a serious hazard threatening the safety or health of the worker, provided that the employer is aware thereof but fails to take measures indicating its removal.

(7) If the employer or his representative, through his actions and particularly his unjust treatment or violation of the terms of the contract, has caused the worker to appear as the party terminating the contract.

Article (82):

An employer may not terminate the worker's services on account of illness prior to availing him of the period designated for sick leave as provided for in this Law. The worker may request that his sick leave be combined with his annual leave.

Article (83):

If the work assigned to the worker allows him to get acquainted with the employer's customers, or to have access to his business secrets, the employer may require the worker in the contract not to compete with him or reveal his

secrets upon expiration of the contract. For this condition to be valid, it shall be in writing and specific in terms of time, place and type of work and to the extent required to protect the legitimate interests of the employer. In all cases, the duration of such agreement shall not exceed two years from the date of termination of the relationship between the two parties.

WORK **CONDITIONS AND** **CIRCUMSTANCES** **Wages**

Article (89):

The Council of Ministers may, when necessary and upon a proposal by the Minister, set a minimum wage.

Article (90):

(1) The worker's wages and all other entitlements shall be paid in the Country's official currency. Wages shall be paid during working hours and at the workplace in accordance with the following provisions:

(1.1) Workers paid on a daily basis shall be paid at least once a week.

(1.2) Workers paid on a monthly basis shall be paid once a month.

(1.3) If the work is done by the piece and requires a period of more than two weeks, the worker shall receive a payment each week commensurate with the completed portion of the work. The balance of the wage shall be paid in full during the week following delivery of the work.

(1.4) In cases other than the above, the worker's wages shall be paid at least once a week.

(2) Wages may be paid through accredited banks in the Kingdom, with the consent of the worker, provided that their due dates do not exceed the dates specified above.

Article (91):

(1) If the worker, as a result of his own fault or violation of the employer's instructions and not as a result of a third party's fault or a force majeure, causes loss, damage or destruction to machineries or products owned by the employer while in his custody, the employer may deduct from the worker's wage the amount necessary for repair or restoration to the original condition, provided that such deductions do not exceed a five-day wage per month. The employer may file a grievance, if necessary, demanding more deductions if the worker has other properties from which collections may be made. The worker may file a grievance with the Commission for the Settlement of Labor Disputes regarding the allegations leveled at him or the employer's estimation of the damages. If the Commission rules that the employer is not entitled to claim such deductions or if it awards the

employer a lower amount, the employer shall return to the worker the amounts unjustifiably deducted, within seven days from the date of the award.

(2) Either party shall file its grievance within fifteen work days; otherwise, it shall forfeit his right thereto. For the employer, the date of filing the grievance shall be from the date the occurrence is discovered, and for the worker from the date of his notification of the same by the employer.

Article (92):

No amount shall be deducted from the worker's wages against private rights without his written consent, except in the following cases:

(1) Repayment of loans extended by the employer, provided that such deductions do not exceed 10% of his wage.

(2) Social insurance or any other contributions due on the workers as provided for by law.

(3) Worker's contributions to thrift funds or loans due to such funds.

(4) Installments of any scheme undertaken by the employer involving home ownership programs or any other privilege.

(5) Fines imposed on the worker on account of violations committed, as well as deductions made for damages caused.

(6) Any debt collected in implementation of a judicial judgment, provided that the monthly deduction shall not exceed one quarter of the worker's wage, unless the judgment provides otherwise.

First to be collected is alimony, followed by food, clothing and accommodation debts, before other debts.

Article (93):

In all cases, deductions made may not exceed half the worker's due wage, unless the Commission for the Settlement of Labor Disputes determines that further deductions can be made or that the worker is in need of more than half his wage. In the latter case, the worker may not be given more than three quarters of his wage.

Article (94):

(1) If any amount is deducted from the worker's wages for reasons other than those specified in this Law without his written consent, or if the employer delays, without a valid justification, payment of the worker's wages beyond the due date set forth in the Law, the worker, his representative or the head of the competent Labor Office may submit a request to the Commission for the Settlement of Labor Disputes to order the employer to return to the worker any wrongfully-deducted amounts or to pay him his outstanding wages.

(2) The said Commission may, if it establishes that the employer has unjustifiably deducted the said amounts or delayed the payment of the wages, impose on the employer a fine not exceeding twice the amount deducted from the worker's wage or twice the outstanding wages.

Article (95):

(1) If the work contract or the work organization regulation does not provide for the wage binding on the employer, the wage estimated for the same type of work in the firm, if any, shall be adopted; otherwise, the wage shall be estimated in accordance with the profession's norms at the place where the work is performed. In the absence of such norms, the Commission for Settlement of Labor Disputes shall estimate the wage in accordance with the dictates of justice.

(2) The same shall also apply in determining the type and scope of the service that the worker is required to render.

Article (96):

(1) If the worker's wage is determined on the basis of piecework or productivity, the average wage which the worker receives for his actual workdays during the last year of his service shall be used as the basis for calculating any entitlements determined for the worker under this Law.

(2) If the entire wage is the amounts received as commissions, a percentage of sales or the like which are by nature subject to increases or decreases, the daily average wage shall be calculated on the basis of the amounts the worker receives for the actual work days, divided by them.

Article (97):

If a worker is detained or taken into custody by the competent authorities in cases related to work or occasioned by it, the employer shall continue to pay the worker 50% of the wage until the case is decided, provided that the period of detention or custody shall not exceed one hundred eighty days. If said period exceeds that, the employer shall not be required to pay any portion of the wage for the excess period. If the worker is acquitted or the investigation is closed for lack of evidence or invalidity thereof, the employer shall return to the worker the amount previously deducted from his wage. However, if he is convicted, none of the payments made shall be recovered unless the judgment provides otherwise.

Working Hours

Article (98):

A worker may not actually work for more than eight hours a day if the employer uses the daily work criterion, or more than forty-eight hours a week if he uses the weekly criterion. During the month of Ramadan, the actual working hours for Muslims shall be reduced to a maximum of six hours a day or thirty-six hours a week.

Article (99):

The number of working hours provided for in Article (98) of this Law may be raised to nine hours a day for certain categories of workers or in certain industries and jobs where the worker does not work continuously. It may likewise be reduced to seven hours a day for certain categories of workers or in certain hazardous or harmful industries or jobs. Categories of workers, industries and jobs referred to shall be determined pursuant to a decision by

the Minister.

Article (100):

In firms where work is done in shifts, an employer may, with the Ministry's approval, increase the number of working hours to more than eight hours a day or forty eight hours a week, provided that the average working hours in three weeks time shall not be more or less than eight hours a day or forty eight hours a week.

Leaves

Article (109):

(1) A worker shall be entitled to a prepaid annual leave of not less than twenty one days, to be increased to a period of not less than thirty days if the worker spends five consecutive years in the service of the employer.

(2) A worker shall enjoy his leave in the year it is due. He may not forgo it or receive cash in lieu during his period of service. The employer may set the dates of such leave according to work requirements or may grant them in rotation to ensure smooth progress of work. The employer shall notify the worker of the date of his leave in sufficient time of not less than thirty days.

Article (110):

(1) A worker may, with the employer's approval, postpone his annual leave or days thereof to the following year.

(2) An employer may postpone, for a period of not more than ninety days, the worker's leave after the end of the year it is due if required by work conditions. If work conditions require extension of the postponement, the worker's consent must be obtained in writing. Such postponement shall not, however, exceed the end of the year following the year the leave is due.

Article (111):

A worker shall be entitled to a wage for the accrued days of the leave if he leaves the work without using such leave. This applies to the period of work for which he has not used his leave. He is also entitled to a leave pay for the parts of the year in proportion to the part he spent at work.

Article (112):

Each worker shall be entitled to full-pay leave on Eids and occasions specified in the Regulations.

Article (113):

A worker shall be entitled to one day of paid leave in the case of childbirth and three days for marriage or in the case of the death of a spouse or one of his ascendants and descendants.

The employer may request supporting documents for cases referred to.

Article (114):

A worker shall be entitled to a paid leave of not less than ten days and not

more than fifteen days, including Eid Al-Adha holiday, to perform Hajj only once during his service if he has not performed it before. To be eligible for this leave, the worker must have spent at least two consecutive years of service with the employer. The employer may determine the number of workers who shall be given this leave annually in accordance with work requirements.

Article (115):

A worker enrolled in an educational institution shall have the right to a fully paid leave to sit for an examination of an unrepeated year. Days of leave shall be based on the actual number of the examination days. However, for the examinations of a repeated year, the worker shall be entitled to unpaid leave to sit for the examinations. The employer may require the worker to submit documents in support of the leave application as well as proof of having taken the examination. The worker shall apply for the leave at least fifteen days ahead of the due date. Without prejudice to disciplinary action, the worker shall be denied the wage if it is proven that he had not taken the examination.

Article (116):

A worker, subject to the employer's approval, may obtain leave without pay for a duration to be agreed upon by the two parties. The work contract shall be deemed suspended for the duration of the leave in excess of twenty days, unless both parties agree otherwise.

Article (117):

A worker whose illness has been proven shall be eligible for a paid sick leave for the first thirty days, three quarters of the wage for the next sixty days and without pay for the following thirty days, during a single year, whether such leaves are continuous or intermittent.

A single year shall mean the year which begins from the date of the first sick leave.

Article (118):

A worker may not work for another employer, while enjoying any of his leaves provided for in this Chapter. If the employer proves that the worker has violated this provision, he may deprive him of his wages for the duration of the leave or recover any wages previously paid to him.

EMPLOYMENT OF WOMEN

Article (149):

Taking into consideration the provisions of Article (4) of this Law, women shall work in all fields suitable to their nature. It is prohibited to employ women in hazardous jobs or industries. The Minister pursuant to a decision by him shall determine the professions and jobs that are deemed detrimental to health and are likely to expose women to specific risks; in which cases, women's employment shall be prohibited or restricted under certain terms.

Article (150):

Women may not work during a period of night the duration of which is not less than eleven consecutive hours, except in cases determined pursuant to a decision by the Minister.

Article (151):

A female worker shall be entitled to a maternity leave for the four weeks immediately preceding the expected date of delivery and the subsequent six weeks. The probable date of delivery shall be determined by the physician of the firm or pursuant to a medical report certified by a health authority. A woman may not work during the six weeks immediately following delivery.

Article (152):

During the maternity leave, an employer shall pay the female worker half her wage if she has been in his service for one year or more, and a full wage if she has served for three years or more as of the date of commencement of

such leave. A female worker shall not be paid any wages during her regular annual leave if she has enjoyed in the same year a maternity leave with full wage. She shall be paid half her wage during the annual leave if she has enjoyed in the same year a maternity leave at half wage.

Article (153):

An employer shall provide medical care for female workers during pregnancy and delivery.

Article (154):

When a female worker returns to work following a maternity leave, she shall be entitled, in addition to the rest periods granted to all workers, to a rest period or periods not exceeding in aggregate one hour a day for nursing her infant. Such period or periods shall be calculated as part of the actual working hours and shall not entail any reduction in wages.

Article (155):

An employer may not terminate the employment of a female worker or give her a warning of the same while on maternity leave.

Article (156):

An employer may not terminate the employment of a female worker during illness resulting from pregnancy or delivery, and such illness shall be established by a certified medical report, provided that the period of her absence does not exceed one hundred and eighty days. The employment of such female worker may not be terminated during the one hundred and eighty days preceding the expected date of delivery in the absence of one of the legitimate causes provided for in this Law.

Article (157):

A female worker shall forfeit her entitlements under the provisions of this Part if she works for another employer during her authorized leave. In such

event, the original employer may deprive her of her wage for the duration of the leave or recover any payments made to her.

Article (158):

In all occupations and places where women are employed, the employer shall provide them with seats for resting.

Article (159):

(1) An employer who employs fifty female workers and more shall provide them with a suitable place with adequate number of babysitters to look after the children under the age of six years, if the number of children reaches ten and more.

(2) The Minister may require the employer who employs a hundred women and more in a single city to set up a nursery, either on his own or in conjunction with other employers in the same city, or alternatively to contract with an existing nursery to care for the children of the female workers who are under six years of age during the work periods. In such case, the Minister shall set forth the terms and conditions regulating such facility as well as the charges imposed on the female workers benefiting from service.

Article (160):

A female worker whose husband passes away shall be entitled to a fully paid leave for a minimum period of fifteen days as of the date of death.

EMPLOYMENT OF **MINORS**

Article (161):

Minors may not be employed in hazardous jobs or harmful industries or in occupations or jobs that may endanger their health, safety or morals due to the nature or conditions of the same. A Minister's decision shall specify such jobs, industries and occupations.

Article (162):

(1) Any person under the age of fifteen years may not be employed or allowed to enter places of work. The Minister may, pursuant to a decision by him, raise this age limit in certain industries or areas or for certain categories of minors.

(2) As an exception to Paragraph (1) of this Article, the Minister may allow the employment or work of persons between 13 and 15 years of age in light works, subject to the following conditions:

(2.1) Such jobs shall not be potentially harmful to their health or growth.

(2.2) Such jobs shall not hinder their school attendance, participation in orientation or vocational training programs, or impair their ability to benefit from their schooling.

Article (163):

Minors may not work during a period of night the duration of which is not less than twelve consecutive hours, except in cases determined pursuant to a decision by the Minister.

Article (164):

Minors may not be made to perform actual work for more than six hours a day for all months except for the month of Ramadhan when the actual working hours shall not exceed four hours. The minor shall not stay at the workplace for more than seven hours. Working hours shall be organized so that a minor may not work for more than four consecutive hours without one or more periods, each not less than half an hour, for rest, food and prayers, provided that the minor does not remain at the workplace for more than seven hours.

Minors may not be made to work during the weekly rest days, Eids, official holidays or annual vacations, nor shall they be subject to the exceptions provided for in Article (106) of this Law.

Article (165):

Prior to employing a minor, the employer shall obtain from him the following documents:

- (1) The national identification card or an official birth certificate.
- (2) A report of physical fitness for the required job issued by a competent physician and duly certified by a health authority.
- (3) The consent of the minor's guardian.

Said documents shall be kept in the minor's personal file

Article (166):

An employer shall notify the competent labor office of the employment of each minor within the first week of such employment, and shall keep at the workplace a register for employed minors, showing the name of the minor, his age, full name of his guardian, his place of residence and date of his employment.

Article (167):

The provisions provided for in this Part shall not apply to work undertaken by children and minors in schools for general, vocational or technical education, and in other training institutions, nor shall they apply to work undertaken in firms by persons who are at least fourteen years of age if such work is performed in accordance with the conditions set forth by the Minister and the work constitutes an essential part of the following:

- (1) An educational or training course the primary responsibility for which lies with a school or a training institution.
- (2) A training program all or the major part of which is implemented in a firm if approved by the competent authority.
- (3) An orientation program aimed at facilitating the selection of the career or type of training.

PUNISHMENTS

The punishments provided for in this Part shall apply in the absence of harsher punishments provided for in any other laws.

Article (230):

A fine of not less than three thousand riyals and not more than ten thousand riyals shall be imposed on any person who violates any of the provisions related to the vocational preparation of Saudi workers to replace others, as provided for in this Law and the decisions issued hereunder.

Article (231):

Violators of the provisions of Articles (16), (25), (33), (37) and (38) of this Law shall be subject to a fine of not less than two thousand riyals and not more than five thousand riyals. The fine shall be multiplied by the number of workers subject of the violation.

Article (232):

Violators of the provision of Article (30) of this Law shall be subject to a fine of not less than ten thousand riyals and not more than thirty thousand riyals.

Article (233):

Violators of the provision of Article (39) of this Law shall be subject to a fine of not less than five thousand riyals and not more than twenty thousand riyals, and the fine shall be multiplied by the number of persons subject of the violation. The worker shall be repatriated at the expense of the person who employs him.

Article (234):

An employer or any person responsible for violation of the provisions of Chapters Two, Three and Four of Part VI of this Law, or any decisions issued hereunder shall be subject to a fine of not less than two thousand riyals and not exceeding five thousand riyals for each violation.

Article (235):

An employer who violates the provision of Article (90) of this Law shall be subject to a fine of not less than five hundred riyals and not more than three thousand riyals. The fine shall be multiplied by the number of the workers subject of the violation.

Article (236):

Any person who violates the provisions of Chapters One and Two of Part VIII of this Law and the rules issued in accordance with the provision of Article (121) of this Law shall be subject to a fine of not less than three thousand riyals and not more than ten thousand riyals for each violation or closing down the firm for not more than thirty days or permanently. The fine and the closing down may be combined along with the elimination of the source of the hazard.

Article (237):

Without prejudice to the punishment provided for in other laws applicable

to those who obstruct an official in the course of his duties, violators of the provisions of Article (199) of this Law shall be subject to a fine of not less than five thousand riyals and not more than ten thousand riyals.