

The Domestic Worker Law

Law No. 68 of 2015

And

**The Ministerial Decision No. 22 of 2022 AD
of Executive Regulations of the Law No. 68 of 2015
Concerning Domestic Workers**

CHAPTER ONE

Preliminary Provisions

Article (1)

In this law, the following words and expressions will have the meanings as shown next to each one:

1. Domestic worker: Any male or female assigned to manual labour within private homes (and the like) to the benefit of individuals and in accordance with a written contract.
2. Employer: The person who engages the domestic worker to work for her/him in accordance with a contract prepared by the Ministry of Interior.
3. Offices subject to the provisions of this law: Domestic worker recruitment offices that have been issued a license to pursue business by the Ministry of Interior.
4. Foreign offices: Offices that send domestic workers operating outside the State of Kuwait that have been issued a license to pursue the business of sending domestic workers from official institutions in those countries and which are endorsed by the embassies of the State of Kuwait in those countries.
5. Department of Domestic Labour: The Department of Domestic Labour at the Ministry of Interior.

CHAPTER TWO

Conditions for Issuing Licenses to Offices

Article (2)

In order to issue and renew a license to pursue the business of recruiting domestic workers from abroad, the following conditions must be met:

- 1) The requester of a license must be of Kuwaiti nationality, must have a history of good conduct and good reputation, and must not have been convicted of a felony or a crime involving a breach of integrity or honour, Unless he has been rehabilitated.
- 2) The requester's age must be no less than thirty years and no more than seventy years old.
- * 3) **Must have a high school certificate, and be medically fit, by being free of any disability that prevents them from working.**
- 4) The requester of a license must submit a letter of guarantee from a local bank. The amount of the guarantee is to be determined by a decision issued by the Minister of Interior.

Companies working in the field of domestic workers recruitment in which the state or its public institutions have a share in the company's capital can be granted licenses. The company profits may not exceed 10 percent as a return on the shareholder's capital. It is permissible to grant a license to a company whose activity is the recruitment of domestic workers.

Article (3)

It is not permissible to recruit domestic workers without a valid license issued by the Ministry of Interior.

*The ruling of the Constitutional Court in Appeal No. 25 of 2015 was issued as unconstitutionality of what was included in the text of Clause 3 of Article (2) Law No. 68 of 2015 regarding domestic workers, including the requirement to obtain a high school certificate for the issuance and renewal of a license to practice the profession of recruiting domestic workers from abroad.

CHAPTER THREE

Obligations of the Parties to the Contract

PART ONE

Obligations of the Recruitment Offices

Article (4)

The licensee or its employees or its associates within or outside Kuwait are not permitted to charge the domestic worker (and the like) any fees in return for employing the worker with an employer or arranging for the worker to stay employed with the employer, whether such charges are direct or indirect. If it is proven that such fees have been charged at any stage of the employment process, the licensee will be penalized in accordance with the Penal Code for the crimes of extortion and illicit gains. The recruitment office may not be used as housing for the workers.

Article (5)

The offices are not permitted to advertise, promote, or categorize the workers according to faith, gender, colour, or cost, or advertise them in any humanly degrading manner.

Article (6)

The domestic worker recruitment office must contact the Department of Domestic Labour whenever the department sends a letter of summons to the office.

PART TWO

Obligations of the Employer

Article (7)

The employer is obligated to pay the agreed wage to the domestic worker that works for the employer at the end of every month. Transfer receipts and cash receipts are types of proof that the domestic worker has received his/her wages.

Article (8)

The payment of the monthly wage to the domestic worker is to start from the actual date that the worker began working for the employer. It is not permissible under any circumstances to deduct any portion of the wages.

Article (9)

The employer is required to provide the domestic worker with food, clothing, medicine and medical treatment, and housing.

Article (10)

It is not permissible to assign to the domestic worker any dangerous work that could affect the worker's health or humiliate the worker's dignity. The Department of Domestic Labour has the jurisdiction to handle any claims that arise from such behaviour.

Article (11)

The employer must provide suitable housing for the domestic worker that enables decent living standards.

Article (12)

The employer is not allowed to keep in his possession any of the domestic worker's personal identity documents, such as passport or civil status card, unless the domestic worker has agreed thereof.

PART THREE

Obligations of the Domestic Worker

Article (13)

The domestic worker must perform the work assigned to her/him in accordance with what is required in the provisions of the contract.

Article (14)

While working, the domestic worker must comply with the instructions and directions of the employer within the limits of the provisions of the contract.

Article (15)

The domestic worker must protect the employer's wealth and property and not reveal the employer's secrets.

CHAPTER FOUR

Work and Employment Contracts

PART ONE

Fundamental Provisions of the Contract

Article (16)

Upon termination of the contract between the domestic worker and the employer, the employer must pay the domestic worker all of her/his entitlements as set forth in the contract and stipulated in this law. The contract may be renewed automatically if neither of the two parties (employer or domestic worker) expresses her/his wish to not renew the contract at least two months before the end of the contract.

Article (17)

Obligations of the Office Owner

The recruitment office is to guarantee the continuous employment of the domestic worker for a period of six months. The office is required to return the domestic worker to her/his country and reimburse any amounts it charged of the employer if any of the following circumstances occur:

1. If there exists an obstacle that prevents the domestic worker from performing her/his tasks, which the employer has no hand in.
2. If the domestic worker becomes ill with a communicable disease or any physical, medical, or psychological disability that prevents her/him from continuing to work.
3. If the public good requires the enforcement of a legal restriction that prevents the employer from obtaining residence status for the domestic worker.
4. If the domestic worker is administratively removed for the requirements of the public good.
5. If the office provides the employer with incorrect information regarding the domestic worker.
6. If the domestic worker refuses to work or leaves the work to an unknown location.

If the office refuses to pay the costs of returning the domestic worker to her/his country or reimburse the charges it required of the employer, the Department of Domestic Labour will pursue this task by deducting from the guarantee letter stipulated in Article 2 of this law.

Article (18)

It is not permissible for the employer to hire a domestic worker without a recruitment contract (bilateral or trilateral according to the circumstances) issued by the Department of Domestic Labour at the Ministry of Interior. The contract is to be written in both Arabic and English and must include the following details:

- Name of domestic worker with complete personal information.
- Name of employer with complete personal information.
- Duration of the contract.
- Date of starting work.
- Agreed wage and method of payment.
- Type and nature of work assigned to the worker.
- Specific description of the place of work.

PART TWO

On Wages

Article (19)

The term “WAGE” refers to the basic salary paid to the domestic worker as set out in the employment contract between the two parties. The wage may not be less than the minimum wage set per a decision issued by the Minister of Interior.

Article (20)

The employer is obligated to pay the wages at the end of each month as agreed in the contract.

PART THREE

Article (21)

It is not permitted to recruit or employ a domestic worker, whether female or male, whose age is less than 21 years or more than 60 years. The competent minister may make exceptions to the age condition.

CHAPTER FIVE

On Working Hours and Leaves

Article (22)

Recruitment contracts prepared by the Department of Domestic Labour must incorporate the following rights for the domestic workers:

1. The employer is obligated to provide food, housing, and clothing for the domestic worker, as well as medical treatment if injured on the job and compensation for job injuries.
2. The length of work hours must be set at no more than 12 hours in a one-day period and must be interspersed with break hours.
3. The domestic worker has the right to a paid weekly break and paid annual leave.
4. There must be a clause stating that the domestic worker’s passport is the worker’s personal document that s/he has the right to keep in her/his possession. It is not permissible for the employer to confiscate the domestic worker’s passport and deprive the worker from keeping it unless the worker grants approval thereof.
5. The employer is obligated to transport the deceased body of the domestic worker to her/his country when s/he dies and must pay the wages of the month in which the worker died.

CHAPTER SIX

End of Service Gratuity

Article (23)

End of service remuneration for the domestic workers to be allocated for payment after completion of the contract duration. The amount is set at one month's wage for every year.

CHAPTER SEVEN

Penalties

PART ONE

Administrative Measures Applied Against the Domestic Workers Office

Article (24)

Without prejudice to the provision of Article 25 of this law, the Director of the Department of Domestic Labour may take administrative action against a domestic worker office if one of the following instances occur:

- A. If the office fails to contact the Department of Domestic Labour when summoned unless the office provides proof of a hindrance thereof.
- B. If the office fails to deliver the domestic worker to the employer within 24 hours unless it provides proof of a hindrance and informs the Department of Domestic Labour thereof.
- C. If the office fails to receive the domestic worker immediately upon arriving to the country or is late without an acceptable excuse.
- D. If the office deals with retrieved workers or those who have been recruited by a third party.
- E. If the office concludes work contracts that violate the contract format approved by the Department of Domestic Labour.

The executive regulations of this law define the administrative measures to be taken. These measures should give consideration to and match the degree of violation committed.

Article (25)

The license to recruit domestic workers is to be revoked under the following circumstances:

1. If the licensee loses any of the conditions necessary for license eligibility.
2. If the licensee receives from the domestic worker any amount in return for recruiting or employing the worker.
3. If it is proven that the licensee has obtained the license based on false or forged data
4. Completion of the duration of the license or termination by the licensee, and the closure or liquidation of the office.
5. If the licensee waives the license to a third party.
6. If the recruitment office is used as housing for the domestic workers.

The Minister of Interior may suspend the license instead of revoking it in any of the above circumstances for a period of three months. If the violation is repeated, the license will be permanently revoked.

Article (26)

Decisions to suspend or revoke a license may be appealed before the Minister of Interior within one month of the date on which the licensee is notified of the decision. The licensee is to be notified of the Minister's decision to accept or reject the appeal within 60 days from the date the decision is issued.

PART TWO

Penalties Against the Employer

Article (27)

If the employer is late in paying the wages at the agreed time, the domestic worker is entitled to the amount of ten Kuwaiti dinars for every month that the wages are not paid on time.

Article (28)

If the employer refuses to compensate the domestic worker for overtime work, the domestic worker has the right to submit a complaint against the employer to the Department of Domestic Labour. After studying the complaint, the department may obligate the employer to pay fair compensation of no less than double the wages agreed in the contract.

Article (29)

Anyone who recruits a domestic worker younger than the age of 21 years will be punished by imprisonment of no more than six months and will be required to pay a fine of no more than 500 Kuwaiti dinars, or one of the two punishments.

Article (30)

In the event a complaint is proven against the employer before the Department of Domestic Labour, no further entry visas will be issued for that employer for a period defined in the executive regulations of this law.

CHAPTER EIGHT

Disputes

Article (31)

With regard to disputes that arise between the parties of the contract, the Department of Domestic Labour has the jurisdiction to settle such disputes in accordance with the procedures shown in the regulations issued for this purpose. If a settlement is not reached, the dispute is to be referred to the competent court.

Article (32)

If a settlement is reached in a dispute between the employer and the domestic worker, this must be recorded in a written contract and a copy thereof kept in the domestic worker's file at the recruitment office and the Department of Domestic Labour.

Article (33)

The Director of the Department of Domestic Labour is to issue an order to temporarily extend the residence permit of the domestic worker until a final decision is made on the complaint and until the worker is paid all due entitlements.

Article (34)

When a dispute or disagreement between the domestic worker and employer is resolved, the Department of Domestic Labour is required to issue a quittance certificate to the domestic worker stating that s/he has no further right to any entitlements or to make any demands of the:

1. Employer.
2. Recruitment office.

A copy of this certificate is to be delivered to the:

- Employer.
- Recruitment office.
- Domestic worker or her/his representative.

Article (35)

With regard to all disputes in which a settlement is not reached, it is permissible for the parties of the contract to direct their cases to the Civil Court to expeditiously consider the case before the Labour Circuit.

Article (36)

All domestic worker cases wherein the claimant is the domestic worker are to be free of judicial charges at all levels of the judicial proceedings.

Article (37)

The head of the Labour Circuit is responsible for setting the date for the session to expeditiously deliberate the disputes referred to it. The date must be within no more than one month. The Department of Court Registrars is responsible for informing the disputing parties of the date of the session set to hear the case at least two weeks ahead of the session.

Article (38)

Any matter not mentioned in this law with regard to judicial procedures is to be governed by the provisions of Decree Law No. 38 of 1980 to promulgate the Law of Civil and Commercial Proceedings and its corresponding amendment laws.

CHAPTER NINE

General Provisions

Article (39)

A request for a license to pursue the business of recruiting domestic workers is to be submitted to the Department of Domestic Labour on the application form devised for this purpose. Any relevant documents and data are to be attached to the application. The license is to be issued in accordance with a decision by the Undersecretary of the Ministry of Interior. The licensee is not permitted to obtain more than one license or open other branches of the corporation or office that has been granted a license.

Article (40)

The license in accordance with the provisions of this law is personal and may not be delegated to a third party to manage the business activity. The license will expire in the event of the death of the licensee. The licensee may appoint an office manager on the condition that the manager is the licensee's relative up to the second degree and that the manager meets the conditions stipulated in Article (2) of this law. This is without prejudice to the right of the Department of Domestic Labour to summon the owner of the office at any time it deems fit. It is permissible to transfer the license to a third party in either of the following two circumstances:

1. If the licensee's age passes 70 years old, the license is to be passed on to the husband or wife or one of the offspring.
2. In the event of the death of the licensee, the license is to be passed to the husband or wife or heirs or one of the foregoing. In order to transfer the license in either of the above two circumstances, the individual to whom the license is transferred must meet the conditions stipulated in Article (2) of this law.

Article (41)

The legal representative of the heirs of the deceased licensee is to be granted a grace period of no more than six months to liquidate the office business and disburse the amount of the guarantee if there is no desire to continue the business.

Article (42)

When a license is issued for the first time, it is to be granted for a period of one year and may be renewed annually. The contract concluded between the office and its counterpart in the country that supplied the domestic worker must be presented when requesting a renewal of the license. Such contracts must be endorsed by the Embassy of the State of Kuwait (in the sending country), if any, and certified by the Kuwaiti Ministry of Foreign Affairs.

Article (43)

The fees for the license granted in accordance with the provisions of this law are to be set per a decision issued by the Minister of Interior.

Article (44)

Employees who are appointed per a decision of the Minister of Interior have the right to inspect the offices and facilities wherein the business of recruiting domestic workers is pursued, as well as observe their ledgers and records and detect violations that appear to them during inspection. Necessary reports are to be prepared and referred to the competent bodies to take the appropriate action.

Article (45)

The licensee's business activity of recruiting domestic workers is limited to recruiting domestic workers from abroad to work exclusively within the State of Kuwait.

Article (46)

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 her/his country at the expense of the employer.

Article (47)

Without prejudice to the provisions of Article 1 of Law No. (111) of 2013 on licensing for commercial establishments, it is not permissible to pursue the business of recruiting domestic workers unless a license has been obtained for this activity from the Ministry of Interior.

Article (48)

Without prejudice to any more severe punishment stipulated by the Penal Code or any other law, any person who practices the business of recruiting domestic workers without a license issued by the Minister of Interior will be punished by imprisonment of no more than three years and required to pay a fine of no more than 10,000 Kuwaiti dinars. This punishment will be doubled if the perpetrator returns to this practice within two years from the date of the final sentence in the first crime.

Article (49)

A recently arrived domestic worker who is not received by the employer within 24 hours of her/his arrival is to be housed temporarily for a daily cash charge to be set in accordance with a decision issued by the Ministry of Social Affairs and Labour. This housing must comply with the conditions stipulated by the Ministry of Social Affairs and Labour.

Article (50)

Domestic worker recruitment offices that are licensed at the time this law is issued are required to adjust their status to comply with the provisions of this law within a period of no more than three months from the date of issuance of the executive regulations of this law. A breach of application of this provision during this period will result in the license being revoked.

Article (51)

In the event a domestic worker absconds from her/his service post, the Ministry of Interior will take action to deport the worker to her/his country, after collecting the costs of travel and departure ticket and the amount that the employer paid, from the party that sheltered the absconded worker, or from the recruitment office if the party that sheltered the worker cannot be reached. This is to take place within the period of the guarantee.

Article (52)

The Minister of Interior is responsible for issuing the internal regulations, statutes, and decisions necessary to execute this law within a period of six months from the date the law is published in the Official Gazette.

Article (53)

Decree Law No. (40) of 1992 on regulating private servant employment offices is hereby cancelled.

Article (54)

The Prime Minister and the Ministers – each according to their respective responsibilities are required to execute this law.

Emir of the State of Kuwait,
Sabah Al-Ahmad Al-Sabah

Seif Palace on: Ramadan 1436 ,28 AH corresponding to July 2015 ,15 AD

Explanatory note Law No. 68 of 2015 Regarding domestic workers



This law aims to fill the legislative deficiency related to regulating the affairs of domestic workers in Kuwait, as the labor law in the private sector does not apply to it, even though it constitutes a large proportion of foreign workers, and the current legislative texts do not guarantee full legal protection for this category, and this has led to the exposure of International organizations concerned with human rights have pointed to what they considered violations of the rights of these people, in addition to the tense diplomatic relations with the countries from which these workers are recruited, and the emergence of negative phenomena such as high crime rates, and the state carrying huge sums of money in terms of returning domestic workers to their countries.

The law consists of (54) articles, divided into nine chapters, concerned with regulating the affairs of domestic workers, such as the conditions for granting licenses to offices, the obligations of the parties to the contract from employers, domestic workers and recruitment offices, wages, working hours, vacations, employment of juveniles, then penalties, how to resolve disputes, and finally general provisions.

The first chapter stipulates in the first article the definition of the domestic worker, the employer, and the offices subject to the provisions of this law, which are the recruitment offices licensed to bring domestic workers from abroad. The Department of Domestic Labor is also defined as the Department of Domestic Labor in the Ministry of Interior.

The second chapter included articles (2 and 3), where the second article organized the conditions for issuing and renewing licenses for recruitment offices, and the third article prohibited the recruitment of workers without a license.

The third chapter in Articles (4 to 15) defines the obligations of the parties to the contract, namely recruitment offices, the employer and the domestic worker, and prohibits recruitment offices from receiving sums of domestic workers in return for their employment and promoting them in a manner that discriminates racially or religiously, or prejudices human humanity.

On the other hand, the employer is obligated to pay wages on time, to feed, shelter, treat and clothe the worker, and not to assign him to work that is dangerous or degrading to his human dignity. The law also requires the worker to abide by the terms of the contract and to preserve the employer's money, property and secrets.

Part one of chapter four stipulates the essential elements of work and employment contracts, the warranty period and the cases in which the worker may be dispensed with and return to his country due to a physical impediment, violation of the law, providing incorrect information or the public interest. It also provides for basic data that is supposed to be included in the recruitment contracts.

In part two of the same chapter, the provisions related to wages were stipulated, and in the third chapter, the age of the recruiter for work was determined to be no less than 21 years and no more than 60 years.

The fifth chapter is devoted to working hours and vacations, the sixth chapter is for the end-of-service gratuity, and the seventh is for penalties and administrative measures imposed on the office owner, the employer and the worker when committing legal violations.

As for the eighth chapter, it arranged how to resolve disputes between the worker and the employer, by following a gradual method that begins with negotiation, then the intervention of the recruitment office, then the management of domestic workers, and finally the court.

The ninth chapter stipulated general provisions that included procedures and controls for granting, transferring and renewing licenses, while granting the Department of Domestic Labor strong powers to monitor and follow up the work of offices. Article (51) also dealt with the phenomenon of escape of domestic workers, which has spread alarmingly in recent times.

In the executive articles, the law obligated the Minister of Interior to issue regulations related to the law within a period of six months from the date of its publication in the Official Gazette. It also stipulated the abolition of Decree-Law No. (40) of 1992 regarding the organization of offices for the employment of private servants, and assigned the

Prime Minister and the Ministers – each according to their respective responsibilities are required to execute this law.

Ministerial Decision No. 22 of 2022 AD of Executive Regulations of the Law No. 68 of 2015 Concerning Domestic Workers

Minister of Justice and Minister of State for Integrity

Having reviewed:

- Emiri Decree No. (17) of 1959 regarding the Residence of Foreigners Law and the laws amending it.
- Law No. (16) of 1960 promulgating the Penal Code and the laws amending it,
- Law No. 17 of 1960 promulgating the Code of Procedures and Criminal Trials and the laws amending it,
- And Law No. (109) of 2013 regarding the Public Authority of Manpower,
- Law No. (91) of 2013 of combating trafficking in persons and smuggling of migrants,
- Law No. (111) of 2013 of licenses for commercial shops,
- Law No. (68) of 2015 of domestic workers,
- Law No. (69) of 2015 regarding the establishment of a closed joint stock company for the recruitment and employment of domestic workers,
- Decree- law No. (116) of 1992 of administrative organization and defining and delegating competencies,
- Decree No. (178) of 2018 appointing the General Director of the Public Authority of Manpower,
- Decree No. (16) of 2022 transferring supervision to the Public Authority of Manpower,
- Cabinet decision No. (614) of 2018 transferring the competencies of Law No. (68) of 2015 regarding domestic workers to the Minister of Social Affairs and Labor and the Public Authority of Manpower,
- Decision of the Minister of Interior No. (2194) of 2016 regarding the executive regulations of Law No. (68) of 2015 regarding domestic workers and its amendments,
- Decision of the Minister of Interior No. (2302) of 2016 regarding the rules and procedures for implementing the provisions of Law No. (68) of 2015 regarding domestic workers.
- And based on the proposal of the General Director of the Public Authority of Manpower.

DECIDED

Article (1)

The provisions of the executive regulations of Law No. (68) of 2015 regarding domestic workers, the texts of which accompany this decision, shall be enforced.

Article (2)

The General Director of the Public Authority of Manpower is authorized to issue decisions implementing Law No. (68) of 2015 regarding domestic workers and its executive regulations.

Article (3)

Ministerial Decision No. (2194) of 2016, referred to and the accompanying regulations, are canceled and All decisions and circulars violating the provisions of this regulation shall be canceled, and the decisions and circulars that do not violate its provisions shall remain in effect.

Article (4)

This decision shall be effective from the date of its issuance, The decision and the regulations attached to it shall be published in the Official Gazette, and the competent authorities shall know and implement what is stated therein.

on: Ramadan 1443 ,20 AH
corresponding to April 2022 ,21 AD

Counselor / Jamal Hadel Al Jallawi

Minister of Justice
and Minister of State for Integrity

Executive Regulations
Law No. 68 of 2015 regarding Domestic Worker

CHAPTER ONE
Preliminary Provisions

Article (1)

the following words and expressions will have the meanings as shown next to each one:

- Law: Law No. 68 of 2015 regarding domestic workers.
- Minister: The competent minister appointed by the Council of Ministers
- The Authority: The Public Authority of Manpower.
- The Competent Department: The Department of Regulating the Recruitment of Domestic Workers in the Public Authority of Manpower.
- Domestic worker: Any male or female assigned to manual labour within private homes (and the like) to the benefit of individuals and in accordance with a written contract, under the management and supervision of the employer, in return for a wage. the private homes (and the like): the place where the family resides permanently or temporary.
- Employer: The person who engages the domestic worker to work for her/him in accordance with a contract prepared by the Authority, in return for a wage.
- License: A license to practice the profession of recruiting domestic workers from abroad, which is issued by the Public Authority of Manpower.
- Recruitment offices or companies: offices, institutions, companies or one of their branches, that recruit domestic workers, and for which a license has been issued by the Authority to engage in the activity of recruiting domestic workers.
- Foreign offices: Offices that send domestic workers operating outside the State of Kuwait that have been issued a license to pursue the business of sending domestic workers from official institutions in those countries and which are endorsed by the embassies of the State of Kuwait in those countries.
- Wage: All that the domestic worker receives at the end of each month in return for the agreed-upon work.

Article (2)

Without prejudice to the provisions of the relevant laws, it is not permissible to recruit domestic workers without a valid license issued by the Authority, and in accordance with the provisions established in the law and these regulations.

CHAPTER TWO

Conditions Procedures and fees for issuing a license

Article (3)

In order to issue and renew a license to pursue the business of recruiting domestic workers from abroad, the following conditions must be met:

1. The requester of a license must be of Kuwaiti nationality, must have a history of good conduct and good reputation,
2. Must not have been convicted of a felony or a crime involving a breach of integrity or honour, unless he has been rehabilitated.
3. The requester's age must be no less than (30) years and no more than (70) years old.
4. Be medically fit, by being free of any disability that prevents them from working
According to a certificate issued by the competent government authority.

5. To submit an unconditional, irrevocable letter of financial guarantee, valid for payment in full in his name in favor of the Authority, from a local bank in the amount of (40,000 Kuwaiti Dinars) forty thousand Kuwaiti Dinars for offices and institutions, and an amount (100,000 Kuwaiti Dinars) one hundred thousand Kuwaiti Dinars for companies. In the event of opening branches of the company, a letter of guarantee in the amount of (40,000 Kuwaiti Dinars) forty thousand Kuwaiti dinars is submitted for each branch, except of state-owned companies, provided that the letter is valid for two years from the submission of the request , provided that he commits to renew it at least two months before the expiry date, and no interest is paid on its value, and his creditors may not seize it. The Authority has the right to deduct from its value without the need for a notice, and without it or the bank having the right to object to this deduction, and provided that it commits - in the case of partial deduction, total deduction, or decrease in the amount of the guarantee - to cover its assessed value or submit a new letter of guarantee of the same value , within fifteen days from the date of his notification thereof. If he fails to do so, the authority shall have the right to take all legal measures, and the license shall become revoked without notification.

Article (4)

Without prejudice to the provisions of the law, the issuance or renewal of licenses for companies whose objectives include the activity of recruiting domestic workers is required to meet the following conditions:

First: With regard to partnerships, all partners and those in charge of the management clause must have the same conditions referred to in Article (3) of these Regulations.

Second: For capital companies, the manager responsible for managing the company or one of its branches must meet the conditions set forth in Article (3) of these Regulations.

Article (5)

The requester of a license must attend personally, or the legal representative of the company, to the competent department to sign the form prepared for the license application, attaching the required documents and data. The authority issues the license for a period of one year, and it may be renewed for similar periods, provided that the contracts concluded with its counterpart from the foreign offices are submitted, provided that It shall be attested by the Embassy of the State of Kuwait and approved by the Kuwaiti Ministry of Foreign Affairs, one month before the expiry of the license.

The licensee is not permitted to obtain more than one single license, or to be the manager of a company that engages in the activity of recruiting domestic workers, and it is prohibited for the person in charge of managing more than one license.

Article (6)

The license is personal and may not be delegated to a third party to manage the business activity. The license will expire in the event of the death of the licensee. The licensee may appoint an office manager on the condition that the manager is the licensee's relative up to the second degree and that the manager meets the conditions stipulated in Article (3) of these regulations. This is without prejudice to the right of the competent Department to summon the owner of the office at any time it deems fit.

Article (7)

The fees for licensing the activity of recruiting domestic workers are collected as follows:

1. An amount of (100) Kuwaiti dinars to issue the license.
2. An amount of (50) Kuwaiti dinars for license renewal.
3. An amount of (50) Kuwaiti dinars to issue a license to replace a damaged or lost license
4. An amount of (50) Kuwaiti dinars to add or change the data in the license.

CHAPTER THREE

(Transfer and cancellation of license)

Article (8)

It is permissible to transfer the license to a third party in either of the following two circumstances:

1. If the licensee's age passes 70 years old, the license is to be passed on to the husband or wife or one of the offspring.
2. In the event of the death of the licensee, the license is to be passed to the husband or wife or heirs or one of the foregoing. In order to transfer the license in either of the above two circumstances, the individual to whom the license is transferred must meet the conditions stipulated in Article (3) of this regulation.

Article (9)

The requester to cancel the license shall be given a grace period of no more than six months to liquidate the office's business and receive the letter of guarantee. During the liquidation period, he shall be committed to the following:

1. Placing an advertisement in the office by the competent department for a period of no less than one month and not exceeding (6) months, in a conspicuous place regarding the liquidation of the office's business or the desire to cancel the license.
2. Submit a detailed statement of entry visa by the office or company.
3. Handing over to the competent department a list of all the office's obligations with respect to third parties, the requests submitted for the recruitment of domestic workers and the amounts paid in respect thereof.
4. Provide evidence that there are no current complaints.
5. Provide an acknowledgment not to recruit workers during that period, directly or indirectly, and bear full responsibility if proven otherwise.
6. Handing over to the competent department. at the end of the liquidation. A statement of what has been done of liquidation until the date of expiry.

The foregoing applies to licenses issued to partnerships. As for capital companies, the license expires as soon as the company is liquidated, or when one of the license conditions stipulated in Article (4) of these Regulations is not fulfilled.

Article (10)

The license to recruit domestic workers is to be revoked by a decision of the General Director of the Authority under the following circumstances:

1. If the licensee loses any of the conditions necessary for license eligibility.
2. If the licensee receives from the domestic worker any amount in return for recruiting or employing the worker.
3. If it is proven that the licensee has obtained the license based on false or forged data
4. Completion of the duration of the license or termination by the licensee, and the closure or liquidation of the office.
5. If the licensee waives the license to a third party directly or indirectly.
6. If the recruitment office is used as housing for the domestic workers.

The competent minister may suspend the license instead of revoking it in any of the above circumstances for a period of three months. If the violation is repeated, the license will be permanently revoked.

CHAPTER FOUR

(Administrative Measures Imposed on Recruitment Offices and Companies)

Article (11)

The Director of the Competent Department may temporarily suspend the licenses of recruitment offices or companies in accordance with the following: First: Suspension of the license for a period of three months in the following cases:

1. If the office, company, or one of its branches, fails to contact the Department of Domestic Labour when summoned unless the office provides proof of a hindrance thereof.
2. If the office, company, or one of its branches, fails to deliver the domestic worker to the employer within 24 hours of their arrival to the country unless it provides proof of a hindrance and informs the competent department thereof.
3. If the office, company, or one of its branches, fails to receive the domestic worker immediately upon arriving to the country or is late without an acceptable excuse.
4. If the office, company, or one of its branches, fails to enable the competent inspector to review the documents and books, or not to cooperate with him, or insisting on obstructing him from performing his work.

Second: Suspension of the license for a period of six months in the following cases:

1. If the office, company, or one of its branches, deals with retrieved domestic workers or those who have been recruited by a third party.
2. If the office, company, or one of its branches, concludes work contracts that violate the contract format approved by the competent department, or evidence of signing contracts on behalf of the employer or worker, or leaving some of the required data blank.

3. The office, company, or one of its branches advertising or promoting domestic workers, classifying them on the basis of creed, gender, color, or cost, and advertising them in a manner that is demeaning to their humanity. In the event of a repetition of any of the above-mentioned cases in first and second, the suspension period shall be doubled. In all cases, the office or the company shall continue to implement its obligations related to the application of the provisions of the law, these regulations, and the obligations that arose prior to the issuance of the Suspension.

Article (12)

Decisions to suspend or revoke a license may be appealed before the competent minister within one month of the date on which the licensee is notified of the decision. The licensee is to be notified of the Minister's decision to accept or reject the appeal within 60 days from the date the decision is issued.

CHAPTER FIVE

(obligations of recruitment offices and companies)

Article (13)

All recruitment offices and companies must contact the competent department whenever the department sends a letter of summons to the office.

Article (14)

Recruitment offices and companies and their branches are obligated to keep the ledgers and records related to the practice of the activity of recruiting domestic workers, and to enable the specialists who are designated by a decision of the Minister to review them, provided that these records include at least the following:

- 1 - A record in which the names of domestic workers and the like who are required to be recruited are recorded, in which are recorded as a minimum: (name, nationality, date of birth, occupation, educational degree, experience, religion, marital status, weight, height).
- 2 - A record in which the names of domestic workers and the like who were recruited from abroad are recorded, in which are recorded as a minimum: (the worker's name, nationality, profession, salary, passport number, entry visa number, the name of the passport holder, the employer's phone, the date of entering the country, The date of handing over the domestic worker to the employer).

Article (15)

Recruitment offices and companies are bound by the work contracts prepared by the competent department.

Article (16)

The activity of recruiting domestic workers for the licensee is limited to recruiting domestic workers from abroad to work inside the State of Kuwait only.

Article (17)

It is prohibited for the licensee, his employees or cooperating with him - whether inside or outside the State of Kuwait - to receive any sums from the domestic worker, directly or indirectly, in return for his recruitment or retention with the employer.

Article (18)

Recruitment offices and companies are to guarantee the continuous employment of the domestic worker for a period of six months. The office is required to return the domestic worker to her/his country and reimburse any amounts it charged of the employer if any of the following circumstances occur:

- 1 - If there is an obstacle that prevents the domestic worker from performing her/his tasks, which the employer has no hand in.
- 2 - If the domestic worker becomes ill with a communicable disease or any physical, medical, or psychological disability that prevents her/him from continuing to work, proven by a letter issued by the competent official authorities.
- 3 - If the public good requires the enforcement of a legal restriction that prevents the employer from obtaining residence status for the domestic worker.
- 4 - If the domestic worker is administratively removed for the requirements of the public good.
- 5 - If the office provides the employer with incorrect information regarding the domestic worker.
- 6 - If the domestic worker refuses to work or leaves the work to an unknown location, provided that the official authorities are immediately informed of his leaving work.

If the office refuses to pay the costs of returning the domestic worker to her/his country or reimburse the charges it required of the employer, the Department of Domestic Labour will pursue this task by deducting from the guarantee letter stipulated in Article 3 of this regulation.

Article (19)

Recruitment offices and companies must inform the competent department of any domestic workers that have not been received by employer within (24) hours from the date of arrival,

In the event of non-receipt by the employer within (3) days, the worker shall be handed over to the competent department, in order to place him / her in one of the accommodation centers, provided that his stay does not exceed (10) days. Recruitment offices and companies shall bear the expenses of residing the domestic worker and returning him / her to his / her country.

While the office or company and the worker retain the right to claiming on the employer for compensation.

Article (20)

Recruitment offices and companies are obligated to hand over to the competent department a copy of the contracts concluded between them and employers regarding the domestic workers to be recruited, when requested to do so. It is also obligated to hand over to the employer a copy of the (Tripartite) contract, which must be signed by the employer, the office (or company) and the domestic worker.

Article (21)

Recruitment offices and companies are prohibited from receiving any additional amounts of recruitment amounts under the name of an advance wage.

Article (22)

Recruitment offices and companies are obligated to refund the amount paid by the employer and deduct the fees paid for the recruitment of the domestic worker, in the case of special requests submitted by business owners to those offices (or companies) to bring a specific domestic worker who has not been recruited for any reason, with proof of payment of these fees, certified by the competent authorities, within one month of signing the declaration.

CHAPTER SIX

(Obligations of the Employer)

Article (23)

The employer is obligated to the following:

1. The employer is obligated to pay the agreed wage to the domestic worker that works for the employer at the end of every month, and it may not be delayed for more than (7) days from the due date.
2. Issuing a receipt for the domestic worker's receipt of the monthly wage. Transfer receipts and cash receipts are types of proof that the domestic worker has received his/her wages.
3. The payment of the monthly wage to the domestic worker is to start from the actual date that the worker began working for the employer.
4. It is not permissible under any circumstances to deduct any portion of the wages.
5. The employer is required to provide the domestic worker with food, clothing, medicine and medical treatment.
6. The employer must provide suitable housing for the domestic worker that enables decent living standards.
7. The employer is not allowed to keep in his possession any of the domestic worker's personal identity documents, such as passport or civil status card, unless the domestic worker has agreed thereof.

8. It is not permissible to assign to the domestic worker any dangerous work that could affect the worker's health or humiliate the worker's dignity, or a job other than the work agreed upon in the work contract.
9. 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 her/his country at the expense of the employer.
10. Not to employ the domestic worker for others, unless he is of the first degree and lives with him in the same house.
11. Allowing the domestic worker to own and use a mobile phone and other means to communicate with members of his family, outside of working hours.

Article (24)

The employer must, before hiring the domestic worker to the work, conclude a recruitment contract corresponding to the form prepared by the competent department (written in both Arabic and English), whether the domestic worker was recruited by the employer, or through one of the recruitment offices or companies, or the worker was transferred to him from the employer, and in the event of a dispute between the two parties, the Arabic text prevails. And that the contract includes the data stipulated in Articles (18) and (22) of the law.

Article (25)

At the end of the contract concluded between the employer and the domestic worker, the employer is obligated to hand the domestic worker all the dues set at the contract and stipulated in the law, and the last employer shall bear the expenses of returning the domestic worker to his/ her country.

The contract is automatically renewed, unless either party expresses a desire not to renew it at least two months before the end of the contract, and the burden of proving the renewal of the contract will be on the employer.

Article (26)

The employer is obligated to transport the deceased body of the domestic worker to her/his country when s/he dies and must pay the wages of the month in which the worker died. and paying all his/ her dues stipulated in the provisions of the contract and the law to his/her heirs.

Chapter Seven

(Minimum Wage, Working Hours, and Leave)

Article (27)

The minimum wage for a domestic worker and the like is (75 KD) only seventy-five Kuwaiti dinars, and the minister issues a decision every five years as a maximum to determine the minimum wage.

Article (28)

The domestic worker has the right to an annual paid leave of no less than thirty days, provided that the worker is entitled to leave for the first year after spending at least eleven months in the service of the employer.

Article (29)

The domestic worker has the right to a paid weekly rest, which is determined for twenty-four consecutive hours after every six working days.

Article (30)

The employer, when necessary, has the right to employ the domestic worker for additional working hours, provided that these hours do not exceed two hours per day, and the domestic worker is entitled a compensation equal to the value of a half-day wage for it.

CHAPTER EIGHT

(Penalties Against the Employer)

Article (31)

If the employer is late in paying the wages after the seventh day of the due date, the domestic worker is entitled to the amount of ten Kuwaiti dinars for every month that the wages are not paid on time in addition to the wages due.

Article (32)

In the event that any complaint against the employer is proven before the competent department for violating the obligations imposed on him under the law, or if the domestic worker is not received from the recruitment office without an acceptable excuse, or the non-compliance to attend the investigation sessions when summoned, the department has the right to stop issuing entry visas for domestic workers to the employer for a period of (6) months, and in case of repetition, the period is doubled.

CHAPTER NINE

(Obligations of the Domestic Worker)

Article (33)

The domestic worker is obligated to the following:

1. The domestic worker must perform the work assigned to her/him in accordance with what is required in the provisions of the contract, and to do that with the usual care in good faith and honorable dealings.
2. While working, the domestic worker must comply with the instructions and directions of the employer within the limits of the provisions of the contract.
3. The domestic worker must protect the employer's wealth and property and not reveal the employer's and family members secrets.
4. Respect the laws, customs and traditions of the country.
5. It is not permissible for the domestic Worker to work for others, with or without pay.

CHAPTER TEN

(Complaints)

Article (34)

The competent department is concerned with examining complaints and disputes between the parties to the work contract according to the following procedures:

1. Submitting a complaint from any party to the contract
2. Examining the complaint by the competent department after summoning the parties to the complaint and taking a decision about it within a period not exceeding three months. The complaint submitted by the worker is excluded from this period, and the decision is taken within a maximum of two weeks.
3. Summoning the defendant to refer to the competent department to examine the complaint submitted against him/her. If he/she is the employer or the domestic worker, a copy of the notification shall be delivered to him/her in person, at his/her home or at his/her place of work, and if this is not possible, the notification shall be delivered to the police station in where the defendant's domicile is located. In the event that the defendants are recruitment offices or companies, a copy of the notification is delivered to the administration center or to one of those in charge of its management through the competent department or by phone, fax or e-mail.
4. If a settlement is reached in a dispute between the employer and the domestic worker, this must be recorded in a written contract and a copy thereof kept in the domestic worker's file at the recruitment offices or companies or the competent department.
5. In the event that the defendant refrains from referring to the competent department after being notified, or a settlement between the parties to the contract is not possible, the dispute shall be referred to the competent court, without prejudice to the provisions of Articles (1/24 ,17 and 31) of the law.

Article (35)

It is prohibited to register a report of leaving a job against the domestic worker after submitting the complaint to the competent department, provided that it is registered among the residents of the migrant workers accommodation center, and the ban is considered to be lifted two months after the complaint is settled or referred to the competent judiciary.

Article (36)

The Director of the competent department is to issue an order to temporarily extend the residence permit of the domestic worker until a final decision is made on the complaint and until the worker is paid all due entitlements.

CHAPTER ELEVEN

(General Provisions)

Article (37)

It is prohibited to discriminate the worker in the field of employment based on race, religion, sex, age, or social status, in all aspects of work, without prejudice to what is stipulated in the provisions of the law.

Article (38)

For public interest, the authority has the right to issue an order to transfer a domestic worker from one employer to another employer: in the following cases:

1. The death of the employer.
2. The domestic worker's request to transfer to the employer's husband or wife in the event of separation.
3. Employer leaving the country permanently.
4. Marriage of a domestic worker to a husband inside the country.
5. A domestic worker's request to transfer to her husband's residence.
6. The employer has lost the eligibility conditions, or a final sentence of imprisonment has been issued.
7. Evidence of committing an act, statement or gesture with a sexual connotation issued by the employer or those who reside with him towards the domestic worker that affects his body or honor, or infringes his modesty, by any means, including modern technology, without prejudice to the worker's right to resort to the two articles (198 and 199) of the Penal Code.

The authority may prevent the domestic worker from working in the State of Kuwait for a period of (3) years if it is proven that he has violated the provisions of the law and the decisions issued in implementation thereof.