

CHAPTER IV

WORKING HOURS AND LEAVES

SECTION I

Working Hours

Article 65

The maximum normal working hours for adult workers shall be eight hours in the day, 48 hours in the week. They may be increased to nine hours a day in commercial establishments, hotels, cafeterias, security services and such other businesses as may be added by resolution of the Minister of Labour and Social Affairs. The daily working hours may be reduced by resolution of the Minister of Labour and Social Affairs, in the case of arduous or health-hazardous work. Two during the month of Ramadan shall reduce the normal working hours. The periods spent by a worker in traveling between his home and place of work shall not be included in his working hours.

Article 66

The daily working hours shall be so regulated that no worker shall work for more than five successive hours without breaks - for rest, meals and prayer- amounting in aggregate to not less than one hour. Such breaks shall not be included as part of the working hours.

However, in factories and workshops where work is organised in the form of successive day and night shifts, and in processes where work has to continue uninterrupted for technical and economic reasons, the manner in which breaks for rest, meals and prayer are to be granted shall be specified in a resolution by the Minister.

Article 67

Where the work circumstances require a worker to work more than the normal number of hours, any period worked in excess shall be treated as overtime, for which the worker shall receive the wage stipulated for his normal working hours, plus a supplement of at least 25 per cent of that wage.

Article 68

Where the work circumstances require a worker to work overtime between 9 p.m. and 4 a.m. he shall be entitled in respect of such overtime to the wage stipulated for his normal working hours, plus a supplement of at least 50 per cent of that wage.

Article 69

The number of hours of actual overtime shall not exceed two a day, unless such work is essential for preventing a substantial loss or a serious accident, or eliminating or alleviating the impact of the latter.

Article 70

Friday shall be the normal weekly rest day for all workers except the daily-paid. Where a worker has to be put on duty on that day, he shall be compensated with a substitute rest day or be paid his basic wage for his normal hours of work plus a supplement of at least 50 per cent of that wage.

Article 71

No worker other than a daily-paid shall be required to work more than two successive Fridays.

Article 72

The provisions of this Section shall not apply to the following categories:

- 1- 1- Persons holding senior executive managerial or supervisory positions, if such positions confer upon the incumbents the powers of an employer over workers. The categories in question shall be specified by resolution of the Minister of Labour and Social Affairs.
- 2- 2- Crew of marine vessels and seamen who serve under special conditions of service on account of the nature of their work, with the exception of port workers engaged in stevedoring and related operations.

Article 73

The employer shall post up at the main entrances used by the workers, and in a conspicuous position at the workplace, a timetable showing the weekly day off, hours of work and rest periods applicable to all classes of workers. A copy of this timetable shall be filed with the competent labour department.

Where the work place is not observing the statutory weekly day off, the employer shall post up at the places referred to in the preceding paragraph a timetable showing the weekly rest day for each class of workers.

Section II

Leaves

Article 74

Each worker shall be entitled to leave with full pay on the following occasions:

- (a) (a) New Year's Day (Higra): one day.
- (b) (b) New Year's Day (Gregorian): one day.
- (c) (c) Lesser Bairam: two days.
- (d) Greater Bairam and Eve: three days.
- (e) Birthday of Prophet Mohammed: one day.
- (f) *Al Isra and Al Mi'raj*: one day;
- (g) National Day: one day.

Article 75

A worker shall, for each year of service, be entitled to an annual leave of not less than:

- (a) (a) Two days a month, where the worker's period of service is more than six months but less than one year.
- (b) (b) 30 days a year, where the worker's period of service is more than one year.

Where a worker's service is terminated, he shall be entitled to annual leave in respect of fractions of the last year.

Article 76

The employer may fix the date of commencement of annual leave and, if necessary, divide such leave into not more than two periods. However, the leave division provision shall not apply to leaves of child workers.

Article 77

Holidays stipulated by Law or by agreement, and any other days of leave on account of sickness, falling within an annual leave shall be considered as an integral part thereof.

Article 78

Each worker shall be entitled to his basic wage and the housing allowance, if applicable, in respect of his days of annual leave. Where it was imperative for the work interest to put a worker on duty during all or part of his annual leave, and if the leave days on which he worked were not carried forward to the following year, the employer shall pay him his normal wage plus an allowance in lieu of leave, for the actually worked days, calculated on the basis of his basic wage.

In no case shall a worker be made to work during his annual leave more than once in two successive years.

Article 79

A worker who is dismissed or who leaves his job after the period of notice prescribed by law shall be paid for any accrued annual leave days. Such payment shall be calculated on the basis of the worker's wage as on the date when the leave became due.

Article 80

Before a worker goes on annual leave, his employer shall pay him the full wage due to him plus the leave pay prescribed for him under this Law.

Article 81

Where it is necessary for the work interest to put a worker on duty during public holidays or days off in respect of which he is entitled to full or partial pay, he shall be granted substitute leave in respect of such days, plus 50 per cent of his wage. If he is not granted substitute leave, his employer shall pay him 150 per cent of his basic wage in respect of the days worked.

Article 82

A worker who contracts an illness that is not a work-related injury shall report his illness within a maximum of two days; the employer shall thereupon take the necessary measures to have him medically examined immediately for the purpose of verifying his illness.

Article 83

- 1- 1- A worker shall not be entitled to any paid sick leave during the probationary period.
- 2- 2- A worker who contracts illness after completing three months, following the probationary period, in the continuous service of an employer shall be entitled to a sick leave not exceeding 90 days, successive or otherwise, in respect of each year of service, to be calculated as follows.
 - a) a) The first 15 days: with full pay.
 - b) b) The next 30 days: with half pay.
 - c) c) Any subsequent periods: without pay.

Article 84

No wage shall be payable for sick leave if the illness is the direct result of the worker's misconduct (such as consumption of alcohol or narcotic drugs).

Article 85

An employer may terminate the services of a worker who fails to report back to work after exhausting all sick leaves provided for in Articles 82, 83 and 84 hereof. In this case the worker shall be entitled to severance pay as stipulated in this Law.

Article 86

Where a worker resigns his job, by reason of illness, before the lapse of the first 45 days of his sick leave and the government medical officer or the medical practitioner designated by the employer accepts the cause of resignation, the employer shall pay the worker the wage due in respect of the remainder of the first 45 days referred to.

Article 87

Each worker shall be entitled, once in the course of his entire service, to special leave without pay for performing pilgrimage; such leave shall not be deducted from other periods of leave due to him and shall not exceed 30 days.

Article 88

No worker shall work for another employer while on annual or sick leave provided for in this Section. Where his employer establishes that he has done so, he may terminate the worker's services without notice and deny him the pay in respect of the leave period.

Article 89

Subject to the provisions of this Law, any worker who fails to resume work immediately after the expiry of his leave shall automatically forfeit his wage for the period of his absence, with effect from the day immediately following that on which the leave expires.

Article 90

Without prejudice to the instances in which an employer is entitled to dismiss a worker without notice or without the gratuity provided for in this Law, an employer shall not dismiss a worker or serve a notice of dismissal on him while the worker is on a leave provided for under this Section.

