

سلطنة عُمان
Sultanate of Oman



اللجنة العُمانية لحقوق الإنسان
Oman Human Rights Commission

HUMAN RIGHTS GUIDE FOR NON-OMANI MANPOWER

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As a national human rights institution responsible for protecting and promoting human rights, Oman Human Rights Commission (OHRC) took the initiative to publish this Guide to raise workers' awareness about the rights and duties related to work and residency in the Sultanate. The Guide aims to provide an overview about laws and regulations and important institutions to handle complaints.

It focuses more on the rights and responsibilities of non-Omanis working in the private sector and in households.

ABOUT THE SULTANATE OF OMAN

The Sultanate of Oman is an Islamic Arab country located in the far southeast of the Arabian Peninsula. It has a coastline of 3,165 km from the Strait of Hormuz in the north to the border of the Republic of Yemen in the south. The total area of the Sultanate is about 309,500 square kilometers featuring diverse terrains ranging from plain plateaus to sand deserts and mountains. Administratively, the Sultanate is divided into eleven governorates with 61 Wilayats. The capital of the Sultanate is Muscat.

Oman has a rich and diverse composition of cultures, ethnic groups, religions and sects due to its historical influences and interactions with other countries and nations. The country is praised for its religious tolerance by residents and international reports. The percentage of expatriates residing in the country, is estimated at 40-45% of the total population.

OMAN HUMAN RIGHTS COMMISSION

The OHRC is an independent national commission established by Royal Decree No. 124/2008. It received a B-status from the Global Alliance for National Human Rights Institutions (GANHRI) of the United Nations High Commissioner for Human Rights. The OHRC is a national mechanism for protecting and promoting human rights in the Sultanate. It is one of the important institutions that monitors violations or infringement on the rights of Omanis and non-Omani residents alike and strives to mediate and settle them in cooperation with the concerned authorities in the country.

RELIGIOUS TOLERANCE AND FREEDOM TO WORSHIP IN OMAN



Oman observes non-Muslims' freedom to worship and practice their rites. The name of the Ministry of Awqaf and Religious Affairs (MARA) was carefully envisioned in order to reflect the sense of tolerance and the responsibilities bestowed in the ministry to facilitate the needs of people from other faiths.

The law in Oman allows non-Muslims to establish places of worship, and MARA is hold responsible to facilitate the issuance of work permits for individuals working in worship places, short visits and family visas, permits for religious events, and ratification of marriage contracts emanating from worship places. MARA is also helping people of other faiths to coordinate with various government entities.

In respect and acceptance of other doctrines and religions, the laws in Oman prohibit blasphemy and degradation of faiths, sects and religions. Holding public religious lectures and public

advocacy of any doctrine or religion requires prior permission from MARA.

A number of places of worship are available to non-Muslims staying in Oman. Christians can find Catholic, Protestant, Orthodox, Coptic, and Pentecostal churches. There are also temples and places of worship Hindus. Most places of worship for non-Muslims are in Muscat, Salalah and Sohar simply because these cities are heavily populated by non-Omanis.

RIGHTS AND DUTIES OF NON-OMANI MANPOWER IN OMAN



The rights of non-Omani Manpower in the private sector are secured based on the Omani Labor Law promulgated by Royal Decree No. 35/2003, and the Executive Regulation issued by Ministerial Order No. 1/2011, which obligates Non-Omani Labor Recruitment agencies to conclude a contract between the employee and the employer. The following section, summarizes the rights and responsibilities of non-Omani work force based on the existing laws and regulations

Labor rights of non-Omani Manpower:

- 1- Remuneration for work and any allowances or benefits stated in the contract
- 2- Paid weekly rest (two days for establishments or according to contract)
- 3- Paid annual Leave for 30 days
- 4- Worker's probation period shall not exceed three months. The contract may be terminated during this period after 7-day notice
- 5- Return ticket at employer's expenses given at the end of the

- of the contract and on annual leave
- 6- Necessary health care at the expenses of the employer in accordance with Article 33 of the Labor Law
 - 7- End of service benefits of fifteen days for each service year of the first three years and one month for each of the following years
 - 8- Financial compensation in cases of death or total disability while at work in accordance with Article 32 of the Law on the Compensation of Occupational Injuries and Diseases issued by Royal Decree No. 40/77
 - 9- The right to review work regulations and Sanctions in the establishment and the procedures of their enactment
 - 10- The right to know work risks, safety procedures, means of prevention taken and protection from health harms and machinery hazards
 - 11- Not to work at noon time (12:30 - 3:30) during the months of June, July & August on construction sites that are open and directly exposed to the sun heat and oppressive temperature unless for a short period time
 - 12- Not to perform work not agreed upon in the contract, unless it was necessary and a temporary period and that the work assigned is not substantially different from the nature of the original work.
 - 13- Exemption from litigation fees in legal cases brought by workers or their beneficiaries
 - 14- Joining labor syndicates and unions in the Sultanate
 - 15- Joining the licensed diaspora communities in the Sultanate
 - 16- Allowing the worker in case of exclusion to Liquidate and finalize personally or through an attorney all financial and materialistic issues in accordance with Article 33 of the Foreigners' Residence Law No. 16/1995

Duties of the non-Omani Manpower:

- 1- Entering the country for work with a legal and legitimate permit
- 2- Possessing a valid labor card while still in the country
- 3- Working for the institution appearing in the contract and for the same stated number of hours
- 4- Preserving the means and tools of production, and refraining from using them for individual purposes or outside the establishment without permission.
- 5- Observing health and safety procedures prescribed by the establishment
- 6- Refraining from leaving the job or work for another employer before the end of the contract and without notice
- 7- Maintaining work secrecy and possess no confidential documents for private use.
- 8- Refraining from participating in work activities similar to the ones practiced by your current employer until the contract is over.
- 9- Refraining from fund raising, calling for gatherings and disseminating leaflets that damage the interest of the establishment unless these practices are part of syndicated activities
- 10- Respecting Islam and the laws, customs and traditions prevailing in the country
- 11- Avoid engaging in any activities that might harm the security of the country
- 12- Avoid escaping or leaving work as a solution to remedy work disputes, as this might pardon the employer from any legal responsibility once you are reported missing.
- 13- Avoid temptations offered by others that may lead to human trafficking and personal abuse.



Domestic workers enjoy a range of rights as prescribed by Ministerial Decision No. 189/2004.

Rights of the domestic workers:

- 1- Receiving the monthly salary agreed upon in no more than 7 days from the end of the working month (or as agreed upon by the two parties) and signing on the necessary document to acknowledge the receipt
- 2- Getting adequate food and acceptable shelter from the employer
- 3- Receiving necessary medical treatment by the employer for the duration of the contract
- 4- Receiving a return ticket paid by the local recruitment office within 180 days from the date of arrival if it was found that the worker is assigned to a job different from the one that was stated in the official documents, or that he/she suffers from mental illness or diagnosed with communicable diseases, or has disability that hinders him/her from working
- 5- Receiving a return ticket paid by the employer after the end of the contract period or if employer breached the contract
- 6- Enjoying adequate rest breaks during the day
- 7- Enjoying a monthly rest or as stipulated in the employment contract
- 8- Enjoying a decent holiday at the end of the employment contract

- 9- Receiving respectful and proper humane treatment that preserves his/her dignity

Duties of domestic workers:

- 1- Commitment to work with the employer throughout the contracted period.
- 2- Protecting the employer's property and refraining from using them for individual purposes.
- 3- Observing family secrets and privacy and refraining from inviting others to the house without prior permission from the employer.
- 4- Respecting Islam and social values and norms whilst adhering to the existing laws and regulations.
- 5- Avoid participation in activities that might harm the security of the country.
- 6- Avoid working for another employer until waiver procedures and other documents are completed.
- 7- Avoid the use of harmful substances against the employer and other family members .
- 8- Avoid abusing or harassing children, women and vulnerable members in the family in order to avoid legal action.
- 9- Avoid escaping or leaving work as a solution to remedy work disputes, as that might pardon the employer from any legal responsibility once you were reported missing.
- 10- Avoid temptations offered by strangers that may lead to human trafficking and personal abuse.

RIGHT TO FREE EDUCATION AND HEALTHCARE FOR NON-OMANIS AND THEIR CHILDREN



Right to education:

- Education is free in public schools for all non-Omani children residing in the Sultanate until completion of a general diploma (grade 12)

Right to healthcare:

- Vaccinations are free for non-Omani children staying in the country. Government health institutions issue a Child Health Record Card to follow up required vaccinations for the first year and a half of the child's life.
- Children of non-Omanis working in the public (government) sector receive free treatment if they are under the age of 18.
- Non-Omanis who work in the public (government) sector receive free treatment in government hospitals and health centers if they have a fixed-term treatment card issued by their employer.

RESIDENCE PROCEDURES:



It is illegal for non-Omani workers not to register and obtain a labor card from the Civil Status directorate at Royal Oman Police. The employer or the institution of employment must take the initiative to register the employee within a period of 30 days after the arrival of the worker in the country.

JOINING LABOR SYNDICATES AND TRADE UNIONS:



Non-Omani employees are entitled to join the licensed labor syndicates and trade unions in the Sultanate, while complying with their respective regulations.

ADDRESSING COMPLAINTS AGAINST VIOLATIONS:



Workers; Omani and non-Omanis are safeguarded by laws against violations and aggressions. Oman has also found certain mechanisms that deal with violations against workers. Therefore, non-Omani workforce are advised not to take illegal individual actions, such as, leaving work, going on strike or running away as these actions would hold them legally accountable and might result in forfeiting their rights. Non-Omani workers are strongly advised to take the following measures in the event of any violations:

First: Discuss the issue with the employer

This step is important because it allows the worker to raise the issue of dispute to the attention of the employer and obtain necessary clarifications. In many cases, the dispute is settled at this stage and the problem got resolved. In addition, the law in Oman obligates institutions with 50 workers and above to find complaints and grievance mechanisms.

Second: Involving labor syndicates and trade unions

If the establishment has a syndicate of its own or a member of a trade union, the worker under grievances can contact them to help him/her settle the dispute with institution. As of 2017, there are more than 230 syndicates and trade unions in the Sultanate.

Workers are also recommended to contact the General Federation of Oman Trade Union. Generally, labor syndicates and trade unions study the complaints submitted to them, work to settle them with the relevant parties, and provide legal advice.

Third: Turning to recruitment agencies

If the worker (especially domestic workers) came to work in Oman through a recruitment agency, then the agency is responsible during the first six months for settling most of the disputes concerning wages and work nature if its different from the ones described in the contract. The agency should impartially hold talks with the parties and try to resolve the matter especially if it involves one of the terms of the contract.

Fourth: Filing a complaint at with Labor Welfare Departments

If the complaint was not settled by the employer or the recruitment agency, the worker can personally file a complaint against the employer with the Labor Welfare Departments of the Ministry of Manpower. These departments exist in all governorates of the Sultanate. Workers can also file an online complaint through the Ministry of Manpower website (www.manpower.gov.om).

Fifth: Going to The Court (Labor Department)

If the labor complaint was not resolved or settled within two weeks in the Labor Welfare Departments (LWD), or settled but not implemented by either party, LWD shall then refer the matter to the competent court (the Labor Department) within two weeks from the date of expiry of the said period or refusal to implement the settlement. The law in Oman secures free of charge interpretation of the court proceedings at all stages of litigations for non-Arabic speakers. Some lawyers also offer free

pleadings for simple labor cases.

Sixth: Filing a complaint with Oman Human Rights Commission OHRC

Oman Human Rights Commission monitors abuses and violations and receives complaints. It strives to resolve complaints through conciliations with the concerned parties in line with the existing legal frameworks. In order for the OHRC to deal with any violations against Omanis and non-Omanis, workers are recommended to take the following steps:

- 1- Submit a written complaint to OHRC addressed to the chairman of the commission. The letter should outline the details of the violations with necessary documents attached. It can be submitted in person to OHRC headquarter in Muscat or through a knowledgeable representative.
- 2- Or file an online complaint through the commission website. Necessary documents concerning the violation can also be uploaded as an attachment. The following link will take you directly to the online complaint section
https://www.ohrc.om/website_complaintsadd.php?language=ar
- 3- Or call the voice message complaint line on 80002008 and leave a brief message indicating your name, violation and contact numbers. This service can be used outside official office hours. OHRC representative will immediately get in touch with the caller once they hear the message.

Seventh: National Committee for Combating Human Trafficking

In cases where non-Omani workers fall victim to human trafficking groups, or are used illegally beyond the employment contract with the institution they work for, or are forced to engage in illegal acts, such as prostitution, the OHRC urges reporting such cases to it or to the National Committee for Combating Human Trafficking (NCCHT). The NCCHT, in coordination with the Ministry of Social Development, works to shelter victims of human trafficking, provide them with health and psychological care, legal advices and other humanitarian assistance to mitigate the effects of abuse.

Important Numbers

Sr.	Entity	Telephone	Website
1	Royal Oman Police	9999	www.rop.gov.om
2	Ministry of Manpower	880077000 824766222 824766078	www.manpower.gov.om
3	Ministry of Social Development	824645000	www.mosd.gov.om
4	Ministry of Awqaf and Religious Affairs	824644999 824644666 880076665	mara.gov.om
5	Oman Human Rights Commission	80002008	www.ohrc.om
6	National Committee for Combating Human Trafficking	1444	www.ncchtoman.gov.om
7	General Federation of Oman Trade Unions	22300500	general@gfotu.org