

MANPOWER AUTHORITY OFFICIAL EXPLAINS NEW RULES, EXCEPTIONS

By Nawara Fattahova

KUWAIT: The Ministry of Social Affairs and Labor has issued various new rules and regulations related to expatriate workers. But some employees and workers are not aware of the rights these rules entitle them to, especially non-Arabic speakers. In order to improve work conditions, the ministry established the Public Authority for Manpower (PAM), which works under its umbrella and has many responsibilities.

Aseel Al-Mazyad, Director of the Public Relations and Information Department at the authority, shed light on the various ministry decrees that have removed many restrictions. Exceptions for transferring visas that were not allowed in the past are now possible. In October 2015, the ministry issued two decrees - 134/2015 and 135/2015 - regulating transferring residencies of expat employees after paying a fee of KD 300.

employee is obliged to give his employer the legal notice period according to article 44 of law No 6/2010," stressed Mazyad. If the employee cannot give the employer notice for the abovementioned period, he has to submit a complaint at the Labor Relations Department to inform the employer. The submission date of this complaint is considered the beginning of the notice period. The employer is not allowed to file an absconding report against the absent employee during this period.

According to Mazyad, government contracts will be excluded from the three-year period mentioned in this article, according to the following conditions: 1- If the government contract has expired. 2- If the employer does not have another government contract to which he can transfer the employee. 3- If the owner of the government contract sets a condition in advance for the employer whose contract has expired that his employees will be transferred after winning a government project bid. 4- Transfer of registered employ-



KUWAIT: Aseel Al-Mazyad, Director of the Public Relations and Information Department at the Public Authority for Manpower. — Photo by Yasser Al-Zayyat

- Contracted employee in public sector can transfer visa to same employer after paying KD 300 fee
- Private sector employee can transfer visa without employer's approval after three years
- Employer can file absconding case against an employee if he is absent for 7 days

Decree 134 is related to employees in the public sector. "According to this decree, an employer who brought an employee from abroad to work on a contract is allowed to transfer the visa of this employee to his main file by paying KD 300," Mazyad told Kuwait Times. Decree 135 is related to employees working in the private and oil sectors. "According to this decree, an employer can transfer the residency of an employee to work in his company after an exemption of the period condition by the Higher Committee for Work Conflicts by paying KD 300, she added.

Decree 378/2016

She also spoke about decree 378/2016, which amended article 6 of decree 842/2015 regarding transferring workers from one employer to another for those who can transfer their visas. "The employee can transfer his residency from his employer after three years of the date of issue of his work permit without the approval of his employer. But the

ees on government contracts is limited to technical professions only - for nontechnical professions, a fee according to ministry decree No 135/2015 should be paid.

Absconding cases

An employer is authorized to file an absconding case against an employee if he is absent from work for more than seven consecutive days at the work relations department. The employer should send an electronic version of the absconding report to the inspection department, which should check that the employee is actually not working at that company. After ensuring that he is not working there, it will send the report to the work relations department confirming this fact. After receiving this report and after 90 days have passed, the work relations department (the unit in charge) will issue an absconding case to the ministry of interior, which will cancel his residency and issue an arrest order for the absconding employee.

Canceling absconding cases

The joint committee of the PAM and Ministry of Interior, which is in charge of judging absconding cases, can cancel the absconding case. This committee is in charge of all cases issued before January 4, 2016, a total of 18,385 cases. An absconding case can be canceled in two situations: If the employer drops the case before the committee and agrees to renew or transfer the employee's visa to another sponsor. The second situation includes all the cases that are decided by the PAM. "For instance, duplicity of the sponsor - when the work permit is registered with one employer while the visa is with another sponsor. In this case, the employee will have two sponsors due to the negligence of the old employer in transferring the visa to the new employer, and this is not the mistake of the employee," said Mazyad.

Other cases include holders of Palestinian travel documents, spouses and relatives of Kuwaiti nationals, reports that were proved malicious, reports that include mistakes, if the employee has received an approval of transfer, and other cases. "Employees have to attend personal-

ly when resolving transfer conflicts due to the personal nature of these conflicts. The employee is allowed to be accompanied by a lawyer. For conflicts of indemnity, the attendance of the employee is not necessary, as it is a financial conflict and if it isn't resolved amicably, it would be transferred to the court, contrary to visa transfer cases that are out of the court's competency," she added.

New contract

The authority also issued a new employment contract for the private sector. This contract includes many benefits for the employees, the most significant of which is the obligation for the employer to pay health insurance fees, which many employees pay.

Statistics

During the first quarter of this year, the number of violations at the inspection department reached 538. "These violations were transferred for investigation after being reviewed by the violations committee. These include violations such as work safety, workers' accommodation and many others," concluded Mazyad.

REQUIRED

A LEADING MAINTENANCE COMPANY IN KUWAIT REQUIRED

CONTRACT MANAGING ENGINEER	Bachelor's Degree in Mechanical Engineering with min. 10 years' experience	
SENIOR FORMAN (MECHANICAL)	Diploma holder in Mechanical Engineering/or relevant Trade Certificate with min. 9 years' experience	
FOREMAN (MECHANICAL)	Diploma holder in Mechanical Engineering/or relevant Trade Certificate with min. 7 years' experience	
TECHNICIANS – MECHANICAL	Secondary education and formal Training from any recognized Technical Institute with min. 5 years' experience	
WELDER – FABRICATOR	Secondary Education and Diploma with min. 10 years' experience	
SENIOR TECHNICAL ASSISTANT	University degree or Secondary school + 2 years diploma or certified course in computer operation with min. 8 years' experience	
TECHNICAL ASSISTANTS	Secondary Education with min. 5 years' experience	
DATA ENTRY OPERATOR	Secondary Education with min. 10 years' experience	
DRIVER	Kuwaiti driving license with min. 10 years' experience	
RECEPTIONIST/CLERK	Secondary School education with Diploma in administration and with min. 7 years' experience	
SAFETY OFFICER	Secondary School Education with Diploma in Safety from PAATE or an equivalent institute with min. 10 years' experience	
STORE KEEPER	Secondary Education and have undergone a Training/Diploma in materials management with min. 10 years' experience	
SENIOR FORMAN (HVAC)	Secondary education with Diploma holder in Air- Conditioning & Refrigeration from a reputed institute with min. 9 years' experience	
FOREMAN (HVAC)	Secondary education with Diploma holder in Air- Conditioning & Refrigeration from a reputed institute with min. 7 years' experience	
MECHANIC (A/C & R) TECHNICIANS	secondary education and recognized Diploma in Refrigeration and Air-conditioning from a reputed institute with min. 5 years' experience	
HVAC CONTROL TECHNICIANS	Secondary education and Diploma in Refrigeration & Air conditioning from a recognized and reputed Institute with min. 8 years' experience	
DUCT FITTER	Secondary Education and recognized Diploma in sheet Metal works with min. 8 years' experience	
INDUSTRIAL ELECTRICIAN	Secondary School Education with training and an Electrician Certificate from any Technical Training Institute with min. 8 years' experience	
HELPER - A/C & R & MECHANIC	<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> Attractive Package </div>	
QUALIFICATIONS		Transferable Visa is a MUST - English language is a must
BENEFITS		Furnished Accommodation - Company transportation

Interview will be on Wednesday, Thursday 8,9 June 2016

Kazema Global Holding Company

Block No. 10, Street 101, Bldg No. 23 B, Entrance 2, Behind Nasser Al Sayer Warehouse - Sabhan, Kuwait.

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