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**Concept and Rights of Expatriate
Temporary-Contract Employment in GCC
States in Light of Legislative and
Executive Developments**

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Director-general's note

When oil was discovered in the Arab Gulf States, those states became a target for many people who landed there from every part of the world to earn a living. The influx of expatriate labor has been boosted by the social, economic and cultural upheavals which transpired in the Arab Gulf States in the 1970s of the last century. These upheavals had been marked by the rise in oil prices which created more demand for expatriate workers who were contracted on a temporary basis.

But with the dramatic increase in the expatriate workforce, inevitably the phenomenon that brought up several problems, on the legal, social and economic levels, had become the focus of many studies. Undoubtedly, like the national labor, this expatriate workforce does come under the authority and supervision of the employers after being contracted. And like the national workforce, it might be subject to employers' injustices in a relationship where the worker usually emerges as the aggrieved and economically vulnerable party.

The GCC States, therefore, have stressed the need for a legal mechanism that would provide a decent life to the expatriate workforce on temporary contracts as well as protect it against all kinds of insecurities.

Under this legal mechanism, expatriate workers have been granted a number of rights and privileges on an equal footing with the national workforce. The GCC States have not spared any effort to provide this expatriate workforce social, legal, security and health services in line with legislations that are based on a fair and humanitarian approach towards the expatriate workers temporarily contracted. Besides extending the workers equal rights, such legislations also lay emphasis on the fact that these rights are given to all irrespective of gender, race, religion, nationality color, language, belief or origin. The legislations of the GCC States also embody the procedures that would help deal with any individual case which could be in prejudice with these rights. This approach, marked by equality in dealing with all types of workforce, be it local or expatriate, is in line with the values and principles of the Islamic Sharia as well as the principles and outlines stipulated in the GCC States' constitutions and detailed in laws and regulations.

It should also be noted, on the other hand, that the GCC States have been committed to the right for everyone to work and choose the work field, under fair and satisfactory conditions that should guarantee the balance between the workers and employers in a way that would adhere to the provisions stipulated in the Arab and international labor conventions.

Based on this approach, the *GCC Council of Ministers of Labor* has assigned the *Executive Bureau* to prepare this study titled (*Concept and Rights of Expatriate Temporary -Contract Employment in GCC States in Light of the Legislative and Executive Developments*). The study would initially look into the concept of temporary contract employment of expatriate workers before it proceeds to explain and elaborate on the rights and privileges granted to those workers in the GCC States. These explanations will be based on statistics and figures as well as practices and legal precedents.

The *Executive Bureau of Council of Ministers of Labour & Council of Ministers of Social Affairs in GCC States* publishes this study with the hope it would provide researchers the opportunity to understand the reality of the situation of the temporary contract employment of expatriate workers in the GCC States.

**Director General
Salem Al-Moheiri**

Concept of Expatriate Temporary-Contract Labor

Discussions related to expatriate workers contracted on a temporary basis do raise a debate about the concept of such kind of labor, especially when compared or confused with “immigrant workers”. The concept of temporary expatriate workers is based on measures that are essentially different from their counterparts that apply to immigrants. However, ‘timing’ or the (the contract duration), is one basic difference that sets both groups apart.

The term "immigrant workers" refers to those who come from countries with the aim of staying permanently in others. This concept cannot apply to expatriate temporary-contract workers because that would overlook the difference between permanent and temporary workers. Any absence of a description that differentiates both is unacceptable since the type of protection provided to each is basically dissimilar. To mix up both kinds of protection would impose legal obligations peculiar to a reality which does not exist in the GCC States. The temporary workforce in the GCC States cannot be considered immigrant in the contemporary sense, for those workers have not left their countries to stay on a permanent basis in the Arabian Peninsula. Rather, they come and live in a foreign country for a few years in hope of accumulating savings that would help improve their living in homeland. This has been proven by those workers’ behavior, for they show no interest in learning the Arabic language or receiving training courses, during work hours. So by the time

the worker becomes a true asset to the GCC States, he/she returns to homeland. In addition, this type of workforce is only keen to save worthwhile amounts of money in the shortest time possible to remit to their families in countries of origin. On top of this, it has no potential to acquire any different character, be it through absolute integration or the unconditional initiative to settle down.

The difference in the nature of protection provided to immigrant workers, as compared to expatriate contracting ones that are conditioned by their non-permanent status), has persuaded the judicial authorities in some countries to tone down the rigidity of the imperative provisions of laws which regulate hiring expatriate workers. The concept of expatriate workers contracting on a temporary basis is not restricted in some GCC States to regular workers on legal status. It also includes those who violate the licensing regulations set by the labor law and the orders that emanate from it. Some laws do impose restrictions on hiring expatriate workers, but the violation of these restrictions by employers won't affect the worker's rights stipulated by the work contract such as his right to salary and annual leave as well as air-tickets back to homeland in case he/she is not employed by another employer upon termination of contract. However, it has to be noted that some other states adhere to the imperative nature of the provisions regulating work permits, which results in abolishing the work contract with resulting effects and referring to the general relevant provisions of work contract in civil laws to pinpoint the force of the contract in each specific case.

Rights of Expatriate Temporary-Contract Labor

It is difficult to bring in one framework all the rights granted to expatriate workforce in the GCC States. Ranging from retaining the worker's dignity to safeguarding his/her rights to economic, social, legal and health services, that framework is proof to the solid belief of the GCC States in the importance of the true human asset, be it national or otherwise, in the production process. The following report will list the rights of the expatriate temporary-contract workers as accorded by the GCC States.

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