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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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The Executive Office
P.O. Box 26303 Manama-Kingdom of Bahrain, Phone:17530202-
Fax:17530753
Email: info@gcclsa.org
Website: www.gcclsa.org

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.

Maintenance of Expatriate Temporary- Contract Labor's Dignity (Combating Human Trafficking)

Human trafficking, a term that comprises practices like slave labor, forced labor and enforcing restrictions on personal freedom as well as the sexual abuse of women and children, has raised concern in the national as well as international circles. The GCC States have made every effort to combat on all levels these crimes that are considered a violation of several human values and principles. The negative social impact of human trafficking has prompted the GCC States to take significant steps aimed at containing related malpractices on both the legislative and executive levels. Their outlook on the matter has also been boosted by the directives of Islam that preaches the maintenance of human dignity.

On the legislative level the GCC States' regimes and constitutions have been conscious of the necessity of banning suspected slave-work and forced labor. Penal and labor laws have come to play a significant role in protecting workers' well-being and dignity. The legislative and punitive effects of these laws would deter violations and exact punishments on those who are found perpetrating these crimes.

On the executive platform, several national committees and organizations have been established to amass efforts aimed at combating these crimes.

In the United Arab Emirates (UAE), the concerned authorities have taken every initiative to stand against all forms of human exploitation. In 2007 this Gulf state issued a law to penalize these practices. It also set up 'The National Committee to Combat Human Trafficking' that is tasked with resisting related violations. According to the 'UAE National Report'¹, one of this committee's achievements until the end of 2007 has been the tracking down of some 10 cases involving human trafficking. For example, 13 persons received each a prison sentence after they were found guilty of human trafficking and facilitating prostitution².

Also, two persons were sentenced each to five years imprisonment on charges of prostitution and human trafficking³. But efforts did not end at the setting up of the committee and the Federal Law (61) issued in 2006 to resist human trafficking. The government has also pressed ahead with plans to carry out a national strategy aimed at challenging the phenomenon, a strategy which comprised legislations and deterrent procedures that safeguarded victims as well as expanded the scope of international cooperation in this domain. The UAE is bent on amending the laws so they would keep abreast with the international approach to the issue. 'The UAE Human Rights Association' (EHRA), a non-profit organization, has been established to follow up on complaints and cases attended to by the public authorities.

1-The National Report 2007 (The National Committee for Combating Human Trafficking) -United Arab Emirates- www.nccht.gov.ae.

2-Al Waqt daily, Bahrain-issue no. 1413-Jan.21.2011.

3-The Emirates Today daily. Thurs. Dec.31 2009.

Other Rights

In addition to the above-mentioned rights and protective measures, other rights have also been granted. Those include:

- 1- The contract will be valid with due effects even upon the employer's death. The work contract cannot be terminated upon his demise. Also the change of the employer or the ownership of the enterprise to another employer does not terminate the contract with the previous employer.
- 2- By force of law, the employer will have to pay for the expatriate incoming worker's transport from the place where the contract was concluded to the workplace, for it goes that the employer is the one who brings and hires the worker. Upon the termination of the contract, the employer also covers the transport cost of the worker back to where the contract was concluded too.
- 3- In case of the workers death, the employer has to cover the funeral cost and shipping of the corpse back to the deceased laborer's home country.
- 4- The worker will be given an end of -service certificate.

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