



Workshop on Enhancing Management of Temporary Contractual¹ Labour in Kuwait An Orientation Course for Government and Civil Society Representatives

**15-19th February 2009, Kuwait
Venue: Costa Del Sol Hotel – Kuwait**

Participants' Recommendations

PREAMBLE

1. The Ministry of Social Affairs and Labour has highlighted that Kuwait is a destination country attracting over 150 nationalities to the Kuwaiti labour market, with significant numbers of domestic workers from South East Asia. It is recognised that there are important economic benefits for both Kuwait and countries of origin, and that well managed and regulated mobility can contribute towards Kuwait's economic development and human resource goals.
2. In spite of the current global economic downturn, Kuwait remains in a strong position to withstand its adverse consequences. Temporary contractual workers can assist in creating new wealth and sustainable business opportunities.
3. Participants welcome the significant progress that has been made in Kuwait regarding the development of mechanisms for the management of temporary contractual labour, and congratulate the Government of Kuwait, in particular the Ministry of Social Affairs and Labour under whose auspices this workshop has taken place; the Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs who have actively encouraged the spirit of open dialogue throughout the workshop.
4. The Kuwaiti Government has reconfirmed its constitutional commitment to the protection of all citizens, including temporary contractual workers residing and working in Kuwait. Kuwait is a signatory to some key international conventions

¹ On the advice of the Under-Secretary of the Ministry of Social Affairs and Labour, the term 'temporary foreign labour' was replaced by 'temporary contractual labour'.

- that protect the rights of temporary foreign workers and victims of trafficking; and the Government is implementing legislation in adherence to these norms.
5. This workshop has provided a first and unique opportunity for the various stakeholders to raise and address pertinent issues related to labour mobility. In particular participation was possible from significant civil society representatives, researchers and notable academics from Universities in Kuwait, labour attaches from the major origin countries to Kuwait, IGOs including representatives from the UN country team, and donor representatives.
 6. Discussions held during the workshop reiterated that the best economic and social outcomes are achieved by ensuring the well being of all workers through the promotion and implementation of comprehensive policies and practices concerning recruitment and employment in national legislation.
 7. In the continued spirit of open dialogue expressed during the Abu Dhabi Dialogue, IOM and the UN Country team welcome Kuwait's continued engagement and close collaboration with the international community on the important issue of temporary contractual labour in Kuwait, and express the hope that Kuwait will continue to work closely with IOM and other international organisations.
 8. Participants take note of the lead that Kuwait has taken among GCC states in developing innovative legislation that include proposed amendments and new laws on labour, counter-trafficking and domestic workers, mechanisms and programmes that will facilitate well managed temporary contractual labour, increase the protection of workers, and reduce the trafficking in human beings. Participants reiterated the importance of greater visibility within the international community of these important steps taken by the Government of Kuwait.
 9. Within the framework of this workshop, inspired by the partnerships agreed upon in the Abu Dhabi Declaration² which was adopted by the Government of Kuwait, participants discussed strengthening collaboration between countries of origin and Kuwait. Participants expressed hope that further opportunities will be created to enable the implementation of the declaration in full with the support of IOM in preparation for the next dialogue scheduled to take place in 2010.
 10. The participants express their gratitude to IOM for its initiative in convening this workshop and to the Government of Kuwait for its support. IOM is grateful to the British Embassy in Kuwait for its generous contribution which has enabled this workshop to take place.

RECOMMENDATIONS

a) Assessing labour demand in Kuwait and matching supply of temporary contractual labour from origin countries

² The Abu Dhabi Dialogue is a dialogue between the 11 Colombo Process countries (Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam), and 9 other Asian countries (Bahrain, **Kuwait**, Malaysia, Oman, Qatar, Saudi Arabia, Singapore, United Arab Emirates and Yemen).

1. Acknowledging current efforts being made to assess the requirements for contractual labour in Kuwait, participants welcomed the future possibility of a focused labour market assessment to determine the need for foreign labour based on current and future forecasts for Kuwaiti labour demand, in collaboration with complementary efforts in origin countries. It was recognised that it was not always possible to accurately assess the needs of the private sector in comparison to the labour demands of the government and domestic worker sector.
2. A suggestion was made that when assessing the need for foreign labour in Kuwait, experience could be drawn from other GCC states such as Bahrain, which has recently conducted its own foreign labour market study.
3. Drawing on the international experience of IOM and other international organisations in examining the impact of the global economic crisis, it was recommended that an event or a study is arranged looking at the effects of the crisis upon growth, employment and labour mobility, potentially within the GCC context.

b) Capacity building for Government and civil society representatives

1. Encouraged by, and welcoming the two new proposals by the Ministry of Interior related to domestic workers, participants expressed their desire to be able to further contribute to their development and implementation.
2. Building on the excellent steps taken by the Government of Kuwait to develop new legislation in the field of counter trafficking and labour, participants proposed the undertaking of a training course for selected government officials in the field of labour mobility, which could result in the future development of a training curriculum tailored to the needs of the Government.
3. As a means of enhancing the capacity of labour attaches to provide assistance to their own nationals regarding their rights and responsibilities while residing and working in Kuwait, participants supported the undertaking of regular labour attaché training which would provide information on the various Kuwaiti legislation and procedures in place.

c) Recruitment and employment of temporary contractual workers

1. In its presentation the Ministry of Interior (MoI) elaborated its proposal for a new system of sponsorship for domestic workers in Kuwait to be conducted by a new government/ private sector entity which will be responsible for the recruitment of all foreign domestic workers in Kuwait, in order to address some of the current problems in the existing sponsorship system, such as the current charging practices of certain recruitment agencies. Participants welcomed wholeheartedly the MoI initiative and its speedy implementation in coordination with concerned stakeholders. It was noted that this entity would be specific to domestic workers and could be examined when implemented for replication in other sectors.
2. It was recognised that improved coordination between countries of origin and the Government of Kuwait regarding the integrity and suitability of workers in Kuwaiti

society would be beneficial, such as the exchange of information on the background of newly recruited workers.

3. Within the framework of existing mechanisms, it was recognised that the Government of Kuwait had put into place substantial legislation and procedures to regulate recruitment entities and employers; and that greater efforts by all stakeholders could improve enforcement mechanisms of recruitment and employment practices in both countries of origin and in Kuwait to the benefit of all. This would be further facilitated by measures such as standardised contracts of employment.

d) Harnessing the benefits of temporary contractual labour for countries of origin and destination

1. Discussions during the workshop highlighted some of the developmental benefits of temporary contractual labour. Efforts made by the relevant Ministries to ensure that all temporary contractual workers including domestic workers have access to bank accounts to enable salaries to be remitted easily would be welcomed.
2. Mention was made of a number of bilateral arrangements regarding labour mobility between countries of origin and Kuwait which regulate the conditions of entry and employment which could be replicated by other sending countries with Kuwait.
3. Participants recognised the potential of circular mobility as a means of facilitating temporary access to the Kuwaiti labour market and the return and reintegration of temporary contractual workers. Participants suggested the possibility of examining and replicating the UAE circular pilot project: Administration of Temporary Contractual Employment Cycle from India and the Philippines to the UAE, which is currently being implemented with IOM..
4. Focus was placed on the need for targeted reintegration assistance, which was deemed to be most effective where bilateral social security arrangements are in place to enable access to pensions and other benefits to the worker upon return., Experience could be drawn from examples of bilateral social security arrangements, such as those established between Jordan and Kuwait in 2008.
5. In the spirit of the Abu Dhabi Dialogue, participants stressed the need to collate and exchange information and data regarding temporary contractual labour with other GCC countries.

e) Information sharing between stakeholders and Government

1. In the spirit of open dialogue, communication and information sharing, participants indicated the need for continued dialogue through the establishment of a forum to facilitate regular interaction between the relevant government authorities and civil society, the culmination of which could be a yearly workshop building on the results of the current workshop. A complementary measure could also be the creation of regular dialogue between labour attaches and the various ministries on areas of common concern.

2. Participants were informed of the MoI's Domestic Labour Department which addresses the problems of domestic workers, and the need for greater coordination with labour attaches of the respective sending countries on the services provided.

f) Information provision and services for temporary contractual workers

1. Participants in the workshop welcomed the range of services that are currently being provided to temporary contractual workers by the Government of Kuwait, in particular the government-run shelter for domestic workers which offers health services and legal advice. The Government's proposal to extend the number of shelters to all the Governorates was appreciated to complement the existing efforts currently being made by the embassies of countries of origin.
2. As a means of complementing the proposed orientation of domestic workers by the Ministry of Interior upon their arrival in Kuwait, participants suggested the creation of a "one stop shop" for all temporary contractual workers to provide information in their own language regarding their rights, duties and services available to them up to the point of their departure from Kuwait. The IOM office in Kuwait offers its services towards the establishment of such a facility drawing upon its international experience and expertise. To facilitate better access to services, a referral mechanism could be established between relevant authorities.
3. In order to complement existing initiatives on the ground, and in particular the MoI's forthcoming initiative for domestic workers; standard post-arrival orientation including information materials, and training curriculum could be developed for all temporary contractual workers in Kuwait, in collaboration with origin country representatives and civil society.
4. Building upon existing pre-departure orientation courses developed in countries of origin, further material could be elaborated focusing upon the living and working conditions in Kuwait, that would take into account new procedures and legislation in Kuwait.
5. To enhance the services currently provided by the Expatriate Labour Office of the Kuwaiti Labour Union and embassies in Kuwait, it was suggested that a referral mechanism is established between them.
6. The establishment of procedures by embassies of the countries of origin for the review of contracts issued prior to departure and upon arrival in Kuwait could be beneficial in preventing confusion of the contractual rights and obligations of temporary workers.
7. The creation of a Government-supported website and other information materials available in the languages of the workers from the various countries of origin, on legislation, procedures, and culture and working habits in Kuwait were regarded by participants as beneficial.
8. As a means of building on the existing Government hotline for temporary contractual workers that exists in Arabic at present, participants have recommended the creation of a multilingual hotline staffed by bilingual speakers of the languages from the main countries of origin.