

Ministry of Labour

**Decision No. (29) of 2013 regarding the Organization of the
Inspection procedures in Establishments and Work sites and
specifying the rules of inspection at night and outside official
working hours.**

The Minister of Labour:

Having reviewed the Labour Law for the Private Sector promulgated by Law No.(36) of 2012, particularly Articles (177 to 181) thereof;

Legislative Decree No.(28) of 2005 regarding the Organization of the Ministry of Labour, as amended by Decree No.(14) of 2008;

And the Decision of the Minister of Labour and Social Affairs No. (28) of 1976 regarding the inspection procedures, as amended by Decision No. (38) of 1976;

And upon the submission of the Undersecretary of the Ministry of Labour,

Hereby Decides:

Chapter One

General organization of inspection

Article (1)

In applying the provisions of this decision, the following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise:

Labour Inspection: the actions and procedures carried out by inspectors and their supervisors to verify the implementation of the provisions of the Labour Law in the private sector issued by Law No. (36) of 2012 and the decisions issued to implement it, and to guide workers and employers alike on the best practices that should be followed to improve the working conditions and terms.

Inspector: the employee appointed by the Minister and responsible for monitoring the implementation of the provisions of the Labour Law in the private sector issued by Law No. (36) of 2012 and the decisions issued to implement it.

Subjects of inspection: Employers, establishments and others who are subject to the provisions of the Labour Law in the Private Sector issued by Law No. (36) of 2012 and the decisions issued in implementation thereof.

Establishment: Any site or place in which work is undertaken whether such work is industrial, vocational, agricultural, services or such other activity.

Work Site: The site prepared by the employer for the worker to perform the work in it, and it is also included within the work sites as follows:

- 1) Any place in the facility where workers may be present.
- 2) Any room, corridor, hall, chamber, ladder, road, or another place inside the facility used by workers to enter or exit the work site.

Article (2)

In selecting inspectors, competence, integrity, impartiality, and full familiarity with all provisions of the Labour Law in the private sector and the decisions issued to implement it shall be taken into consideration.

They shall not have a direct interest in the facility or workplaces they are inspecting. They may also be subjected to training courses to enhance their professional skills and abilities.

Article (3)

Inspectors shall not be assigned additional tasks that conflict with their duties or affect the integrity and impartiality required of those who carry out these tasks.

Article (4)

Upon their appointment before assuming inspection duties, inspectors shall take the following oath before the Minister:

"I swear by Almighty God to carry out the duties of my job with honesty and loyalty, and not to disclose any secrets that I have become aware of by virtue of my job or work duties, even after my relationship with this job has been terminated."

After taking the oath, a record shall be drawn up and signed individually by each inspector, and a copy shall be deposited in the employment file of each inspector.

Article (5)

Inspectors shall carry a card indicating their status when carrying out inspection work, bearing their photograph, signed by the minister, and sealed with the ministry's official stamp.

The inspector shall return this card when his status as an inspector has ended for any reason.

Article (6)

The Inspection Administration, labour unions, and the Labour Relations Administration, each in their respective areas of expertise, shall undertake the following tasks:

- 1) Preparing the periodic visits schedules, qualitative inspections, night visits and in non-official working hours.
- 2) Preparing a plan for holding awareness seminars and lectures for production parties.
- 3) Preparing studies and research aimed at deepening the mission of inspection and the positive impact it has on those subjects to inspection, and prepare information and guidance that lead to their compliance with the provisions of the Labour Law in the private sector and the decisions issued to implement it.

- 4) Developing the guidelines and instructions to be followed by inspectors during their inspection work.
- 5) Studying the difficulties encountered in the inspection work and its procedures and proposing solutions and means to overcome them.
- 6) Preparing periodic and annual reports and statistical data for all management tasks.
- 7) Carrying out the tasks assigned to it related to the work of ministry related to the inspection.
- 8) Supervising inspectors work, directing them and monitoring their work.
- 9) Ensuring the integrity of the inspection and the validity of the information resulting from it.

Chapter Two

Inspectors' Duties

Article (7)

Inspectors shall monitor the implementation of labour law provisions in the private sector and the decisions issued to implement them, and ensure the compliance by those subject to the inspection.

They shall visit the facilities and workplaces under their supervision - according to the instructions of their supervisors - to inspect them and provide comprehensive reports of all their remarks and actual observations.

Article (8)

Inspectors shall notify the employer or their representative upon entering their facility or workplace to carry out an inspection, unless they believe

that this notification may harm their duties. Under no circumstances should an advance notice of the inspection be given.

Inspectors should also introduce themselves to the employer in a polite and courteous manner and present their official identification cards upon request. They should explain their mission and the purpose of their visit to gain the employer's appreciation and confidence in the inspection work.

Article (9)

Inspectors shall provide the subjects of inspection with information and guidance related to the proper implementation of labour law in the private sector and the decisions issued to enforce it. They shall also advise and direct them to apply the best practices related to working conditions.

Article (10)

Inspectors shall allocate their work time and attention to the inspection tasks assigned to them. They should address the problems presented to them from its different angles and work on resolving them with the involved parties with skill, tact, and a spirit characterized by honesty and fairness.

Article (11)

Under no circumstances should inspectors accept any kind of gifts or favours from those subject to inspection or workers.

Article (12)

Inspectors and all relevant ministry employees should not disclose the identity of the complainant or inform those subject to inspection about it if the inspection is conducted based on a complaint received by the ministry, provided that the inspection task is limited to verifying the accuracy of the complaint.

Chapter Three

Inspectors' Powers

Article (13)

Inspectors shall have the following powers when carrying out their inspection tasks:

- 1) Entering facilities and all work sites without prior notice during daytime or night time working hours, and during unofficial working hours, in order to carry out inspection tasks, provided that this is done in accordance with the instructions of their superiors.
- 2) Examining records, papers, notebooks, files or any other documents related to workers and activities, in order to ensure their compliance with the requirements stipulated in the Labour Law in the private sector and the decisions issued in implementation thereof. Inspectors may request the employer or his representative to provide them with all the mentioned documents, and draw their attention to the display of data and advertisements provided for in the Labour Law in the private sector.
- 3) Obtaining samples of the materials used in the facility for analysis when necessary, as well as inspecting different machinery and installations to ensure that there are sufficient and effective means for providing protection and health for workers. Inspectors may issue the necessary orders for making urgent changes to provide the required protection against work and machinery hazards, and for providing means of protection against occupational diseases.
- 4) Questioning the employer or his representative and the workers individually or in the presence of witnesses on any matter related to the application of the provisions of the Labour Law in the private sector and

the decisions issued in implementation thereof, in order to infer the extent of compliance with the requirements stipulated in the law.

5) Discussing the best ways with those subject to inspection, individually or collectively, as well as with the workers, to facilitate the application of the provisions of the Labour Law in the private sector and the decisions issued in implementation thereof, and to overcome the difficulties that may hinder it, especially those related to ignorance of these provisions.

Article (14)

Inspectors shall take the following measures when carrying out inspection tasks at any facility or work site:

- 1) Document their observations and notes during the inspection visit on forms and papers prepared for this purpose at the site of the visit.
- 2) Obtain statements from the employer or his representative regarding some of the observations and notes, and support their observations with evidence and proof.
- 3) Collect the required information and data to prepare the inspection visit report.
- 4) Notify the employer to attend the Ministry to give his statements regarding the inspection visit report.

Article (15)

After completing the inspection visit procedures and detecting violations, inspectors shall take the following actions:

- 1) Issue a warning to remove the violations, specifying the necessary deadline for their removal, which shall not exceed one month from the date of the visit, based on the number and nature of the violations and the number of workers involved, while considering equality between

different facilities in determining the deadline in case of equal conditions. In this case, inspectors shall revisit the same facility or work site after the deadline has expired to verify whether the violations have been removed or not, by taking the same measures stipulated in the previous article.

2) Compose a record of the violations that the inspector witnessed as the author of the record and a witness to the violations. This applies to serious violations without the need to issue a warning, or repeated violations that the employer or his representative has already been informed to remove and did not comply with. In this case, the violation record shall be prepared according to the model prepared for this purpose, including the data and information referred to in Article (21, clause 4) of this decision.

Chapter Four

Organizing Daytime and Night time Inspection Visits

Article (16)

Pre-planned inspection programs for those subject to them, as approved by the relevant director, are considered valid for the heads of departments of the concerned administrations, provided that the following are taken into account:

- 1) Distribution of inspection tasks, so that each inspector is responsible for a specific facility or work site, taking into account the geographic distribution, number, nature, and size of the facilities or work sites subject to inspection.
- 2) Organize a pre-planned program of inspection tasks to be carried out during the week, specifying the following:
 - a) The name of the inspector in charge of conducting the inspection.

- b) The facilities and work sites that each inspector shall inspect on each day of the week.
- c) The date and time of each inspection operation.
- d) Indication of cases that require the presence of witnesses before the public prosecution or courts

3) Choosing of the appropriate time to conduct the inspection, so that the facilities and work sites are inspected during their operation, taking into account the distribution of working hours in each of them.

4) Maintenance of the confidentiality of periodic inspection programs and not disclosing them.

Article (17)

Inspection is carried out at night and outside of official working hours by written instructions from the department director, which shall specify the facilities and work sites that require inspection and the names of the inspectors responsible for conducting it, depending on the circumstances.

This type of inspection is conducted in the following cases:

- 1) Facilities and work sites that operate on a multiple-shift system
- 2) Facilities and work sites that operate at night according to the nature of their activity.
- 3) Facilities and work sites that carry out seasonal work.

Chapter Five

Inspection rules and procedures

Article (18)

Provided that an inspection visit is conducted for the subjects of inspection, provided that the inspection visit of each facility or work site at least once every six months depending on the circumstances, with paying attention to visit large or unsatisfactory facilities and work sites where hazardous operations are carried out or where they have been previously warned, in order to verify the removal of violations.

One inspector shall conduct the inspection in each facility, unless the Department requires the assignment of two or more inspectors.

Article (19)

Inspectors are obliged to submit a report for each inspection they conduct in each facility or work site visited, as appropriate, and to submit it to the immediate supervisor for review and necessary action.

Article (20)

Inspectors shall be accurate and honest and seek the truth in the information and data contained in their reports concerning the facilities or work sites they inspected.

They shall base their observations on what they see or witness themselves.

They shall also completely refrain from making any comments on matters they are not sufficiently familiar with, in order to maintain the trust of the employers and the workers.

Article (21)

In the event of a violation report being issued in accordance with the provisions of this decision, the following shall be taken into consideration:

- 1) The violation report shall be prepared based on the inspection visit report, without any addition or reduction, and in accordance with the inspector's observations and notes on the ground.
- 2) The inspector shall ask the violator about the observed violations, the reasons for their commission, and confront him with them. A summary of the violator's response shall be recorded in the violation report, and the inspector shall obtain the violator's signature on the report. In the event of refusal to respond or sign, this shall be recorded in the report, along with the reasons for the refusal.
- 3) Responsibility for the violations lies directly with the actual management, and inspectors shall prepare violation reports against the employer who personally manages his facility or against those who hold the actual management authority.
- 4) The written report shall include all the information recorded in the report template and should include the following:
 - a) Date and time of the inspection visit.
 - b) The actual description and information of the violator.
 - c) The types of violations and their legal references, executive decisions and determined penalties.
 - d) The number of workers involved in each committed violation.
 - e) The violator's response, including a translation if written in a foreign language.
 - f) The name and description of the report's author.

Article (22)

The report should include documents that support and prove the information, observations, notes, and violations observed by the inspector, including:

- 1) A report of the visit, detailing its facts.
- 2) A form showing the number and names of the workers involved in the violations, according to the inspector's actual observations, including their personal numbers and signatures. If not possible, the reasons should be stated.
- 3) A copy of the establishment's commercial registry.
- 4) A copy of the violator's ID.
- 5) A copy of the notification sent to the violator (including the recipient's name, ID number, description and signature of receipt).
- 6) Reports of previous inspection visits to the same facility or work site, along with copies of previous warnings, if any.

Article (23)

The Legal Affairs Department of the Ministry is responsible for studying and reviewing the inspection reports before sending them to the Public Prosecution. They are also responsible for monitoring the reports until judgements are issued, in accordance with the appropriate mechanisms.

It is the duty of the inspectors to cooperate and respond to the comments of the aforementioned department.

Article (24)

Copies of the inspection reports, violation records, inspection logs and other papers and documents related to the inspection shall be kept in a suitable manner that facilitates referring to them when needed.

Article (25)

The decision of the Minister of Labour and Social Affairs No. (28) of 1976 regarding the organization of inspection work, and any provision contrary to the provisions of this decision, shall be repealed.

Article (26)

The Undersecretary of the Ministry of Labour shall implement this decision, and it shall come into force from the day following the date of its publication in the Official Gazette.

The Minister of Labour

Jameel bin Mohamed Ali Humaidan

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