

Cry out for “a political decision to cancel the Sponsorship (guarantor) system “ in Kuwait

AL-WATAN

Refer to the Conditions and Safety of Labor

The Labor Organization shall draw up the population structure plan in Kuwait

Hamed Al-Sayed:

A delegate from the International Labor Organization shall be arriving to Kuwait next November. Its objective is to “go over the laws related to the work market, the population structure and the safety conditions”.

The representative of the International Labor Organization in Kuwait, Thabet Al-Haroun, stated that “canceling the sponsorship (guarantor) system requires a political decision to stand up to the employers”, expecting “decisive procedures to be taken in this regard by the beginning of next year 2008”.

He also mentioned that “Kuwait is establishing a national labor program plan in view of going over the work market, the population structure and the workers’ safety, and we are seeking to settle the labor issues without having to submit reports to the International Labor Organization in order to avoid registering any violations on the State of Kuwait”.

Al-Haroun indicated that “procedures shall be taken by the State of Kuwait prior to the cancellation of the Sponsorship (guarantor) system, including the establishment of 8 lodging centers, ceasing notifications of absence and canceling the confiscation of passports”.

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Thabet Al-Haroun announced to Al-Watan:

Canceling the guarantor system requires a political decision to stand up to the employers.

Interview by Hamed Al-Sayed:

The representative of the International Labor Organization in Kuwait, Thabet al-Haroun, confirmed that canceling the Sponsorship (guarantor) system requires a **political decision** in order to confront and stand up to the employers who will definitely be harmed as a result of the cancellation of this system, which brings great benefit to them. He expected that a conclusive decision be taken in this regard by the beginning of next year 2008 , **whether to cancel the system or to keep same while taking some decisions that might reduce its disadvantages.**

This statement was made during an interview held by Al-Watan with Al-Haroun, who praised the relation between the State of Kuwait and the International Labor Organization through their cooperation in all kinds of domains, contributing to

improving the image of Kuwait in the international gatherings, and their abidance by the international standards.

He revealed that Kuwait took measures prior to the cancellation of the guarantor system, including the issuance of the Ministry of Affairs several resolutions such as the establishment of 8 lodging centers for the incoming labor and the cancellation of the notifications of absence in addition to the issuance of a resolution prohibiting the employers from confiscating the incoming workers' passports, indicating that the State of Kuwait is considered from among the countries that are committed to applying the international standards, where it has signed 18 international agreements of the basic agreements in the International Labor Organization. It also agreed to declare the Organization's main principles. Details of the interview are as follows:

> can you give us a glimpse of the relation between the International Labor Organization and the member States, the services that the Organization offers them and the obligation of these States towards the Organization.

- The International Labor Organization consists of three parties, which are the governments, the employers and the workers. Its first concern is to apply its principles and abide by the international labor standards, which were agreed upon at the conferences. This Organization's achievement was crowned with the announcement of its main principles. The organization is not seeking to be with one party against another one of the three parties; it is trying to realize balance between the welfare of all parties. It is not partial to any party even if the weakest party is the worker. This is why the Organization coordinated its efforts with the United Nations, and particularly the Human Rights Committee, in view of initiating plans, systems and national work plans for all the States in order to help some to overcome this transformation phase. We are perfectly sure that all the countries, including America and Europe, are facing problems of immigration and labor movement all the violations resulting from same. However, the difference lies in the type of problems and violations between one country and another. For example, the GCC countries have made a major mistake when they did not draw up regulations of labor employment from the beginning in spite of the existence of the laws. However, these laws are either inapplicable or they are applicable in distorted kind of way. Consequently, this huge amount of incoming labor created a burden on these countries. This is why treating the incoming labor issues requires a political will and decisive positions as well as international expertise.

> Does this mean that Kuwait and the Gulf countries are facing problems related to the incoming labor?

- Without referring to diplomacy, the State of Kuwait and the Gulf countries are starting to take notice of the error in dealing with the incoming labor. It is only natural that Kuwait needs this labor and to increase the number thereof in order to contribute in the developmental projects that are becoming bigger day by day. This is why they initiated a new system under the instructions of his Excellency Prime Minister Sheikh Nasser Al-Mohammad Al-Ahmad Al-

Sabah and under the supervision of the Minister of Social Affairs and Labor Sheikh Sabah Al-Khaled Al-Sabah, expressing the sincere will of the Kuwaiti government to deal with the incoming labor issues. This is how the relation was born and is now starting to be established between the International Labor Organization and the Ministry of Social Affairs and Labor, where the Organization has expressed its readiness to offer all available expertise to the State of Kuwait, and Kuwait approved thereto. Consequently, an expert was brought in to conduct a study in view of finding alternatives to the complicated guarantor system, which cancellation is not deemed to be easy and requires an explicit political position and the confrontation of the employers, who do not have any interest in canceling the guarantor system, in addition to providing experts and then taking the decision.

> Do you consider that the State of Kuwait is serious as to the cancellation of the guarantor system?

- Canceling the guarantor system has become a must and there is no escaping it, but no one knows the timing of such cancellation or the alternatives of this system. I expect that after the study prepared by the International Labor Organization in this regard, a conclusive decision shall be taken concerning the guarantor by the beginning of next year, whether to cancel the system or keep on working under it.

> What makes you think that Kuwait is serious in finding alternatives for the guarantor system and canceling same?

- The seriousness of Kuwait in this matter was reflected in taking a set of organizational decisions prior to the cancellation of the guarantor system such as the decision of not allowing the guarantors to confiscate the workers' passports. This was among the recommendations stated in the report of the International Labor Organization. Another decision is to establish lodging centers for the incoming workers, in which shall participate several active governmental institutions including the Ministry of Interior, the Ministry of Affairs and the Ministry of Justice. These centers shall receive workers, follow up and solve their problems and help them get their entitlements, for they will not be mere lodging centers. There will be 8 lodging centers distributed to all the districts of Kuwait. The International Labor Organization, in coordination with the State of Kuwait, shall hold training sessions to qualify the employees who will be working in the lodging centers. In preparation for the cancellation of the guarantor system, the Ministry of Affairs also took a decision to cancel all the notifications of absence against the incoming labor, where many of the notifications made by the guarantor against the workers are most of the times arbitrary and malicious. Furthermore, they decided to activate the Work Relations Department, which shall solve the problems of the incoming labor and avoid referring these problems to the judicial courts as much as possible. The Department will also hire experts and specialists to train the workers in the Department to solve such problems before referring same to the courts, for they will take a lot of time to be settled in court.

> What about the new Labor Law in the Public Sector? Did Kuwait take into consideration the remarks of the Organization regarding same?

- The new Labor Law will treat a lot of the current disadvantages in the work and labor market. It should be noted that the new draft law is being submitted to the National Assembly at the present time, and it shall be discussed soon as we have been informed by the Minister of Social Affairs and Labor. In fact, the State of Kuwait has taken into consideration a lot of the remarks made by the International Labor Organization regarding the new labor draft law. The Kuwaiti government is still applying a lot of amendments to the law as to make it compatible with the international labor standards, knowing that the State of Kuwait approved 18 international agreements, which were considered to be major agreements, in addition to the approval of the State of Kuwait to declaring the main principles issued by the International Labor Organization. Consequently, the State of Kuwait is committed to abiding by the international standards.

> What is the mission of the International Labor Organization team which will be visiting the country next November?

- The team that will be visiting Kuwait mid-November will be charged with drawing up a plan and a national labor plan for the State of Kuwait, in which will participate all the State's ministries. This confirms the fact that the relation between Kuwait and the Organization shall not be restricted to the Ministry of Social Affairs and Labor alone; it shall include all the concerned Ministries such as the Ministry of Planning, the Ministry of Justice, the Ministry of Interior and the Ministry of Commerce. The national labor program will include going over all the laws related to the work market, the residential structure and the safety conditions, where experts from the British police, who have experience in labor safety issues, will be brought in.

> Does the International Labor Organization play an important role in facing the violations that the incoming labor is exposed to such as confiscating the labors' passports, delaying the payment of their salaries or referring them to investigations?

- The Organization has built bridges of trust with departments and officials at the Ministry of Social Affairs and Labor. This helped us to solve many labor issues that are submitted daily to us at the Organization before they are referred to the courts, not for doubt in our Kuwaiti courts that are known for their integrity and which judgments we trust, but we aim at solving the problems before they reach the courts because they will take longer to be settled in court and there are decisions taken by the Ministry of Affairs that organize the work market. Most of the labor problems are settled in record time with the cooperation of the concerned authorities. These claims are not submitted in reports to the Organization so as not to register remarks and violations on the State of Kuwait; we seek to solve the problems inside

Kuwait in an official manner, and the government is very cooperative with us in this aspect.

> How can the relation between Kuwait and the International Labor Organization be evaluated?

- If the State of Kuwait carries on its current efforts to coordinate with the Organization and issue positive decisions, there will not be any remarks to be registered on the State of Kuwait. However, if any recession occurs for any reason whatsoever, the status of Kuwait in the Organization will change. I expect that the cooperation with Kuwait continues as long as the current Minister of Affairs Sheikh Sabah Al-Khaled Al-Sabah is the Head of the Ministry. If any change occurs at the ministry and the minister is replaced by another minister who is not as cooperative as Minister Al-Khaled, this will be a grave blow to the future of the cooperation between Kuwait and the International Labor Organization.

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Cancellation of the one year period to transfer the residency and some procedures to ease servant's ordeal

MOSA: Fees instead of deportation to transfer the residency

Ministry of social affairs and works (MOSA) is working on some laws that will go to public by October. The laws include:

- 1- Paying certain fees to transfer the residency instead of leaving the country to transfer residency.
- 2- Canceling the one year period to transfer the residency and facilitating servant's residency transfer regulations.

Mohammed Al-Kandari the undersecretary of MOSA said: currently we are studying these suggestions and we expect action to be taken by the beginning of October. Our goal is to help business people and reduce the marginal labor as well as to stabilize the working conditions in the market.

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