

WORKERS PROTECTION IN SAUDI LAW: AN AWARENESS ASSESSMENT OF CONSTRUCTION INDUSTRY

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ABSTRACT

Industries play an important part in any country's overall growth. Integrated economic activities with the industries add a major contribution to trade enhancement and also add value to people's better lifestyle. The construction industry, like other industries, also plays a centric role in any country's development. It is a labor-intensive industry, therefore, requires a proper legal cover. All countries have labour policies in this regard, but it has been observed that the construction industry's unqualified working group is not well aware of their legal rights. The report examines the labour protections of employees and therefore measures the understanding of the workplace privileges outlined under the legislation. For this article, an exhaustive analysis of the literature was undertaken, accompanied by a questionnaire for evaluating understanding. The data has been collected from semi-skilled and unskilled workers from ongoing projects of Saudi Arabia. The data has been analyzed using descriptive analysis using SPSS. The paper concludes that the Saudi laws provide a wide range of protection for workers but the semi-skilled and unskilled labour force is not aware of their rights given in Saudi Laws.

Keywords: Saudi Labour Law, Workforce, Regulations, Workers Rights.

INTRODUCTION

Construction activity is now widely recognized as a vital activity in the process of economic growth and development through infrastructures development and job creation during the construction processes. The building operations include workers in various trades which involves skilled, semi-skilled, and unqualified labour. The construction industry accounts for almost 65% of the overall spending in infrastructure projects (Vaidehi et al., 2019). Over the last decade, Saudi Arabia's rapid and far-reaching economic transition has led to drastic changes in the labour market, which in many ways have impacted jobs, employers, and workers. The consequence is that the labour market is exposed to pressures from several consistently and dramatically shifting sources. Such factors include various management styles, language differences, customs, new currencies, availability of food supplies, family separation, supervisory level, camp accommodation, etc. These factors affect productivity levels directly (Ailabouni et al., 2008).

There is growing recognition that good ethics can have a positive economic impact on the performance of firms (Joyner & Payne, 2002) but sadly, several businesses are facing the

challenge of unethical practices. In the meantime, the creation of companies and industry is also known as ethical in addition to the fact that customers are known with the exceptional case. India's 94% of the labour force, including construction workers, is working in the unorganized sector, without legal safeguards, exposed to unemployment, job, and wage insecurity (Vaidehi et al., 2019). Illegal or unethical practices are followed due to ignorance of Pakistan's labour force and owners (Asad et al., 2018).

Construction workers are hired through a long chain of intermediaries (contractors and subcontractors) or roadside recruitment (street workers), where employees wait every morning to be chosen by contractors, and many of these small and medium-sized contractors cannot upgrade. The diminutive analysis is done for construction work systems, possibly due to high task volatility, unpredictable work times, shifting work conditions, and the transient existence of construction workers. Also, psychosocial and physical work-related factors are the most significant factors associated with workability in extremely physically challenging construction jobs. Labour laws also specifically impact the employment of direct and contingent employees in Sweden. The law governs lengths of notice, temporary work, and the conditions in which lay-offs are in place. The law is mandatory but may be limited by collective agreements (MacKenzie et al., 2010).

It has been noted that factors such as informal, forced labour, child labour, and the lack of decent legislation effectively enforced, means that health and safety have limited or no priority in developing countries. More excellent employee voice due to improved workplace representation laws can only stimulate a creative effort on the part of workers when shareholders are unable to renegotiate income-sharing arrangements by threatening dismissal (Thomas, 2000; Belloc, 2019). Project approaches must take into account the broad moral and ethical obligations of the employers (Tenório & Bjørn, 2019). Occupational health and safety legislation is inadequate, which covers 10% of the working population in developing countries and omits many high-risk sectors (Kheni et al., 2008). The operations of the various organizations in charge of enforcing standards are poorly organized (Kheni & Braimah, 2014). Governments, companies, and development partners will consider endorsing efforts to improve groupings of shareholders, customers, and the community to promote better business practices (Adda & Hinson, 2006). The Significant key role of labour law is to align the interests of society, the States and also employees and employers with the field of wage labour, to govern people's choices in this domain, taking into account their concerns, to facilitate better working conditions with desirable outcomes (Mukhamadiyeva et al., 2017).

In the new millennium, organizations are striving and escalating their commitment and efforts to do well. Therefore, this paper evaluates the worker's protection provided by Saudi Laws and it also assesses the awareness level of such laws by semi and unskilled workers in Saudi Arabia. This paper assists the stakeholders to make proper actions to improve workers life and their satisfaction level to work.

Saudi Labour and Workman Law Coverage

The Royal Decree No. M/21 dated 6 Ramadan 1389 (15 November 1969) and the decision of the Council of Ministers No. 745, dated 23/24 Sha'ban1389 (3/4 November 1969) provides a wide range cover in law to workers and employers. The key workers' protection

articles are shown in Table 1. The further details of articles can be explored directly on law document.

TABLE 1 KEY ARTICLES PROTECTING WORKERS AND EMPLOYERS IN SAUDI LABOUR LAWS (LAW, 2016)	
Articles	Major Details of Article
1	Three days Eid-al-fitr's leave, four days Eid-al-adha's leave and Saudi national day
8, 10	Labor inspectors shall visit workplaces (8) and provide advice and guidance on the appropriate hygiene and health practices (10).
83	Except in those situations listed in this Article, the contractor cannot terminate the contract without termination, advance notice or indemnity. It also offers the worker the opportunity to state the reasons.
85-86	The employer shall bear the costs of returning the worker to the place of termination of the contract. In the event that the worker's employment is terminated or ceases, all that he has deposited with the employer (85) shall be returned to him. In addition, the worker shall be entitled, free of charge, to obtain from the employer a service certificate stating the length of the worker's employment and the wage and benefits he obtained (86).
91	The employer shall honor his workmen and shall refrain from any word or act which can harm their reputation or religion.
92	At the time and place defined in the contract or decided by agreed common practice, the employer shall pay his wages to the workman.
96	A worker shall perform the work expected of him under his contract of employment under the supervision and direction of the employer, and shall not put the worker at risk. Returning the unused items to the employer and taking good care of the Equipment and Tools at his disposal. He also observes good behavior and conduct while at work. In case of disasters, extend all support and help without requesting extra pay in return. Submit to the medical exams he wants, at the employer's order. Both trade secrets are kept by the workman.
98	The worker shall use, and maintain, the safety equipment specified for each project. He will also abide by the instructions on health.
117, 120, 121	If the worker terminates his employment, his wages shall be paid forthwith; however, if he leaves the job on his own will, his wages may in this case be paid no later than seven days from the date on his leaving the job (117). In all cases, the percentage of deducted sums shall not exceed one-half of the wages owing to the worker, unless certain cases are listed in detail in this article (120). Where any amount is deducted from the wages of the worker for the above legal reasons, the worker, his agent or the Head of the Labor Office concerned may request an application to obtain that amount from the employer. In case the employer has unjustifiably withheld or postponed payment of the wages, a fine can be levied on the employer by the Commissions (121).
126	A worker must not be charged with any crime found more than fifteen days earlier; nor will he be disciplined more than thirty days after proof of the offence.
128	Each employer shall take the required precautions to protect the employees against hazards and diseases.
129	The following rules shall be followed by any employer: 1. The establishment shall be kept clean and in a sanitary condition and free from odours that

	<p>may occur from sewers or any other source;</p> <ol style="list-style-type: none"> 2. Workrooms in the establishments shall be ventilated and an environment and adequate breathing space shall be given in compliance with the health rates and requirements set by the Minister of Labor. 3. Proper measures shall be taken to protect staff against injuries arising from any gas, dust, smoke or other waste that may be produced during the work. 4. The building shall be properly lighted during operating hours. 5. Water closets shall be given in places where they are easily available, at a rate of one closet for each worker of fifteen or less. 6. Adequate supply of drinking water shall be given at appropriate locations. 7. • Workers shall be supplied with ample supplies of water and facilities to wash.
134, 136	Employers shall provide worker first aid services in compliance with the standards to be defined by the Minister of Labor in cooperation with the Minister of Health (134). An employer shall prepare a medical file for each worker showing the results of the medical test carried out on the worker upon his employment (136).
142, 143	Every employer shall provide means of transportation to take his employees from their places of residence or the place of assembly to the places of work and to return them daily if the places of work are reached by normal transport (142). Provide sufficient living quarters for the workers to be allocated to some of these quarters for married workers. Provide three meals a day for his staff in the places he creates for the reason and which are to be clean and to meet the sanitary requirements. The types and amounts of food in each meal, and the expense for each meal to be paid to the worker, shall be decided by the Minister's decision. Where all or any of the meals are served inside the mine, the food shall be hygienically wrapped or arranged in tightly packed containers for the Workmen. No financial allowance can replace these meals (143).
147, 149, 150, 151	A worker shall not be hired for more than eight actual working hours in any day or forty-eight hours a week in any month of the year, except for the month of Ramadan, where the actual working hours shall not exceed six hours a day or thirty-six hours a week, except for the periods reserved for prayer, rest and meal (147). Friday, the day observed as an official break, is to be a day of rest with full pay (149). As in such circumstances, the total amount of hours worked shall not exceed ten hours a day (150). An extra salary shall be paid by the employer to the worker for additional work hours (151).
153, 154	Employees who have completed one year of service to the employer shall be entitled to a fifteen-day paid holiday with maximum salary payable in advance (153). If the worker leaves the job, he is entitled to receive credit for unpaid vacation days owed for the time during which he did not take his vacation (154).
155, 156, 159	Each worker shall be entitled, by the decision of the Minister of Labor, to days off with full pay on holidays (155). For no more than 10 days a year, the worker can obtain leave without pay, subject to the approval of the employer (156). The worker shall be entitled to a three-day leave for his marriage and a one-day leave with full pay in either of the following two cases (159): <ul style="list-style-type: none"> • When a child is born • If the worker's spouse or any of his or her ascendants or descendants dies

DATA COLLECTION AND ANALYSIS

A detailed review of Saudi Labour Law is done and based on the study aims few specific set of questions were design to assess the awareness of the law within the semi and unskilled workers in Saudi Arabia. The questions were shifted in the questionnaire and the data was collected from various ongoing projects in Saudi Arabia. The teams were formed to collect the data as per the nature of research. The unskilled workers are not highly qualified or educated

therefore the team informed them about the questions and requested his opinion on each question so it is face to face interaction. The data is collected from December 2019 till January 2020 from various ongoing projects in Saudi Arabia. More than 100 responses were successfully received. The data was recorded and it was analyzed using descriptive analysis by SPSS.

RESULTS AND DISCUSSIONS

As mentioned in the previous section the collected data has been analyzed by SPSS and the average percentage of all respondents is done. Finally, the entire worker's opinion collected from sites is shared in Table 2.

Question	Yes	No	Don't Know	Don't what to answer
Do you know which ministry covers your legal rights	88.70968	4.83871	6.451613	0
Are you aware of labour laws or their articles	1.612903	90.32258	0	8.064516
Do you know your rights as per law as a worker	17.09677	71.6129	0	11.29032
Are you given Eid holidays	100	0	0	0
Are your salaries on time	37.09677	51.6129	0	11.29032
Are you given the salary you agreed in the contract	80.64516	11.29032	0	8.064516
Are you given benefits as per agreed contract	75.80645	16.12903	3.225806	4.83871
Are you given an air ticket during vacation	88.70968	3.225806	0	8.064516
Are you trained for work tasks you are performing	67.74194	22.58065	0	9.677419
Are you given residency by the company in case of no home allowance	96.77419	0	0	3.225806
Are you given transport by the company in case of no transport allowance	91.93548	4.83871	0	3.225806
Are you given overtime for extra work hour	53.22581	37.09677	0	9.677419
Are you given proper medical insurance/treatment by the company	96.77419	0	0	3.225806
Do you ever accuse by the company	1.612903	90.32258	0	8.064516
Are you happy with the housing facility provided by the company	66.12903	9.677419	0	24.19355

Are you happy with the food facility provided by the company	61.29032	19.35484	0	19.35484
Are you satisfied with the overall facilities provided by the company at residence	59.67742	3.225806	0	37.09677
Are you satisfied with the overall facilities provided by the company at the site	69.35484	12.90323	0	17.74194

It is analyzed that most of the workers know the related ministries but they are not properly aware of law articles and coverage which the Saudi Law protections them in various areas of work-based problems. Around 72% workers are not well aware of their rights covered in Saudi Law. It is observed that they are given Eid holidays and most of them are been paid based on the contract salary package but as per the response of workers around 50% are not paid on time. Most of the workers are given benefits as per the contract which includes; residence, transportation, air tickets and medical insurance. It is also significant to highlight that the workers are not accused by the company normally but they are not fully satisfied from their employees because around 37% workers did not want to reply the question related to overall satisfaction with employers. It is also analyzed that around 70% of the workers are satisfied with the general facilities provided to them at site and residence.

CONCLUSION

The modern labour law is not imaginable without the inclusion of the guarantees in it providing the rights of the employer in the organization of work. This paper concludes that the Saudi Laws provide a wide range of cover to workers working at different projects in the Kingdom of Saudi Arabia. The law covers almost all aspects of workers better life and health but there is a lack of awareness of these laws and protection articles. The workers are not properly aware of the laws which can help them getting their actual rights which the law provides them. It is suggested to make awareness campaigns as the workers can be educated or informed about their rights. It will help the workers and it will also help the employers because the law also protects the employers in terms of information secrecy, binding on the worker to follow the rules & regulations and safety guidelines provided on a timely manner by the employer and related ministries in special cases like MERS, SARS, Floods and CORONA 19 Pandemic.

LIMITATION

The articles mentioned in the table covers a wide range of cases and conditions which can be seen in the law directly. The specific articles mentioned are close to the research aim of this study. The law protects the workers and employees in a wide range of area and domains.

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