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Global Fairness 2006: Oman's Labor Laws Fall Far Short of International Standards

Abstract
[Excerpt] The labor laws of Oman simply do not protect the fundamental rights of workers. At this time, Omani workers are unable to form independent unions or to bargain collectively. Instead, the employer decides which benefits, if any, the workers shall enjoy. The law is completely silent on the right to strike. The constitution and labor laws do not prohibit the use of forced labor for public services, and the worst forms of child labor, such as camel jockeying, are still permitted in law and practice. As the 2006 State Department Report on Human Rights Practices explains, some foreign workers are trafficked and may be put in situations amounting to forced labor. Employers are known to withhold documents that would allow foreign workers to change employers, putting them at risk of detention and deportation. Finally, the constitution vests in the Sultanate the absolute power to issue and ratify laws. Thus, the labor laws that exist today could easily be weakened or revoked.

Keywords
Oman, labor movement, labor law, workers' rights, human rights

Comments

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Oman's Labor Laws Fall Far Short Of International Standards

The labor laws of Oman simply do not protect the fundamental rights of workers. At this time, Omani workers are unable to form independent unions or to bargain collectively. Instead, the employer decides which benefits, if any, the workers shall enjoy. The law is completely silent on the right to strike. The constitution and labor laws do not prohibit the use of forced labor for public services, and the worst forms of child labor, such as camel jockeying, are still permitted in law and practice. As the 2006 State Department Report on Human Rights Practices explains, some foreign workers are trafficked and may be put in situations amounting to forced labor. Employers are known to withhold documents that would allow foreign workers to change employers, putting them at risk of detention and deportation. Finally, the constitution vests in the Sultanate the absolute power to issue and ratify laws. Thus, the labor laws that exist today could easily be weakened or revoked.

Below are some of the most troubling aspects of the current labor law as to each of the internationally recognized worker rights set forth at 16.7 of the U.S.-Oman Free Trade Agreement. A full analysis of the labor law is also available from the AFL-CIO. [1]

Freedom of Association

There is no right to form independent unions in Oman. The law does provide for the formation of Representative Committees in the private sector; however, the law allows substantial interference by the government in the internal affairs of these committees, such as the election of leaders and the drawing up of charters. A requirement that leaders have good spoken and written Arabic language tends to disqualify non-Arab workers from leadership positions. In a flagrant violation of ILO standards, government officials must be invited to decision-making meetings and provided relevant documents in advance. Additionally, Representative Committees may only affiliate with the Main Representative Committee (MRC). In 2005, the government interfered directly in the selection process for the MRC's initial membership, appointing several business leaders to leadership positions. Finally, the law expressly forbids Representative Committees from joining international worker organizations, or even to receive delegations from such organizations. The MRC may only do so with prior, written authorization from the Minister of Manpower.

Collective Bargaining

The right to bargain collectively does not exist in Oman today. Under Article 6 of the Labor Law, the employer *may* provide to his/her employees benefits that are more generous than provided by law and/or conclude agreements covering conditions of work. The employer is under absolutely no obligation to do so. There is no language specifically prohibiting anti-union discrimination, or appropriate sanctions for such violations.

[1] Oman has made some promises to improve its labor laws to Ways and Means Chairman Bill Thomas. Even if those promises were kept, the labor code would still contain numerous problems. Moreover, as the Sultanate has absolute control to pass laws, there is no guarantee that such laws would be preserved.

Right to Strike

Although the law was amended in 2004 to remove the prohibition on strikes, there is nothing in the current law permitting them either.

Forced and Compulsory Labor

While the labor law regulates hours of work, it has no language related specifically to forced labor. Part 2, Article 12 of the Basic Law provides, however, that compulsory work may be used "for the performance of public service." The use of forced or compulsory labor for public service, even if remunerated, was held to be prohibited shortly following the ratification of ILO Convention 29 in 1930. Forced or compulsory labor is permitted today in only the most limited of circumstances (military service, prison labor, jury duty, etc.) and only then if certain stringent requirements are met.

Child Labor

In most cases, the labor law prohibits the use of child labor under 15 and places restrictions on child labor between the ages of 15 and 18. However, the use of child labor for camel jockeying, deemed one of the worst forms of child labor due to the hazards it poses, continues in law and practice. In 2005, Oman raised the minimum age for camel jockeys to 14, to increase one year each year. In 2006, the minimum age will rise to 15 years of age. However, ILO Convention 182 calls for the prevention of child labor in such activities. Camel jockeying should only be conducted by persons of 18 years of age or older. The penalty for violating the child labor laws is also unacceptably low.

Acceptable Conditions of Work

The Ministry of Manpower sets the minimum wages. The minimum wage for most citizens is approximately $260 per month, with $52 for transportation and housing. The minimum wage is insufficient to provide a decent standard of living for a worker and family. Also, the minimum wage does not apply to all workers, such as those employed by small businesses with fewer than five employees, domestic servants and some manual laborers. Although the law sets maximum hours and days of work, it contains numerous exceptions that could lead to the imposition of excessive overtime.

Conclusion

The AFL-CIO strongly opposes the U.S-Oman Free Trade Agreement. Under 16.2(a) of the agreement, the Sultanate of Oman is obligated only to "effectively enforce its labor laws." The laws currently on the books are unacceptable, and leave workers will few mechanisms to express their voice at work, much less improve their conditions. Although the Sultanate has made promises to change *some* of its laws, there is no guarantee that any such changes will be made, or that they will be made in accordance with ILO standards. Most troubling, since the agreement's provisions against weakening labor laws are not subject to enforcement, workers have no assurance that the few protections they have today will be the protections they have tomorrow.

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