Order No. (79) of 2009 Respecting the Procedures Of Foreign Worker Transfer to Another Employer

Source: Labour Market Regulatory Authority Management

Minister of Labour, Chairman of the Board of Directors of the Labour Market Regulatory Authority

Having reviewed Law No (19) of 2006 with regard to the Labour Market Regulation, particularly
Article (25) thereof;
Legislative Decree No. (75) of 2006 with regard to Formation of the Board of Directors of the Labour Market Regulatory Authority;
Order No. (76) of 2008 With Respect to Regulations of Work Permits of Foreign Employees, Other than Domestic Servants Category, as amended by Order No. (78) of 2008; and
After consulting with public and the concerned authorities; and
Following the Approval of the Board of Directors of the Labour Market Regulatory Authority; and
Upon submission by the Chief Executive Officer of the Labour Market Regulatory Authority;

Orders as Follow:

Article (1)

In applying the provisions of this Order and unless the context otherwise requires, the following words and phrases shall have the corresponding meanings:

Authority: The Labour Market Regulatory Authority.

Employer: Any natural or juristic person who employs one worker or more to perform a certain job in return of a wage of any kind, fixed or variable, in cash or in kind, which includes any government entity; establishment, public authority, corporation, office, institution or any other private business entities.

Worker: Any natural foreign person who works in return of a wage of any kind, fixed or variable, in cash or in kind who works for an employer and under his management or supervision.

Work Permit: A permission issued by the Authority to an employer with respect to hiring a certain foreign worker in accordance with the provisions of the Law of Labour Market Regulation.

Transfer: Transfer of a worker from an Employer to another.

Article (2)

Notwithstanding the provision of paragraph (b) of Article (25) of Law No. (19) of 2006 with regard to Labour Market Regulation, a foreign worker, may have, without obtaining the consent of the employer, the right of transfer to work with another employer, without prejudice to the rights of employer in subject to the provisions of the Law or as per the terms and conditions of the contract of employment concluded between the two parties.

Article (3)

In the event a worker wishes to transfer prior to the expiry date or cancellation of his work permit, he shall inform the first employer, by a registered mail with confirmed delivery advice, during the specified notice period for termination of service according to the provisions of the Law or the contract of employment concluded between the two parties; provided that it should not exceed three months from the specified date of transfer.

Article (4)

In accordance with the Rules and Regulations stated in Order No. (76) of 2008, the other employer shall apply to the Authority for issuance of work permit in respect of the employee who wishes to
be transferred. A copy of the notice stated in the preceding Article should be attached to the application together with a copy of the acknowledged delivery mail evidencing the dispatch.

**Article (5)**

a. Having taken into consideration the provisions of the Order No. 2008; the Authority would verify the other Employer application for an issuance of Work Permit in respect of the Employee wanting to Transfer to ensure the availability of the required data and information. For completion of the records and to enable it to process the application, the Authority may designate the other Employer to provide the necessary information such as information or documents, which would be within three business days from the date of applying.

b. The Authority shall issue an Order to begin processing the application within three business days from the date of completion of all required information, data and documents; together with documents indicating the acceptance of the concerned parties. In the event that an Order is issued (by the Authority) to refuse the application; the reason for the refusal shall be stated.

**Article (6)**

The Work Permit issued in the name of other Employer to recruit the Employee, shall be valid from the date of settlement of the due fees.

**Article (7)**

After the expiry of the Work Permit issued in his name or its cancellation due to reason opted by the Employer, the Employee wanting to Transfer the job must notify the Authority to the effect by filling a form, prepared to this purpose, prior to the expiry of the Work Permit for a period not less than 30 days or within five business days from the date of (him) being notified of cancellation. This advice can also be forwarded electronically. The Employee will then be given 30 days grace to enable him to arrange for the Transfer, during which he is not allowed to do any contractual work.

**Article (8)**

The foreign Employee has no right to Transfer job, and grant the referred grace periods stated in the previous Article, in any of the cases stated in paragraph (b) of the Article (25) of the Law No. (19) for 2006 in respect of the Labour Market Regulatory.

**Article (9)**

The Chief Executive Officer of the Authority shall implement this Order which shall come into force the next 30 days following the day its publishing in the Official Gazette.

**The Minister of Labour**  
**Chairman of Board of Directors of the Labour Market Regulatory Authority**  
**Dr. Majeed Bin Muhsin Al-Alawi**

**Issued on:** 20th Rabeeaa Al-Akher 1430H