

The Ministry of Manpower

Ministerial Decision

No. 570/2012

The regulation governing the formation, activity and registration of labor trade unions and federations and the General Federation of Oman Trade Unions

Pursuant to the Labor Law issued by virtue of Royal Decree No. 35/2003;

Pursuant to Ministerial Decree No. 95/2012 on the regulation governing the formation, activity and registration of labor trade unions and federations and the General Federation of Oman Trade Unions;

And in accordance with the public interest,

Decides the following:

Article 1: The provisions of the attached regulation governing the formation, activity and registration of labor trade unions and federations and the General Federation of Oman Trade Unions shall be enforced.

Article 2: Ministerial Decision No. 95/2010 above referred to shall be repealed, as well as, any provision contrary to the attached decision or contradicting its provisions.

Article 3: The labor trade unions and federations' Administrative Bodies as well as the Board of Directors of the General Federation of Oman Trade Unions existing on the date of enforcement of this decision shall continue to exist until the expiry of their term, unless terminated for any other reason.

Article 4: This Ministerial Decision shall be published in the Official Gazette and enters into force one day as of the date of its publication.

Issued on: October 15, 2012

Abdullah bin Nasser bin Abdullah al-Bakri
Minister of Manpower

The regulation governing the formation, activity and registration of labor trade unions and federations and the General Federation of Oman Trade Unions

Chapter I

Definitions

Article 1

In applying the provisions of this regulation the words and phrases included in it shall have the meaning specified in the Labor Law referred to above, and the following words and phrases shall have the meaning assigned to each of them unless the context requires otherwise:

- 1. Labor Trade Union:** An entity formed in accordance with the provisions of this regulation and including a number of workers in a specific establishment.
- 2. Labor Federation:** An entity formed in accordance with the provisions of this regulation and including a number of labor unions in the same profession or in similar or associated activities.
- 3. General Federation:** The General Federation of Oman Trade Unions formed of labor trade unions and federations affiliated to it and registered with the Ministry.
- 4. Directorate:** The General Directorate of Labor Care.
- 5. Constituent Committee:** Formed of a not less than five workers in the establishment provided they are members of the General Meeting of the labor trade union. Said Committee takes the procedures necessary for the registration of the labor trade unions with the Ministry and convenes its General Meeting to elect the members of the Administrative Body.

Chapter II
Labor Trade Unions

Article 2

The workers may form from among them labor trade unions to safeguard their interests, defend their rights and improve their financial and social status and to represent them in all matters relating to their affairs.

Article 3

The worker is entitled to join or withdraw from a trade union and he may not be prevented from exercising his trade union activity or coerced to join or withdraw from a labor union.

Article 4

A member of a labor trade union must meet the following conditions:

- 1- He must be a worker at the establishment;
- 2- He must not be less than eighteen years of age on the date of submittal of the request of affiliation and he must enjoy full capacity.
- 3- He must not be convicted in any misdemeanor or crime restricting freedom against honesty or trust unless he is forgiven and must prove this to the Directorate's competent authorities.
- 4- He must not be on loan, delegated or member in another trade union or an employer at the establishment.
- 5- It should not be proved that he committed acts prejudicing the security of the country, national unity or the Sultanate's interests.

Article 5

The trade union shall be registered by virtue of a request submitted by the Constituent Committee to the Directorate, provided the request includes the trade union's proposed denomination, scope of activity and address. The following documents shall be attached to the request:

- 1- The minutes of the meeting in which the creation of the trade union was decided;
- 2- A statement of the constituent members' names provided they are not less than twenty five worker. Said statement must be certified by the Directorate.
- 3- The trade union's draft Statute.

The Directorate shall draft a minutes evidencing the deposition of the request and its attachment. A copy of said minutes shall be delivered to the constituent members' representative.

Article 6

The Ministry may request within (30) thirty days as of the date of receipt of the registration request any additional information it deems necessary for the deposition of the request and its attachment and for the completion of the registration.

Article 7

The Ministry shall publish the announcement of registration of the trade union in the Official Gazette. The concerned parties may raise an objection against the registration request within (30) thirty days as of the date of publication, provided the supporting reasons are attached to the objection and provided said objection is submitted to an independent committee whose formation, powers and work procedures are regulated by virtue of a decision issued by the Minister.

In the event of inexistence of any objection to the registration request, the Ministry shall issue the Registration Certificate within sixty days following the date of publication.

Article 8

In order to be registered, a trade union must be an independent legal entity enjoying the right to exercise the following:

- 1- Represent its members and defend their interests;
- 2- Represent any of its members at their request;
- 3- Collect the affiliation fees and subscriptions set for the membership and manage its assets;
- 4- Exercise any activity related to the promotion and protection of the rights and interests of its members in particular:
 - a- Ensuring the members' safety and health;
 - b- Raising trade union awareness among members;
 - c- Raising the members' cultural, technical and occupational level;
 - d- Improving the members' health, economic and social level.
- 5- Lodge complaints before the competent departments at the Ministry arising from the establishment's non-compliance with the provisions of the Labor Law and its implementing decisions and regulations.
- 6- Peruse labor regulations guaranteeing the rights and interest of the workers at the establishment.

- 7- Obtain all necessary facilities from the establishment for the performance of its activities in addition to the appropriate premises for holding its meetings and keeping its documents.

Article 9

The trade union shall have a Statute including the basic provisions governing its activities, in particular:

- 1- The trade union's denomination, address and legal representative;
- 2- The trade union's objectives, voting method, and the regulation governing its activities and meetings;
- 3- The formation of the trade union's General Meeting, its powers, as well as its members' obligations and the regulation governing its activities;
- 4- The formation of the trade union's Administrative Body, its powers, as well as its members' obligations and the regulation governing its activities and the procedures for its dissolution;
- 5- The conditions to be met for acquiring the trade union membership and the events of loss or suspension of said membership;
- 6- The sources of the trade union's funds, how they are saved and disposed of, the financial and accounting regulation applied by the trade union, the affiliation fee and the subscription born by each member, the conditions of exemption from said subscription and the determination of the entity to whom the trade union's fund shall revert in case of its dissolution;
- 7- The regulatory procedures governing financial matters and auditing and control activities over the trade union's activities;
- 8- The determination of the authorized signatories of deeds;
- 9- The procedures of accountability of members of the trade union with respect to trade union activities related violations attributed to them, the relevant penalties and the authority competent to conduct the investigation and impose penalties;
- 10- The procedures of dissolution or merger of the trade union.

The Statute shall not include anything that may contradict with the laws and regulations in force in the Sultanate of Oman.

Article 10

The trade union General Meeting shall be formed of all of the members.

Article 11

The candidate for membership of the Administrative Body of the trade union must meet the following conditions:

- 1- He must be a member of the trade union's General Meeting;
- 2- He must be an Omani national;
- 3- His responsibilities and missions at the establishment must not contradict with his trade union responsibilities and missions.

Article 12

The trade union Administrative Body shall be elected from among the members of its General Meeting within (30) thirty days as of the date of registration with the Ministry. The Administrative Body shall have a four year mandate and the employer must facilitate the election of its members.

Article 13

The number of members of the trade union's Administrative Body shall be set as follows:

- 1- Five members in the trade union with not more than (500) five hundred member;
- 2- Seven members in the trade union with more than (500) five hundred member and less than (1500) one thousand five hundred member;
- 3- Nine members in the trade union with more than (1500) one thousand five hundred members.

Article 14

In its first meeting, the trade union's Administrative Body must choose from among its members, its President, Vice-President, Secretary, Treasurer and Assistant-Treasurer.

Article 15

The President of the trade union's Administrative Body must deposit with the Directorate within (30) thirty days as of the date of approval by the General Meeting of the Statute, the following documents:

- 1- Two copies of the Statute signed by him or by the Vice-President in his absence;
- 2- A statement including the Administrative Body members' full name, capacity, age, occupation, educational qualification and domicile.

The Administrative Body may only exercise its activities following the deposition of these documents with the Directorate and its notification of said deposition. The summary of the Statute shall be recorded in the register set by the Ministry for this purpose and any amendment

to the trade union's Statute, Administrative body or number of members must be recorded in the same manner.

Article 16

The trade union's Administrative Body manages the trade union's affairs, handles its daily activities and executes the General Meeting's resolution. It must execute the following:

- 1- Deposit the trade union's fund with one of the local banks accredited by the Sultanate;
- 2- Notify the Ministry on an annual basis of the trade union's budget and closing accounts, which must be signed by an auditor. Said auditor is appointed and his remuneration is set by the trade union's General Meeting.

Article 17

The trade union Administrative body shall be prohibited from:

- 1- Investing the trade union's funds in financial speculations, in unsafe investments, or in investments contradicting its objectives or purposes;
- 2- Exercising political activities or any activity not specified in its Statute;
- 3- Accepting gifts and donations, unless with the Ministry's approval, in which case such gifts and donations must be unconditional and not contradictory to the objectives and purposes of the trade union activity and to the laws in force in the Sultanate;
- 4- Assigning its assets whether in rem or in cash.

Article 18

A member shall lose his membership to the trade union's Administrative Body in any of the following cases:

- 1- If he no longer meets any of the conditions specified in Articles 4 and 11 of this Regulation;
- 2- In case of written resignation;
- 3- If he fails to attend four consecutive meetings or six non-consecutive meetings within one year without an acceptable excuse, provided he receives a warning following his failure to attend two meetings in the first case and four meetings in the second case;
- 4- In case of his death.

The Administrative body must notify the member and the Ministry of the decision to withdraw the membership within (15) fifteen days as of the date of issuance of said decision, and must justify its decision.

Chapter III

Labor Federations

Article 19

The trade union may, following the approval of the majority of its General Meeting's members, enter into labor federations with other trade unions of the same occupation or of similar or associated works.

Article 20

The trade unions wishing to form labor federations shall submit to the Directorate a request for the registration of said federation provided the request includes the following:

- 1- The federation's proposed denomination;
- 2- The federation's scope of activity and address;
- 3- The minutes of the meeting in which the creation of the federation was decided;
- 4- A statement including the names of the trade unions constituting the labor federation provided they are not less than (5) five trade unions. Said statement must be certified by the Directorate;
- 5- The federation's draft Statute.

The Directorate shall draft a minutes evidencing the deposition of the request and its attachment. A copy of said minutes shall be delivered to the constituent members' representative.

Article 21

The Ministry may request within (30) thirty days as of the date of receipt of the registration request any additional information it deems necessary for the deposition of the request and its attachment and for the completion of the registration.

Article 22

The Ministry shall publish the announcement of registration of the labor federation in the Official Gazette. The concerned parties may raise an objection against the registration request within (30) thirty days as of the date of publication, provided the supporting reasons are attached to the objection and provided said objection is submitted to the independent committee specified in Article 7 of this Regulation.

In the event of inexistence of any objection to the registration request, the Ministry shall issue the Registration Certificate within sixty days following the date of publication.

Article 23

In order to be registered an federation must be an independent legal entity.

Article 24

The labor federation shall exercise the following powers:

- 1- Support cooperation between the trade unions affiliated to it and the Ministry;
- 2- Support cooperation between the trade unions affiliated to it and employers;
- 3- Participate in councils and committees concerned with labor and workers' affairs;
- 4- Examine the request of suspension of members of the Administrative Bodies of trade unions affiliated to it in accordance with the trade union's Statute;
- 5- Participate in the development of labor plans and programs with the competent authority and in the collective bargaining;
- 6- Examine the issued referred to it by the Administrative Bodies of trade unions affiliated to it.

Article 25

The labor federation shall have a Statute including the basic provisions governing its activities, in particular:

- 1- The federation's denomination, address and legal representative;
- 2- The federation's objectives, the regulation governing its activity, voting method, and the regulation governing its meetings as well as the regulation governing the selection of its Administrative Body;
- 3- The powers of the federation's General Meeting as well as its members' obligations and the regulation governing its activities;
- 4- The powers of the federation's Administrative body as well as its members' obligations and the regulation governing its activities and the procedures for its dissolution;
- 5- The conditions to be met for acquiring the federation membership and the events of loss or suspension of said membership;
- 6- The sources of the federation's funds, how they are saved and disposed of, the financial and accounting regulation applied by the federation, and the determination of the entity to whom the trade union's fund shall revert in case of its dissolution;
- 7- The determination of the authorized signatories of deeds;
- 8- The regulation of the federation's relationships with the national public or private entities and regional and international labor organizations;
- 9- The promotion of social dialogue with the concerned authorities;
- 10- The federation's organizational chart;

- 11- The procedures of re-examination of the federation's regulations.
- 12- The procedures of accountability of members of the federation with respect to trade union activity related violations attributed to them, the relevant penalties and the authority competent to conduct the investigation and impose penalties;
- 13- The procedures of dissolution or merger of the federation.

The Statute shall not include anything that may contradict with the laws and regulations in force in the Sultanate of Oman.

Article 26

The federation's General Meeting shall be formed of all of the members of the Administrative Bodies of the trade unions affiliated to it.

Article 27

In its first meeting, the federation's General Meeting shall elect the members of its Administrative body for a four year mandate. Said Committee shall in its first meeting choose from among its members, its President, Vice-President, Secretary, Treasurer and Assistant-Treasurer.

Article 28

The federation's Administrative Body manages the federation's affairs, handles its daily activities and executes its General Meeting resolution. It must execute the following:

- 1- Deposit the federation's fund with one of the local banks accredited by the Sultanate;
- 2- Notify the Ministry on an annual basis of the federation's budget and closing accounts, which must be signed by an auditor. Said auditor is appointed and his remuneration is set by the trade union General Meeting.

Article 29

The federation's Administrative body shall be prohibited from:

- 1- Investing the federation's funds in financial speculations, in unsafe investments, or in investments contradicting its objectives or purposes.
- 2- Exercising political activity or any activity not specified in its Statute.
- 3- Accepting gifts and donations, unless with the Ministry's approval, in which case such gifts and donations must be unconditional and not contradictory to the objectives and purposes of the trade union work and to the laws in force in the Sultanate.
- 4- Assigning its assets whether in rem or in cash.

Article 30

A member shall lose his membership to the federation Administrative body in any of the following cases:

- 1- If he no longer meets any of the conditions specified in Articles 4 and 11 of this Regulation;
- 2- In case of written resignation;
- 3- If he fails to attend four consecutive meetings or six non-consecutive meetings within one year without an acceptable excuse, provided he receives a warning following his failure to attend two meetings in the first case and four meetings in the second case.
- 4- In case of his death.

The Administrative body must notify the member and the Ministry of the decision to withdraw the membership within (15) fifteen days as of the date of issuance of said decision, and must justify its decision.

Chapter IV

General Federation

Article 31

The General Federation is formed of the trade unions and federations affiliated to it and registered with the Ministry.

Article 32

The trade unions and federations wishing to form a general federation shall submit to the Directorate a request for the registration of said general federation provided the request includes the following:

- 1- The general federation's proposed denomination;
- 2- The general federation's scope of activity and address;
- 3- The minutes of the meeting in which the creation of the general federation was decided;
- 4- A statement including the names of the trade unions and federations constituting the general federation. Said statement must be certified by the Directorate;
- 5- The general federation's draft Statute.

The Directorate shall draft a minutes evidencing the deposition of the request and its attachment. A copy of said minutes shall be delivered to the constituent members' representative.

Article 32

The Ministry may request within (30) thirty days as of the date of receipt of the registration request any additional information it deems necessary for the deposition of the request and its attachment and for the completion of the registration.

Article 32

The Ministry shall publish the announcement of registration of the general federation in the Official Gazette. The concerned parties may raise an objection against the registration request within (30) thirty days as of the date of publication, provided the supporting reasons are attached to the objection and provided said objection is submitted to the independent committee specified in Article 7 of this Regulation.

In the event of inexistence of any objection to the registration request, the Ministry shall issue the Registration Certificate within sixty days following the date of publication.

Article 35

In order to be registered, a general federation must be an independent legal entity.

Article 36

The general federation shall exercise the following powers:

- 1- Determine the maximum affiliation fees and annual subscription to the labor trade unions and federations affiliated to it.
- 2- Choose the labor trade unions and federations that may send their representatives to attend conferences in the event the international and regional organizations determined the number or participant for each state or sector.
- 3- Examine the request of suspension of members of the Administrative Bodies of the trade unions and federations affiliated to it in accordance with the Statutes of said trade unions and federations;
- 4- Coordinate between the trade unions and federations affiliated to it and cooperate with them in order to achieve their objectives;
- 5- Draft guiding specimens of financial and administrative internal regulations of the affiliated trade unions and federations;
- 6- Participate in the development of labor plans and programs with the competent authorities;
- 7- Examine the issued referred to it by the Administrative Bodies of the affiliated trade unions and federations.

Article 37

The labor federation shall have a Statute including the basic provisions governing its activities, in particular:

- 1- The general federation's denomination, address and legal representative;
- 2- The general federation's objectives, the regulation governing its activity, voting method, and the regulation governing its meetings;
- 3- The powers of the general federation's General Meeting as well as its members' obligations and the regulation governing its activities;
- 4- The powers of the general federation's Board of Directors as well as its members' obligations and the regulation governing its activities;
- 5- The powers of the Executive Office as well as the regulation governing the selection of its members, their obligations and the regulation governing its activities;

- 6- The conditions to be met for acquiring the general federation membership and the events of loss or suspension of said membership;
- 7- The sources of the general federation's funds, how they are saved and disposed of and the financial and accounting regulation applied by it;
- 8- The determination of the authorized signatories of deeds;
- 9- The regulation of the general federation's relationships with the national public or private entities and regional and international labor organizations;
- 10- The promotion of social dialogue with the concerned authorities;
- 11- The general federation's organizational chart;
- 12- The procedures of re-examination of the general federation's regulations;
- 13- The procedures of accountability of members of the general federation General Meeting and Board of Directors with respect to trade union activity related violations attributed to them, the relevant penalties and the authority competent to conduct the investigation and impose penalties;

The Statute shall not include anything that may contradict with the laws and regulations in force in the Sultanate of Oman.

Article 36

The general federation's General Meeting shall be formed of two members from each trade union and two members from each federation affiliated to it. Said members shall be chosen by the Administrative body of the trade union or federation.

Article 39

A member of the Board of Directors of the general federation must meet the following conditions:

- 1- He must be a worker at the establishment;
- 2- He must not be less than eighteen years of age on the date of submittal of the request of affiliation and he must enjoy full capacity.
- 3- He must not be convicted in any misdemeanor or crime restricting freedom against honesty or trust unless he is forgiven.
- 4- He must not be an employer.
- 5- He must be a member of the general federation's General Meeting.
- 6- His responsibilities and missions at the establishment must not contradict with his trade union responsibilities and missions.

Article 40

In its first meeting, the general federation's General Meeting shall elect from among its members the members of its Board of Directors for a four year mandate. Said Board shall be formed of

twelve members and shall in its first meeting choose the members of the Executive Office, which are formed of the President, Vice-President, Secretary, Treasurer and Assistant-Treasurer.

If any of the positions of member of the Board of Directors of the general federation is vacant for any reason whatsoever, the candidate following him in terms of number of votes shall fill said vacancy and shall continue the mandate for which he was elected.

Article 41

The general federation's Board of Directors manages the general federation's affairs, handles its daily activities and executes its General Meeting resolution.

Article 42

The general federation Board of Directors shall be prohibited from:

- 1- Investing the general federation's funds in financial speculations, in unsafe investments, or in investments contradicting its objectives or purposes.
- 2- Exercising political activity or any activity not specified in its Statute.
- 3- Accepting gifts and donations, unless with the Ministry's approval, in which case such gifts and donations must be unconditional and not contradictory to the objectives and purposes of the trade union activity and to the laws in force in the Sultanate.
- 4- Assigning its assets whether in rem or in cash.

Article 42

A member shall lose his membership to the general federation's Board of Directors in any of the following cases:

- 1- If he no longer meets any of the conditions specified in Article 39 of this Regulation;
- 2- If he loses his membership to General Meeting of the trade union he is affiliated to;
- 3- In case of written resignation;
- 4- If he fails to attend four consecutive meetings or six non-consecutive meetings within one year without an acceptable excuse, provided he receives a warning following his failure to attend two meetings in the first case and four meetings in the second case.
- 5- In case of his death.

Chapter V

General and Final Provisions

Article 44

The member of a trade union, federation or general federation may work on a full-time basis in order to perform his trade union missions in coordination between the Ministry, Oman Chamber of Commerce and Industry and the General Federation. Said full-time job shall be determined by virtue of a decision issued by the Administrative Body of the trade union or federation or by the Executive Office of the general federation, each within its scope of competence.

Said full-time job shall be regulated by virtue of a decision issued by the Minister after coordination with the concerned authorities, which specified the rules, conditions and events of full-time job, as well as the remuneration of the full-time member.

Article 45

The disabled worker or the worker sustaining an occupational injury shall be exempted from the payment of the trade union affiliation fees and subscriptions.

Article 46

A Social Dialogue Committee shall be established among the Ministry, Oman Chamber of Commerce and Industry and the General Federation, whose powers, rules and internal regulations are set by virtue of the Minister's decision.

Article 47

A guiding statute shall be issued by Minister serving as a guide for labor trade unions and federations.

Article 48

Trade unions, federations and the General Federation shall abide in their activities, works, regulations, decisions, statutes and others by the provisions of all of the laws, regulations, and decisions applicable in the Sultanate as well as by the public order and morality.

Article 49

An establishment shall not have more than one trade union and a trade union may not be member in more than one federation.

Article 50

The trade union or federation shall be dissolved by virtue of the Minister's decision in any of the following cases:

- 1- If the number of the members of the General Meeting is less than the minimum set by the law, unless said number is reached within three months;
- 2- If a General Meeting was not held for two consecutive years;
- 3- In the events specified by the trade union or federation's Statute, provided the one third of members of the General Meeting approve this dissolution.

The Ministerial decision ordering the dissolution must be published in the Official Gazette within (15) fifteen days as of the date of issuance of the decision or as of the date on which the decision becomes final.

The dissolution entails the expiry of the legal entity of the trade union or federation.

Article 51

The trade union, federation and General Federation shall draft and keep the books and registers required for their proper conduct. They must exercise tight control over their activities and funds in accordance with the conditions and situation specified by virtue of a decision issued by the Minister.

Article 52

The Ministry shall take the appropriate procedures in the event of any violation of the provisions of this Regulation.

Article 53

A committee shall be formed by virtue of the Minister's decision to settle any dispute arising from the implementation of the provisions of this regulation with respect to trade unions and federations not affiliated to the General Federation, provided the Committee includes representatives of the Ministry, Oman Chamber of Commerce and Industry and the General Federation. The Minister's decision shall decide the Committee's powers and internal regulations.

The General Federation shall be competent to settle any dispute arising from the implementation of the provisions of this regulation with respect to trade unions and federations affiliated to it, in accordance with the procedures set by it in this respect.