

Oman

Technical Memorandum
Oman Labour Inspection Audit

LAB/ADMIN

**Labour Administration
and Inspection Programme**

Social Dialogue Sector

International Labour Office - Geneva

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List of abbreviations

MOM	The Ministry of Manpower
ILO	The International Labour Organization
GDP	Gross Domestic Product
OSH	Occupational Safety and Health
OR	Omani Rials
GDLC	The General Directorate for labour care
DLI	The Department of Labour Inspection
GPS	Global Positioning System
PASI	The Public Authority for Social Insurance
LI	Labour Inspection
RGDM	Regional Directorate for manpower
PPE	Personal Protective Equipment
IT	Information Technology

Foreword

This labour inspection audit of the Sultanate of Oman, which comes within the inter-regional technical cooperation project “Enhancing labour Inspection Effectiveness”, implemented by the International Labour Organization and financed by the Norwegian Government, was carried out between July and October 2009 at the request of the Ministry of Manpower (MOM) of Oman, which is responsible for labour inspection services in the country. The main purpose of the audit is to assess the existing labour inspection system for, jointly with the government, setting up an action plan for promoting and modernizing it within the framework of the ILO conventions on labour inspection.

Labour Inspection Audits Methodology, of the ILO, was followed in conducting this audit, which included interviews with the main concerned governmental institutions and the social partners, in addition to visiting labour inspectorates and revising the main related legislations.

This report contains description of the labour inspection structure and functions, including the available human resources, highlights the strengths and weaknesses and provides recommendations for promoting and enhancing the effectiveness of the labour inspection system through joint efforts of all concerned institutions, including the social partners.

The ILO Regional Office for Arab States would like to express their thanks and gratitude to the esteemed officials of the Ministry of Manpower of Oman, for their assistance and cooperation which facilitated the completion of this audit. It is encouraging to see the great positive changes achieved by the ILO in the labour inspection field in Oman during the last two years, which would not have been possible without the full commitment of the Omani Government. We also thank the social partners, the Ministry of Fisheries, the Ministry of Health and the Public Authority for Social Insurance in Oman for enriching this audit with the information provided by them.

This work would not have been completed without the active and effective role of Mr Amin Al-Wreidat, expert of the Norwegian project on “Enhancing Labour Inspection Effectiveness (Arab States)” and in charge of producing this audit. The audit also benefited from the continuous support and guidance of our colleagues Ms Maria-Luz Vega, LAB/ADMIN, ILO, Geneva and Ms Khawla Mattar, Regional Office for Arab States, Beirut, to whom we are deeply grateful. Thanks are also extended to the ILO team in LAB/ADMIN, Geneva, and the International Training Center, Turin.

1. General information and background

1.1. Country context

The Sultanate of Oman, which has been going through a comprehensive socio-economic and political development during the last 3 decades, is a middle income oil exporting Gulf country with a GDP per capita of US \$18,987. It has a surface area of 309,500 km² and a population of about 2.8 million, 57 per cent nationals and 43 per cent foreign. About eighty one percent 81 per cent of Oman's total budget revenue comes from the oil and gas sectors with oil constituting 70 per cent and gas 11 per cent. Other non-oil revenues, such as construction, cement, steel, chemicals and copper account for the remaining 19 per cent. Oman has a coastline of 1,700 km, which makes it one of the main fish producing countries in the region. It is estimated that the country has 32,400 full time licensed fishermen and 13,560 fishing vessels. Tourism has been expanding and in the sixth national economic development plan tourism was reported to have expanded at an annual rate of 9 per cent and its contribution to GDP ranged from 0.7 per cent to 0.8 per cent. Industrial development plans focus on gas resources, metal manufacturing, petrochemicals, and international transshipment ports and the country actively seeks private foreign investors, especially in the industrial, information technology, tourism, and higher education fields. The government, which employs a total of 110,328 people, has been the major first choice employer for nationals, driven by the perceived good working conditions and good remuneration. The employment in the civil service has been steadily increasing for the Omanis, and decreasing for expatriates during the last few years, Government estimations indicate that about seventy percent 70 per cent of Omani population is below 24 years, what increases the demand for employment. Therefore, the Omani government continues to pursue its Omanization process to create employment opportunities, mainly in the private sector, for young Omani entrants into the labour market. As a result of this policy, many sectors are no longer open to foreign workers. The country's continued policies for promoting human rights led the government to issue the "Human Trafficking Combating Human Law" late in 2008. Arabic is the official language in Oman, but majority of people, including labour inspectors understand English.

1.2. Working hours

The official working hours for the public sector, including labour inspection, are 7 hours daily, from 07:30 am to 02:30 pm, 5 days a week, from Saturday to Wednesday. Those for the private sector are usually 8 hours a day, either from 08:00 am to 01:00 pm, then 04:00 pm to 07:00 pm (Majority), or continuously from 08:00 am to 05:00 pm, with a lunch break of one hour, 6 days a week, from Saturday to Thursday, with Fridays off, but many of the large enterprises, such as banks, insurance companies, international firms and oil companies close on Saturdays as well. Labour inspectors, as civil servants, are entitled to 36 days annual leave. Sometimes, their work is organized in night shifts which starts at 03:30 am and ends at 0:30 pm. Working hours are reduced for both sectors during the holy month of Ramadan.

1.3. Enterprises in the private sector

There are about 105,000 enterprises of all sizes and sectors in Oman, to which the labour law applies. About 90 per cent of those enterprises are small and medium enterprises (SMEs). The main sectors of work are oil, trade, services, construction and fishing. The Ministry of Trade and Industry, classifies enterprises in the private sector into the following categories, depending on their capital, among other criteria:

1. Universal enterprises: Enterprises with the highest capital.
2. Excellent enterprises.
3. Consultative enterprises.
4. First class enterprises.
5. Second class enterprises.
6. Third class enterprises.
7. Fourth class enterprises.

The yearly statistical report of the MOM of 2008 shows the following concerning the main two of those categories:

- a) Enterprises in the Excellent category:
 - They employ about 24.5 of all foreign workers in the country.
 - Less than 6 per cent of their foreign workers have not renewed their work permits.
 - They had about 21 per cent of all runaway workers in the country.
- b) Enterprises in the Fourth category:
 - They employ about 25.3 per cent of all foreign workers in the country.
 - More than 24.5 per cent of their workers did not renew their work permits.
 - They had about 38 per cent of all runaway workers in the country.

The MOM also applies a code of conduct for the best operating enterprises in the country, concerning compliance with the labour code and the employment of Omani nationals, called “Distinguished Treatment Status”, also called the “Green Card status”. In order to get such a status, qualified companies, which should have ten Omani employees as a minimum, must apply to the MOM, where a questionnaire need to be filled along with the application. Then the application is circulated through all compliance departments of the MOM. Once such an application gets to the Department of Labour Inspection, the director assigns a team of at least two inspectors to conduct a thorough labour inspection visit. If no violations were found then the team recommends the approval of the application. Similarly, the approval of the departments of Occupational Safety and Health, Labour Dispute Settlement and the Department of Trade Unions must be obtained before such a status is granted. The approval of the later requires the presence of a trade union, in conformity with

the existing relevant legislations, within the enterprise. If violations are found during this process, a chance is given to the applicant enterprise for rectification of the situation before such an application is rejected. The benefits of such a status include distinguished treatment and rapid processing of applications by the MOM, including those related to employing, or bringing into the country, a larger number of foreign workers.

1.4. Labour force in Oman

The employment in the public sector forms about 9 per cent while that in the private sector forms about 91 per cent of the total 1,349,850 employment in the country. The national labour force forms about 21.6 per cent of the 1,229,609 total workforce in Oman's private sector. The percentage of Omani workers in this sector has been gradually increasing during the last few years due to the Organization policy followed by the MOM. This process led to the increase of employed Omani workers from 104,000 in 2001 to 265,368 in 2008. Women account for 24.7 per cent of the total Omani labour force, in both the public and private sector, but the still high unemployment rate, which is estimated to be about 15 per cent shows that the employment challenge for the local population is immense. Table 1. shows the numbers and percentages of the national work force in Oman, by the type of employment.

Table 1. Omani labour force in the private sector

Type of employment	Number	Percentage
Business owners	12,500	4.7 %
Employed	161,004	60.7 %
Sanad Program ¹	22,383	8.4 %
Self employed	30,060	11.3 %
Fishers	32,421	12.3 %
Farmers	7,000	2.6 %
Total	26,5368	100 %

Source: Yearly Statistical Report, MOM, 2008

The number of foreign workers has also been steadily increasing due to the shortage in the number of national qualified labour, as the country had to rely on them to implement its ambitious socio-economic development programmes. Therefore the Ministry of Manpower has been flexible in issuing work permits for foreign workers, especially in the sectors that clearly suffer shortage in the number of national qualified labour force. Expatriates work in different economic sectors. The statistics of 2008 show that there are 964,241 Foreign workers in Oman, forming about 78.4 per cent of the total work force in the private sector. The majority of those workers, about 54.7 per cent, are employed in the construction and services sectors. Most of the foreign workers in Oman are from India, about 56.8 per cent, followed by Bangladesh 18.1 per cent and Pakistan 13.4 per cent. About 8 per cent of those foreign workers, 77,010 workers, were reported in 2008 as runaway cases, who left

¹ Sanad is a self employment program supported by the MOM through providing training and funds for small and micro projects.

their workplaces, mostly looking for better opportunities. Table 2. shows the numbers and percentages of foreign workers in Oman by their economic activity.

Table 2. Foreign workers in Oman, by economic activity

Economic activity	Number	Percentage
Agriculture	96,694	10 %
Mining, gas and Petroleum	14,826	1.5 %
Industry	103,578	10.7 %
Construction	340,406	35.3 %
Trade	129,310	13.4 %
Finance and Real Estate	24,333	2.5%
Services	186,782	19.4 %
Others	68,312	7.1%
Total	964,241	100 %

Source: Yearly Statistical Report, MOM, 2008

2. Legal Framework of labour inspection

The most important legislations related to labour inspection in Oman are the following:

- The Labour Law, issued by the Royal decree No. 35/2003.
- The Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law. Issued by Ministerial decision No. 286/2008.
- The Ministerial decision No, 11/2008, concerning the approval of the “Guide to Labour Inspection”.
- The Ministerial decision No. 294/2006, concerning organizing collective bargaining, peaceful strikes and lock out, and its amendment by the Ministerial decision No. 17/2007.
- The Ministerial Decision No. 145/2004, concerning the formation of the Occupational Safety and Health Committee.

The provisions of the Omani Labour Law apply to all enterprises and sectors, except the following categories, which were excluded by article 2 of this law:

1. Members of the armed forces and public security organizations and employees of the state administrative apparatus and other government units.
2. Members of the employer’s family of his dependants.
3. Domestic workers.

This law stipulates in article 8 “The officials who are designated by a decision of the Minister of Justice in coordination with the Minister of Labour shall have the authority to carry out judicial investigations for the implementation of the provisions

of this law and the regulations and decisions for the implementation thereof. The rules and procedures for the regulation of their work shall be specified by a decision to be issued by the minister. The aforesaid officials shall have the right to enter the places of work and audit the books, records and documents related thereto to ensure that the provisions of this law and its executive regulations and decisions are implemented. Such officials shall, before assuming their work, take an oath before the minister that they shall discharge their work honestly and sincerely and shall not disclose any work secrets or any information or data they come to know by virtue of their work, even after the termination of their services”.

Article 90 of the same law stipulates: “The ministry shall appoint inspectors to ensure that the employers abide by the instructions set out by the Minister’s decision in respect of the measures specified in article 89 (occupational safety and health). Such inspectors shall have the right to enter the workplaces, audit work related records, interview whoever they find necessary and prepare relevant reports. On the basis of such reports, the concerned department shall warn the employers found in violation of this law, in written, to eliminate the violations within the specified notice period. If the workers’ safety and health are found to be at risk, the ministry takes necessary measures to, wholly or partially, close down the workplace or to suspend the operation of a machine, or more, until such risk is eliminated. The ministry may seek the support of the Royal Oman Police, when necessary.

Article 105 of the Omani labour law stipulates that every employer employing 50, or more, workers shall prepare and clearly post an internal complaints regulation, to be approved by the concerned department in the MOM, and article 107 stipulates that a worker who has a complaint should go through the internal complaints regulation of his employer before resorting to the concerned department in the MOM, unless such a regulation does not exist, or fails to settle the matter. In such a case procedures stipulated in article 106 should be followed.

Article 106 has stipulated that the procedures to look into cases pertaining to termination from work shall be as follows:

The terminated labourer shall submit an application requesting cancellation of the termination, to the concerned department, within two weeks of being notified of the termination. The department shall take necessary steps to settle the dispute mutually. In case a mutual settlement is not achieved within two weeks, the complaint accompanied by a memo summarizing the dispute and the justifications of both parties shall be, within other two weeks, referred by the department to the court. The secretariat of the court shall, within three days from the date on which the application was referred to it, fix a date for a session to look into it within a period not exceeding two weeks from the referral date. The court may decide, within a period not exceeding two weeks from the date of the first session, to cease implementation of the employer’s decision, if such is requested, until the case is settled. If the court decides to cease implementation, the employer shall reinstate the labourer or pay him/her a sum equivalent to his/her wage until the date of settling the case. The court shall decide on the case in a period not exceeding one month from the date the order to cease implementation has been issued. If the court decides that the termination of the labourer was illegal, it may issue an order to the employer, either to reinstate the labourer or to pay him/her a fair compensation, in addition to all other entitlements.

The Ministerial decision No. 294/2006, concerning organizing collective bargaining, peaceful strikes and lock out, issued in accordance with Article 107 of the labour law, has stipulated the following procedures for looking into cases of collective labour disputes:

Article 10: Collective labour disputes must be settled as stipulated in the collective labour agreement.

Article 11: In case there is no collective labour agreement, or the dispute issue was not included in such an agreement, and a settlement could not be negotiated out, both parties, together, may apply to the MOM requesting interference for a settlement.

Article 13: Within 7 days of receiving the application, the MOM appoints a mediator, to be agreed on by both parties, for conciliation between them.

Article 16: If, within 30 days, the mediator could not settle the collective labour dispute, the case shall be referred to a committee formed by the agreement of all parties.

Article 17: If, within 30 days of receiving the case, the committee could not reach a settlement, the dispute case shall be referred to the concerned court.

The Regulation of Occupational safety and Health for Establishments Governed by the Labour Law

This regulation is issued by the Ministerial Decree No. 286/2008 and is not applicable to the categories to which the provisions of the Labour Law do not apply. Article 3 of this regulation stipulates: “OSH inspectors shall have the following rights (1) Entering workplaces without a prior notice during any time during working hours. (2) Looking into the scientific and technical characteristics of the substances and compounds in use, including taking, for analysis, samples of any materials or tools used, handled or produced within the enterprise being inspected. (3) Asking for medical checkups and laboratory tests for workers to ensure the suitability of work to their health status.(4) Conducting any investigations and auditing any documents within the enterprise being inspected to ensure compliance with this regulation. (5) Direction of employers concerning the reduction of work related hazards and raising awareness on the prevention of occupational diseases.

The other provisions of this regulation stipulate occupational safety and health preventive measure required in the workplaces, including the following:

- Specifications of personal Protective Equipment.
- Workers’ Pre-placement and periodic medical checkups.
- Protection of Women.
- Protection of disabled.
- Precautions against various hazards.
- Tables of Threshold Limit values of hazardous substances.

Article 4 of this regulation stipulates: “Within the process of monitoring the employers compliance with the provisions of this regulation, inspectors shall have the right to: (1) Issue orders to rectify violations within a specified period of time. (2) Order immediate suspension, total or partial, of work, or stopping the operation of a machine, or more, in case of imminent risk and they may seek the assistance of the Royal Oman Police, when needed.

Sanctions

The sanctions stipulated in the Omani Labour law may be financial, administrative or penal. The most important of those are:

- Imprisonment for a period not exceeding one month or a fine not exceeding five hundred Omani Rials (about 1300 US\$) or both, in case of abstaining from facilitating the labour inspection activities or providing false information to the labour inspectors or preventing any worker from practising his/her union activity or blocking workers unionization.
- A fine not exceeding 500 OR (about 1300 US\$) in case of violation of articles related to child labour and employment of women. The fine shall be multiplied by the number of children or women affected by the violation.
- In case a violation is repeated within a year, an imprisonment for a period not exceeding one month may be added to the fine.
- Imprisonment for a period not exceeding one month or a fine not exceeding five hundred OR (about 1300 US\$) or both, in case violations related to forced labour.
- A fine not exceeding 100 OR (about 260 US\$) or imprisonment for a period not exceeding 3 months, or both, for the officials who disclose any secrets of what come to their knowledge by virtue of their work.
- A fine of not less than 10 OR and not exceeding 100 OR for employers who illegally employ foreign workers. The fine shall be multiplied by the number of illegally employed workers added to it preventing such an employer from bringing foreign workers into the country for a period not exceeding one year.
- Imprisonment for a period not exceeding one month or a fine not exceeding 100 OR, or both, for any foreign worker who works in the country without a work permit, or works for an employer other than the one who was permitted to bring him into the country.
- A fine not exceeding 100 OR, multiplied by the number of affected workers, for employers violating workers' rights related to wages and leaves.

3. Labour Inspection

There was no labour inspection in Oman, from the practical point of view, prior to 2007, when there were very few unqualified inspectors throughout the whole country, but a comprehensive change started about two years ago when the ILO started technical programs in Oman, which included assisting the country in rebuilding the capacities of its labour inspection system. A batch of 92 labour inspectors, all law graduates, was recruited in October 2007, following the technical advisory services of the ILO to review the labour legislation. The MOM trained all those inspectors on the national labour law, computer and English communication skills and the ILO trained them on the International Labour Standards and labour inspection skills. Ten promising inspectors, of those 92, who had an outstanding

performance during the training, were sent by the ILO to an attachment programme in Singapore and they were recommended to undergo further training and be followed up in order to qualify them as mentors to the inspectorate. The MOM has also recruited another batch of 68 inspectors, including 12 women, in July 2009, who have been, since then, going through various training courses, provided by the MOM and the ILO, on the local labour law, International Labour Standards, labour inspection, trafficking, forced labour, trade unions issues, occupational safety and health and public prosecution. New inspectors usually interviewed by the Director of the General Directorate of Labour Care and the head of the Department of Labour Inspection Section to evaluate their performance and perception.

Labour inspection is one of the responsibilities of the Labour Division of the Ministry of Manpower, which has another Vocational Training and Technical Education Division, under which comes the vocational training institutions and the technical colleges. The labour division of the MOM has the following directorates:

- The General Directorate of Labour Care.
- The General Directorate of Employment.
- The General Directorate of Planning and Development.
- The General Directorate of Finance and Administration.

At the central level, labour inspection comes under the General Directorate of Labour Care (GDLC), which comprises the following six departments:

- The Department of Labour Inspection.
- The Department of Occupational Safety and Health.
- The Department of Labour Dispute Settlement.
- The Department of Labour Services.
- The Department of Trade Unions.
- The Office of Joint Inspection.

3.1. The Department of Labour Inspection

This department has the following Functions:

1. Organizing inspection visits to the private sector's establishments, to ensure their compliance with the laws and decrees.
2. Raising awareness among employers and workers of their legal rights and duties and advising them on the best means of compliance with the labour legislation.
3. Dealing with labour complaints and disputes.
4. Studying the applications and requests of importing expatriate workers and preparing detailed reports about the applicant establishments, including their actual need for workers.

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5. Receiving, and processing, applications of licensing new recruitment agencies, or renewing existing ones.
 6. Endorsing notifications of foreign workers' runaway.
 7. Authenticating work contracts.
 8. Approving foreign workers' release letters.
 9. Endorsing end of service letters.

The labour inspection department is divided into three sections:

1. The Routine Inspection Section.
2. The Work Permits Inspection Section.
3. The Foreign Workers Recruitment Agencies Section.

The activities of the Department of Labour Inspection are deeply interrelated with those of other departments. It coordinates with the departments of employment and the Joint Inspection Office concerning illegal work of foreign workers and monitoring the implementation of the Omanization policy. It also receives requests from the Department of Labour Dispute Settlement for interference and settlement of some labour disputes. It is also involved in studying the eligibility of the enterprises applying for the Distinguished Treatment Status. The Department of Labour Inspection sometimes receives request from the Inspectors at the Ministry of Fisheries to join them in some offshore inspections. There is little coordination with the Public Administration for Social Security, the Ministry of Trade and Commerce, the Ministry of Health, the municipalities and the Royal Police of Oman.

3.2. The Department of Occupational Safety and Health

Within its mandate to ensure healthy and safe working environment and conditions in all sectors, this department performs the following main activities:

- a. Inspection: Inspectors of this department conduct regular inspection visits to enterprises in all sectors to ensure that they abide by the safety and health provisions of the Omani Labour Law.
- b. Raising awareness: Raising safety and health awareness among workers and employers and providing them with relevant materials and advocacy is one of the main priorities of this department.
- c. Dealing with safety and health related complaints: Complaints related to safety and health, received from employers or workers, are investigated and relevant inspection visits are undertaken. A proper action to rectify the violations is usually taken, whenever required.
- d. Investigation of occupational injuries: This department is sometimes notified of work related injuries and accidents, within 48 hours of their occurrence, as legally required. Such cases are investigated by occupational safety and

health inspectors, who provide employers and workers with recommendations on relevant preventive measures.

The Department of Occupational Safety and Health includes 2 sections:

- a. The Occupational Health Section.
- b. The Occupational Safety Section.

3.3. The Department of Labour Dispute Settlement

This department has the following functions:

- Documentation of, and preparing data and statistics on, labour complaints and disputes.
- Extending efforts for mutual settlement of labour and complaints disputes.
- Referring unsettled labour complaints and disputes to the competent court.
- Dealing with cases of strikes and collective stoppage of work and working on their settlement.

3.4. The Department of Labour Services

Raising awareness among workers and employers is one of the main functions of this department, and of the MOM. For which a 24 hours Labour Relations Office was established at Muscat International Airport, which provides information to incoming foreign workers on their legal rights and duties. A special brochure has been developed for this purpose and copies are distributed to foreign workers, which contains the most important provisions of the Omani Labour Law and direction and advices to workers. This brochure was printed in 16 languages, including Arabic. Through their visits to the enterprises, the inspectors working on awareness raising, provide information and advices to the employers and managements on the labour legislations and best means of complying with them. One page of the main three local daily newspapers is devoted one day a week for raising awareness on labour issues, including the provisions of the labour law. These are the main functions of the Department of Labour Dispute Settlement:

- Implementing the ministry's plans, policies and programs concerning labourers' welfare, awareness and services.
- Monitoring the enterprises in the private sector concerning the implementation of the labour law provisions related to workers' social welfare and services.
- Organizing awareness raising programs for workers and employers, on workers' social welfare and services required by the law, including, workshops, training courses, brochures and media campaigns.

The staff of this department have never underwent any training, other than the general training provided to other public servants.

3.5. The Department of Trade Unions

This department is concerned with the registration of trade unions and follow up of their activities. It has two sections:

- The Section of Trade Unions: Follows up the activities of trade unions.
- The Section of the General Federation of the Trade Unions of Oman: Follows up the activities of the General Federation of the Trade Unions of Oman.

The Department of Trade Unions has the following responsibilities:

- Implementing the provisions of the Omani Labour Law related to rules of establishment and operation of trade unions at the enterprises' level and those of the General Federation of the Trade Unions of Oman.
- Registration of such unions after auditing their applications and ensuring that all legal requirements for such are fulfilled.
- Representing the MOM in the meetings and elections of the General Federation of the Trade Unions and the trade unions at the enterprises level.
- Monitoring the trade unions to ensure their compliance with the rules and regulations with which they were established.
- Participation in the activities related to collective bargaining and negotiations.

3.6. The Office of Joint Inspection

This department has 42 labour inspectors, who are all undergraduates, have 2 years diploma, and (124) security men provided, according to a contract signed with the MOM, by the private "Security and Safety Services Corporation". The staff of this department work in teams, each of which covers a governorate and consists of a number of inspectors and a number of security men. Those teams were formed in accordance with a relevant ministerial decision and sometimes have the support of the Royal Oman Police, of which 5 policemen are regularly based at the MOM.

Those Offices of Joint Inspection has the following functions:

- Conducting regular routine visits to enterprises and workplaces to ensure that all their foreign workers are legal and have valid work permits.
- Arresting illegal workers, interrogating them and their employers and taking legal action against violators.
- Follow up of the cases of arrested workers and ensuring their deportation.

4. Structure of labour inspection at the regional level

There are five “General Directorates of Manpower” out of the capital “Muscat”, one in each of the other five governorates of the Sultanate of Oman. Each of those General Directorates of Manpower has, beside other departments, a “Joint Inspection Office” and a “Department of Labour Care, which has the following three sections:

- The Section of Labour Inspection and Occupational Safety and Health.
- The Section of Labour Care and Dispute Settlement.
- The Section of Trade Unions.

All functions and activities performed by the “General Directorate for Labour Care” at the central level, are carried out by those three sections at the regional level. Similarly, the Joint Inspection Offices at regional levels has the same activities as the central Office of Joint Inspection.

The five regional General Directorates of Manpower has eight regional “Labour Departments”, each of which has the following sections, beside others, which perform functions and activities related to labour inspection:

- The Section of Work Permits and Inspection.
- The Section of Employment and Labour Care.

Each regional General Directorates of Manpower has a similar status as the central general directorates and reports directly to the undersecretary of the MOM for the labour division. All activities of the regional directorates, including labour inspection and occupational safety and health are not linked to the concerned central technical departments and they don’t seem to have adequate communication and coordination with the central authority.

5. Labour Inspection activities

The following types of inspection and activities are carried out by the staff of the different departments of the General Directorate of Labour Care:

- General labour inspection: Routine and follow-up visits.
- Complaints-based, and dispute settlement, visits.
- Occupational safety and health visits: Routine and follow-up.
- Joint inspection visits.
- Awareness raising visits.
- Organization inspection visits: These are special visits conducted by labour inspectors to ensure that the inspected enterprise abides by the percentage of Organization determined for its sector, as required by a relevant Ministerial decree.

- Afternoon inspection visits: These are also special inspection visits, conducted by labour inspectors, to ensure that the concerned enterprises abide by a Ministerial decree of prohibiting work between 12:30 pm and 03:30 pm, during the Summer months of July, August and September, in the enterprises, or any workplace, where employees may be directly exposed to heat in the very hot tropical country.
- Distinguished treatment inspection visits: This is a special type of inspection conducted by labour inspectors to verify the eligibility of enterprises for the Distinguished Treatment Status, when they apply for such.
- Recruitment agencies inspection: This type of inspection is conducted by labour inspectors to the agencies involved in bringing foreign domestic workers into the country.
- Inspection visits to the enterprises applying for importing foreign workers into the country, in case applications are referred by the directorate of employment and inspection recommended to verify the eligibility of those applicant enterprises for such.

6. Labour Inspectors

There are 160 labour inspectors and 9 OSH inspectors out of the 225 staff in the different departments of the GDLC, all of whom are involved in a type, or another, of inspection visits to the enterprises and sectors covered by the Omani Labour Law. The distribution of this staff is shown in Table 3. below.

Table 3. Omani Labour Inspectors by Department and Gender

Departments	Males	Females	Total
Labour inspection	154	6	160
OSH	6	3	9
Joint inspection	36	6	42
Laborer services	2	0	2
Dispute Settlement	7	5	12
Total	205	20	225

Labour inspectors are civil servants who have, according to article 8 of the labour law, judicial authorities concerning the implementation of the Omani Labour Law and shall take the oath before the Minister of Labour before assuming their work as labour inspectors. Those inspectors are of two categories:

- University graduates: They are either general labour inspectors, law graduates, or OSH inspectors, science graduates, mostly engineers. Such inspectors have full inspection authority and can conduct individual or joint inspections.
- Intermediate college graduates: Those are junior inspectors attached to the Office of Joint Inspection, who are not authorized to conduct individual visits. Their inspection activities are restricted to the joint inspection visits they conduct in teams with the security men attached to the MOM. Although

there are no legal barriers for practicing full inspection authority, all activities of those inspectors are limited to the enforcement of article 114 of the labour law, concerning imposing the stipulated sanctions in case of illegal employment of foreign workers and/or failing to achieve the required Organization percentage.

Labour inspectors are supported by the 124 security men attached to the Office of Joint Inspection, 5 policemen police men, for security support when required, and a number of drivers who serve other departments of the MOM as well.

The average salary of a newly appointed labour inspector in Oman is about 600 Omani Rials (about 1550 US Dollars) per month. This includes a 30 Omani Rials (about 80 US Dollars) as field allowance, which is the only financial benefit of labour inspectors over other civil servants, in addition to a transportation allowance for moving between the residence and the office, but the transportation for inspection visits and activities is well taken care of by the MOM. As civil servants, they are entitled to a small routine annual increment depending on their grades. There is no system for monitoring or evaluating the performance of labour inspectors, but in a practice, a director may recommend to the minister a special reward for a staff with an outstanding performance. The minister, in such case, may order a reward equivalent to one month salary, or part of it.

6.1. Mechanism of labour inspection

At Muscat, the inspectors are divided into 7 groups, 7 inspectors each. Each of those groups is responsible for inspection in one of Muscat's 6 provinces and conducts visits in teams of 2 or 3 inspectors. Each of those teams conducts about 3 visits, in average, per working day. Individual inspection visits are very rare. The 7th group is a supervisory one which carries out special and unplanned inspection visits and revises the inspection reports of all other six groups, summarizes them and submits the summaries to the head of the Department of Labour Inspection with their comments and recommendations on them. Then they are referred to the Director the GDLC. The directors discuss the reports with the inspectors who prepared them and agree with them on a final form and decisions. Reports are usually prepared and typed by the inspectors on the same day of the visit, saved on computers under the names of the visited enterprises, each of which has a special code number. On the same day, or the next as a maximum, they submit to their director, and to the supervisory committee, lists of code numbers of the visited enterprises, so that they can have access their reports. The screen contains windows for the remarks of both, the head of DLI and the director of the GDLC.

Inspection visits are usually planned. The head of the DLI prepares quarterly plans, which are revised every month, gives them to each of the 6 groups of inspectors for implementation. Priority in this respect is always given to the following categories:

- Enterprises on the Distinguished Treatment List (Green Card holders).
- Enterprises employing 50, or more, workers.
- Enterprises referred by other departments for inspection.
- Enterprises with reported violations of the labour law.

The general policy of the DLI is to always announce inspection visits conducted by labour inspectors. They inform the managements of enterprises, to be inspected, of their visits few days, and sometimes few weeks, in advance. Under cover or unannounced visits are very rarely conducted by the inspectors. Inspection visits are sometimes followed up. Follow up visits are included in the next months plan. When revising the reports of the other inspection groups, the supervisory group makes sure that enterprises with comments and violations are placed on the coming months inspection plan.

In general, it is very rare that a serious action or measures are taken against violators of the Omani Labour Law. The inspectors always start with providing advice on compliance issues, to employers. Then they issue verbal warnings and may proceed to written warnings. Verbal and written warnings may be repeated again and again, but they rarely go beyond that and notice periods given to employers in order to rectify the violations are always very long according to the head of the DLI, and the inspectors. In case an inspector decides to penalize an employer who does not respond to warnings, the penalty is referred, through the legal department at the MOM, to the Public Prosecutor who again gives the violator more and more time to rectify the situation. It is again very rare that the Public Prosecutor lets such cases proceed to the court so that a serious action, or sanction, is imposed on the employer.

6.2. The Guide to Labour Inspection

The “Guide to labour Inspection” was approved by the Ministerial Decree No. 11/2008, which compels the labour inspectors to abide by it. This guide included the following:

- Some important definitions, including those of measures authorized to labour inspectors.
- Objectives of labour inspection.
- Conditions and obligations, functions and authorities of labour inspectors.
- Obligations of employers towards labour inspectors.
- Types of inspection visits.
- Inspection planning and Labour inspection procedures.
- A summary of the main articles of the labour law.
- Forms and checklists used by inspectors.

6.3. Checklists and forms used by labour inspectors

The following forms and checklists are available to labour inspector for their use during inspection:

- Inspection Checklist.
- Re-inspection Checklist.

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- Written Warning Form.
 - Violation Form.

6.4. Logistic support

Although there are no vehicles allocated specifically for labour inspection, transportation doesn't seem to be a problem for labour inspectors in Oman. The general transport means of the MOM are usually available to them when requested, but with the increasing number of inspectors, sometimes they may waste sometime waiting to get them.

Land phones are available in their offices, but it was noted that the mobile phones are widely used by labour inspectors for work purposes, the cost of which is not subsidized or reimbursed. With the salaries they get, in such a relatively expensive gulf country, those expenses may form an extra burden on their budgets.

Labour inspectors have well furnished and equipped offices, including computers which are widely used by all of them, both at the central and regional levels. The MOM has an internal electronic information sharing system and the government is currently working on an electronic network that will connect all ministries together, so that free exchange and flow of information will soon be available to all governmental institutions.

Inspectors use a computerized checklist. Recently, the MOM has bought 180 Portable Data Application (PDA) devices which will be shortly used by inspectors after providing them with the required software, and the inspectors are trained on their use. Such devices will allow inspectors to fill up the inspection checklist electronically on site and if connected to the internet, will allow access of inspectors, while in the field, to the central data base and vice versa. The use of such devices will reduce to a large extent manual reports and the paper use within the DLI. These devices are provided with cameras for taking still images, they allow determining the location of the inspectors through GPS technology, and can be used for communication among inspectors, either verbally or through SMS. The training on those devices will include three levels:

- The users of labour inspectors.
- Supervisors, directors and heads of sections, who may supervise the proper use of those equipments.
- Administrative staff, of the computer department, who may provide assistance in trouble shooting.

6.5. Activities achieved by the GDLC

The Yearly Statistical Report of the MOM, of 2008, shows that the staff of the GDLC achieved the following activities during 2008:

- a) The Department of Labour Inspection:

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- The DLI received and processed 65738 applications for importing foreign workers from abroad. 25839 inspection visits were conducted in relation to those applications.
 - The following labour inspection visits were conducted:
 - 8924 routine inspection visits and 104 follow up visits. All follow up visit were in Muscat. The numbers of workers covered by labour inspection services in 2008 were as follows:
 - Omani workers: 63,110 (21.7%).
 - Foreign workers: 227,672 (78.3%).
 - Total: 290,782 (23.6 % of all employees in the private sector).
 - The department performed the following activities as well:
 - Received, and processed 61 applications of licensing foreign workers’
 - Recruitment agencies: 17 new licenses and 43 renewed ones.
 - Endorsed 12536 notifications of foreign workers’ runaway.
 - Authenticated 123601 workers’ contracts: 66227 Omani and 57374 foreign.
 - Approved 10469 foreign workers’ release letters.
 - Endorsed of 587 letters of end of service.
- b) The Department of Occupational Safety and Health:
- 1,003 occupational safety and health inspection visits.
- c) The Department of Labour Dispute Settlement:
- 193 complaint based inspection visits.
 - 10 visits to deal with strikes.
- d) The Office of Joint Inspection:
- 3,396 Inspection visits to check the legal status of foreign workers.
- e) The Department of Laborers’ Welfare. There yearly statistical report of the MOM of 2008 did not include the activities of this department, but those of 2007 were as follows:
- 656 awareness raising visits.
 - 193 inspection visits to assess the social welfare services provided to workers.

Some of the indicators, related to labour inspection, extracted from the figures obtained from the yearly Statistical Books of the MOM and the Ministry of National Economy are shown in Table 4. below.

Table 4. Labour inspection indicators according to data available in 2008

Indicator	Total
Total number of the inspection staff of the GDLC	225
Inspection staff/1,000 enterprises	2.14
Inspection staff/1,000 employees	0.18
Number of labour inspectors	160
Labour inspector/1,000 enterprises	1.52
Labour inspectors/1,000 employees	0.13
Labour inspection visits/1,000 employees/year	7.25
Percentage of follow up visits to all LI visits	1.15%
Percentage of follow up visits at Muscat	16.5%
Percentage of follow up visit out of Muscat	0%
Number of OSH inspectors	9
Number of OSH inspectors/1,000 enterprises	0.086
Number of OSH inspectors/1,000 employees	0.0073
Percentage of enterprises covered by LI services	8.5%
Percentage of employees covered by LI services	23.6%
Percentage of enterprises covered by OSH services	0.95%
Number of documented work injuries/1,000 workers/year	1.8
Percentage of enterprises covered by social insurance	11%
Percentage of employees covered by social insurance	20.8%
Number of labour complaints/1,000 employees	1.77
Percentage of complaints settled by the GDLC	31.6%
Percentage of complaints referred to PP/court	27.3%

6.6. Labour disputes

Individual Labour disputes in Oman pass through several stages of trials for settlement, before they are referred to the court. A worker who has a complaint should first go through his employer's internal regulation in raising such a complaint to the management and giving the employer a chance for offering a settlement. Otherwise the procedures are followed as stipulated in the relevant articles detailed above. In such case, complaints are dealt with by "legal researchers", within the "Department of Labour Dispute Settlement" in the MOM. Those researchers call both parties and negotiate a mutual settlement. In case a settlement couldn't be reached, the matter is referred by the department, in an official letter summarizing the case, to the Public Prosecutor, who, in his turn, again tries with both parties for a settlement. If the Public Prosecutor also fails, it is only then when the matter is referred to the court. According to the director of the "Department of Labour Dispute Settlement", majority of complaints submitted to the MOM are settled at a stage or another of the above and cases rarely proceed, beyond the Public Prosecutor, to the

court. There are 12 legal researchers in the “Department of Labour Dispute Settlement”, who are all law graduates. Each of those has a separate well furnished office room, for privately interviewing the dispute parties. In general, the majority of labour complaints and disputes received by the MOM are related to wages or termination of service. Some of them are related to other matter, such as working hours, overtime, leaves, etc.

The labour inspectors do not usually deal with individual labour disputes, but such cases may be referred to them only if they concern labour rights, but not termination of service. Collective labour disputes may be handled by labour inspectors, when such cases come to them, either directly from the dispute parties or through the Department of Labour Dispute Settlement, depending on the nature of the dispute and the load of work. In such cases inspectors interfere by visiting the enterprise and supervising the negotiations for conciliation. If they do not reach a settlement, they refer the case back to the “Department of Labour Dispute Settlement”, which continues the procedures as stipulated in the Ministerial decision mentioned above. Inspectors use the internal electronic network within the ministry to have access to the “Department of Labour Dispute Settlement” so that they make sure that any complaint or dispute is not handled by it before they deal with it.

The hotline service is another mean for receiving workers’ complaints in Oman. This hotline is under the “General Directorate of Planning and Development” which reports directly to the minister. All complaints received through the hotline are recorded and then referred to the inspectors to investigate. Complaints of foreign workers are translated to Arabic before they are processed. The large number of foreign workers in Oman, who speak tens of different languages, and the large number of complaint coming through the hotline, make translating and handling such complaints a real problem.

The Department of Labour Dispute Settlement received 2,177 individual labour complaints in 2008, Out of which 57 per cent were submitted by foreign workers and 43 per cent by Omani ones. About 32 per cent were mutually settled, 27 per cent referred to court (The Public Prosecutor) and 6% were referred to labour inspectors to deal with. Many of these complaints and disputes relate to non-payment of wages, repartition following end of contract and failure to provide return ticket. The figures of those complaints are shown in table 5. below.

Table 5. Individual labour complaints in 2008 by type and outcome

Type of complaint	Outcome					Omani	Foreign	Total
	No follow up	Mutually settled	Withdrawn	Referred to court	Referred to labour inspectors			
Illegal termination	46	25	22	54	0	142	5	147
Labour rights violations	708	464	179	542	135	790	1,240	2,030
Total	754	689	201	596	135	932	1,245	2,177

7. Occupational Safety and Health

There are 9 occupational safety and health inspectors all over the country. 6 of them are engineers and 3 have Firefighting Diplomas. OSH inspectors perform their

inspections individually or in teams of 2 or 3 inspectors from the same department or including some labour inspectors. Joint inspections are also undertaken within committees involving other concerned ministries and institutions. They conduct about 120 to 150 occupational safety and health inspection visits, in average, every month. General labour inspectors do not inspect safety and health conditions, but if they come across any relevant violations they report them to the director of OSH department who follows up with his inspectors.

OSH activities at the MOM are limited to the capital Muscat and the district of Salala, where there is an OSH specialist in the General Directorate of Manpower there. There are no OSH inspectors or activities in any other district whose enterprises, and workers, are deprived from such services. Other ministries and institution in Oman which are supposed to have occupational safety and health concerns, such as the Ministry of Health and the Public Authority for Social Insurance, do not have OSH inspectors and do not carry out such functions.

Occupational safety and health policies at the national level are drawn by the joint Occupational Health and Safety Committee at the MOM, which was established in accordance with the Ministerial decree 145/2004, and was restructured in 2007 by the ministerial decree 368/2007. This committee is chaired by the undersecretary of the MOM with representatives from the Ministry of Health, Ministry of Transport and Communication, Ministry of the National Economy, Ministry of Regional Municipalities and Water Resources, Royal Oman Police, Muscat Municipality, Dhofar Municipality, Sultan Qaboos University, Oman General Federation for Trade Unions, Public Authority for Social Insurance, Oman Chamber of Commerce and Industry, The Joint Committee for Construction Field, The Joint Committee for Oil Field, and Oman Petroleum Development Company. This committee, which meets 5 times a year to discuss matters related to occupational safety and health at the national level, has the following responsibilities:

- Formulation of the national occupational health and safety policies and plans.
- Studying and analysing occupational injuries and determination of prevention strategies.
- Raising awareness on occupational health, safety and prevention.
- Enhancing better coordination among concerned institutions.
- Enhancing collaboration with international agencies.

7.1 Occupational injuries and diseases

The available information and data on work-related injuries in Oman are inadequate and underestimate the problem. Article 13 of the “Regulation of Occupational Safety and Health for Establishments Governed by the Labour Law” stipulates: “Business owners shall notify the concerned section or department in the MOM of every serious accident, in written, within 24 hours of its occurrence and of every proved occupational injury or disease, and shall notify the Public Authority for Social Insurance of occupational injuries of socially insured workers”, but work injuries, in general, are not reported to the MOM and this part of the law is not activated. The Omani social security system provides full insurance against occupational injuries and maintains records of reported injuries, but this system, as per the Social Security law, covers the nationals only and does not cover foreign

workers. There are two joint committees at the MOM concerned with work injuries, the first is the Occupational Injuries Surveillance Committee, chaired by the Director the GDLC and has members from the Ministry of Health, the Public Authority for Social Security, the Civil Defense and the DLI. This committee visits enterprises following serious work injuries to investigate them. The second is the Committee on Integration of Occupational Injuries Reporting Systems, chaired by the Director General of Planning and Development at the MOM, and has members from the Ministry of Health, the Public Authority for Social Insurance, the Department of Occupational safety and Health, Department of Information and Technology and the Department of Statistics at the MOM.

According to an official of the Ministry of Health, which collects partial information on occupational injuries from the health services providers in both sectors, the reported cases of work related injuries represent the tip of the iceberg, and occupational diseases are not reported at all due to lack of awareness and lack of human and technical resources to diagnose such diseases. The available data, according to him, show that occupational injuries and diseases are a real burden on the social and healthcare services costing around 4 per cent of the Gross National Product. The reported work injuries were 1,089 in 2006 with a rate of 1.8 injuries per 1000 workers, 1,129 in 2007, with a rate of 1.6 injuries per 1,000 workers, and 1,383 in 2008, with a rate of 1.12 Injuries per 1000 workers. Injuries were mainly in the industrial and construction sectors among the 25-34 age group. A survey conducted jointly by the Ministry of Health and the Ministry of Manpower, showed high prevalence of occupational hearing impairment and skin and respiratory tract problems among workers.

8. Training

Training is one of the main priorities of the MOM. Part of the ministry's budget is allocated for this purpose. The MOM has a well equipped training hall close to the General Directorate for Labour Care. It accommodates (30) trainees and is provided with computers, audio-visual aids and other illustration materials.

9. International Labour Standards

Oman has ratified the following four, out of eight ILO core conventions:

- C29: Forced Labour Convention.
- C105: Abolition of Forced Labour Convention.
- C138: Minimum Age Convention.
- C182: Worst Forms of Child Labour Convention.

The Labour inspection conventions No. 81 and 129 have not been ratified, but the government saves no efforts to comply with their contents in order to ensure a greater protection of fundamental principles and rights at work.

10. Social Partners

Article 108 of the Labour Law stipulates: “The workers may from among them labour unions to protect their interests, defend their rights and improve their financial and social conditions and to represent them and their affairs” and article 110 stipulates: “The trade unions, the unions’ federations and the General Federation of Trade Unions of the Sultanate of Oman shall be independent entities from the date they are registered at the MOM and they shall have the right to freely practise their activities without interference in their affairs or influencing them”. The labour law gives foreign workers the same rights as the Omani ones in joining the trade unions and it protects the right of all workers to practise their union activities, through article 110 (repeated) which stipulates: “The sanction of termination, or any other sanction, may not be applied to the representatives of the trade unions, unions federations or the General Federation of Oman Trade Unions, for their unions related activities which they practice in accordance with the labour law and its implementing Ministerial Decrees”.

65 trade unions were established throughout the country in accordance with the Ministerial Decree No. 24/2007. A union may represent workers in a specific enterprise, sector or profession, but so far, all those unions are at the enterprise level, each of which unites together a number of workers in an enterprise and represents them. There are no unions for any specific sector or a specific profession. The General Federation of Oman Trade Unions is still in the formative phase. It will hold its founding congress by the end of 2009 with the view to promoting a genuine democratic and free representation of workers without distinction. According to a representative of the trade unions, in spite of the late remarkable positive change in the perception of labour inspection by workers, there is still a clear lack of awareness of labour inspection and labour rights among workers and the provided inspection services are still inadequate. Training on relevant issues for unionists in Oman, at all levels, is as badly needed, according to him.

The Oman Chamber of Commerce and Industry (OCCI), which represents the employers in Oman, was established by a Royal Decree on 15 May 1973. It plays an important role in stimulating the country’s economic activities through its active participation in implementing the national development plans, including that of the private sector. The OCCI has taken progressive steps to create a new support service unit to SMEs to improve the existing training programmes, including expansion of the representation to businesswomen. Employers representatives complained of frequent multiple types of inspection being conducted by different governmental institutions, which, according to them, unnecessarily wastes both employers’ and inspectors’ time and resources.

The social partners expressed their need for capacity building and training on all issues related to International Labour Standards and labour administration. The Government has stressed the need for the employers’ and workers’ organizations to understand their obligations especially concerning collective bargaining, and the right to strike.

11. The Social Security

The social security system of Oman was established by the Royal Decree 72/91 and is in place since 1992. It only applies to the nationals working in the private sector and insures them against work related injuries and provides old age, death and

disability pensions to the insured employees. The Public Authority for Social Insurance (PASI) is a tripartite body representing the employees, employers and the government. The social security services in Oman cover 11,628 enterprises, having 256,242 employees, out of a total of about 105,000 enterprises in the private sector.

The Social Insurance Law does not apply to the foreign workers, who are entitled to an “end of service indemnity”, stipulated in the labour law, as an alternative to the social insurance benefits enjoyed by the national employees, but they have no any form of insurance against work related injuries, diseases and disability. The Omani nationals working in the public sector, to whom the Social Insurance Law does not apply as well, have other pension schemes and other forms of social protection.

The inspection functions of the Public Authority for Social Insurance come under the “Insurance Inspection Department” which has 18 inspectors, all males. The inspection’s function is mainly to enhance managements to register with the PASI and to verify the information provided by the enrolled enterprises to the PASI concerning wages and numbers of employees. Those 18 inspectors conduct about 7,000 visits per year, in average. Almost all of those visits are based on complaints received from workers. Some of those visits are coordinated with the MOM. The head of the department complained of the shortage in the number of inspectors, lack of training, and absence of females among inspectors, which hinders inspection in some professions restricted to females.

12. The Ministry of Health

The Ministry of Health has occupational health and safety activities under the “Department of Environmental and Occupational Health”, which has the following sections:

- Occupational Health Section.
- Injuries prevention Section.
- Health Impact Assessment Section.
- Water and sanitation Section. and
- Poison Control Center.

This department has the following main activities:

- Drawing policies related to the promotion of workers health and safety.
- Raising health and safety awareness among workers and employers.
- Organizing occupational health and safety training programs.
- Assessment of environmental hazards in the workplaces upon employers’ request.
- Collection and analysis of data related occupational injuries and diseases.

The department which has ambitious strategies and plans, according to its officials, does not function well on ground due to lack of human and financial resources and equipment. This department, supported by the World Health Organization, prepared the “National Occupational Health and Safety Strategy of the Sultanate of Oman 2009-2012” with the participation of the Ministry of Manpower, the Public Authority for Social Insurance, the Ministry of National Economy and the private sector. The strategy included the National Occupational Health Plan (2009 – 2012), which identified the following objectives:

- Objective 1: To devise and implement policy instruments on workers’ health.
- Objective 2: To protect and promote health at workplace.
- Objective 3: To improve the performance and access to occupational health services.
- Objective 4: To provide and communicate evidence for action and practice.
- Objective 5: To incorporate workers’ health into other policies.

The Department of Environmental and Occupational Health issued the “National Occupational Health and Safety Profile” in 2006, but according to the department’s officials, it was partial and some information were missing. A new updated profile is badly needed. The Ministry of health is enhancing the MOM to ratify the ILO conventions on occupational safety and health, according to them. The department has recently updated the “Occupational Diseases List”, which has been approved by the Ministry of Health in September 2009, but not yet approved by the Public Authority for Social Insurance.

13. The Ministry of Fisheries

The Ministry of Fisheries has been set up in 2007, with the objective of strengthening the traditional fishing methods and upgrading them in order to improve on the quality of the fish and the income of the small scale fishermen, who are estimated to contribute 84 per cent of the total catch in the country while the remaining 16 per cent come from established businesses. The ministry’s figures show that there are 33,000 licensed fishermen, 14,000 licensed small fishing boats, 6.6 to 8.8 meter long, and 672 licensed fishing ships, 10 to 24 meter long, in the country. Raising safety and health awareness among workers in the fishing sector and inspection to ensure that fishermen and fishing boats are licensed, safety and health instructions are followed and adequate safety precautions are taken onshore as well as aboard the boats and ships offshore, are among the main functions of the Ministry of Fisheries through its “Fishery Inspection and Licences Department”. Foreign fishermen are sometimes licensed, mainly when they are working for large companies or when they are technicians. After getting such licenses, foreign fishermen are required to obtain work permits from the MOM. There are 66 inspectors in the department (called Fishery Wealth Controllers), who are holders of the Higher Secondary Certificate, non of them is a graduate. Those controllers enjoy judicial status and they were trained on public prosecution. They are based in the capital Muscat and keep rotating among the 6 coastal cities of Oman. The Ministry of Fisheries has a contract with the same private “Security and Safety Services Corporation” contracted by the MOM, which provides security men to accompany the inspectors/controllers during their inspections. Inspection visits are conducted by teams of 2 security men and 2 controllers each. No individual inspections are

undertaken. Onshore inspection visits are completed on the same day, but offshore ones require staying aboard the boat or the ship for several days, sometimes as long as one month, in case of large fishing ships. Some of the onshore inspection visits are joint with the labour inspectors of the MOM. The head of the “Fishery Inspection and Licences Department” stated that explosive and toxic chemicals are sometimes used in fishing and very dangerous techniques or methods are sometimes followed, what makes safety and health a very important issue in this field. He emphasized the need of his staff for training on ILS and occupational safety and health, especially that related specialized expertise is not available in the country, according to him. Inspectors at the Ministry of Fisheries are provided with personal protective equipment and Global Positioning System (GPS) devices.

14. Conclusion/Findings

14.1 General comment

1. In spite of not ratifying the Labour Inspection Conventions, the decision makers at the MOM seem to be, through their clear efforts, fully committed to the development and promotion of the labour inspection system in their country, including the implementation of the articles of those conventions. The support of the ILO to such efforts is clearly shown in the great progress achieved in Labour Inspection, which has been experiencing a great improvement during the last two years. The Omani situation, with such high level commitment and the very good infrastructure at the MOM, in general, and the General Directorate for Labour Care, in particular, and with continued efforts to rectify the identified weaknesses, is promising to become one of the best models of modern and effective labour inspection systems in the region, which will speed up realizing decent working conditions for workers in all sectors.
2. Collected information show that the foreign workers in Oman enjoy a fair and human treatment and the MOM is doing its best to protect their labour rights. but some unnecessary practices may show otherwise and may distort the image of the MOM and may negatively affect the perception of labour inspection, being the concerned department. Examples of these are the annual reports published by the MOM, which refer to the foreign workers who showed up at the MOM, requesting enabling them to go back home, as the “Illegal workers who **surrendered** to the MOM” and the publication of the photos of foreign workers beside their names in the newspapers, on daily basis, announcing them as runaway cases, prior to any investigations.
3. The regional labour inspection activities, which are under the regional General Directorates of Manpower in the provinces, are not properly supervised or controlled by the central authority. The communication and coordination between those RGDM and the central labour inspection authority is so weak that the later is not even aware of what is going on, concerning labour inspection, at the regional level and most of the statistics and plans of the central authority do not include the regions out of the capital Muscat.
4. Labour inspection services at the central level, which cover the capital Muscat, has been witnessing a great progress, but less progress is being witnessed in the other regions where inspection visits are not followed up at all.

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5. Some of the functions and activities carried out by the Department of Labour Inspection are not really related to labour inspection, such as auditing the applications and requests for licensing new recruitment agencies and auditing the applications of obtaining or renewing work permits for foreign workers. Much of the inspectors' time is consumed by such activities which could, and should, be done by the staff of other concerned departments. Labour inspectors' time is also consumed by studying the eligibility of applicant enterprises to bring foreign workers into the country, through auditing their applications. This could also be done by non-inspector staff of the other concerned departments, but labour inspectors may visit such enterprises, inspect them and audit their records and documents to check their status of compliance with the law and may also revise their files at the MOM to check their history, such as previous violations, disputes and injuries, and their level of cooperativeness with the Department of Labour Inspection, which are all key issues in deciding on the eligibility of those enterprises to employ more foreign, or even local, workers.
 6. Labour inspection activities covered 8.5 per cent of the enterprises and 23.6 per cent of employees in the private sector in 2008, which may be an indicator of targeting large enterprises, while the available data indicate that the vast majority of workers, and more labour related problems and runaway cases, are in the SMEs and informal sector.
 7. The human resources of the GDLC are sufficient, if efficiently used, for greatly expanding the coverage of labour inspection and OSH services in the country, but the way it is functioning at present, greatly restricts the benefits of such services. A major part of the inspectors' time is consumed by non-inspection activities and the number of OSH inspectors is too small to provide the minimum required services.

14.2. Legal framework

1. The coverage of the labour law excludes some categories of workers, including the domestic workers, who are among the most vulnerable groups.
2. The text of the law is not very clear concerning the authorities of labour inspectors in entering workplaces at any time of work and it did not refer to their ability to seek the assistance of technical experts whenever necessary. Sanctions are also, in some cases, not strong enough to stop violations.
3. The procedures to be followed for the settlement of collective labour disputes and individual disputes related to termination of service are clearly stipulated in the law, but the law does not refer to any procedures in case of disputes related to labour rights or other labour issues.
4. The costs and expenses of work injuries and diseases are not covered by the law in case of foreign workers, to whom the Social Insurance Law doesn't apply. At present, the MOM compels employers of foreign workers to insure them against work injuries with private insurance companies before a work permit is granted, but this practice has no legal basis and can't prevent exceptions.
5. (12) The steps to be followed in case of collective labour disputes and individual disputes concerning termination of service are clearly stipulated in the law, but the law does not refer to any procedures in case of disputes related to workers' rights or other labour issues.

14.3. Labour inspection visits and functions

1. The labour inspectors still lack the knowledge and practical experience for conducting quality inspection visits. They have some weaknesses in planning, identifying the priorities of inspection and judging the situation on the action to be taken.
2. The disciplinary measures and sanctions stipulated in the law are not adequately used by the labour inspectors to ensure better enforcement of the law.
3. The policy of the DLI in announcing all inspection visits may represent a good beginning to build up more confidence with employers and to keep more channels of cooperation open with them, but this will not always work the same way. At some point it may put at risk the protection of workers' rights that a labour inspection system aims provide.
4. All inspection visits are organized in teams, which is a good practice that adds to the quality and reliability of the obtained information, gives the inspectors more confidence and protection and reduces the possibility of conflicts between them and the managements, but those teams are mostly unnecessarily large, which negatively affects the percentage of coverage of LI services.
5. Most of Inspections focus mainly on the legal status of foreign workers through auditing their documents and work permits to ensure their legal employment and on the audits related the achievement of the targets/percentages of Organization in the enterprises as legally required. Other issues related to labour rights and working conditions are not among the priorities of the Department of Labour Inspection.
6. Interpretation services are not available to labour inspectors although more than 78 per cent of workers in the enterprises subject to labour inspection are foreign, large numbers of whom speak and understand no languages other than their own native one. More than 88 per cent of those are from India, Bangladesh and Pakistan.
7. There is no clear line between the functions and responsibilities of the Department of Labour Inspection and those of the Department of Labour Dispute Settlement concerning labour disputes and complaints. Labour inspectors may play a very important role in reconciliation and settlement of labour disputes and in maintaining stable and positive labour relations if such a matter is well organized.
8. There is no system for monitoring and evaluating the performance of labour inspectors.
9. The staff of the Department of Workers' Services, which plays an important role in raising awareness among workers of their legal rights and obligations, are under trained. They need more training on reaching larger numbers of workers and having better communication with them. The Interpretation services mentioned above may be helpful in this matter
10. Employers also need to be made aware of their rights and obligations and of the importance of labour inspection for enhancing the productivity and sustainability of their businesses and their important role in this process. A well

designed “Employers’ Brochure” made in several languages may serve this purpose.

14.4. Labour inspection tools

1. Having a guide to labour inspection is one of the positive points concerning labour inspection in Oman, but in its current form, it is so concise and lacks many of the important information and guidelines that, if properly included, would make it a much stronger and more powerful tool in the hands of labour inspectors.
2. Similarly, the checklist used by the labour inspectors is concise and using it as it is may lead the inspectors to miss some of the important issues that should be covered during inspection, but not included in the checklist, such as leaves, deductions, work contracts, workers interviews, etc.

14.5. Computerization and logistic support

1. Great steps have been taken towards computerizing inspection activities. All inspectors have access to computers, a software program was designed for the entry and analysis of data and information included in the inspection checklist and the MOM has bought 180 Portable Data Application (PDA) sets which may help in improving the inspectors’ performance and greatly contribute to the efficiency and effectiveness of labour inspection. The use of those sets requires providing them with the necessary software and training labour inspectors on their use.
2. The MOM keeps record of the already visited or inspected, mostly large, establishments, but does not have any records of the majority of the operating enterprises that have never been visited or inspected. A comprehensive data base of all enterprises subject to inspection need to be established for better planning and monitoring and better coverage of inspection services.
3. There is no system for compensating the labour inspectors for expenses incurred by them through using their personal mobile phones for work related purposes. Such expenses are not reimbursed.

14.6 Occupational safety and health

1. The coverage of occupational safety and health services is inadequate in Muscat, very poor in the district of Salala and absent in all other districts. This leaves the majority of the workforce in Oman, both nationals and foreign, unprotected. The Department of Occupational Safety and Health has a good documentation and reporting system, but its services cover less than 1 per cent of all private sector enterprises in the country.
2. The National Occupational Safety and Health Committee is not functioning properly, doesn’t meet regularly doesn’t play an important role in addressing the important OSH issues at the national level.

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3. There is no national occupational safety and health strategy, there is no proper cooperation among the concerned institutions and OSH activities are not well coordinated and social partners are not adequately involved.
 4. Some equipment are available to OSH inspectors for monitoring some pollutants in the working environment, but many of the other required equipment are not available to them. They also lack personal Protective Equipment when inspecting hazardous workplaces.

14.7. Social Partners

1. The responsibilities of workers and employers' organizations are increasing, but their actual involvement in labour issues is still very limited. They lack the knowledge and experience to strongly represent their members, especially the workers' organization who are still in the early stages of their formative phase.

14.8 Other institutions

1. The Ministry of Fisheries, which looks after one of the main sectors in the country, has regular contact with large numbers of fishermen, who are mostly employed on small boats and who are difficult to be reached by labour inspectors, and provides them with technical and professional training and advocacy, but the inspection staff of this ministry, who may play an important role in educating those fishermen on labour issues and in monitoring their working conditions, including occupational safety and health, are under trained and unqualified to play such an important role.
2. There are common objectives between the Ministry of Health and the MOM in the protection and promotion of health at work and in the prevention of work-related injuries and diseases, but the former has no capacities for inspecting workplaces to ensure compliance with the health and safety standards and conditions, and the later has no technical capacities for monitoring workers' health, including necessary medical checkups and analysis of biological and environmental samples taken from workers and workplaces respectively.
3. The Public Authority for Social Insurance, with such a few numbers of poorly trained inspectors, has access to very small proportions of the enterprises and workers in the country. Therefore its laws remain mostly unimplemented.

15. Recommendations

15.1 General recommendations

1. Taking into consideration the high commitment and the great efforts exerted by the Omani government during the last few years, towards strengthening the capacities of the labour inspection system and promoting the labour standards and rights at work, the government should be encouraged to ratify the main ILO conventions on labour inspection and OSH, C129, C150, C155, C181 and C187 and more efforts should be exerted by the ILO for producing Oman as a model country of effective labour inspection systems in the region.

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2. The promotion of labour inspection in the other governorates and districts, should be included in the plans of the central authority of labour inspection, which should have better control and supervision of labour inspection activities at the regional level. A better coordination mechanism should also be established among them.
 3. A new job description for labour inspectors, and for the Department of Labour Inspection, should be developed and made clear, so that most of the inspectors' time is engaged in labour inspection activities and overlapping of activities of different departments is avoided. This will require the coordination with the other concerned departments. The ILO may provide relevant technical support. The ILO assists in this matter.
 4. An human resources development unit need to be established within the General Directorate of Labour Care that would enhance the continuous training process of labour inspectors. Such a unit may develop policies for monitoring the labour inspectors' performance, highlighting their weakness and training needs, and organizing capacity building programs pertinent to those needs. This unit may also develop systems for ranking labour inspectors and motivating them by performance-bases incentives. The ILO may help in drafting terms of reference for this unit.
 5. Attaching a library to such unit will be invaluable in providing the inspectors with references and sources of knowledge when needed. The ILO may support the library with Arabic and English materials on labour issues and inspection.
 6. The concept of "Distinguished Treatment Enterprises" may be promoted and such enterprises, in case a reliable evaluation mechanism is developed by the Labour Inspection Department, may be inspected at longer intervals than the other enterprises and at a later stage may undergo self inspection.

15.2. Legal framework

1. The labour law need to be reformed in order to expand its coverage to other categories, mainly the domestic workers and to rectify the existing gaps, including the coverage of work injuries expenses for workers who are not covered by the social insurance. Its text concerning the authorities of labour inspectors should also be strengthened in order to empower the inspectors to freely enter workplaces at anytime of work and to enable them to seek the assistance of technical experts whenever necessary. A workshop may be organized to discuss this matter and any other related suggestions raised by inspectors.

15.3. Labour inspection visits and functions

1. The policy of the GDLC in targeting large enterprises only should be changed. This will require training the inspectors as well as the managements on proper planning for labour inspection, including identifying the high risk enterprises and prioritizing them for inspection. The ILO may organize such training.
2. The labour inspectors should also undergo more training on the practical procedures of conducting quality inspections, on dealing effectively with

different situations encountered by them and best measures for ensuring better levels of compliance. The ILO can contribute to this matter as well.

3. The policy of the DLI in announcing all inspection visits should be changed and it should take into consideration the balance between announced and unannounced visits depending on the situation, as judged by the labour inspectors, the previous history of the enterprise and the level of cooperativeness of the management with the inspectorate. More training in this respect is needed as well.
4. Inspection activities should focus more on the issues related to labour rights and working conditions, since the Office of Joint Inspection, through its inspectors, supported by 124 security men, takes care of the legality of employment of foreign workers and in order to have a better coverage of enterprises and workers, with the inspection services, inspection teams should not be unnecessarily large, as teams of two inspectors each will serve the purpose, except in large enterprises where more time and effort may be needed.
5. Interpretation services should be available to the inspectors, so that more comprehensive inspection services could be provided through having better communication with the majority of workers who do not speak Arabic or good English. The recruitment of interpreters or contracting a service provider may serve this purpose.
6. The staff of the Department of Workers' Services should be trained on best means of reaching, and communicating with, workers and employers and an "Employers' brochure" should be designed and made available to employers through various means, so that awareness of labour inspection and other labour issues could be promoted. The ILO may help in designing such a brochure.

15.4 Labour inspection tools

1. A new "Guide to Labour Inspection" should be developed in a way to cover most of the issues a labour inspector may need to know during an inspection visit. The standard ILO guide, being currently developed by the ITCILO, Turin, will serve this purpose if translated to Arabic. The checklist used by the inspectors should be reformed to include the other important uncovered issue. This requires a committee of labour inspectors, assisted by the staff of the legal department, to work on reforming the checklist.

15.5. Computerization and Logistic support

1. Programming the Portable Data Application (PDA) sets with the necessary software and training the inspectors on their use should be speeded up. This should be done by the IT department at the MOM.
2. The MOM should work on establishing a comprehensive data base for all operating enterprises in the country, which is necessary for better planning and coverage of LI services. This may be done through cooperation with the municipalities and other institution where related data exist. The ILO may provide technical assistance in this field. The ILO may provide technical advice, if needed.

15.6. Occupational safety and health

1. The coverage of occupational safety and health services should be expanded through promoting the technical skills of the OSH inspectors and integrating the departments of labour inspection and OSH. This will require training all labour inspectors on the basic OSH standards, including the identification and assessment of occupational hazards. Inspectors should be provided with the equipment needed for monitoring environmental hazards in the workplaces and with PPE to use when necessary. The ILO, both LAB/ADMIN and SAFE WORK, may provide relevant technical assistance.
2. The National Occupational Safety and Health Committee should be activated in order to play a more important role concerning OSH at the national level. A technical subcommittee that includes specialists from all concerned institutions may be valuable in this respect.
3. A National occupational safety and health policy should be worked on and implemented. Prior to this, a national OSH profile need to be prepared. This requires the participation of the social partners and other concerned institution in a workshop on this matter. The ILO could provide technical support and supervision in preparing the profile and developing the policy. Coordination with Safe Work on this matter is necessary.
4. An integrated documentation system of work injuries should be developed. A workshop on this matter should be organized with participants from all concerned departments in the MOM, the Ministry of Health and the Public Authority for Social Insurance.

15.7. The social partners and tripartism

1. The capacities of the employers and workers organizations should be strengthened as social partners and their involvement in the labour inspection process, including the development and implementation of related policies and strategies, should be encouraged. They should be trained on the International Labour Standards, the national labour legislations, labour inspection and collective bargaining and negotiation skills.
2. There is also a need for establishing a strong and influential tripartite advisory committee, with a mandate covering all labour issues in order to enhance an effective tripartite social dialogue. The ILO may play an invaluable role in this matter through advisory services and organizing capacity building programs for the social partners.

15.8. Other institutions

1. The capacities of concerned departments of the Ministry of Fisheries, the Ministry of Health and the Public Authority for Social Insurance should be strengthened and necessary training courses should be provided. Training the inspectors of the Ministry of Fisheries on labour issues and occupational safety and health will be of a great value since they are in contact with a sector that is difficult to be reached by labour inspectors. The ILO may provide technical support on this matter.

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2. Strong channels of cooperation and coordination among those institutions should be established. For this purpose a workshop including them, the MOM and the social partners should be organized during which proper recommendations may be suggested and worked on later.