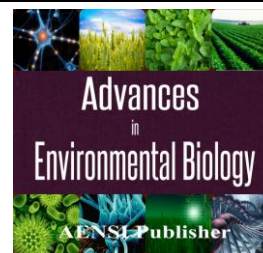




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## A Review on Zambia's and Kingdom of Saudi's Labor Law Focusing on Employment

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### ABSTRACT

This paper provides a review on labor rights in Kingdom of Saudi Arabia provided in Royal Decree No. M/51, 23 Sha'ban 1426 / 27 September 2005 that has been approved by the government of Saudi Arabia and then a summary of the provisions of the most important sections of the Basic Conditions of Employment Act, 1997 in Zambia will be reviewed and investigated. At the last section we shall provide a comparison between them.

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## INTRODUCTION

Labor rights are a relatively new addition to the modern corpus of human rights [1]. The modern concept of labor rights dates to the 19th century after the creation of labor unions following the industrialization processes. Karl Marx stands out as one of the earliest and most prominent advocates for workers' rights. His philosophy and economic theory focused on labor issues and advocates his economic system of socialism, a society which would be ruled by the workers [1]. Many of the social movements for the rights of the workers were associated with groups influenced by Marx such as the socialists and communists. More moderate democratic socialists and social democrats supported worker's interests as well [2]. More recent workers' rights advocacy has focused on the particular role, exploitation, and needs of women workers, and of increasingly mobile global flows of casual, service, or guest workers. Aside from the right to organize, labor movements have campaigned on various other issues that may be said to relate to labor rights [2].

Many labor movement campaigns have to do with limiting hours in the work place. 19th century labor movements campaigned for an Eight-hour day. Worker advocacy groups have also sought to limit work hours, making a working week of 40 hours or fewer standards in many countries. A 35-hour workweek was established in France in 2000, although this standard has been considerably weakened since then. Workers may agree with employers to work for longer, but the extra hours are payable overtime. In the European Union the working week is limited to a maximum of 48 hours *including* overtime [3].

Labor rights advocates have also worked to combat child labor. They see child labor as exploitative, cruel, and often economically damaging. Child labor opponents often argue that working children are deprived of an education. In 1948 and then again in 1989, the United Nations declared that children have a right to social protection [12]. In 2007, Massachusetts updated their child labor laws that required all minors to have work permits [13].

Labor rights advocates have worked to improve workplace conditions which meet established standards. During the Progressive Era, the United States began workplace reforms, which received publicity boosts from Upton Sinclair's *The Jungle* and events such as the 1911 Triangle Shirtwaist Factory fire. Labor advocates and other groups often criticize production facilities with poor working conditions as sweatshops and occupational health hazards, and campaign for better labor practices and recognition of workers' rights throughout the world.

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The labor movement pushes for guaranteed minimum wage laws, and there are continuing negotiations about increases to the minimum wage. However, opponents see minimum wage laws as limiting employment opportunities for unskilled and entry level workers.

The right to equal treatment, regardless of gender, origin and appearance, religion, sexual orientation, is also seen by many as a worker's right. Discrimination in the work place is illegal in many countries, but some see the wage gap between genders and other groups as a persistent problem.

The International Labour Organization was formed in 1919 as part of the League of Nations to protect worker's rights. The ILO later became incorporated into the United Nations. The UN itself backed workers' rights by incorporating several into two articles of the United Nations Declaration of Human Rights, which is the basis of the International Covenant on Economic, Social and Cultural Rights (article 6-8). These read:

*Article 23:*

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests [1].

*Article 24:*

1. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

The ILO and several other groups have sought international labor standards to create legal rights for workers across the world. Recent movements have also been made to encourage countries to promote labor rights at the international level through fair trade [1].

*Labor Standards:*

Identified by the International Labour Organisation (ILO) in the 'Declaration of the Fundamental Principles and Rights at Work', [2] core labor standards are "widely recognized to be of particular importance" [3]. They are universally applicable, regardless of whether the relevant conventions have been ratified, the level of development of a country or cultural values [4]. These standards are composed of qualitative, not quantitative standards and don't establish a particular level of working conditions, wages or health and safety standards [2]. They are not intended to undermine the comparative advantage that developing countries may hold. Core labor standards are important human rights and are recognized in widely ratified human rights instruments including the Convention on the Rights of the Child (CROC), the most widely ratified human rights treaty with 193 parties, and the ICCPR with 160 parties [5].

The core labor standards are:

- Freedom of association:[6] workers are able to join trade unions that are independent of government and employer influence;
- The right to collective bargaining:[7] workers may negotiate with employers collectively, as opposed to individually;
- The prohibition of all forms of forced labor:[8] includes security from prison labor and slavery, and prevents workers from being forced to work under duress:[9]
- Elimination of the worst forms of child labor:[10] implementing a minimum working age and certain working condition requirements for children;
- Non-discrimination in employment: equal pay for equal work.

Few ILO member countries have ratified all of these conventions due to domestic constraints yet as these rights are also recognised in the UDHR, and form a part of customary international law they are committed to respect these rights. For a discussion on the incorporation of these core labor rights into the mechanisms of the World Trade Organization, see The Recognition of Labour Standards within the World Trade Organisation. There are many other issues outside of this core, in the UK employee rights includes the right to employment particulars, an itemised pay statement, a disciplinary process at which they have the right to be accompanied, daily breaks, rest breaks, paid holidays and more [11].

*First Section: Zambia's Labor Rights and Employment:*

*Brief Introduction:*

The basic conditions of employment contained in the Act form part of the contract of employment of employees covered by the Act. Some, but not all, basic conditions of employment may be varied by individual or collective agreements in accordance with the provisions of the Act. (see paragraph 7 below).

1. *Regulation of working time: chapter two:*

2.1 *Application:*

This chapter does not apply to senior managerial employees, employees engaged as sales staff who travel and employees who work less than 24 hours a month.

2.2 *Ordinary hours of work: Section 9:*

No employer shall require or permit an employee to work more than—

- (a) 45 hours in any week;
- (b) nine hours in any day if an employee works for five days or less in a week; or
- (c) eight hours in any day if an employee works on more than five days in a week.

2.3 *Overtime: Section 10:*

2.3.1 An employer may not require or permit an employee—

- (a) to work overtime except by an agreement;
- (b) to work more than ten hours' overtime a week.

2.3.2 An agreement may not require or permit an employee to work more than 12 hours on any day.

2.3.3 A collective agreement may increase overtime to fifteen hours per week for up to two months in any period of 12 months.

2.3.4 Overtime must be paid at 1.5 times the employee's normal wage or an employee may agree to receive paid time off.

2.4 *Compressed working week: Section 11:*

2.4.1 An employee may agree in writing to work up to 12 hours in a day without receiving overtime pay.

2.4.2 This agreement may not require or permit an employee to work—

- (a) more than 45 ordinary hours in any week;
- (b) more than ten hours' overtime in any week; or
- (c) more than five days in any week.

2.5 *Averaging of hours of work: Section 12:*

2.5.1 A collective agreement may permit the hours of work to be averaged over a period of up to four months.

2.5.2 An employee who is bound by such a collective agreement may not work more than—

- (a) an average of 45 ordinary hours in a week over the agreed period;
- (b) an average of five hours' overtime in a week over the agreed period.

2.6 *Meal intervals: Section 14:*

2.6.1 An employee must have a meal interval of 60 minutes after five hours work.

2.6.2 A written agreement may—

- (a) reduce the meal interval to 30 minutes;
- (b) dispense with the meal interval for employees who work fewer than six hours on a day.

2.7 *Daily and weekly rest period: Section 15:*

An employee must have a daily rest period of 12 consecutive hours and a weekly rest period of 36 consecutive hours, which, unless otherwise agreed, must include Sunday.

2.8 *Pay for work on Sundays: Section 16:*

2.8.1 An employee who occasionally works on a Sunday must receive double pay.

2.8.2 An employee who ordinarily works on a Sunday must be paid at 1.5 times the normal wage.

2.8.3 Paid time off in return for working on a Sunday may be agreed upon.

2.9 *Night work: Section 17:*

2.9.1 Employees who work at night between 18h00 and 06h00 must be compensated by payment of an allowance or by a reduction of working hours and transport must be available.

2.9.2 Employees who work regularly after 23:00 and before 06:00 the next day must be informed—

- (a) of any health and safety hazards; and
- (b) the right to undergo a medical examination.

### *2.10 Public holidays: Section 18:*

2.10.1 Employees must be paid their ordinary pay for any public holiday that falls on a working day.

2.10.2 Work on a public holiday is by agreement and paid at double the rate.

2.10.3 A public holiday may be exchanged with another day by agreement.

### *3. Leave: Chapter Three:*

#### *3.1 Application:*

The chapter on leave does not apply to an employee who works less than 24 hours a month for an employer and to leave granted in excess of the leave entitlement under this chapter.

#### *3.2 Annual leave: Sections 20 & 21:*

3.2.1 Employees are entitled to 21 consecutive days' annual leave or by agreement, one day for every 17 days worked or one hour for every 17 hours worked.

3.2.2 Leave must be granted not later than six months after the end of the annual leave cycle.

3.2.3 An employer must not pay an employee instead of granting leave except on termination of employment.

#### *3.3 Sick leave: Sections 22 – 24:*

3.3.1 An employee is entitled to six weeks' paid sick leave in a period of 36 months.

3.3.2 During the first six months an employee is entitled to one day's paid sick leave for every 26 days worked.

3.3.3 An employer may require a medical certificate before paying an employee who is absent for more than two consecutive days or who is frequently absent.

#### *3.4 Maternity leave: Sections 25 & 26:*

3.4.1 A pregnant employee is entitled to four consecutive months' maternity leave.

3.4.2 A pregnant employee or employee nursing her child is not allowed to perform work that is hazardous to her or her child.

#### *3.5 Family responsibility leave: Section 27:*

3.5.1 Full time employees are entitled to three days paid family responsibility leave per year, on request, when the employee's child is born or sick, or in the event of the death of the employee's spouse or life partner, or the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.

3.5.2 An employer may require reasonable proof:

### *4. Particulars of Employment and Remuneration: Chapter Four:*

#### *4.1 Application:*

This chapter does not apply to an employee who works less than 24 hours a month for an employer.

#### *4.2 Written particulars of employment: Section 29:*

4.2.1 An employer must supply an employee when the employee commences employment, with the following particulars in writing:

- (a) full name and address of the employer;
- (b) name and occupation of the employee, or a brief description of the work ;
- (c) various places of work;
- (d) date of employment;
- (e) ordinary hours of work and days of work;
- (f) wage or the rate and method of calculating;
- (g) rate for overtime work;
- (h) any other cash payments;
- (i) any payment in kind and the value thereof;
- (j) frequency of remuneration;
- (k) Any deductions;
- (l) leave entitlement;
- (m) period of notice or period of contract;
- (n) description of any council or sectoral determination which covers the employer's business;
- (o) period of employment with a previous employer that counts towards the period of employment;
- (p) list of any other documents that form part of the contract, indicating a place where a copy of each may be obtained.

4.2.2 Particulars must be revised if the terms of employment change.

*4.3 Informing employees of their rights: Section 30:*

A statement of employees' rights must be displayed at the workplace in official languages used at the workplace.

*4.4 Keeping of records: Section 31:*

Every employer must keep a record containing the following information:

- (a) employee's name and occupation;
- (b) time worked;
- (c) remuneration paid;
- (d) date of birth if under 18 years of age; and
- (e) any other prescribed information.

*4.5 Information about remuneration: Section 33:*

The following information must be given in writing when the employee is paid:

- (a) employer's name and address;
- (b) employee's name and occupation;
- (c) period of payment;
- (d) remuneration in money;
- (e) any deduction made from the remuneration;
- (f) the actual amount paid; and
- (g) if relevant to the calculation of that employee's remuneration—
  - (i) employee's rate of remuneration and overtime rate;
  - (ii) number of ordinary and overtime hours worked during the period of payment;
  - (i) number of hours worked on a Sunday or public holiday during that period; and
  - (ii) if an agreement to average working time has been concluded, the total number of ordinary and overtime hours worked in the period of averaging.

*4.6 Deductions and other acts concerning remuneration: Sections 34 and 34A:*

4.6.1 An employer may not deduct money from an employee's remuneration unless –

- (a) The employee agrees in writing to the deduction of a specific debt;
- (b) The deduction is made in terms of a collective agreement, law, court order or arbitration award

4.6.2 A deduction in respect of damage or loss caused by the employee may only be made with agreement and after the employer has followed a fair procedure

4.6.3 Employers must pay deductions and employer contributions to benefit funds to the fund within seven days.

*4.7 Calculation of remuneration and wages: Section 35:*

4.7.1 Wages are calculated by the number of hours ordinarily worked.

4.7.2 Monthly remuneration or wage is four and one-third times the weekly wage.

4.7.3 If calculated on a basis other than time, or if the employee's remuneration or wage fluctuates significantly from period to period, any payment must be calculated by reference to remuneration or wage during—

- (a) the preceding 13 weeks; or
- (c) if employed for a shorter period, that period.

4.7.4 Employers and employees should consult a schedule published in the Government Gazette to determine whether a particular category of payment forms part of an employee's remuneration for the purpose of calculations made in terms of this Act.

*5. Termination of Employment: Chapter Five:*

*5.1 Application:*

This chapter does not apply to an employee who works less than 24 hours in a month for an employer.

*5.2 Notice of termination of employment: Section 37:*

5.2.1 A contract of employment may be terminated on notice of not less than—

- (a) one week, if the employee has been employed for six months or less;
- (b) two weeks, if the employee has been employed for more than six months but not more than one year;

(c) four weeks, if the employee has been employed for one year or more, or if a farm worker or domestic worker has been employed for more than six months.

5.2.2 A collective agreement may shorten the four weeks notice period to not less than two weeks.

5.2.3 Notice must be given in writing except when it is given by an illiterate employee.

5.2.4 The notice on termination of employment by an employer in terms of the Act does not prevent the employee challenging the fairness or lawfulness of the dismissal in terms of the Labour Relations Act, 1995 or any other law.

### 5.3 *Severance pay: Section 41:*

An employee dismissed for operational requirements or whose contract of employment is terminated in terms of section 38 of the Insolvency Act, 1936 is entitled to one week's severance pay for every year of service.

### 5.4 *Certificate of Service: Section 42:*

On termination of employment an employee is entitled to a certificate of service.

### 6. *Prohibition of Employment of Children and Forced Labour: Sections 43 – 48:*

6.1 It is a criminal offence to employ a child under 15 years of age.

6.2 Children under 18 may not be employed to do work inappropriate for their age or that places them at risk.

6.3 Causing, demanding or requiring forced labour is a criminal offence.

### 7. *Variation of Basic Conditions of Employment: Sections 49 – 50:*

7.1 A collective agreement concluded by a bargaining council may replace or exclude any basic condition of employment except the following:

(a) the duty to arrange working time with regard to the health and safety and family responsibility of employees (S.7,9 and 13);

(b) reduce the protection afforded to employees who perform night work(S. 17(3) and (4));

(c) reduce annual leave to less than two weeks (S. 20);

(d) reduce entitlement to maternity leave (S 25);

(e) reduce entitlement to sick leave to the extent permitted (S. 22-24); and

(f) prohibition of child and forced labour (S.48).

7.2 Collective agreements and individual agreements may only replace or exclude basic conditions of employment to the extent permitted by the Act or a sectoral determination (S.49).

7.3 The Minister of Labour may make a determination to vary or exclude a basic condition of employment.

This can also be done on application by an employer or employer organisation (S. 50).

7.4 A determination may not be granted unless a trade union representing the employees has consented to the variation or has had the opportunity to make representations to the Minister. A copy of any determination must be displayed by the employer at the work place and must be made available to employee's (S.50).

### 8. *Sectoral Determinations: Section 51:*

Sectoral determinations may be made to establish basic conditions for employees in a sector and area.

### 9. *Monitoring, Enforcement and Legal Proceedings: Sections 63 – 81:*

9.1 Labour inspectors must advise employees and employers on their rights and obligations in terms of employment laws. They conduct inspections, investigate complaints and may question persons and inspect, copy and remove records and other relevant documents (S. 64 – 66).

9.2 An inspector may serve a compliance order on an employer who is not complying with a provision of the Act. The employer may object against the order to the Director-General: Labour, who after receiving representations, may confirm, modify or set aside an order. This decision is subject to appeal to the Labour Court (S. 68 – 73).

9.3 Employees may not be discriminated against for exercising their rights in terms of the Act (S. 78 – 81).

### 10. *Presumption as to Who Is an Employee: Section 83A:*

10.1 A person who works for, or provides services to, another person is presumed to be an employee if –

(a) his or her manner or hours of work are subject to control or direction;

(b) he or she forms part of the employer's organisation;

(c) he or she has worked for the other person for at least 40 hours per month over the previous three months;

(d) he or she is economically dependent on the other person;

(e) he or she is provided with his or her tools or work equipment; or

(f) he or she only works for, or renders service to, one person.

10.2 If one of these factors is present, the person is presumed to be an employee until the employer proves that he or she is not.

#### 11. General:

It is an offence to—

- (a) obstruct or attempt to influence improperly a person who is performing a function in terms of the Act;
  - (b) obtain or attempt to obtain any prescribed document by means of fraud, false pretences, or by presenting or submitting a false or forged document;
  - (c) pretend to be a labour inspector or any other person performing a function in terms of the Act;
  - (d) refuse or fail to answer fully any lawful question put by a labour inspector or any other person performing a function in terms of the Act;
  - (e) refuse or fail to comply with any lawful request of, or lawful order by, a labour inspector or any other person performing a function in terms of the Act;
  - (f) hinder or obstruct a labour inspector or any other person performing a function in terms of the Act.
- (S. 92)

#### *Section 2: Kingdom of Saudi Arabia; 's Labor Rights: Work Conditions and Circumstances:*

##### *Chapter One:*

##### *Wages:*

##### *Article (89):*

The Council of Ministers may, when necessary and upon a proposal by the Minister, set a minimum wage.

##### *Article (90):*

(1) The worker's wages and all other entitlements shall be paid in the Country's official currency. Wages shall be paid during working hours and at the workplace in accordance with the following provisions:

- (1.1) Workers paid on a daily basis shall be paid at least once a week.
  - (1.2) Workers paid on a monthly basis shall be paid once a month.
  - (1.3) If the work is done by the piece and requires a period of more than two weeks, the worker shall receive a payment each week commensurate with the completed portion of the work. The balance of the wage shall be paid in full during the week following delivery of the work.
  - (1.4) In cases other than the above, the worker's wages shall be paid at least once a week.
- (2) Wages may be paid through accredited banks in the Kingdom, with the consent of the worker, provided that their due dates do not exceed the dates specified above.

##### *Article (91):*

(1) If the worker, as a result of his own fault or violation of the employer's instructions and not as a result of a third party's fault or a force majeure, causes loss, damage or destruction to machineries or products owned by the employer while in his custody, the employer may deduct from the worker's wage the amount necessary for repair or restoration to the original condition, provided that such deductions do not exceed a five-day wage per month. The employer may file a grievance, if necessary, demanding more deductions if the worker has other properties from which collections may be made. The worker may file a grievance with the Commission for the Settlement of Labor Disputes regarding the allegations leveled at him or the employer's estimation of the damages. If the Commission rules that the employer is not entitled to claim such deductions or if it awards the employer a lower amount, the employer shall return to the worker the amounts unjustifiably deducted, within seven days from the date of the award.

(2) Either party shall file its grievance within fifteen work days; otherwise, it shall forfeit his right thereto. For the employer, the date of filing the grievance shall be from the date the occurrence is discovered, and for the worker from the date of his notification of the same by the employer.

##### *Article (92):*

No amount shall be deducted from the worker's wages against private rights without his written consent, except in the following cases:

- (1) Repayment of loans extended by the employer, provided that such deductions do not exceed 10% of his wage.
- (2) Social insurance or any other contributions due on the workers as provided for by law.
- (3) Worker's contributions to thrift funds or loans due to such funds.

- (4) Installments of any scheme undertaken by the employer involving home ownership programs or any other privilege.
- (5) Fines imposed on the worker on account of violations committed, as well as deductions made for damages caused.
- (6) Any debt collected in implementation of a judicial judgment, provided that the monthly deduction shall not exceed one quarter of the worker's wage, unless the judgment provides otherwise.

First to be collected is alimony, followed by food, clothing and accommodation debts, before other debts.

*Article (93):*

In all cases, deductions made may not exceed half the worker's due wage, unless the Commission for the Settlement of Labor Disputes determines that further deductions can be made or that the worker is in need of more than half his wage. In the latter case, the worker may not be given more than three quarters of his wage.

*Article (94):*

- (1) If any amount is deducted from the worker's wages for reasons other than those specified in this Law without his written consent, or if the employer delays, without a valid justification, payment of the worker's wages beyond the due date set forth in the Law, the worker, his representative or the head of the competent Labor Office may submit a request to the Commission for the Settlement of Labor Disputes to order the employer to return to the worker any wrongfully-deducted amounts or to pay him his outstanding wages.
- (2) The said Commission may, if it establishes that the employer has unjustifiably deducted the said amounts or delayed the payment of the wages, impose on the employer a fine not exceeding twice the amount deducted from the worker's wage or twice the outstanding wages.

*Article (95):*

- (1) If the work contract or the work organization regulation does not provide for the wage binding on the employer, the wage estimated for the same type of work in the firm, if any, shall be adopted; otherwise, the wage shall be estimated in accordance with the profession's norms at the place where the work is performed. In the absence of such norms, the Commission for Settlement of Labor Disputes shall estimate the wage in accordance with the dictates of justice.
- (2) The same shall also apply in determining the type and scope of the service that the worker is required to render.

*Article (96):*

- (1) If the worker's wage is determined on the basis of piecework or productivity, the average wage which the worker receives for his actual workdays during the last year of his service shall be used as the basis for calculating any entitlements determined for the worker under this Law.
- (2) If the entire wage is the amounts received as commissions, a percentage of sales or the like which are by nature subject to increases or decreases, the daily average wage shall be calculated on the basis of the amounts the worker receives for the actual work days, divided by them.

*Article (97):*

If a worker is detained or taken into custody by the competent authorities in cases related to work or occasioned by it, the employer shall continue to pay the worker 50% of the wage until the case is decided, provided that the period of detention or custody shall not exceed one hundred eighty days. If said period exceeds that, the employer shall not be required to pay any portion of the wage for the excess period. If the worker is acquitted or the investigation is closed for lack of evidence or invalidity thereof, the employer shall return to the worker the amount previously deducted from his wage. However, if he is convicted, none of the payments made shall be recovered unless the judgment provides otherwise.

*Working Hours:*

*Article (98):*

A worker may not actually work for more than eight hours a day if the employer uses the daily work criterion, or more than forty-eight hours a week if he uses the weekly criterion. During the month of Ramadan, the actual working hours for Muslims shall be reduced to a maximum of six hours a day or thirty-six hours a week.

*Article (99):*

The number of working hours provided for in Article (98) of this Law may be raised to nine hours a day for certain categories of workers or in certain industries and jobs where the worker does not work continuously. It may likewise be reduced to seven hours a day for certain categories of workers or in certain hazardous or



harmful industries or jobs. Categories of workers, industries and jobs referred to shall be determined pursuant to a decision by the Minister.

*Article (100):*

In firms where work is done in shifts, an employer may, with the Ministry's approval, increase the number of working hours to more than eight hours a day or forty eight hours a week, provided that the average working hours in three weeks' time shall not be more or less than eight hours a day or forty eight hours a week.

*Article (101): First: Rest Periods:*

Working hours and rest periods during the day shall be scheduled so that no worker shall work for more than five consecutive hours without a break of no less than thirty minutes each time during the total working hours for rest, prayer and meals, provided that a worker shall not remain at the workplace for more than eleven hours a day.

*Article (102):*

The periods designated for rest, prayers and meals shall not be included in the actual working hours. During such periods, the worker shall not be under the employer's authority. The employer shall not require the worker to remain at the workplace during such breaks.

*Article (103):*

The Minister may specify, pursuant to a decision by him, the cases and jobs where work shall, for technical reasons or operational conditions, continue without breaks. In such cases and jobs, the employer shall allow prayer, meal and rest periods to be scheduled during working hours by the management of the firm.

*Second: Weekly Rest Days:*

*Article (104):*

*(1) Friday shall be the weekly rest day for all workers:*

After proper notification of the competent labor office, the employer may replace this day for some of his workers by any other day of the week. The employer shall allow the workers to perform their religious obligations. The weekly rest day may not be compensated by cash.

*(2) The weekly rest day shall be at full pay and shall not be less than twenty-four consecutive hours.*

*Article (105):*

As an exception to the provisions of Article (104) of this Law, in remote areas and in jobs where the nature of work and operational conditions require continuous work, weekly rest periods accruing to the worker may be consolidated for up to eight weeks if the employer and the workers agree to that effect, subject to the Ministry's approval. In calculating the consolidated weekly rest periods, it shall be taken into consideration that said periods begin at the hour the workers arrive at the nearest city with transportation services and end at the hour the workers return to it.

*Article (106):*

An employer may not comply with the provisions of Articles (98), (101) and Paragraph (1) of Article (104) of this Law, in the following cases:

(1) Annual inventory activities, preparation of the budget, liquidation, closing of accounts and preparations for discount and seasonal sales, provided that the number of days during which the workers work shall not exceed thirty days a year.

(2) If the work is intended to prevent a hazardous accident, remedy its impact or avoid an imminent loss of perishable materials.

(3) If the work is intended to meet unusual work pressure.

(4) Eids, other seasons, occasions and seasonal activities specified pursuant to a decision by the Minister.

In all of the above cases, the actual working hours shall not exceed ten hours a day or sixty hours a week. The maximum overtime hours allowed per year shall be determined by a decision of the Minister.

*Article (107):*

(1) The employer shall pay the worker for overtime working hours an additional amount equal to the hourly wage plus 50% of his basic wage.

(2) If the firm is operated on the basis of weekly working hours, the hours in excess of the hours taken as the criterion shall be deemed overtime hours.

(3) All working hours performed during holidays and Eids shall be deemed overtime hours.

*Article (108):*

The provisions of Articles (98) and (101) of this Law shall not apply to the following cases:

- (1) Persons occupying high positions of authority in management and policy, if such positions grant the persons occupying them authority over workers.
- (2) Preparatory or supplemental works which must be completed before or after commencement of work.
- (3) Work that is intermittent by necessity.
- (4) Guards and janitors, excluding civil security guards.

The Regulations shall specify the jobs listed under paragraphs (2), (3) and (4) of this Article and their maximum working hours.

*Leaves:**Article (109):*

- (1) A worker shall be entitled to a prepaid annual leave of not less than twenty one days, to be increased to a period of not less than thirty days if the worker spends five consecutive years in the service of the employer.
- (2) A worker shall enjoy his leave in the year it is due. He may not forgo it or receive cash in lieu during his period of service. The employer may set the dates of such leave according to work requirements or may grant them in rotation to ensure smooth progress of work. The employer shall notify the worker of the date of his leave in sufficient time of not less than thirty days.

*Article (110):*

- (1) A worker may, with the employer's approval, postpone his annual leave or days thereof to the following year.
- (2) An employer may postpone, for a period of not more than ninety days, the worker's leave after the end of the year it is due if required by work conditions. If work conditions require extension of the postponement, the worker's consent must be obtained in writing. Such postponement shall not, however, exceed the end of the year following the year the leave is due.

*Article (111):*

A worker shall be entitled to a wage for the accrued days of the leave if he leaves the work without using such leave. This applies to the period of work for which he has not used his leave. He is also entitled to a leave pay for the parts of the year in proportion to the part he spent at work.

*Article (112):*

Each worker shall be entitled to full-pay leave on Eids and occasions specified in the Regulations.

*Article (113):*

A worker shall be entitled to one day of paid leave in the case of childbirth and three days for marriage or in the case of the death of a spouse or one of his ascendants and descendants. The employer may request supporting documents for cases referred to.

*Article (114):*

A worker shall be entitled to a paid leave of not less than ten days and not more than fifteen days, including Eid Al-Adha holiday, to perform Hajj only once during his service if he has not performed it before. To be eligible for this leave, the worker must have spent at least two consecutive years of service with the employer. The employer may determine the number of workers who shall be given this leave annually in accordance with work requirements.

*Article (115):*

A worker enrolled in an educational institution shall have the right to a fully paid leave to sit for an examination of an unrepeatable year. Days of leave shall be based on the actual number of the examination days. However, for the examinations of a repeated year, the worker shall be entitled to unpaid leave to sit for the examinations. The employer may require the worker to submit documents in support of the leave application as well as proof of having taken the examination. The worker shall apply for the leave at least fifteen days ahead of the due date. Without prejudice to disciplinary action, the worker shall be denied the wage if it is proven that he had not taken the examination.

*Article (116):*

A worker, subject to the employer's approval, may obtain leave without pay for a duration to be agreed upon by the two parties. The work contract shall be deemed suspended for the duration of the leave in excess of twenty days, unless both parties agree otherwise.

*Article (117):*

A worker whose illness has been proven shall be eligible for a paid sick leave for the first thirty days, three quarters of the wage for the next sixty days and without pay for the following thirty days, during a single year, whether such leaves are continuous or intermittent.

A single year shall mean the year which begins from the date of the first sick leave.

*Article (118):*

A worker may not work for another employer, while enjoying any of his leaves provided for in this Chapter. If the employer proves that the worker has violated this provision, he may deprive him of his wages for the duration of the leave or recover any wages previously paid to him.

*PART VII:**PART-TIME WORK:**Article (119):*

Full-time workers who are affected by a collective temporary reduction in their normal working hours for economic, technical or structural reasons shall not be considered part-time workers.

*Article (120):*

The Minister shall issue the necessary rules and controls for organizing part-time work, indicating therein the obligations of the part-time workers and employers. To the exclusion of the protection extended to the similar full-time workers in terms of occupational health and safety and work injuries, the provisions of this Law shall apply only to the extent determined by the Minister.

*Conclusions:*

Labor right is one of the most important issues in reducing discrimination and maintaining social justice within societies. This issue has been the source of the emergence of too many theories and doctrines in across the history. This paper aimed at providing some parts of the employment and labor rights in two countries: Zambia and Kingdom of Saudi Arabia.

As we have seen the labor rights regarding to the employment is very complex and each of the countries has many strength and weaknesses in their labor rights. Flexibility of labor right and working conditions is another issue that has been occupied many time and space in memorandum of two countries.

Regarding to the structure of the organization of labor, the two countries are different and has predicted many positive points in their law.

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