



On 30 August 2020, Qatar made sweeping changes to its labour laws that tore down its kafala system.

From here on, migrant workers are free to switch to other jobs after giving the necessary notice to their former employers. The new rules establish clear and quite simple procedures for doing so.

The kafala system, or sponsorship system, is one where a migrant worker needs a sponsor – usually an employer – to enter and work in the country (up till 2018, the Qatari sponsor must also agree before the worker could leave the country). Such a system effectively gives the sponsor or employer enormous control over the migrant worker and the kafala system is widely reviled as an enabler of forced labour.

Until this recent change, migrant workers in Qatar had to obtain a No Objection Certificate (NOC) from their employer before

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they could change jobs. Employers were not obliged to agree and this gave them great leverage over the worker. NOCs are now abolished.

## In Singapore, we still embrace bondage

Although we do not use the term 'kafala system' in Singapore, we too have such a system. In Singapore, migrant workers cannot change employers (we also use the term 'transfer') until the current employer has given permission for him or her to do so.

In the last few years, our Ministry of Manpower (MOM) has allowed a little job mobility, but it benefits only the rarest worker. Currently, there are only two ways a migrant worker in Singapore can change employer without needing to get the current employer's permission:

Firstly, when, 40 days before the expiry of the worker's Work Permit (but see (b) below), the employer indicates that he is not renewing it. Then the worker gets 20 days (yes, only 20 days!) to look for a new job, otherwise, he will be repatriated. Note that

(a) If the employer chooses to renew the Work Permit, the worker does not get the 20-day window of opportunity to look for a different job. The worker is stuck with the existing employer, whether he likes it or not (talk about bondage!) though he can resign and accept repatriation;

(b) Even this 20-day window is only for workers in the construction, marine and process sectors. Workers in other sectors, such as manufacturing, sanitation, services, do not even enjoy this.

Secondly, when the employer has committed some infringement, e.g. failing to pay salaries, then MOM, at its discretion, may give workers a few weeks to look for a new job without facing repatriation. Such permission from MOM is entirely discretionary, is not enshrined in any written law, and therefore cannot be relied upon as a right.

## What changed in Qatar?

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The move that smashed the pillars of the kafala system in Qatar was the 30 August 2020 promulgation of new amendments to the labour law allowing migrant workers to terminate employment and change jobs, without risk of repatriation by the former employer.

The latest change had been presaged by the abolition of the Exit Permit system in September 2018 for most workers. Under that system, employers' permission had to be sought before a migrant worker could go home, and denial of permission had been an easy way to control and exploit workers. Should a worker leave without permission before the end of a contract, he or she risked arrest and a charge of "absconding". In January 2020, nearly all other workers including domestic workers were also brought within scope and no longer need to get Exit Permits. That said, exceptions remain, affecting some workers, and these need to be cleaned out too.

Then in August 2020, came the big bang, liberalising change of employer. The steps to be taken by the worker are as follows:

1. Notify current employer and serve out the required notice period. Interestingly, workers should notify employers through the [electronic system](#) set up by the Ministry of Administrative Development, Labour and Social Affairs (ADLSA, but which we will refer to more simply as 'MinLabour').

2. Submit another form through the MinLabour electronic system, to notify the ministry of one's intention to change jobs, attaching (a) a copy of the contract with the current (former) employer which had been attested by MinLabour and (b) a letter in Arabic from the new employer

#### Notice periods

- If in current job for two years or less, the notice period is one month.
- If in current job for more than two years, the notice period is two months.
- If still under probation (and the law stipulates that probation periods cannot be longer than six months and no worker can be under prodation twice in the same job), the notice period is at least one month.

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confirming that they have offered the worker a new job.

3. MinLabour will send an SMS to the worker confirming a sort of 'go-ahead'.

If the worker is still under probation, the new employer may have to compensate the former employer for the costs of bringing the worker into Qatar. This compensation shall not exceed the equivalent of two months basic salary, and is anyway a matter to be negotiated between employers. It should not be borne by the worker.

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4. The worker then informs the new employer that the go-ahead has been received and the new employer should draw up a new employment contract. However, this has to be done on MinLabour's [Digital Authentication System for a Multi-lingual Employment Contract](#) which, as your writer learnt from ILO, has a standardised format that does not allow outrageous terms of employment. There follows some sub-steps for the new employer to accomplish, at the end of which should be a signed and government-authenticated employment contract for the new job.

5. The new employer should give the worker a copy of the contract, but if this is not done, the worker can download a copy from the government's system.

6. The last step is for the new employer to log into the Ministry of Interior's system to request a new Qatari ID card (also called a residency permit) and a health card for the worker.

### Steps for changing employer

#### Steps to be taken by worker

1. Notify current employer via MinLabour electronic system.  
Serve out notice period

2. Notify MinLabour of intention to change employer

5. Get new contract from new employer or download a copy from MinLabour's system



3. MinLabour to send SMS to worker

4. New employer to draw up new contract via MinLabour's system. Parties to sign contract and submit to MinLabour for authentication

6. Log into MinInterior to get Qatar ID card and health card for worker

#### Steps by government or new employer

## Health card

What exactly does a health card do? Based on what your writer has read, emergency treatment would be free in public hospitals on presentation of a health card. Further consultations, tests, medication, and in-patient care are payable at nominal, subsidised rates. Immediately, additional questions arise, and they are important, but they are outside the scope of this article:

- Are the subsidised rates affordable to low-wage migrant workers?
- Are employers required to buy medical insurance for workers?
- If they are required, what is the rate of compliance by employers?
- Are there minimum standards for extent of insurance coverage?
- Even if the employer has bought insurance, what hurdles before a worker can access the insurance benefits?

## Haven't found a new job? You have 90 days

Most migrant workers with low salaries would probably line up a new job before they give notice to the existing employer, but it is possible to resign without first having secured a new job. This may prove more common than anticipated because a two-month notice period (for workers who have served more than two years with their current employer) is quite an impediment to changing jobs.

In such an instance (i.e. resigning without a new job in hand), while the Work Permit will be cancelled after the notice period has been served out, the residency permit will remain live for 90 days more. This gives the worker 90 days to look for a new job.

However, housing, food, etc, will become the worker's own responsibility during those 90 days.

## Other changes and features of the Qatari system for migrant labour

Qatar also instituted a minimum wage with the latest changes. It will be described in the next article: [Qatar sets minimum wage; Singapore still intoxicated on cheap labour.](#)

Naturally, a minimum wage or the move to freely permit change of employer will not, by themselves, solve the many problems faced by migrant workers, though they are important steps.

There remain issues with salary payment, dispute resolution, and so forth, and these will also be touched on in the [following article](#) too.

## FOOTNOTES

For more information, see also:

[ILO: Labour market mobility in Qatar](#)

[Text of Law no 18, amending certain provisions of Labor Law no. 14 of 2004](#)

[ILO: Labour mobility in Qatar – key information for employers](#)

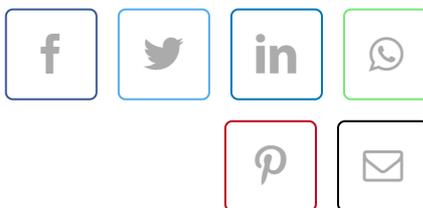
[ILO: Changing employers in Qatar – key information for workers](#)

[Human Rights Watch: Qatar: End of Abusive Exit Permits for Most Migrant Workers \(20 January 2020\)](#)

[Expat Arrivals: Healthcare in Qatar](#)

[Reuters: Qatar lifts controversial exit visa system for most workers \(5 September 2018\)](#)

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