

Women Working in Saudi Arabia

SAHAR ALHABDAN*

Women in Islam have been granted several economic rights, such as the right to work, the right to inherit, and the right to manage their own business.¹ Moreover, the Labor Code in Saudi Arabia has granted the right to work for all citizens, both men and women. This right has been introduced in Article 3 of the Saudi Labor Code, which states that “[w]ork is the right of every citizen. No one else may exercise such right unless the conditions provided for in this Law are fulfilled. All citizens are equal in the right to work.”²

Moreover, the Saudi Labor Code has introduced articles that apply only to women workers. For instance, Article 149 points out that while women may work in all fields “suitable to their nature, women are banned from working in jobs that are deemed detrimental to health and likely to expose women to specific risks.”³ Besides excluding women from working in dangerous places, the law also prohibits women from working in places that require them to work at night, except in situations determined by the Minister.⁴ Moreover, the Labor Code indicates that women are entitled to maternity leave for four weeks before giving birth and six weeks after.⁵ Also, all maternity medical care expenses are at the expense of the employer.⁶ Furthermore, after a woman returns to

* SJD Candidate

¹ HAIFAA A. JAWAD. *THE RIGHT OF WOMEN IN ISLAM: AN AUTHENTIC APPROACH*. (1998) at, 12.

² Saudi Arabia Ministry of Labor. *The Labor Code Article 3*, available at <http://portal.mol.gov.sa/ar/Pages/OrganizeWork.aspx?m=4> 3 وزارة العمل, قانون العمل السعودي, فقرة رقم 3

³ *Id.* Article 149.

⁴ *Id.* Article 150.

⁵ *Id.* Article 151.

⁶ *Id.* Article 153.

work, she has the right to up to one hour break per day for the purpose of nursing. These breaks, however, are not deducted from her wages.⁷

While most Saudi women work in education or health professions, the government has shown a recent interest in increasing the participation of women in the workforce. The Saudi government has promoted a project called “Saudisation” to support female participation in the workforce.⁸ In an effort to increase work opportunities for women, the Ministry of Labor issued a resolution that replaced foreign salesmen in feminist shops (i.e., shops that sell only female-oriented products such as lingerie stores) with Saudi women.⁹

For many years, only men were selling and working in all shops; women were not allowed to work in shops. The new regulation regarding women working in shops stated, “The shops could serve only women or families. If the shop is for women only, its windows must be covered; if serving families, they must be open.” The regulation also prohibited “the employer from hiring male and female workers together in one place, with the exception of multiple sections the stores may employ male and female workers if they were in different divisions, if the shop employed men, minimum of three women must be hired.”¹⁰

While this new decree provided huge work opportunities for women, it also opened a debate on its legitimacy. Saudi lawyers opposed it and sued the Ministry of Labor in the Board of Grievances. The Saudi lawyers claimed that the articles in the new

⁷ *Id.* Article 154.

⁸ Saudi Aramco. *Saudization Guide for Contractor Companies*, (2010), at 6.

⁹ The Saudi Ministry of Labor. *Organization of Women Selling In Feminization Shops*. 2013 <http://portal.mol.gov.sa/ar/TaNeeth/Pages/النسائية المستلزمات محلات في السعودية المرأة عمل تنظيم.aspx> وزارة العمل, تنظيم عمل المرأة في محلات بيع المستلزمات النسائية, بتاريخ 1434 هـ

¹⁰ Kalied Alshyea. *Saudi Board of Grievances Amends Resolution Of Women Working In Feminization Shops*. Al-Arabiya Channel. May, 30, 2013. <http://www.alarabiya.net/articles/2012/05/30/217558.html> خالد الشايع , ديوان المظالم السعودي يُعدل قرار تأنيث المحلات , قناة العربية , بتاريخ 1433 هـ

law that permit men and women to work in the same place, not only violated the Saudi regulations and the Royal Decrees, but also violate Islamic law.¹¹

The Saudi Labor Code indicates that an employee has to comply with the provisions of Islamic Sharia, which has been understood to prevent gender mixing.¹² Also, Royal Decree number 759/8 bans gender mixing in workplaces.¹³ Another Royal Decree number 11651 bans women from working in any place that may lead her to be mixed with men, whether in a government department or in a public or private institution.¹⁴ Also, the Labor Force Counsel issued Decree number 111/8 to illustrate the conditions for women working. The decree states that for women to work, a woman must first obtain permission from her guardian, the work has to be appropriate to her nature, the work must not have any risk of physical or social damage, and finally, a woman must be separated from men in the workplace.¹⁵

Because of all these violations, the Board of Grievances settled the debate by cancelling the articles of the resolution that permitted the mixing of men and women in shops and the article obligating shop owners to employ women. Also, the Board of Grievances ruled that women are only allowed to work in independent shops that are separated from men.¹⁶

¹¹ Alshyea. *Supra* note 10.

¹² Saudi Arabia Ministry of Labor. *Supra* note 2, Article 4.

¹³ Royal Decree Number 759/8 for the year 5/10/1421 H. 1421/10/5 بتاريخ 8/759 مرسوم ملكي رقم

¹⁴ Royal Decree Number 11651 for the year 16/5/1403 H. 1403/5/16 بتاريخ 11651 مرسوم ملكي رقم

¹⁵ Labor Force Counsel Number 111/8 For The Year 10/2/1408 H. 8/111 بتاريخ مجلس القوى العاملة رقم 1408/2/10

¹⁶ Alshyea. *Supra* note 10.