Saudi Arabia Promoting Women in the Workforce: 2020 Each for Equal – the decade ahead to Vision 2030

In its Vision 2030, Saudi Arabia set out a commitment to increase female participation in the workforce from an average of just under 20% to over 40%. Over the past six months, a series of legislative changes have done much to further this goal and empower women in the Kingdom.

Following on from the move to permit Saudi women to drive in the Kingdom, from October 2019, Saudi Arabian women are now also able to travel abroad without permission and may apply for passports, ID documents and all official registrations directly without the requirement for representation by a male guardian. In a work context these changes were supplemented by changes to the social security regulations to equalise retirement ages, and numerous resolutions issued by the Ministry of Labour and Social Affairs, to further open up careers for women.

Night work and Prohibited Sectors

Under Resolution 5/12/1440, night work is defined as work time from 6 pm to 6 am. Instead of having in place a blanket ban on women working at night, the resolution introduces controls which sets out instances of when women are permitted to undertake night-time work. Women can now work during these hours where:

- The work is in the health sector or the charity sector
Work between 6 pm and 11 pm is permitted for all other sectors and industries.

Whilst this resolution should open up further employment opportunities for women in KSA, it also demonstrates the positive shift in the approach and focus of the Ministry as to what they regard as inappropriate sectors and work environments for women. Indications are that the Ministry has liberalised its approach such that industries are not wholly prohibited for women to work in but their focus has turned to suitability, which is tied to the direct work environment. For example, within the tourism sector, the Ministry of Labour and Social Development has stated that Saudi women should not be employed as cleaners or porters. Careers which could now be more widely open to women include engineering.

**Retail – Saudisation with a focus on women**

For many years now, the Ministry of Labour and Social Development has sought to Saudise the sale of female clothing with Saudi female employees. Resolution 5/12/1440 enhances this policy by putting in place various stipulations for retail environments, including classifying retail environments into the following categories: closed market, open market, shop, kiosk, section within a wider shop, stand-alone shop or a sub section. The resolution provides that the sale of lingerie and cosmetics in a stand-alone shop, closed or open retail outlets may only be carried out by Saudi women, whilst the sale of dresses, accessories, abayas, maternity care, shoes, socks, purses, and readymade clothes may be done by both men and women. The sale of perfume and fabrics in stand-alone shops, open and closed markets may have retail staff made up of 70% men and 30% women. Pharmacies, supermarkets, and hypermarkets selling lingerie and cosmetics are not obliged to employ Saudi women in the self-service sections. Women are encouraged to take up roles as cashiers.

**Regulating the Work Environment for Women**

As work opportunities expand for women, there is a growing policy concern to ensure cultural norms are not eroded and as more women come in to the workforce in different roles potential conflict is avoided. To this end, the Ministry of Labour and Social Development has been at pains to emphasise the need for professional conduct and set out in a number of resolutions various requirements such as policies regarding employee conduct (in its model work regulations), the requirement for work attire to be modest and unrevealing, and for private mixed gender meetings to be prohibited. Where shift work is required, a minimum of two women per shift should be ensured. Mixed gender ‘public’ meetings at work are expressly permitted.

Whilst the Ministry of Labour and Social Development has until now, stepped back from stating that mixed gender work environments are now permissible with integrated work spaces, we have seen over the past year an
erosion within public spaces of gender segregation; notably in some government offices and in many public spaces including restaurants, airport lounges, train lounges, leisure activities, hotels, and accommodation centres.

The Ministry's resolution on 'controls for protection against behavioural abuses in the work environment' also comprehensively sets out employers' obligations towards combatting sexual harassment in the workplace. We have written about this important resolution separately [KSA Introduces Workplace Anti-Harassment Regulations]

Enhancing Enforcement – Updating Applicable fines

For the past three years, individuals have been incentivised to report violations to the Ministry of Labour and Social Development on the basis that a successful investigation and imposition of a fine, could result in the individual being rewarded with 25% of the fine imposed. In its resolution of 27/ 9 /1440, the Ministry of Labour and Social Development revised its fine structure. Some of the key fines with regard to female employment are as follows:

- SAR 10,000 – if a woman works in the first six weeks after giving birth
- SAR 25,000 – for not providing an area where women can have privacy and independence from the male workforce
- SAR 20,000 – if no security and cameras are installed within the work premises to ensure female security
- SAR 5,000 – for not providing separate seating for women
- SAR 20,000 – for failure to provide a separate WC, area for rest and prayers
- SAR 15,000 – if less than two women are employed per shift
- SAR 10,000 – if a female employee is employed at a customer reception without complying with the rules for doing so
- SAR 10,000 – employment a male Saudi in a role reserved for women
- SAR 15,000 – breaching rules on employing women on night shifts
- SAR 20,000 – discrimination invalidated or weakened application of equal opportunities
- SAR 5,000 – not instructing women regarding their duty to wear decent clothing
- SAR 25,000 – for not providing a nursery or child care facilities if the employer has 50+ female employees who have 10 children under five
- SAR 2,000 – where a female employee violating regulations is not sanctioned by the employer.

Increased Legislative Protection for Female Employees

The Council of Ministers recently issued Resolution No. 684 dated 27/11/1440 amending the KSA Labour Law and introducing additional protection and rights for female employees. A notable change is the introduction of a general anti-discrimination provision prohibiting discrimination on the basis of sex (amongst other protected classes) and an express prohibition on employers from dismissing or serving notice on female employees during their pregnancy or maternity period and any legally permitted period of sickness resulting from the employee's pregnancy or maternity. A separate article highlighting these changes will be published.

The key legislative changes implemented in recent months not only demonstrate the government’s drive, support and determination to increase female participation in the workforce and bring the country closer to its Vision 2030 target, but also go further in promoting equality and fairness and modernising employment practices in the Kingdom.