



# RAMADAN IN THE GCC

## PRACTICAL GUIDE FOR EMPLOYERS

### RAMADAN

The Muslim holy month of Ramadan is now upon us. Ramadan is the ninth month of the Islamic lunar calendar and this year the holy month eid commenced on 6 June 2016 in the Middle East and is expected to last until 7 July 2016.

During Ramadan, Muslims worldwide abstain from food, drink and other physical needs during daylight hours. Ramadan is considered to be the most sacred month of the Islamic calendar and a lack of cultural awareness and understanding can cause stress, unhappiness and inconvenience in the workplace for both Muslims and non-Muslims. There are also strict rules on working hours during Ramadan for certain categories of employees which employers should carefully consider.

Employers therefore need to give consideration to cultural sensitivities and forward plan to ensure that the levels of customer service and business performance are maintained during Ramadan whilst also balancing the rights and needs of their employees. In this article we consider:

- What hours can employees work during Ramadan?;
- Practical considerations for employers; and
- What behaviours are appropriate during Ramadan?

### WORKING HOURS DURING RAMADAN

We have summarised the law relating to working practices during Ramadan in each of the following countries: United Arab Emirates (“UAE”); Kingdom of Saudi Arabia (“KSA”); Qatar; Oman; Bahrain and Kuwait. This is intended as a general summary of working hours during Ramadan and there may be specific rules for certain categories of employees who may be allowed to work longer hours (such as employees working in restaurants and hotels in some countries). Please contact a member of the Employment team for further information.

| Country/Free Zone | Working Hours  | Exceptions   |
|-------------------|--|--|
| <b>UAE</b>        | <p>The maximum working hours for an employee during Ramadan are six hours per day or 36 hours per week.</p> <p>The reduction in working hours applies to all employees regardless of faith and whether they work in onshore Dubai or in one of the free zones (with the exception of the DIFC whereby Ramadan hours apply only to employees “who are observing the fast”).</p> | <p>The reduction in working hours does not apply to “persons holding responsible managerial or supervisory positions, if such positions confer upon the holders the powers of an employer over employees”.</p> <p>A Ministerial Decision confirms that this exception specifically includes:</p> <ol style="list-style-type: none"> <li>1. chairmen and directors;</li> <li>2. general managers;</li> <li>3. managers of departments; and</li> <li>4. individuals working in supervisory posts.</li> </ol> <p>Therefore, employees holding senior posts (with powers of an employer over employees) are not entitled in accordance with the law to work reduced hours during Ramadan. Nevertheless, employers should be mindful that fasting Muslim employees should not be required to work excessive hours during Ramadan.</p> |
| <b>KSA</b>        | <p>In KSA the working hours for Muslim employees shall be reduced to a maximum of 6 hours a day or 36 hours per week.</p>  | <p>The reduction to working hours does not apply to:</p> <ol style="list-style-type: none"> <li>1. non-Muslim employees;</li> <li>2. persons occupying high positions of authority and who assume responsibility in management and direction, if such positions grant the persons occupying them authority over workers;</li> <li>3. employees performing preparatory and complementary work that must be performed before or after normal working hours;</li> <li>4. work carried out that is necessarily intermittent; and</li> <li>5. employees performing security or cleaning work (save for civil service guards).</li> </ol> <p>Nevertheless, employers should be mindful that fasting Muslim employees should not generally be required to work overtime during Ramadan unless this is for an unavoidable reason.</p>    |

| Country/Free Zone    | Working Hours  | Exceptions   |
|----------------------|--|--|
| <p><b>Qatar</b></p>  | <p>In Qatar during the month of Ramadan working hours shall be reduced to 36 hours per week, at the rate of six hours per day.</p> <p>The reduction in working hours applies to all workers (whether Muslim or non-Muslim).</p>  | <p>In Qatar, the reduction to working hours during Ramadan does not apply to</p> <ol style="list-style-type: none"> <li>1. non-Muslim employees;</li> <li>2. persons occupying responsible positions if these positions confer upon the occupiers thereof powers exercisable by the employer over the workers;</li> <li>3. employees carrying out preparatory and complementary works that shall be performed before or after the working time; and</li> <li>4. other categories of workers to be specified by a Decision of the Minister of Labour &amp; Social Affairs.</li> </ol> <p>Employees in such posts can be required to work the hours that are necessary to carry out their duties in full. Nevertheless, employers should be mindful that fasting Muslim employees should not generally be required to work overtime during Ramadan unless this is for an unavoidable reason.</p> |
| <p><b>Oman</b></p>   | <p>The maximum working hours during Ramadan were reduced following the publication of Royal Decree 113 of 2011 to a maximum of 6 hours a day or 30 hours a week. This presumes that employees are working a 5 day working week. If your employees normally work six days a week and you are concerned about how this change may affect your working practices please contact a member of our Employment team for further advice.</p> <p>The reduction to working hours does not apply to non-Muslim employees.</p> | <p>Unlike in other GCC countries, there is no exception to the working hours requirements for employees that hold senior positions within an organisation.</p>   |
| <p><b>Kuwait</b></p> | <p>In Kuwait, during Ramadan the working hours of an employee shall be 36 hours per week.</p> <p>The Kuwaiti Labour Law does not stipulate the maximum number of hours that can be worked daily during Ramadan and therefore, so long as the weekly total number of hours does not exceed 36, the risk of requiring an employee to work in excess of 6 hours a day is low.</p>   | <p>In Kuwait there is no distinction between Muslim and non-Muslim employees, nor is there an exception for employees holding senior posts within an organisation. Therefore the maximum working hour limit applies to all employees (regardless of their faith or position).</p>  |

## PRACTICAL CONSIDERATIONS DURING RAMADAN

As well as the reduced working hours during Ramadan, employers should also be aware of the additional prayers (Taraweeh) that take place every night during the holy month. With all this in mind, employers will understandably be keen to ensure that the levels of customer service and business performance are maintained during Ramadan. If this is a concern to your organisation we have set out below some practical solutions to ensure your business continues to operate effectively during Ramadan:

- In most GCC states, non-Muslim employees holding more senior posts and who are often accustomed to working beyond normal office hours may continue to work the hours required to carry out their duties in full. Depending on the region you operate in, this may be without additional overtime payments;
- In states where Ramadan hours apply to Non-Muslim employees they may agree to work overtime in accordance with the local law. Where this does take place, the organisation is required to pay the employee at the prescribed rate in respect of any overtime worked although, in practice, we are aware that many companies will not pay overtime to Non-Muslim employees who work their normal hours during Ramadan; and
- Forward planning – if the business has particular concerns regarding meeting demands during certain times of the day or to achieve a particular project, shift patterns may need to be altered in advance.

## BEHAVIOUR DURING RAMADAN

In order to avoid causing embarrassment or offence to employees, employers are encouraged to educate their workforce on cultural awareness and diversity. Training to non-Muslim employees on the meaning and implications of Ramadan are particularly important. Employees should be reminded that during the holy month of Ramadan:

- It is offensive to smoke, eat, chew gum or drink in public during the hours between dusk and dawn;
- Non-Muslim employees should ensure that they eat and drink discreetly at their desks (if these are out of view for example) and where possible they should be encouraged to do so elsewhere and out of sight. For example, it is advisable to ensure all food and drink is consumed in a separate designated room;

- Employees should be requested not to bring in cakes or celebrate birthdays/other occasions during Ramadan;
- All employees should be reminded to be patient with each other and in particular those who are fasting as they may be short tempered due to lack of sleep, food and drink;
- While swearing and anger is not to be encouraged at any time in the workplace (or elsewhere), employees should be reminded that such actions and emotion is particularly insulting to Muslims during Ramadan;
- No food or drink should be provided during meetings-unless you are sure no-one is fasting;
- If any business lunches are required to take place during Ramadan, Muslim employees should not be required to attend;
- As Muslim employees will be more tired than normal during Ramadan, it is sensible to ensure that business meetings and training sessions are shortened or postponed until after Ramadan;
- Modest dress and behaviour around the workplace should be encouraged; and
- Muslim employees will be keen to prepare to break their fast at sunset. This means that the traffic is particularly busy during the mid to late afternoon period – rush hour comes early. Employees should therefore drive with additional care at this time and expect heavy delays.

If you have any queries in relation to any of the issues in this article, or if you would like to discuss the possibility of cultural awareness training for your employees, please contact one of our specialist employment lawyers for the Gulf region.

This publication is intended as a general overview and discussion of the subjects dealt with. It is not intended and should not be used as a substitute for taking legal advice in any specific situation. DLA Piper will accept no responsibility for any actions taken or not taken on the basis of this publication.

[www.dlapiper.com](http://www.dlapiper.com)

DLA Piper is a global law firm operating through various separate and distinct legal entities. Further details of these entities can be found at [www.dlapiper.com](http://www.dlapiper.com).

This publication is intended as a general overview and discussion of the subjects dealt with, and does not create a lawyer-client relationship. It is not intended to be, and should not be used as, a substitute for taking legal advice in any specific situation. DLA Piper will accept no responsibility for any actions taken or not taken on the basis of this publication. This may qualify as "Lawyer Advertising" requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.