

Ministerial Decision

Minister of Human Resources and Social Development,
Based on authorities duly granted to him.

Having reviewed the Labor Law issued by Royal Decree No. (M/51) dated 23/08/1426 H, amended by Royal Decree No. (M/24) dated 12/05/1434 H, amended by Royal Decree No. (M/ 46) dated 05/06/1436 H, amended by Royal Decree No. (M/14) dated 22/02/1440 H, and amended by Royal Decree No. (M/ 134) dated 27/11/1440 H; reviewed Article (11 bis) of the Labor Law, and reviewed the Ministerial Decision on women labor environment regulations to improve the performance of the labor market, and based on the work interests, **decides as follows:**

First: Night work means any work that is performed over 11 PM- 6 AM. The normal working hours are intended for any work performed over 6 AM. to 11 PM. This period is the original period of working hours.

Second: A night worker is the one working on night work; particularly, those who perform at least three hours of night work for night workers.

Third: The employer shall provide the workers concerned, with at least the following:

❖ Health Services

- A. For anyone who performs night work (including the night worker), appropriate arrangements for first aid and emergency procedures, including the rapid relocation of staff to a place where appropriate treatment is provided in cases where it is required.
- B. For each night worker, the possibility of submitting a medical report to the establishment about his health condition in the event that the night worker wishes to assess his health condition for occasion feasibility or avoid night work, and save these health assessments in his own file at work and not to provide it to others without his

consent except for lack of fitness for night work. These results may not be used in his disadvantage, according to the following cases:

1. Before being appointed as a night worker.
 2. At regular intervals, at most, annually, while being appointed as a night worker.
 3. If he/she suffers from health problems during his appointment as a night worker and is not caused by factors other than performing night work.
- C. In case that the night worker is not suitable for night work, for health reasons, he/she shall be transferred to another job in the usual similar working hours and is fit for work, in the following cases:
1. In the event that a medical report was presented stating that, he/she needed to avoid night work to maintain his health.
 2. Pregnant, for a minimum period of twenty-four weeks before birth (this condition is prohibited at night work and appropriate work must be provided in the usual working hours).
 3. Pregnant or mother, in the event that a medical report was presented showing that she needs additional periods to avoid night work to maintain the health of the mother or child.
- Taking into account the prohibition shown for a pregnant woman as per Paragraph C-2, for the two cases described in Paragraphs C-1 and C-3, in the event that it is not possible to transfer to another similar job in the usual hours of work, the night worker is fit for work, the working hours must be decreased to a minimum of six hours, including actual hours of work while maintaining the same wages, benefits, and advantages associated with night work.
- D. For everyone who performs night work (includes the night worker): facilitating their access to adequate food services, including as a minimum, possibility and access to facilities for preparing food that

they bring or heating, or their access to facilities to request and obtain food and drinks easily, or providing food and drinks suitable for eating at night in the workplace.

❖ **Compensation and Benefits:**

- a. Anyone who performs a night work (includes the night worker) compensation in the form of benefits in working hours, wages, or any similar benefits, for example, providing a suitable transportation allowance for night work, or providing appropriate transportation when other transport services are not available, or compensation for transportation fees - as well as basic transportation allowance benefits -.
- b. For every night worker, compensation is in the form of benefits in working hours, wages, or any similar benefits, for example: a suitable allowance for the nature of night work, or a reduction in the actual hours of night work while maintaining the same weight calculated for the usual actual hours of work, subsidies, and benefits earned.

❖ **Other Requirements:**

- a. Everyone who performs night work (includes the night worker) protects their rights to obtain equal benefits with workers in the usual working hours of qualification and training, their position, seniority, promotion, etc.
- b. With the exception of the compensation and benefits mentioned in this decision and the Labor Law with regard to night work, any wage discrimination is prohibited between workers who perform night work (including the night worker) with other workers, who work in the same nature of work and contract.

- c. For everyone who performs a night work (includes the night worker) taking into consideration the provisions of Article ninety-eighth and the first hundred and hundred articles of the labor law, the rest period after the end of a workday shall not be less than the start of another workday of twelve hours.
- d. For each night worker, the maximum continuous work period shall not exceed three months, so that he/she is recycled to work in the usual hours of work for a period of no less than a month, unless there is a desire to continue to do so, and then his written consent must be taken on that and kept in his file, protect his right in the event of revoking approval, as proven.
- e. Take into account - as much as possible - the special conditions of elderly workers, or those with family responsibilities, or others who have special needs.
- f. A guide on procedures and rights for those performing a night work (including the night worker) in accordance with the provisions of the Labor Law and the provisions of this decision, and providing and publishing it, to inform workers.

Fourth: With regard to the compensation and benefits paragraph in this decision, it applies to who works during the night work period for a full month, or no less than 25% of the total monthly work for two months or more, or more than 45 working days per year, and does not apply to the night work period in a season Ramadan.

Fifth: Other ministerial regulations and decisions related to the work and regulating of the work environment for women shall be adhered to.

Sixth: The guidance manual annexed to this decision shall be approved.

Seventh: For an establishment that violates any of the provisions of this decision, the penalties prescribed by the work system and related ministerial decisions are applied.

Eighth: This decision supersedes all previous contradicting decisions.

Ninth: This decision shall be enforced as of 06/05/1441 corresponding to 01/01/2020 and published on the Ministry's website.



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Tenth: The Vice Minister of Labor takes the necessary measures to implement it.

Best Regards,

Minister of Human Resources and Social Development

Eng. Ahmed bin Suleiman Al-Rajhi

Signed

Guide

This guide provides the explanations for the most important Clauses of Night Working hours Decision.

With regard to Clauses (1 & 2):

FIRST: Night work means any work that is performed over 11 PM- 6 AM. The normal working hours are intended for any work performed over 6 AM. to 11 PM. This period is the original period of working hours.

SECOND: A night worker is the one working on night work; particularly, those who perform at least three hours of night work for night workers.

Explanation:

The difference between the concept of "worker performing night work" and "night worker" is: Every night worker is considered a worker performing night work, but not every worker performing night work is considered a night worker.

Here are some examples of the difference (taking into account the importance of organizing rest, prayer and food periods, Articles 101 and 102 of the Labor Law):

Example 1: A worker performs work from 5:00 p.m. to 1:30 a.m.; working hours are distributed as follows:

-	Time	Total	Working Hours Title	Worker Title
1	05:00 p.m. to 11:00 p.m.	6 hours	Normal working hours	-
2	11:00 p.m. to 01:30 a.m.	2.5 hours	Night working hours	A worker performing night work

The condition has not been met "at least three hours of night work", so it is not called a night worker, but rather a worker performing night work.

Example 2: A worker performs work from 5:30 p.m. to 2 a.m.; working hours are distributed as follows:



-	Time	Total	Working Hours Title	Worker Title
1	05:30 p.m. to 11:00 p.m.	5.5 hours	Normal working hours	-
2	11:00 p.m. to 02:30 a.m.	3 hours	Night working hours	Night worker

The condition is met "At least three hours of night work", therefore called a night worker and at the same time performs night work.

Example 3: A worker performs work from 11:00 p.m. to 7:30 a.m.; working hours are distributed as follows:

-	Time	Total	Working Hours Title	Worker Title
01	11:00 p.m. to 06:00 a.m.	7 hours	Night working hours	Night worker
02	06:00 a.m. to 07:30 a.m.	1.5 hours	Normal working hours	-

The condition is met "At least three hours of night work", therefore called a night worker and at the same time performs night work.

Example 4: A worker works from 4:00 a.m. to 12:30 p.m., working hours are distributed as follows:

-	Time	Total	Working Hours Title	Worker title
01	04:00 a.m. to 06:00 a.m.	2 hours	Night working hours	A worker performing night work
02	06:00 a.m. to 12:30 p.m.	6.5 hours	Normal working hours	-

The condition has not been met "at least three hours of night work", so it is not called a night worker, but rather a worker performing night work.

With regard to Clause: 3: The employer is obliged to provide the following to the workers concerned, at a minimum:

❖ **Health services**

- a. For anyone who performs night work (including the night worker), appropriate arrangements for first aid and emergency procedures, including the rapid relocation of staff to a place where appropriate treatment is available in cases where it is required.

Explanation:

Any arrangements or preparations that must be made in order to ensure that there is adequate coverage for any need for first aid or to deal with an emergency safety and health incident during the night work, for example:

- Develop and deploy work procedures around first aid and make them available.
- Training and rehabilitation of those who perform night work (including the night workers) in first aid.
- Training and qualification of night work workers (including night workers) on how to deal with emergency procedures.

- Provide an emergency phone directly connected to one of the appropriate health centers operating during the night work.
- Provide doctors or nurses to handle emergency situations during the night work, depending on the size of the establishment.
- Provide an ambulance ready to handle emergency situations emergency during the night work, depending on the size of the establishment.
- Provide a first aid room to handle emergency situations at work, depending on the size of the establishment.

With regard to Clause: 3: The employer is obliged to provide the following to the workers concerned, at a minimum:

❖ **Health services**

For each night worker, the possibility of submitting a medical report to the establishment about his health condition in the event that the night worker wishes to assess his health condition for occasion feasibility or avoid night work, and save these health assessments in his own file at work and not to provide it to others without his consent, with the exception of lack of fitness for night work. These results may not be used in his disadvantage, according to the following cases:

Explanation:

Any assessment or disclosure of the health worker's condition and the feasibility to work during the night work period. This disclosure is for the worker's feasibility for night work and is provided by the worker concerned and submitted to the establishment as a medical report from a government health center, or a private one concurred by the medical insurance list shared by the establishment for its workers.

With regard to Clause: 3: The employer is obliged to provide the following to the workers concerned, at a minimum:

❖ **Health services**

For everyone who performs night work (includes the night worker): facilitating their access to adequate food services, including as a minimum

possibility and access to facilities for preparing food that they bring or heating, or their access to facilities to request and obtain food and drinks easily, or providing food and drinks suitable for eating at night in the workplace.

Explanation:

This is intended to facilitate access to food and beverages directly or through means that help to provide them, for example:

- Provide a suitable place on the work site dedicated to the preservation or heating of food and beverages attended by the staff.
- Provide easy use of modern technology for employees to order food and beverages easily.
- Provide food and drinks in the same workplace as the designated location.
- Contract with providers of food and beverages on the job site.

With regard to Clause: 3: The employer is obliged to provide the following to the workers concerned, at a minimum:

❖ **Other Requirements**

Everyone who performs night work (includes the night worker) protects their rights to obtain equal benefits with workers in the usual working hours of qualification and training, their status, seniority, promotion, etc.

Explanation:

Rights to receive benefits for workers during normal working hours, for example:

- Qualifying and training courses.
- Career development (progression).
- Increments or regular bonuses or regular offsets of the establishment.
- Recognition.

With regard to Clause: 3: The employer is obliged to provide the following to the workers concerned, at a minimum:

❖ **Other Requirements**

A guide on procedures and rights for those performing night work (including the night worker) in accordance with the provisions of the Labor Law and the provisions of this decision, and providing and publishing it, to inform workers.

Explanation:

Extensive development as a guide for procedures and rights for workers performing night work (including night workers) so that it is published and provided to them from the principle of transparency and knowledge of rights and duties between the two parties, and it includes, for example:

- Procedures for dealing with an emergency.
- Procedures for requesting a health status check and health assessment to determine the appropriateness for night work.
- Procedures for seeking advice and guidance from specialists on the health, physical and psychological aspects of the night worker.
- Procedures and rights to benefits related to working hours, pay or other benefits.
- Procedures and rights to maintain the eligibility for training, qualification, promotions and development.
- Procedures of duties and rights associated with night work.
- In addition to any other rights and benefits established by the establishment that do not conflict with the provisions of the Labor Law and the Decision herein.