



# Employment & Immigration in Qatar

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# EMPLOYMENT AND IMMIGRATION IN QATAR

Two legal frameworks govern employment in Qatar: one applies to entities licensed by the Qatar Financial Centre ("QFC") and the other applies to entities not operating from or within QFC. Only QFC licensed entities are subject to QFC's immigration and employment laws.

Regulation No. 10 of 2006 ("QFC Employment Regulations") and Regulation No. 11 of 2006 ("QFC Immigration Regulations") govern employment and sponsorship matters within the QFC. Employment and sponsorship of employees for entities not licensed by the Qatar Financial Council (including QSTP entities) is governed by the Labour Law [Law No. 14 of 2004] ("Qatar Labour Law") as well as the Law Regulating Expatriates' Entry, Exit and Residency [Law No. 21 of 2015] ("Qatar Sponsorship Law").

## **Sponsorship and Immigration of Employees**

Employers who wish to hire expatriates are responsible for sponsoring these expatriates and for obtaining their work permit and residency permit.

To sponsor expatriates, a company obtains a quota from the Ministry of Administrative Development and Social Labour Affairs ("MADSLA") that identifies the gender, nationality, and job title of each potential employee.

In the event that the labour quota has been approved, employers may then sponsor expatriates by applying for a work visa for those employees who meet the gender, nationality, and job title requirements of the quota.

This permits entry into Qatar and constitutes a temporary visa. Once the employee arrives in Qatar the process can begin for the employee to obtain a resident permit.

In the event that the employee is granted a resident permit, he or she may sponsor members of his or her immediate family (spouse and children), provided that certain conditions are met.

An individual family residence visa is required for each member of the family, including infants.





It is the responsibility of the QFC Immigration Office, in conjunction with the Ministry of Interior, to administer the Immigration Regulations of the QFC and to determine its own procedures and management practices.

The application process for work visas, although similar to other sponsorship processes, does not require companies registered in the QFC to obtain a labour quota or a pre-approval from the MADSLA.

QFC entities, however, are subject to some operational restrictions, such as being unable to hire blue-collar employees.

## The Employment Contract

A Qatari employment contract can either be limited/fixed term or unlimited term.

Contracts with a fixed term cannot exceed five years.

The contract is automatically renewed for an unlimited term if it is not renewed after the term ends and the employee continues to work for the employer.

The Ministry of Labour and Social Development has issued a standard form employment contract ("E-contract") that must be filled out online in order to obtain a Qatar residence permit for a new employee. Essentially, the E-contract is a bilingual one-page contract in which the employer fills in the information that is missing.

The addition of additional contractual terms is recommended where employment terms are deficient.

There are no requirements to lodge employment contracts with any authority with QFC.

Contracts may be for a fixed term or for an unlimited period. In this regard, no form is required.

## Working Hours

The working week in Qatar is from Saturday to Thursday.

Maximum working hours for employees are 8 hours per day and 48 per week for a 6-day working week.

During the holy month of Ramadan, maximum hours should be reduced to six hours per day and 36 hours per week for a 6-day working week.

A break of at least 1 hour to maximum 3 hours per day is not included in calculating the work hours, but the employee should work no more than 5 consecutive hours.

Employees may work additional hours; however total daily work hours cannot exceed 10 hours.

This means that maximum overtime permissible under the Qatar Labour Law is two hours per day, which is 12 hours per week for a 6-day working week.

For employers that work a five day week, the working week is usually Sunday to Thursday.

QFC employees can be required to work a maximum 48 hours per week. During Ramadan employees who are fasting may not be required to work in excess of 6 hours per day.

The working hours should include a break which should not be less than 1 hour.

Employees may be required to work additional hours, however actual working hours per day cannot exceed 10 hours.

## Probation Period

Probationary periods are limited to six months.

Employers are permitted to terminate the employ

ment during this period with one month's notice.

If the employee is moving to another employer, he or she can terminate their employment on a one-month notice.

The employee may be required to observe a notice period in accordance with the terms of the employment contract if he or she is leaving Qatar. It should



not, however, exceed two months. It is permitted for an employee to serve only one probationary period not exceeding six months under the QFC. If you wish to terminate your employment during the probationary period, you must give two weeks' notice in advance.

## Salary

In Qatar, there is a statutory minimum salary of 1,000 QAR per month. The minimum housing allowance shall be QAR 500 per month for an employee who does not receive housing or food from their employer. The minimum food allowance shall be QAR 300 per month for an employee who does not receive housing or food from their employer. Salaries are to be paid through the Wage Protection System ("WPS") from the employers' local bank accounts to the employees' local bank accounts in Qatari Riyals.

According to the QFC, salaries must be paid in the currency specified in the employment contract or as agreed to between the parties. It is important that employees receive their salaries at least monthly, and that employers provide them with a written statement of their pay.

The company does not maintain a formal wage protection system for its employees, and the company does not require that salaries be paid through a local bank account.

## Public Holidays and Annual Leave

Employees are entitled to the following paid public holidays under the Qatar Labour Laws:

- 3 working days for Eid El-Fitr;
- 3 working days for Eid Al-Adha;
- 1 working day for National Day (18 December);
- 1 day for National Sports Day (every second Tuesday in February);
- 3 working days which are specified by the employer;

Additionally, employees who have completed one continuous year and have worked for a minimum of five years are entitled to three weeks of paid annual leave. The minimum entitlement increases to four weeks for employees who have completed more than five years of continuous service. According to the QFC Employment Regulations, all public holidays listed in the Qatar Labour Law are also included, as well as any other days declared to be public holidays by the government.

As soon as an employee has worked for the employer for at least three months, he or she is entitled to at least 20 days of paid annual leave.

## Health Insurance

Employers are required to provide private health insurance to their employees as well as disability insurance for employees under the QFC.

## Sick Leave

When a medical certificate is presented after the initial three months of employment, an employee is entitled to sick leave under Qatar Labour Law.

During the first two weeks of sick leave, an employee is entitled to full pay, while in the following four weeks, he or she is entitled to half pay.

The employee will not be entitled to any compensation if the sick leave extends beyond the above period or if he resigns or the employment contract is terminated due to health reasons.

The QFC provides its employees with 60 working days of paid sick leave. It is the employer's right to terminate an employee's employment contract immediately without notice if the employee takes more than 60 working days of sick leave within any 12-month period.

## Maternity Leave

In accordance with the Qatar Labour Law, female employees are entitled to 50 days of paid maternity leave after completing one year of employment. It is mandatory for such employees to take at least one hour of nursing breaks per day for one year after returning to work.

A full three-month paid maternity leave is provided for female employees under the QFC Employment Regulations. It is the employee's right to receive half his or her salary during the first 45 days of leave and normal salary during the subsequent 45 days.

## Termination of Employment

- An unlimited term contract differs mainly in its termination condition from a fixed term contract. A contract for an unlimited period may be terminated by either party without a reason being provided. Fixed-term contracts are not expressly provided for in the Qatar Labour Law so that either the employer or employee may terminate them prior to their expiration.





- a. Unlimited period contracts: An unlimited contract may be terminated for any reason as long as the minimum notice is provided. In the case of employees receiving their wages on an annual basis or monthly basis, the following notice requirements must be met: One month's notice is required if the employee has served for two years or less; and Two months' notice is required if the service period exceeds two years.
- b. A fixed-term contract can be terminated at any time by either the employer or the employee unless the employee is being dismissed for gross misconduct. There is no express provision in the Qatar Labour Law relating to the right to terminate a fixed-term contract prior to its expiration. Consequently, a fixed-term employment contract may only be terminated by both employee and employer prior to its expiration.
- c. A grossly negligent employee can be summarily dismissed, regardless of the term of his or her employment contract or whether it is an unlimited-length contract. The employee can be summarily dismissed (no notice and no end of service gratuity) if he or she commits one of the offences listed in Article 61 of the Qatari Labour Law. As defined in the QFC Employment Regulations, either party may terminate an unlimited employment contract for

any lawful reason within a specified period of notice. Unless both parties mutually agree in writing to terminate a fixed term employment contract before its expiration, a fixed term employment contract can only be terminated for gross misconduct as defined in Article 24 of the QFC Employment Regulations.

**Under the QFC Employment Regulations, a contract of employment may be terminated in the following ways:**

- An employer may terminate a contract for any non-discriminatory reason with appropriate notice (if the contract is for an unlimited period of time);
- If an employee commits one of the offenses set forth in Article 24 of the QFC, he or she may be dismissed without notice by the employer (regardless of whether the employment contract is for a fixed term or for an unlimited period).

**Employment Regulations**

- If the employment contract is for an unlimited period, the employee may resign with a reasonable amount of notice.
- A probationary period may be terminated by

- either party with two weeks' notice during the probationary period; or
- A mutually agreed termination.

**Employees employed for more than one month are entitled to a minimum notice period as follows:**

- If the employee has not been employed continuously for more than three months, two weeks are required.
- If the period of continuous employment is longer than three months but less than five years, one month shall be considered.
- In the case of an employee who has been employed continuously for five years or more, the probation period is three months.



## End of Service Gratuity

According to Qatar Labour Law, an employee whose employment contract has been terminated due to any reason other than gross misconduct is entitled to an end-of-service gratuity ("ESG").

For a year of service, the ESG must not be less than 21 days' basic salary (prorated for partial years) and must be calculated based on the last basic salary received by the employee.

QFC Employment Regulations do not provide any entitlement to ESG benefits.

## Transfer of Employment

For an employee to transfer to a different employer under the Qatar Sponsorship Law, the transferring employer had to provide a no-objection certificate ("NOC") and the Minister of Interior had to approve the move. (Unless the employee has served more than five years of service, or the fixed-term contract has expired.) Recently, the law was amended to eliminate the five-year qualifying period for transfer of employment.

As a result, employees are now able to transfer their employment to another employer without the consent of their current employer at any time, including during the first five years of employment. A transfer of employment must, however, be approved by the Ministry of Interior and MADSLA in all cases. As far as sponsorship transfers are concerned, QFC-based employees follow the same procedure.

## Qatarisation

As part of a policy adopted by the Qatari government, all Qatari employers are required to give preference to the employment of Qatari nationals.

An approval from MADSLA is required if an employer wishes to employ a foreign national.

Whenever there are no suitably qualified Qatari nationals available to fill a vacancy, MADSLA will approve the application.

The number of Qatari nationals that must be employed, however, is not specifically stated in the legislation. In fact, there are policies intended to "Qatarize" employers and sectors based on the size, type, and sector of the employer.

## End of Service Gratuity

According to Qatar Labour Law, an employee whose

These policies establish percentage targets for Qatari nationals who are to be employed.

Generally, Qatarisation is more prevalent in the public sector or in publicly traded companies than in the private sector.

In the QFC, there is no similar priority for Qatari nationals to be employed.





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## A Qatari law firm with a regional reach and a global outlook

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Al Sulaiti Law Firm prides itself on having one of the largest litigation and dispute resolution departments in Qatar. Our industry expertise includes but is not limited to: Civil Litigation, Criminal Litigation, ADR, Construction, Energy, Corporate, Intellectual Property, Sports, Media and Telecommunications, Employment, Banking and Finance and Tax. We handle a range of high-value and complex disputes representing high end and prominent clients, one of our primary objectives is to resolve our clients' disputes in a timely and efficient manner with as little disruption to their business as possible. In addition to the benefits and cost efficiency of our services, we provide tailored advice to meet the requirements and challenges of each of our clients. We ensure that the right team is involved to offer reliable insights and advice. Our firm understands that the importance of a good relationship based on trust cannot be overstated for a successful outcome.

Our diverse, multilingual, multicultural, and qualified lawyers are able to bridge linguistic and cultural differences between clients and their legal needs. The team consists of lawyers and consultants from Qatar, Egypt, France, Italy, and the United Kingdom. We offer our services in French, English, Arabic, and Italian and are therefore able to provide a level of service that exceeds local expectations. Our business involves becoming intimately familiar with the markets, industries, and organizations of our clients. This level of knowledge and understanding enables us to work through a solution-oriented approach, we strive to provide excellent customer service. Due to our highly experienced, innovative team of attorneys who adhere to the highest standards of professional integrity, we are able to provide the highest level of legal services.







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Keep integrity, professionalism, cooperate as a team, and uphold the reputation of the firm.

Respect the rule of law, one another, support one another, and embrace diversity.



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