



Human Resources and  
Social Development



# The Procedural Guide

for ending the contractual relationship

of workers who do not have an electronically documented work contract



The special **regulations for workers' absence/discontinuity from work** in organizations in the private sector have been updated; with the aim to **protect workers'** rights in the Saudi labor market.

The updates are aligned with the Ministry's efforts and initiatives towards organizing the contractual relationship between workers and their employers and is expected to upgrade the labor market and increase its attractiveness.



# Types of Absence Requests

New Request

Existing Request



An existing absentee request before the launch of the absence request initiative



# New Request

## Absence from work

### Absence from work request:

This action enables the employer to report work-discontinuity of any worker who has been absent from work, without a legitimate reason for more than (30) days during the contractual year, or more than (15) consecutive days.

To benefit from the service, the following is required:

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01

The organization must exist, and its status be active, without consideration to the scope.



02

Absence of a digitally documented contract on the Qiwa platform for the expatriate worker



03

The Worker's status must be on-the-job (Employed).



04

The Worker's work permit must be valid for a minimum of (60) days.



# New Request

## Procedures for Reporting a Worker's Absence

The employer –or his representative– shall submit a request for reporting an employee's absence from work via the Qiwa platform.

- The employer - or his representative - shall enter the reason for requesting the termination of the contractual relationship, when the worker is absent without a legitimate reason:
  - 1- More than (30) inconsecutive days during (1) year.
  - 2- More than (15) consecutive days.
- The consent of the system's user: Submit a request for a case of "absence from work", that would result in a non-retractable removal of the worker's records from the establishment. The worker would in turn have the right to transfer to another employer or request a final exit within (60) days; without impacting on the employer's right to any potential legal claims against the worker.
- The relevant employee and his/her employer get notified through a text message (SMS); and the expatriate worker's records are removed from the establishment's system, whereby he/she is no longer counted in Nitaqat.
- The worker is granted a period of (60) days starting from the filing of the report of "absence from work", during which the system allows the worker to issue a final exit, or transfer to another employer within the specified period, if he had entered the Kingdom for over (12) months.

The status of the worker becomes "**Absent from Work**" in the Ministry's systems.



# The possible outcomes

## For reported workers

Scenario	Procedures	Outcome
Worker requests a transfer to a new employer	<ol style="list-style-type: none"><li>1. The new employer requests the transfer of the expat worker's services to his establishment.</li><li>2. The expat worker approves the transfer request.</li><li>3. The Ministry approves the transfer request.</li><li>4. Complete the process at the Ministry and all related systems.</li></ol>	Successful transfer of the expat worker to the new entity during the grace period.
Worker requests to issue a final exit visa	The expat worker issues a final exit visa through their account in the Absher platform.	Successful departure of the expat worker from the Kingdom during the grace period.
Worker fails to transfer to another employer, or issue a final exit visa within (60) days	The system does not accept the final exit request, nor the transfer of the service, and the worker's status remains "absent from work" and is reflected in all associated systems with the Ministry.	The worker violates the law and bears all related consequences of his/her lack of taking an action.



# Existing Request

## Mechanism and Rules related to the Transfer of Workers who have Active Reports of Absenteeism

It is a procedure that enables a worker, who has an active report of “absence from work” before the announcement date of the new initiative, to transfer to a new employer, without the consent of the previous employer, by applying from the new employer via the Qiwa platform as per the following regulations:



The worker’s status must be “absent from work”.



The date of reporting the absence must be before the date of launching the new initiative.



It is allowed to submit a transfer request twice as a maximum.



A notice shall appear to the new employer of the total value of the late fee for approval.



Approve the payment of the late fees, and request uplifting the absence report in the related government systems.



The application shall be sent to the other related government entities to complete the transfer process.



Notify the new employer of the completion of the transfer process as per the systems of the related government entities.



After completing the transfer in the related government entities’ systems, confirming the completion of the process, the transfer is reflected in the system of the Ministry of Human Resources and Social Development.



In case of failure to complete the transfer within 15 days, or rejection of the request by the National Information Center, an “absence from work” report is uploaded in the system, and the transfer request from the new employer gets cancelled.



# Steps to Transfer a Worker's Services

1

Entry of the employer who wishes to transfer the worker's service on the Qiwa platform.

2

Select the service for "Worker Transfer".

3

Enter the worker's ID number, showcasing the full worker information in the system.

6

The worker logs on to his account on Qiwa platform and grants himself approval to transfer the new employer.

5

Choosing the Worker Transfer Option.

4

Approving the message of pledging to pay the worker's late fees (if applicable) after the completion of the transfer process.

7

After the successful response to the filing of the absence report, the request for the transfer of the worker's service is sent to other government systems.

8

After approving the request to transfer the service, a request to file an absence report is sent.

9

Notify the new employer of the completion of the transfer procedures in the related systems.

10

After replying to the completion of the transfer process, the worker's information is reflected in the new employer's records.





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Thank you