

**Cabinet Resolution No. (1) of 2022**  
**Concerning the Executive Regulations of Federal Decree-Law No. (33) of 2021**  
**Regulating Labour Relations**

**The Cabinet,**

- Having reviewed the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and Capacities of Ministers, and its amendments thereof; and
- Federal Decree-Law No. (33) of 2021, Regulating Labour Relations; and
- Federal Decree-Law No. (47) of 2021, Concerning the Unified General Rules of Employment in the United Arab Emirates; and
- Based upon the proposal by the Minister of Human Resources and Emiratization, and the Cabinet's approval,

**Resolved:**

**Article (1)**

**Definitions**

The definitions stipulated in the Federal Decree-Law shall be applicable to this Resolution with the exception of the following terms whose meanings assigned to each of them, unless the context otherwise requires:

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| <b>Decree-Law</b>  | : Federal Decree-Law No. (33) of 2021, Regulating Labour Relations   |
| <b>Legislation</b> | : Collection of Resolutions, Guides and Circulars in relation to employment at the Ministry of Human Resources and Emiratization |

## **Article (2)**

### **Classification of Establishments**

Subject to the provisions of clause (1) of Article (70) of the Decree-Law:

1. Establishments shall be classified in accordance with criteria that include economic activity, volume of manpower, manpower's cultural and demographic diversity and compliance with legal regulations and support in implementing government directives with respect to Emiratisation, training, and development of skills.
2. The Cabinet shall issue, upon the Minister's proposal, the resolutions necessary for the classification of establishments and the privileges provided for each category of these establishments to ensure the promotion of competitiveness within the labour market.

## **Article (3)**

### **Classification of Workers**

Subject to the provisions of clause (2) of Article (70) of the Decree-Law:

1. Workers subject to the provisions of the Decree-Law shall be classified into categories according to criteria that include levels of skills, education, productivity or profession or wages or based on categories of residency.
2. The Cabinet shall issue, upon the Minister's proposal, the resolutions necessary for the classification of the manpower's skill levels within the labour market and the privileges provided to each level to ensure the promotion of competitiveness within the labour market.

## **Article (4)**

### **Rules on the Employment of Juveniles**

1. Subject to the provisions of Article (5) of the Decree-Law, the employment of juveniles shall be prohibited for the following jobs and professions:
  - a. Hazardous or harmful jobs and industries.
  - b. Occupations that may, due to their nature or conditions they are performed under, endanger the juveniles' health or safety.

2. It shall be determined by a Minister's Resolution after coordinating with the concerned authorities, the dangerous or arduous jobs or activities that may, due to its nature, result in damages to the juvenile's health, safety, or morals.
3. The employer, employing a juvenile, shall commit to the following procedures:
  - a. Keeping a special record for juveniles, which shows the juvenile's name, age, guardian's full name and contact details, the juvenile's and his guardian place of residence, date of employment and the work it is employed for.
  - b. Providing Insurance for the juvenile similar to regular manpower.
  - c. Training juveniles employed on how to use means of the safety and professional health.
  - d. Displaying in a visible place at the employment
4. Charitable, educational, and training institutions – as well as other bodies that aim to rehabilitate or train juveniles professionally – shall be exempted of certain provisions of Article (5) of the Decree-Law and the provisions of this article in accordance with the following controls:
  - a. The institution must be registered with the competent government authorities with such description.
  - b. The institution's main objective, for which it is registered, must be rehabilitation or professional training or charitable, educational, or volunteering activities.

## **Article (5)**

### **Work Models**

1. Subject to the provisions of Article (7) of the Decree-Law, a worker may be employed under any of the work models stipulated in the mentioned article, with the following additional models:
  - a. **Remote work:** the work is performed wholly or partially outside the workplace and the connection between the worker and the employer shall be electronic instead of the physical presence – whether the work was parttime or fulltime.

- b. **Shared Word:** tasks and duties are shared between more than one worker to perform the task agreed upon, and it shall reflect on the wage due to each of them in order to be proportionate. Workers shall be treated in accordance with the controls of parttime jobs.
- 2. The Ministry may create other work models based on the requirements of the labour market.
- 3. Subject to the provisions stipulated in the Decree-Law, the worker and employer shall abide by the provisions stipulated in the employment contract in accordance with every model of those mentioned in clause (1) of this article.

## **Article (6)**

### **Types of Work Permits**

- 1. Subject to the provisions of Article (6) of the Decree-Law, the types of work permits shall be determined as follows:
  - a. **Work Permit (Recruitment of workers from outside the State):** This type of work permits enables establishments registered with the Ministry to recruit a worker from outside the State.
  - b. **Work Permit for Transfer:** The permit under which a non-national worker can transfer from and to an establishment registered with the Ministry.
  - c. **Permit for those who are sponsored by their parents:** The permit under which those who are sponsored by their parents may be employed to work at an establishment registered with the Ministry.
  - d. **Temporary Work Permit:** The permit under which a worker is employed for a job, whose nature requires a limited period for its execution or completion at one of the establishments registered with the Ministry.
  - e. **Work Permit for a Mission:** A permit that enables one of the establishments registered with the Ministry, willing to recruit a worker from abroad to complete a temporary work or a fixed project with a determined period.
  - f. **Parttime Work Permit:** This type of permits enables establishments registered with the Ministry to employ a worker under a parttime employment contract for which its working

hours or days are less his counterparts who work fulltime. The worker may work for more than one employer after obtaining the Ministry's permission to do so.

- g. **Work Permit for Juvenile:** The permit under which the person who has completed 15 years of age and still under 18 years may be employed by an establishment registered with the Ministry.
  - h. **Permit for Training and Student Employment:** This type of permits enables establishments registered with the Ministry to train or employ a student in the State who is 15 years of age in accordance with the determined controls and conditions that ensure adequate training and employment environments.
  - i. **National Work Permit/Citizens of the GCC:** This type of permits enables establishments registered with the Ministry to employ nationals or citizens of the States of the Gulf Cooperative Council.
  - j. **Work Permit for Holders of Golden Residency:** This permit is granted to an establishment registered with the Ministry, upon request, to employ a worker inside the State who is holder of the golden residency.
  - k. **Work Permit for a National Trainee:** This permit is granted to establishments registered with the Ministry willing to train a national in accordance with his approved educational qualification.
  - l. **Freelance Work Permit:** This permit is granted to individuals who wish to independently practice freelance work (with self-sponsorship for expat individuals) without sponsorship from a particular employment entity or employer in the State, and without the requirement of holding a valid employment contract, through which the natural person realizes a direct income from providing his services for a limited period or to perform a job or provide a specific service, whether it was for individuals or establishments, in a manner that the said natural person is, in no way, an employee of such individuals or establishments.
2. New types of work permits may be created, by virtue of a resolution issued by the Minister, in accordance with the provisions of the Decree-Law.

## **Article (7)**

### **Conditions, Controls and Procedures of Issuing, Renewing and Cancelling Work Permits**

#### **1. Conditions of issuing work permits:**

- a. The worker's age shall not be less than 18 years with the exception of the juvenile work permit and the student training or employment permit.
- b. It shall meet all the conditions stipulated in the applicable legislation in this regard, and that is for specialized professions or any other occupations that require obtaining a permit to practice the profession.
- c. The job which the work will perform for the employer shall be in compliance with the establishment's activity.
- d. The establishment's license shall be valid with no record of violations that lead to the suspension of its activity in accordance with the applicable regulations.
- e. The application requesting the issuance of the permit must be submitted by the legally authorized signatory on behalf of the establishment.
- f. Any other conditions stipulated in a resolution issued by the Minister or his authorized representative.

#### **2. Procedures of renewing work permits:**

- a. Submitting the request through the channels determined by the Ministry.
- b. Meeting the required conditions for the issuance of the permit.
- c. Fulfilling the required certificates, documents, and educational qualifications.
- d. Payment of the determined fees based on the permit's type and the establishment's category in accordance with the approved establishment classification rules.

#### **3. Procedures of cancelling work permits:**

- a. Submitting the request to cancel a work permit through the channels determined by the Ministry.
- b. Completing the required data and attachments.
- c. Payment of Fines for the delay in issuing or renewing the work permit if available.

- d. The establishment's confirmation that it paid the worker all its dues.
  - e. Any other conditions stipulated in a resolution issued by the Minister or his authorized representative.
- 4. The Ministry may refrain from issuing, renewing, or cancelling work permits or refrain from taking the necessary legal procedures in the event any of the following circumstances is proven:**
- a. Submission of any false documents.
  - b. If the establishment is fictitious or does not practice its activity.
  - c. Failure to abide by the Wage Protection System or any other systems approved for the regulation of the labour market in the State.
  - d. Any other circumstances stipulated in a resolution issued by the Minister or his authorized representative.

## **Article (8)**

### **Freelance Work**

1. Freelance work is an independent and flexible work system under which a natural person generates a direct income through providing his services for a limited period or to perform a task or provide a determined service, whether to individuals or establishments, provided that the natural person is not considered, under any circumstances, a worker of these individuals or establishments.
2. The Cabinet shall issue, based upon the Minister's proposal, the necessary resolution that determine the procedures and controls of registration of freelance work performers in the Ministry's systems and of obtaining, renewing, and cancelling a work permit, in order to ensure the enforcement of flexibility and requirements of labour markets.

## Article (9)

### Activity of Recruitment Agencies

1. Subject to the provisions of Article (6) of the Decree-Law, the practice of any intermediary works or temporary recruitment and outsourcing (individually or collectively) shall be deemed as a practice of recruitment agencies activities, and the following definitions shall be applicable within the scope of recruitment agencies activities:
  - a. **Intermediation:** to bring the views of both parties of the business together and whomever represents them, to negotiate the contractual terms on their behalf, and to hire for the purpose of establishing a labour relationship, without the agency becoming party to it.
  - b. **Temporary Employment and Outsourcing:** hiring the worker with the intention of outsourcing to a third party, and the worker's relationship will directly be with the agency outsourcing his services to a third party (beneficiary).
  - c. **Beneficiary:** Any natural or legal person for whom the worker is hired under his supervision in accordance with the temporary employment and outsourcing system, whether be it for a limited period or to perform a task or provide a certain service.
  - d. **Agency:** Any individual corporation or with a legal personality that practices an activity related to intermediation or temporary employment and outsourcing, to provide the service of one or more workers, for a limited period or to perform a task or provide certain services for the beneficiary.
2. To obtain a permit to practice any of the agency activities, the following conditions shall be met:
  - a. The person in the individual corporation or any of the shareholders in the legal entity, must not convicted of a crime involving breach of honor and trust, or a crime of human trafficking or of the crimes stipulated in the Decree-Law, unless he has been rehabilitated if he was sentenced with custodial penalty, or after the lapse of one year from the date of the judgment – if the judgment imposed a fine.



- b. The individual corporation or the legal entity must present to the Ministry a bank guarantee that shall not – throughout the license’s validity - be less than (300) Three Hundred Thousand Dirhams in case the license is for an intermediation agency, and not less than One Million Dirhams in case the license is for a temporary employment and outsourcing agency – or in the event both activities are combined. The guarantee shall be automatically renewed, or an insurance system shall be submitted as an alternative to the guarantee, and the Ministry may allocate some or all of the guarantee or insurance for the payment of any amounts owed by the agency, for failure to execute its obligations or for non-adherence to the instructions and resolutions issued as a result.
  - c. Submitting the credit report of the license requestor, or the person in the individual corporation and shareholders in a legal entity, issued by the competent authority.
  - d. Any other conditions stipulated in a resolution issued by the Minister.
3. The permit issued to the recruitment agencies by the Ministry, on an annual basis, shall be renewed provided that the required conditions for the permit shall continue to be valid.
4. The controls of practicing activities of temporary recruitment/outsourcing are:
- a. Refrain from providing workers for a beneficiary of the beneficiary company is administratively suspended by the Ministry due to committing violations with regards to the implementation of the Decree-Law and this resolution.
  - b. Refrain from providing workers to another agency, practicing the activity of temporary employment, with the aim of employing them with the beneficiary.
  - c. If the person in the individual corporation, or any of the shareholders in the legal entity, is responsible for the implementation of the provisions of the Decree-Law and its executive regulations on the manpower registered for him, and to notify the concerned authorities at the Ministry in the event he becomes aware of any violation or breach of workers’ rights, health or safety committed by the beneficiary.
  - d. Any other controls determined by the Ministry.
5. A contract shall be concluded with the beneficiary to ensure to governance of the relation between the beneficiary and the worker registered with one of the recruiting agencies.

6. The procedures to issue a license of an agency of temporary employment and outsourcing or intermediation are:
  - a. Submitting the request through the channels determined by the Ministry.
  - b. Meeting the required conditions for issuance the license.
  - c. Fulfilling the required guarantees and insurances.
  - d. Payment of the determined fees.
  - e. Any other procedures stipulated in a resolution issued by the Minister or his authorized representative.
7. The procedures to suspend or cancel the license of recruitment agencies are:

The Ministry may suspend, temporarily, the agency's license or cancel in the event any of the following circumstances is proven to exist:

  - a. Lacking any of the conditions required for the issuance of the license.
  - b. If any of the documents or data, submitted for the purposes of the license, is proven to be false.
  - c. If the agency commits any act involving any form of forced labour or human trafficking.
  - d. Failure to pay workers' wages.
  - e. Violating any of the other conditions determined by the Ministry.

## **Article (10)**

### **Employment Contract**

Subject to the provisions of Article (8) of the Decree-Law:

1. The employment contract shall include, in principal, the employer's name and address, the worker's name, nationality, date of birth, and what is needed to prove his identity, his qualifications, occupation or professions, date of joining work, place of work, working hours, rest days, probation period if available, term of the contract, the wage as agreed upon including benefits and allowances, length of the deserved annual leave, notice period, procedures of terminating the employment contract and any other data determined by the Ministry in accordance to what is required to regulate the relationship between both parties.

2. It is permissible for the worker and employer to agree on inserting new clauses to the approved contract templates, provided that these clauses are in compliance with the provisions of the Decree-Law, this resolution, and legal regulations.
3. It is permissible to change the contract from one work model to another provided that the following conditions are met:
  - a. Approval from both the employer and worker.
  - b. Settlement of all dues arising from the first contract.
  - c. Following the procedures determined by the Ministry.
4. The contracting between the worker and the employer shall be for the work pattern agreed upon in accordance with contract templates approved in the Ministry's system and they are:
  - a. Full-time employment contract.
  - b. Part-time employment contract.
  - c. Temporary employment contract.
  - d. Flexible employment contract.
  - e. Remote employment contract.
  - f. Employment sharing contract.
  - g. Any other employment contract templates stipulated in a resolution issued by the Minister in accordance with the classification of manpower approved by the Cabinet and work models.

## **Article (11)**

### **Grant of a New Permit after Employment Contract Expiry during the Probation Period**

Subject to the provisions of clauses (4) and (6) of Article (9) of the Decree-Law, the Ministry may exempt certain workers of the condition of not granting the work permit in accordance with the following controls:

1. The worker must have the skills, professional or knowledge levels needed by the State.
2. The worker who is sponsored by his parents.

3. Holders of the golden residency.
4. Any professional categories pursuant to the needs of the labour market in the State stipulated in a resolution issued by the Minister under the manpower classification approved by the Cabinet.

## **Article (12)**

### **Controls of the Non-Compete Clause**

1. Subject to the provisions of Article (10) of the Decree-Law, in order to implement the non-compete clause stipulated in the contract, the following shall be determined:
  - a. The geographical scope for the application of the clause.
  - b. The clause period, provided that it does not two years from the contract's expiry date.
  - c. The work's nature which causes gross damage to the employer's legitimate interests.
2. In the event a dispute concerning the non-compete clause arises, and it has not been settled amicably, it shall be referred to the courts and the employer shall bear the burden of proving the damage.
3. The non-compete clause shall not be applicable if the cause of terminating the contract is due to the employer's will or a breach of his legal or contractual obligations.
4. It may be agreed, in writing, that the non-compete clause shall not be applicable upon terminating the employment contract.
5. The worker shall be exempted from the non-compete clause stipulated in Article (10) of the Decree-Law in accordance with the following conditions:
  - a. Payment of a compensation to the previous employer, that does not exceed three months of the worker's wage as agreed upon in the last contract, by the worker or the new employer, provided that the previous employer's approval to do so is in writing.
  - b. If the contract is terminated during the probation period.
  - c. Any professional categories, in accordance with the requirements of the labour market in the State, stipulated in a resolution issued by the Minister under the manpower classification approved by the Cabinet.

## **Article (13)**

### **Assignment of the Worker to do Another Work**

1. Subject to the provisions of Article (12) of the Decree-Law, the worker may be assigned to perform another work that is fundamentally different in nature from his original work, as an exception called upon by necessity to prevent an accident or to repair a damage caused by the worker; and the maximum limit of the worker's assignment to perform those activities shall be (90) Ninety days per annum.
2. During the application of clause (1) of this article, it is understood that fundamental difference shall mean that the work assigned to the worker is totally and naturally different from his profession or educational qualification.

## **Article (14)**

### **Work Regulations**

Subject to the provisions of Article (13) of the Decree-Law, establishments that employ (50) or more workers, shall set regulations to organize the work, such as a list of work instruction, penalties and promotions and bonuses and the procedures of terminating the labour relationship, and subject to following controls:

1. Develop the regulations in a manner that does not contradict with the provisions and rules stipulated in the Decree-Law, the provisions of this resolution and the legal regulations.
2. The list of penalties must include the penalties that may be imposed on violating workers, and the conditions and controls of its imposition.
3. The list of work instructions must include the daily working hours, weekend days, official holidays, and the necessary measures and precautions to be considered to avoid work injuries and fire hazards.
4. The list of promotions and bonuses must include the standards and controls related to the promotions and bonuses.

5. The employer must inform the worker of the regulations stipulated in this article, by any available means, and must make him aware of it in the language he understands.

## **Article (15)**

### **Working Hours**

Subject to the provisions of Article (17) of the Decree-Law:

1. The time periods, which the worker spends commuting between his place of residence and his workplace, shall counted as part of the working hours in the following circumstances:
  - a. The period the worker spends inside the mode of transport in the event of bad weather and in response to the warnings by the National Meteorology Center concerning weather changes and fluctuations.
  - b. The period the worker spends inside the mode of transport provided by the employer in the event of a traffic accident or sudden malfunction.
  - c. The parties' explicit agreement on such in the contract.
2. The normal working hours shall be reduced by two hours during the holy month of Ramadan.
3. The employer may employ the worker for working hours additional to the normal working hours provided that they do not exceed two hours per day unless the work is necessary to prevent the occurrence of a gross loss or a serious accident or to eliminate or mitigate its effects. In all events, the total working hours must not exceed (144) One Hundred and Forty-Four hours every (3) three weeks.
4. The following categories shall be exempted from the provisions relating to the maximum limit of working hours:
  - a. Chairmen and members of board of directors.
  - b. Persons occupying supervisory positions if the occupants of such positions enjoy the capacities of an employer.
  - c. Workers comprising the crew of maritime ships and workers employed at sea and enjoy special service conditions due to the nature of their work.

- d. Activities whose technical nature require its performance in successive shifts or rounds provided that the average of working hours does not exceed (56) hours per week.
  - e. Preparatory or supplementary activities which are required to be performed outside the general time zones determined for work at the establishment.
5. The Minister may issue the resolution necessary to determine the activities stipulated in this article in accordance with the requirements of the labour market.

## **Article (16)**

### **Wages**

Subject to the provisions of Article (22) of the Decree-Law:

1. The employer shall commit to pay his workers' wages on due dates and in accordance with the following conditions, controls, and procedures:
  - a. The wages shall be paid on due dates and in the manner agreed upon in the contract and in accordance with the regulations and standards developed by the Ministry.
  - b. All establishments registered with the Ministry shall pay its workers' wages on their due date through the Wage Protection System or any other system approved by the Ministry.
2. The Ministry may take the necessary legal procedures and measures stipulated in the Decree-Law, this resolution, and legal regulations in relation to the establishment in the event of non-payment of the agreed wage.

## **Article (17)**

### **Failure to Enable the Worker to Perform His Work**

Subject to the provisions of Article (26) of the Decree-Law:

1. The employer shall commit to enabling the worker to perform his work, otherwise he shall be obliged to pay him the wage agreed upon.
2. If refraining from enabling the worker to perform his work is due to circumstances outside the employer's will, the latter shall inform the worker of such circumstances and ensure the payment of his wage.

3. If the worker wishes to leave his work, he shall notify the employer of such will, and in all events the worker may submit a labour claim in accordance with the applicable legal regulations.
4. The Ministry may, upon the submission of the claim, communicate with the employer and grant him a period to enable the worker to perform his work; and in the event the employer does not respond, the Ministry may cancel the worker's employment permit and allow him to transfer to another establishment without prejudicing his rights with the employer.

## **Article (18)**

### **Annual Leave of Workers Operating with the Part-Time Model**

Subject to the provisions of clause (2) of Article (29) of the Decree-Law, the worker employed under a part-time work model shall be entitled of an annual leave in accordance with the actual working hours the worker spends with the employer, and its duration shall be determined based upon the total working hours after converting it to working days, divided by the number of working days per annum, multiplied by the leaves determined by law, with a minimum limit of five working days per annum for annual leaves; and in calculating these due leaves, the part of a day shall be considered as a full day in accordance with the following:

1. The percentage shall be the ratio of the worker's work under a part-time contract to the worker's work under a full-time contract.
2. The actual working hours shall be equivalent to a maximum of (8) eight working hours per day.
3. The worker's working hours, under a part-time contract, shall be equivalent to the number of hours that have been contracted.
4. The equation shall be the yearly number of the worker's working hours under a part-time contract divided by the number of working hours under a full-time contract, multiplied by 100, equals the percentage.



## **Article (19)**

### **Carrying Forward the Annual Leave or Earning Cash Renumeration Instead**

Subject to the provisions of clauses (8) and (9) of Article (29) of the Decree-Law:

1. The worker may carry forward, into the following year, what does not exceed half of the annual leave or agree with the employer to receive its equivalent in cash in accordance with the wage he earns at the time the leave is due.
2. In the event the worker's service is terminated, he shall be entitled to receive a cash equivalent of the balance of his annual leaves due by law in accordance with his basic salary.

## **Article (20)**

### **No Paid Sick Leave Resulting from the Worker's Misconduct**

Subject to the provisions of Article (31) of the Decree-Law:

1. The worker shall not be entitled to a sick leave in the following circumstance:
  - a. If the illness is a result of the Worker's misconduct such as the consumption of alcohols or use of drugs.
  - b. If the worker violates the special safety instructions in accordance with the enforced legislation in the State, such as the instructions in relation with crisis and disasters or roads and traffic regulations or any safety procedures and controls determined in the establishment's regulations which the worker confirmed is awareness, understanding and commitment to it.
2. For the application of what is stipulated in clause (a) of this article, a report from the concerned authorities in the State is required to prove that the sickness is a result of the worker's misconduct.

## **Article (21)**

### **Miscellaneous Leaves**

Subject to the provisions of Article (32) of the Decree-Law:

1. The worker may be granted a study leave to take tests, provided that he has obtained an academic acceptance from on the accredited institutions or university faculties in the State, indicating the type of studies, major and duration of the studies. The establishment may request a proof of the dates on which the tests were taken.
2. The national worker shall be entitled to a full-time leave to perform the national and reserve service, pursuant to the laws and regulations applicable in the State.
3. The worker shall be entitled to a mourning leave starting from the passing date provided that he submits what proves the death upon his return to work.
4. The worker shall be entitled to a parental leave as stipulated in the Decree-Law provided that he submits what proves the birth of his child.
5. It is permissible to combine the mourning, parental, annual, and unpaid leaves.

## **Article (22)**

### **Workers' Safety, Protection and Health Care**

Subject to the provisions of Article (36) of the Decree-Law:

1. Every employer shall:
  - a. Provide adequate prevention means to protect workers from the risks of occupation injuries and illnesses that may occur during working hours, as well as fire hazards and all other risks that may result from the use of machines and other work tools; he shall as well follow other prevention methods determined by the Ministry in this regard.
  - b. Put in a prominent and visible place at work detailed and clear instructions concerning the means of fire prevention, protection of workers from risks they may be exposed to during performing their work, ways to avoid it and ways to treat the accidents that may result because of it, provided that such instructions are in Arabic and in another language

the workers understand when needed; and he shall put warning signs in front of dangerous spots.

- c. Inform his workers, before handing over the work to them, of the risks associated with their professions such as fire hazards, risks of machines, falls, occupational illnesses and others.
  - d. Delegate the supervision of first aids to a specialist in providing medical care and to supply in each first aid kit box all the necessary items.
  - e. Provide the necessary means of fire prevention as well as appropriate extinguishers or materials existing in the establishment and materials used in industries.
  - f. Take the necessary means to ensure, continuously, that the circumstances existing in workplaces provide prevention sufficient for the worker's healthcare and safety operating in the establishment.
  - g. Take the adequate practical means to prevent, reduce or eliminate health hazards in workplaces.
  - h. Take the necessary precautions to protect workers from the risks of falls, falling objects, flying debris, sharp bodies, liquid chemical, or hot substances, flammable or explosive substances, or any other substances that may cause damage; he shall take, as well, the necessary precautions to protect workers from hazards of compressed gases and electricity.
  - i. Hang guiding boards in place of machineries or in the place of different operations indicating the type of the necessary technical instructions – in Arabic – and in another language the workers understand when needed.
2. The worker shall use protective equipment and clothing provided to him, apply the employer's instructions aimed for this protection from hazards, refrain from any act that may obstruct such instructions, abide by all orders and instructions in relation with work safety and security precautions, and use means of protection and undertake to take care of those in his possession. The worker is prohibited from performing any act that may result in the non-execution of the referenced instructions, misusing the means designated to protect the worker's safety and healthcare, or damaging and destructing such means. The employer may

implement the list of sanctions and penalties on every worker violating the provisions stipulated in this clause.

3. The Ministry shall coordinate with the authorities concerned with workers' public health and professional care and safety in accordance with the following:
  - a. Monitor the employer's commitment to provide health insurance for the workers in compliance with the applicable legislation in the State.
  - b. Coordinate with the local and federal authorities concerned with the workers' healthcare and safety.
  - c. Verify, constantly, the standards and conditions set on the federal and local level in relation to the workers' health and safety and occupational injuries as well as monitoring the workers' adherence and abidance to it.
  - d. Supervise, inspect, and implement the administrative penalties on establishments violating the professional health and safety instructions.
  - e. Circulate the decisions issued by the authorities concerned with the workers' health and safety.

## **Article (23)**

### **Work Injuries**

Subject to the provisions of Articles (37) and (38) of the Decree-Law:

1. The employer undertakes, in the event the worker suffers from an occupational injury or illness, to pay the costs of the worker's treatment in accordance with the following conditions and controls:
  - a. The worker shall be treated in any governmental or private health facility.
  - b. The treatment cost shall be continuous until the worker's recovery, or if his disability is proven.
  - c. The treatment shall include the residence in the hospital, surgeries, x-ray photos and laboratory tests as well as the purchase of medications, rehabilitation equipment, and the supply of artificial limbs and prostheses for those with a proven disability.

- d. The treatment cost shall include the costs of commuting the worker undertakes for the purposes of the treatment.
- 2. The worker shall abide by the orders and instructions in relation to the precautions of the work's security and safety and shall use prevention means and undertake to take care of those in his possession; the worker is prohibited from performing any act that may result in the non-execution of such instructions or in the misuse of the means designated for the protection of the workers' health and safety or in damaging or destructing such means.
- 3. The worker shall not be entitled to a compensation against the occupational injury if it is proven, through the competent authorities, that the injury occurred due to a deliberate violation of the precautionary instructions – announced in prominent place at the workplace – provided that the employer commits to the following controls:
  - a. Make the workers aware of the detailed instructions about the means of fire prevention and the workers' protection from hazards they may be exposed to while performing their work, in Arabic and in any other language the workers understand when needed.
  - b. Inform the worker, before performing the work, of its risks and obliging him to use prevention means designed for the same and shall supply the appropriate tools for the workers' personal prevention and training them on how to use it.
  - c. Train the worker on the safety means stipulated in the workers' protection instructions.
  - d. Educate the worker, when hired, about the risks of his job and the means of prevention the worker should abide by; and shall hang detailed written instructions for such prevention in the workplace.
- 4. If the occupational injury or illness resulted in the worker's death, the compensation shall be paid to those who are entitled to it in accordance with the applicable legislation in the State or in accordance with what the worker decides before his death.

## Article (24)

### Controls for Imposing Disciplinary Penalties against the Workers

Subject to the provisions of Article (39) of the Decree-Law:

1. The disciplinary penalties shall be imposed on the workers, provided that the appropriate penalty is imposed in proportion with the severity and gravity of the committed violation, in accordance with the following criteria:
  - a. The extent of the breach to the privacy of work-related data and information.
  - b. The violation's impact on the worker or workers' health and safety operating at the establishment.
  - c. The financial impact of the violation.
  - d. The impact of the violation on the reputation of the establishment and its workers as a result of such violation committed.
  - e. The violating worker's abuse of powers entrusted to him.
  - f. The percentage of the worker committing violations of various kinds.
  - g. The presence of a criminal or moral aspect in the committed violation.
2. The employer shall set a list of sanctions that identifies every penalty of the disciplinary penalties set forth in Article (39) of the Decree-Law.
3. None of the penalties, stipulated in Article (39) of the Decree-Law, may be imposed on the worker unless he has been notified, in writing, of what is attributed to him; and his statements that must be heard and defense realized shall be documented in a report deposited in his personal file and the penalty shall be appended at the end of the report. The worker shall be notified, in writing, of the type and value of the penalties imposed on him, and the reasons for imposing them and the penalty he shall bear in the event of recidivism.
4. The worker shall not be accused of a disciplinary violation that has been discovered for more than (30) thirty days, and a disciplinary penalty may not be imposed against the worker if more than (60) days lapsed from the date of completing the investigation and establishing the violation against the worker.

5. Without prejudice to the worker's right to submit a labour claim, the worker shall be entitled to submit a grievance before the establishment's management against any penalty imposed against him. The grievance shall be submitted to the establishment's management with the grieved penalty attached. The worker shall not be harmed for filing his grievance and the employer shall notify the worker of the grievance's outcome.
6. Subject to provisions of Article (14) of this resolution, an employer who employs (50) of more workers, shall publicize in a visible place – or through any other appropriate mean – the rules for the complaints and grievances that is accessible to the workers. The rules shall stipulate that the worker has the right to submit his complaint or grievance to the employer or whoever represents him, and that his grievance shall be responded to in writing within a limited timeframe.

### **Article (25)**

#### **Termination of the Employment Contract due to the Employer's Bankruptcy or Insolvency**

Subject to the provisions stipulated in Federal Decree-Law No. (9) of 2016 concerning Bankruptcy, and Federal Decree-Law No. (19) of 2019 concerning Insolvency and the provisions of clause (8) of Article (42) of the Decree-Law:

1. The employment contract shall be terminated in any of the following events:
  - a. Issuance of a court judgment declaring the employer's bankruptcy or insolvency in accordance with the applicable legislation in the State in this regard.
  - b. Issuance of a decision from the concerned authorities stating the employer's inability to resume his activity for exceptional economic reasons beyond his control.
2. The Ministry may, based on its sole discretion, cancel the worker's employment permit pursuant to the court judgment declaring the employer's bankruptcy, and it may grant the worker a new permit in accordance with the controls approved in this regard.

## **Article (26)**

### **Controls of Serious Threat**

Subject to the provisions of clause (3) of Article (45) of the Decree-Law, the controls concerning serious threat at the workplace – which allows the worker to leave his employment without a prior notice – shall be as follows:

1. The presence of a possible source of ignition.
2. Exposure to electrical wires connected to a power source which may cause an electric shock or death.
3. Hazardous chemicals that may cause diseases.
4. Unusual temperatures that may cause burns.
5. Exposure to loud noises that may cause permanent hearing impairment.
6. Radiation that may cause a cancerous disease or blindness.
7. Biological threats that may cause illnesses.

## **Article (27)**

### **Transfer of Workers**

Subject to the provisions of Article (49) of the Federal Decree-Law:

1. The worker may, upon expiry of his employment contract in accordance with the provisions of the Federal Decree-Law, transfer to work for another employer in accordance with the following conditions and situations:
  - a. If the contract's term, agreed upon between the parties, has expired without being renewed.
  - b. If the contract is termination while still in force in accordance with what is stipulated in Articles (42) and (45) of the Federal Decree-Law.
2. The Minister may issue a resolution determining the procedures of the worker's transfer determined in this article.



## **Article (28)**

### **Controls for Reporting the Worker's Absence from Work**

Subject to the provisions of Article (50) of the Decree-Law:

1. The employer shall notify the Ministry of the worker's absence from work in accordance with the following controls and procedures:
  - a. The absence from work shall be for more than (7) consecutive days, without the employer's knowledge of the worker's whereabouts or the means of communication with him.
  - b. The absence from work form shall be completed in accordance with the procedures determined by the Minister.
2. In the event the worker is absent from work, for an unjustified reason, before the expiry of the contract's term, he shall not be granted another work permit for a year starting from the date of absence of work, with the following exceptions:
  - a. The worker who is sponsored by his parents.
  - b. The worker who applies for a new work permit for the same establishment.
  - c. The worker who has skill, professional or knowledge levels needed by the State.
  - d. Holders of the golden residency.
  - e. Any professional categories based on the needs of the labour market in the State stipulated in a resolution issued by the Minister under the manpower classification approved by the Cabinet.
3. The Minister may issue a resolution determining the mechanisms of reporting the absence from work in accordance with the applicable digital system at the Ministry.

## **Article (29)**

### **Controls for the Deduction from the Workers' End of Service Pay**

Subject to the provisions of clause (7) of Article (51) of the Decree-Law:

1. The employer may deduct from the worker's end of service pay any amount, due by virtue of the law or a court judgment, in accordance with the following conditions and procedures:

- a. The amounts owed by the worker that are necessary for the repayment of loans or amounts paid in excess to what he is entitled to.
  - b. The repayment of amounts deducted for the calculation of contribution to pensions and insurances, pursuant to the applicable legislation in the State.
  - c. Amounts deducted from the worker because of violations committed subject to the list of penalties applicable at the establishment and approved by the Ministry.
  - d. Debts owed pursuant to the execution of a court judgment against the worker.
  - e. Amounts to repair the damages caused by the worker attributed to his mistake or violation of the employer's instructions, which resulted in the damage, destruction or loss of tools, machines, products, or substances owned by the employer.
2. The employer shall perform the procedures stipulated in the Decree-Law and this resolution in the event the owed amounts resulted from violations the worker committed or as a result of damages attributed to his mistake, provided that a period of (3) three months has not lapsed on the amounts owed starting from the date they became due – unless otherwise is agreed.

## **Article (30)**

### **End of Service Pay for Workers Subject to Other Work Models**

Subject to the provisions of Article (52) of the Decree-Law, the end of service pay for workers operating under a part-time or employment sharing model, and not under a full-time model, shall be calculated as follows:

1. The annual number of working hours stipulated in the employment contract divided by the annual number of working hours under a full-time contract, multiplied by 100 equals the percentage multiplied by the value of the end of service pay under a full-time employment contract.
2. The end of service pay shall not be applicable in the event of operating under a temporary employment model or if its duration is less than a year.

## **Article (31)**

### **Individual Labour Disputes**

Subject to the provisions of Article (54) of the Decree-Law:

1. In the event a dispute arises between the employer and the worker, or anyone claiming through them, concerning any of the rights entitled to any of them pursuant to the provisions of the Decree-Law, an application concerning the same shall be submitted to the Ministry who examines the application and take what it deems necessary to resolve the dispute amicably.
2. In the event the amicable resolution of the dispute is not achievable, the Ministry shall refer the dispute to the competent court within (14) Fourteen days as of the application date, and the referral shall be appended with a memorandum summarizing the dispute, the parties' arguments, and the Ministry's recommendation.
3. Every worker, whose claim has been referred to the court, shall register his case and adjust his status in the State as soon as possible, and the Minister may issue the necessary resolutions regulating the status of the worker and establishment after referring the claim to the court.
4. The worker shall be entitled to claim the wage of two months in the event he resumed his work while the labour dispute – referred to the court – is still valid; in this event, the Ministry may oblige the employer to pay such wage or refer a claim in this regard to the court.

## **Article (32)**

### **Collective Labour Disputes**

Subject to the provisions of Article (59) of the Decree-Law:

1. If a dispute arises between the employer and all the workers or a group of them, and both parties fail to resolve it amicably, the claimant must submit a claim in accordance with the following controls and procedures:
  - a. The claim must be submitted through the channels determined by the Ministry.
  - b. Identifying the type and value of the claims.
  - c. The claim must be submitted within two weeks from when the dispute started.

2. The Ministry may address the concerned authorities to impose a precautionary custody on the establishment to secure the workers' rights.
3. The Ministry may cash out the bank guarantee or insurance allocated for the workers – without the need to obtain the employer's approval – in the event the workers' claim is proven to be valid or take any other procedures or measures to ensure the payment of workers' dues.
4. The Ministry shall, in accordance with the procedures determined by virtue of a resolution issued by the Minister for dispute resolution, and in the event a settlement is not achievable for any reason or due to the parties not committing to the agreed settlement, refer the dispute to the committee of collective labour disputes.
5. The committees of collector labour disputes – formed by virtue of a resolution issued by the Cabinet based upon the Minister's proposal – shall rule on disputes referred to it and its decision shall be final and appended with the executive form by the competent court.

## **Article (33)**

### **Procedures of Work Inspection**

Subject to the provisions of Article (57) of the Federal Decree-Law:

1. Work inspection shall be performed by competent inspectors from the Ministry's employees, and they shall have the following capacities and functions:
  - a. Monitor the proper execution of provisions of the Decree-Law, this resolution, and the legal rules, and particularly those related to labour conditions, wages, and workers' prevention and protection while performing their work.
  - b. Provide employers and workers with information and technical guidance that enable them to follow the best means to execute the provisions of the Decree-Law and this resolution.
2. The acts committed in violation to the provisions of the Decree-Law, this resolution, and the legal rules, shall be recorded in accordance with the following procedures:

- a. If the inspector verifies, during his inspection, that a violation to the Decree-Law, regulations or its executive resolutions thereof exists, he shall write a report to record the violation and shall submit it to the competent authority to take the necessary measure against the violator.
  - b. The inspector may, when necessary, request the competent administrative or security authorities to provide the necessary assistance.
  - c. Employers and their representatives must provide the inspectors, entrusted with the work inspection, with the facilitations and data necessary to perform their duty and must respond to requests to appear before them or to send a delegate whenever asked to do so.
3. The Minister may issue the necessary mechanism to regulate the inspectors' activities and procedures of inspection.

## **Article (34)**

### **Administrative Penalties**

Subject to the provisions of Articles (58), (59), (60), (61), (62), (63) and (64) of the Federal Decree-Law, and in the event of a violation to the provisions stipulated in the Federal Decree-Law and in this resolution, the Ministry shall be granted the capacity of imposing administrative penalties as stipulated in Article (3) of Federal Law No. (14) of 2016 referenced in the Federal Decree-Law.

## **Article (35)**

### **Procedures of Grievances against the Ministry's Resolutions**

Subject to the provisions of Article (69) of the Federal Decree-Law, both parties to the labour relationship may file a grievance against resolutions issued by the Ministry in accordance with the following procedures:

1. The application must be submitted through the channels determined by the Ministry to the Grievances Committee within (30) thirty days from the date of knowing of the resolution.
2. The grievance application must be complete and inclusive all the data and documents supporting the application.

## **Article (36)**

### **Emergency Situations**

Subject to the provisions of the Federal Decree-Law:

1. It is permissible, during exceptional emergency situations which are determined by virtue of a resolution issued by the Cabinet, to implement working mechanism suitable with the conditions of such situations, during which the interest of all parties to the labour relationship is considered; such mechanisms may include for example, but not limited to:
  - a. Implementation of working remotely.
  - b. Granting the worker a paid leave.
  - c. Granting the worker an unpaid leave.
  - d. Reduction of the worker's wage.
2. Without prejudice to what is stipulated in clause (1) of this article, the Minister shall issue the resolution necessary for the implementation of adequate working mechanisms during exceptional and emergency situations.

## **Article (37)**

The Minister shall issue the resolutions necessary for executing the provisions of this resolution.

## **Article (38)**

Any provision, contradicting or conflicting with the provisions of this resolution, shall be repealed.

### **Article (39)**

This resolution shall be published in the Official Gazette and shall come into force as of 02 February 2022.

**Mohammed bin Rashid Al-Maktoum**

**Prime Minister**

Issued by us,

On: 02 Rajab 1443 A.H.

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