

**Executive Council Resolution No. (41) of 2015
Concerning the
Central Grievance Committee of
Employees of the Government of Dubai¹**

**We, Hamdan bin Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai,
Chairman of the Executive Council,**

After perusal of:

Law No. (3) of 1996 Concerning Government Claims and its amendments;

Law No. (3) of 2003 Establishing the Executive Council of the Emirate of Dubai;

Law No. (27) of 2006 Concerning Management of the Government of Dubai Human Resources and its amendments;

Law No. (19) of 2007 Authorising the Chairman of the Executive Council to Issue the Government of Dubai Human Resources Management Legislation;

Executive Council Resolution No. (20) of 2008 Forming the Central Grievance Committee of Employees of the Government of Dubai Departments and its amendments; and

Executive Council Resolution No. (4) of 2009 Approving the Statute of the Central Grievance Committee of Employees of the Government of Dubai Departments and its amendments,

Do hereby issue this Resolution.

**Section One
Definitions and Scope of Application**

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¹*Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.*

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Definitions

Article (1)

The following words and expressions, wherever mentioned in this Resolution, will have the meaning indicated opposite each of them unless the context implies otherwise:

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| Emirate: | The Emirate of Dubai. |
| Executive Council: | The Executive Council of the Emirate of Dubai. |
| Law: | Law No. (27) of 2006 Concerning Management of the Government of Dubai Human Resources and its amendments. |
| Department: | Any of the Government departments, public agencies and corporations, councils, authorities, or other entities to which the provisions of the Law apply. |
| CGC: | The Central Grievance Committee of Employees of the Government of Dubai. |
| Administrative Body: | The body of administrators of the CGC. |
| Work-related Offences Committee: | A committee formed in a Department pursuant to the Law to consider the work-related offences attributed to its Employees. |
| Grievances and Complaints Committee: | A committee formed in a Department pursuant to the Law to consider the grievances and complaints filed by its Employees. |
| Grievance: | A written objection submitted to the CGC by an Employee, in respect of a decision made against him by his Department, to remedy an injustice he claims has been done to him on account of that decision. |
| Employee: | A male or female person who occupies a budgeted post in a Department. |

Scope of Application
Article (2)

The provisions of this Resolution apply to the Employees of the Departments to which the Law applies.

Section Two
Formation, Objectives, and Functions of the CGC
Formation of the CGC
Article (3)

- a. This Resolution applies to the CGC formed pursuant to the above-mentioned Executive Council Resolution No. (20) of 2008, which is affiliated to the Executive Council.
- b. The CGC will be comprised of a chairman, a vice chairman, and a number of members, from within or outside of the Government of Dubai, who are experienced and specialised in legal and human resources fields. Members of the CGC will be appointed by a resolution of the Chairman of the Executive Council.
- c. The vice chairman of the CGC will exercise the powers of the chairman of the CGC where the chairman is absent or becomes incapable of performing his duties.
- d. The chairman and members of the CGC will be paid the remunerations determined by a resolution of the Chairman of the Executive Council.

Objectives of the CGC
Article (4)

The CGC will have the following objectives:

- a. to give Employees the opportunity to submit Grievances in respect of final administrative decisions that affect their employment;
- b. to ensure that justice, job satisfaction, and job stability are achieved for Employees; and
- c. to ensure proper implementation of, and full compliance with, the provisions of the Law.

Functions of the CGC

Article (5)

- a. The CGC will have the jurisdiction to consider and determine the Grievances submitted to it by Employees in respect of the final administrative decisions issued against them and related to:
 - 1. disciplinary penalties;
 - 2. annual performance appraisal;
 - 3. transfer, assignment, or secondment;
 - 4. termination of service or suspension from work; or
 - 5. administrative measures that violate the provisions of the Law.
- b. The CGC may consider and determine the Grievances submitted to it by Employees where their Departments fail to take the actions or decisions required by the Law in respect thereof.
- c. The CGC will not have jurisdiction over the following:
 - 1. Grievances related to working hours; grades; salaries; or bonuses; and
 - 2. Grievances being heard by a judicial authority or in respect of which a definitive judgment has been issued.

Functions of the CGC Chairman

Article (6)

The chairman of the CGC will undertake general supervision of the CGC. For this purpose, he will:

- 1. manage the CGC meetings in a manner that ensures that members effectively participate in, and express their opinions during, these meetings;
- 2. verify compliance by the CGC and its members with the relevant approved performance indicators;
- 3. submit periodic reports to the Chairman of the Executive Council on the activities, performance, and achievements of the CGC;
- 4. represent the CGC before third parties;

5. appoint, and supervise the work of, the Employees of the Administrative Body of the CGC; and
6. perform any other duties required for the CGC to perform its functions under this Resolution.

Duties of CGC Members Article (7)

A CGC member must effectively contribute to the performance by the CGC of its duties, and give priority to the public interest in all events. In particular, a CGC member must:

1. attend all CGC meetings and not miss any of them unless he has a valid reason;
2. effectively participate in considering and reviewing the Grievances filed with the CGC, and give opinion thereon; and
3. commit to achieving the relevant approved performance indicators.

Administrative Body of the CGC Article (8)

The CGC will have an Administrative Body comprised of a number of legal and administrative Employees, who will be governed by the human resources bylaw applicable to the Employees of the General Secretariat of the Executive Council.

Section Three Limitation Period and Grounds for Grievances

Limitation Period for Grievances Article (9)

- a. The limitation period for filing a Grievance will be fourteen (14) working days from the date on which the grievant is notified of the decision of the Grievances and Complaints Committee, or thirty (30) days from the date of submitting a grievance to the Grievances and Complaints Committee without being determined.
- b. The CGC may not admit a Grievance filed after the lapse of the limitation period referred to in paragraph (a) of this Article.

Grounds for Grievances Article (10)

To be admitted by the CGC, a Grievance must be based on one or more of the following grounds:

1. lack of jurisdiction;
2. conflict between the contested decision and the legislation in force, or misapplication or misinterpretation thereof;
3. failure to comply with the basic procedures prescribed by the legislation in force upon issuing the contested decision; and/or
4. grounds that the contested decision involves abuse of power or deviation from the objective of achieving the public interest.

Section Four Grievance Submission and Consideration Procedures

Submission of Grievances Article (11)

- a. Grievances will be submitted to the CGC. A Grievance will include the following information:
 1. name of the grievant; and his capacity, post, address, and contact information;
 2. name and address of the respondent Department;
 3. the contested decision and its date of issuance;
 4. grounds for the Grievance, together with the supporting documents;
 5. requests of the grievant; and
 6. names of the witnesses upon whose statements the grievant depends to support his Grievance.
- b. The CGC will admit the copies of evidential written documents submitted together with the Grievance. With respect to the documents, records, and files that are retained by the respondent Department or which may not be divulged to the concerned parties or delivered to any third party, it is sufficient to clearly and specifically refer to them.

- c. The Administrative Body will record the Grievance on the register maintained for this purpose; and will deliver to the concerned party a receipt proving his submission of the Grievance, in which the number and date of registration will be noted.
- d. The Administrative Body will prepare the Grievance file containing all the documents submitted by the grievant.

Notification and Referral to the CGC Article (12)

- a. The Administrative Body will notify the Department of the Grievance filed against it, and serve a copy of all the papers and documents related thereto on the Department within five (5) working days from the date of its submission to the CGC.
- b. The respondent Department must respond to the Grievance within ten (10) working days from the date of being notified thereof, failing which, the CGC may consider the Grievance in accordance with the procedures prescribed by this Resolution.
- c. The Administrative Body will refer the Grievance together with the response thereto to the chairman of the CGC, who will in turn refer it to the CGC for consideration at a hearing he schedules.
- d. If the CGC deems it necessary that one of the parties to the Grievance appear before it, he must be notified of the scheduled date of the hearing at least two (2) working days before that date.
- e. The notifications referred to in this Article will be served in person against signature in confirmation of receipt; by a registered letter with acknowledgement of receipt; by email; by fax; or by any other means of communication approved by the CGC.

Dismissal of Grievances Article (13)

The CGC may decide that a Grievance is inadmissible in form before considering its merits where it is established that the CGC lacks jurisdiction over the Grievance; or that the limitation period prescribed for filing the Grievance with the CGC has lapsed. The decision of the CGC in this respect will be final.

Appearance of Parties to Grievances before the CGC
Article (14)

- a. If so requested by the CGC, a grievant must appear before it in person, or authorise another person to represent him pursuant to a notarised power of attorney, at the time scheduled for the hearing.
- b. The respondent Department must assign, upon the request of the CGC, any of its competent Employees, or whomever it deems appropriate, to represent it before the CGC to state the Department's case, present its defence, and submit supporting evidence and documents.

Failure to Appear before the CGC
Article (15)

- a. The CGC may, in the event of failure by any of the parties to a Grievance to appear at a hearing after being notified of its date as stated in Article (12) of this Resolution, proceed with considering the Grievance, and determine it.
- b. The CGC may dismiss the Grievance if the grievant fails to appear at the hearing, without an acceptable reason, after being notified of the date of the hearing.

Dismissal, Adjournment, and Stay of Proceedings
Article (16)

- a. Any Grievance filed with the CGC may not be provisionally dismissed or indefinitely adjourned.
- b. If it is established to the satisfaction of the CGC, in the course of considering a Grievance, that its subject matter relates to a criminal offence, the chairman of the CGC must notify the respondent Department of this fact in order for the Department to take the necessary legal action in this regard. In this case, the chairman of the CGC may decide to proceed with considering the Grievance or to stay the proceedings until the criminal case is determined.

Powers of the CGC
Article (17)

For the purpose of determining the Grievances filed with it, the CGC will have the powers to:

1. hear the statements of both parties to the Grievance; examine the supporting documents submitted by each; admit and weigh submitted evidence, and assess the relevance of such evidence to the subject matter of the Grievance;

2. conduct inspections or supplementary investigations; require the submission of necessary documents; and peruse and examine the same, whether by itself or through any other person appointed by it for this purpose;
3. summon any of the Employees of the respondent Department to appear at its hearings;
4. summon witnesses, as it deems appropriate, to hear their statements, whether on its own initiative or upon the request of any party to the Grievance; and overrule any questions posed to the witnesses that are irrelevant to the subject matter of the Grievance; and
5. seek the assistance of experts and specialists as it deems appropriate, in which case they will not have a vote in its deliberations.

Section Five

CGC Hearings and Decision Issuance and Implementation

CGC Meetings

Article (18)

- a. The CGC will hold its meetings where necessary at the invitation of its chairman; or in his absence, at the invitation of its vice chairman. Meetings of the CGC will be valid if attended by the majority of its members, provided that the chairman or vice chairman is in attendance.
- b. The Administrative Body will be responsible for sending invitations to the CGC meetings, preparing minutes of its meetings, following up the implementation of its decisions, and performing any other duties assigned to it by the chairman of the CGC.

Issuance of Decisions

Article (19)

- a. The CGC will issue its decisions unanimously or by majority vote of its attending members; and in the event of a tie, the chair of the meeting will have the casting vote.
- b. The decisions of the CGC must be reasoned.
- c. The deliberations of the CGC will be held in camera. The CGC will issue its final decision on any Grievance no later than sixty (60) days from the date of registration of the Grievance with it. The chairman of the CGC may, where required, extend this time frame for up to thirty (30) days.

- d. A CGC member objecting to the majority's decision may record his objection in writing as part of the text of the decision.
- e. The decisions of the CGC will be recorded in minutes signed by the chair of the meeting and attending members.
- f. The CGC will issue its decisions on procedural matters in writing. These decisions must include the grounds on which they are based, and must be signed by the attending members.
- g. The CGC must, on its own initiative or upon the request of any party to the Grievance, correct any material errors in its decision. In the event of any ambiguity in the decision, either of the parties to the Grievance will be entitled to request the CGC to clarify this ambiguity, in which case the CGC may issue the appropriate decision in this respect.

Notification of Decisions Article (20)

The Administrative Body must notify parties to the Grievance of the decision issued by the CGC within five (5) working days from the date of its issuance.

Irrevocability of the CGC Decision Article (21)

The decisions issued by the CGC on any Grievance filed with it, as to the form or merits, will be irrevocable and non-appealable by any method of administrative review. The CGC decisions will be binding on respondent Departments, and grievants will retain their right to recourse to courts to appeal contested decisions.

Implementation of CGC Decisions Article (22)

- a. Where a CGC decision requires a respondent Department to withdraw its contested decision, all legal and administrative actions and measures taken under the contested decision will be deemed cancelled as from the date of issuance of that contested decision.
- b. Where a CGC decision requires the respondent Department to cancel a contested decision, all legal and administrative actions and measures taken under this decision will be deemed cancelled as from the date of issuance of the CGC decision.

- c. The respondent Department must implement the decision of the CGC within the ten (10) working days from the date of being notified thereof, and must notify the CGC of the actions it has taken in this regard.

Requests for Stay of Implementation Article (23)

- a. A grievant may request the CGC to temporarily stay the implementation of a contested decision pending determination of the Grievance. For this request to be granted, the following requirements must be satisfied:
 - 1. the request for stay of implementation of the contested decision must be accompanied by a request for its withdrawal or cancellation;
 - 2. the decision in respect of which a stay of implementation is requested must not have been already implemented;
 - 3. the request must be based on reasonable and factual grounds; and
 - 4. the implementation of the contested decision must be expected to result in irremediable consequences.
- b. The CGC must determine the request for stay of implementation of the contested decision within three (3) working days from the date of its submission.
- c. Where the requirements stipulated in paragraph (a) of this Article are satisfied, the CGC may grant a stay of implementation of the contested decision pending determination of the Grievance.

Section Six Final Provisions

Special Report Article (24)

- a. The chairman of the CGC will submit a special report to the Chairman of the Executive Council on any act or measure undertaken by the respondent Department that prevents the CGC from performing its duties, or obstructs the implementation of any of its decisions.
- b. A respondent Department may not undertake any act or measure that would prevent the CGC from performing its duties. In particular, the respondent Department may not:

1. allow any of its officials or Employees to disrupt the proceedings or investigations conducted by the CGC or object to the same in any way;
 2. allow any of its officials or Employees to act passively, or with slackness, with regard to fulfilling any of the CGC requests or providing the support required for its inspection and investigation procedures in respect of the Grievances filed with it;
 3. prevent a grievant Employee or any other Employee summoned by the CGC from appearing at its hearings; and/or
 4. act with slackness or delay in implementing a decision issued by the CGC on a Grievance.
- c. The CGC may notify a respondent Department in the event of non-cooperation by any of its Employees with the CGC, in order for the Department to take the necessary action in this regard.

Annual Report Article (25)

The chairman of the CGC will submit to the Chairman of the Executive Council an annual report that includes the following:

1. the number and type of Grievances filed with the CGC and a statement of the Grievances that have been determined, whether by dismissing them or by withdrawing or cancelling the contested decisions;
2. any cases where respondent Departments have refrained from implementing the decisions of the CGC, and proposals on the actions and measures required to ensure the Departments' compliance with these decisions;
3. the CGC work programme; and proposals and recommendations for improving its performance, including proposals to amend the legislation relating to its work; and
4. general recommendations on the measures required for upholding the principles of justice and equity when determining the Grievances filed with the CGC.

Confidentiality Article (26)

The chairman, vice chairman, and all members of the CGC; all Employees of its Administrative Body; and any experts or specialists engaged by the CGC are under a duty of confidentiality in respect of all the facts, documents, and decisions to which they gain access and the information

they become aware of in the course of performing their duties. This duty of confidentiality will survive the end of their work relationship with the CGC.

**Financial Resources of the CGC
Article (27)**

The Department of Finance will provide the financial resources required to enable the CGC to perform the duties assigned to it under this Resolution.

**Repeals
Article (28)**

The above-mentioned Executive Council Resolution No. (20) of 2008 and Executive Council Resolution No. (4) of 2009 are hereby repealed. Any provision in any other legislation will also be repealed to the extent that it contradicts the provisions of this Resolution.

**Commencement and Publication
Article (29)**

This Resolution comes into force on the day on which it is issued, and will be published in the Official Gazette.

Hamdan bin Mohammed bin Rashid Al Maktoum
Crown Prince of Dubai
Chairman of the Executive Council

Issued in Dubai on 17 August 2015
Corresponding to 2 Thu al-Qidah 1436 A.H.