

Executive Council Resolution No. (4) of 2019

Approving the Disciplinary Penalties, Grievances, and Complaints

Code 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 2003 Establishing the Executive Council of the Emirate of Dubai;

Law No. (31) of 2009 Establishing the Dubai Government Human Resources Department and its amendments;

Law No. (4) of 2018 Establishing the Financial Audit Authority;

Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources;

Executive Council Resolution No. (41) of 2015 Concerning the Central Grievances Committee of Employees of the Government of Dubai; and

Executive Council Resolution No. (39) of 2018 Concerning the Performance Management System of Employees of the Government of Dubai,

Do hereby issue this Resolution.

©2019 The Supreme Legislation Committee in the Emirate of Dubai

¹Every 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.

Approval of the Code

Article (1)

Pursuant to this Resolution, the Disciplinary Penalties, Grievances, and Complaints Code of Employees of the Government of Dubai (the “**Code**”) attached hereto, inclusive of the rules and procedures stipulated therein, is approved.

Scope of Application

Article (2)

The attached Code will apply to:

1. the civilian Employees working in the Government Entities to whom the above-mentioned Law No. (8) of 2018 applies; and
2. any work-related offence, grievance, or complaint in respect of which no final decision is issued; and any relevant procedures pending completion by the effective date of this Resolution.

Compliance with the Code

Article (3)

All Government Entities, whose Employees are subject to the provisions of the above-mentioned Law No. (8) of 2018, must fully comply with the attached Code and take the necessary action required for its implementation, under pain of invalidity of the decisions and procedures taken in violation thereof.

Validity of Previous Decisions and Procedures

Article (4)

All procedures adopted and all decisions issued during the period from 1 January 2019 until the effective date of this Resolution, in respect of the work-related offences committed by, the disciplinary penalties imposed on, or the grievances and complaints submitted by the Employees of the Government Entities that are subject to the provisions of the above-mentioned Law No. (8) of 2018, will be deemed valid as if

issued and adopted in accordance with the provisions of the attached Code, unless such procedures and decisions contradict the principles of justice and equity, and the rules of truth and fairness.

Publication and Commencement

Article (5)

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

Hamdan bin Mohammed bin Rashid Al Maktoum

Crown Prince of Dubai

Chairman of the Executive Council

Issued in Dubai on 17 April 2019

Corresponding to 12 Shaban 1440 A.H.

**Disciplinary Penalties, Grievances, and Complaints Code of
Employees of the Government of Dubai**

Chapter One

Preliminary Provisions

Definitions

Article (1)

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

| | |
|--------------------------------------|--|
| Government: | The Government of Dubai. |
| Law: | Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources. |
| Department: | Any of the Government departments; public agencies or corporations; or councils and authorities affiliated to the Government, which are subject to the Law. |
| Director General: | A director general of a Department, including an executive director / chief executive officer, a secretary general, or any other person in a similar position. |
| Work-related Offences Committee: | A committee formed by a Department pursuant to the Law to consider and determine Work-related Offences referred to it, and to impose Disciplinary Penalties on violating Employees, in accordance with the rules and procedures stipulated in this Code. |
| Grievances and Complaints Committee: | A committee formed by a Department pursuant to the Law to consider and determine the Grievances and Complaints filed with it by the Employees of that |

Department, in accordance with the rules and procedures stipulated in this Code.

Human Resources Directorate: The organisational unit responsible for managing Employee's affairs within a Department.

Employee: A male or female person who occupies a budgeted post in a Department.

Work-related Offence: Any act or omission attributed to an Employee and which constitutes a violation of the legislation in force that are relevant to the Employee's post, employment duties, the code of professional conduct, or the ethics of public service; or a breach of his other employment duties.

Disciplinary Penalty: A penalty imposed on an Employee upon establishing that he has committed a Work-related Offence, in accordance with the rules and procedures stipulated in this Code.

Grievance: A written objection filed, in accordance with the provisions of this Code, by an Employee against an administrative decision issued against him.

Complaint: A written request filed by an Employee in accordance with the provisions of this Code for redressing the harm suffered by him within the work environment or on account of performing his employment duties.

Organisational Unit: This includes any sector, directorate, division, section, or other similar unit within a Department.

Head of Organisational Unit: An Employee who is responsible for supervising an Organisational Unit and who is at a management level not lower than "head of directorate".

Immediate Supervisor: An Employee who undertakes direct supervision of the performance of the Employees of an Organisational Unit.

Year: A year measured based on the Gregorian calendar.

Objectives of the Code

Article (2)

This Code aims to:

1. promote the principles of transparency, justice, accountability, and equal opportunity amongst Employees;
2. promote the principles of legitimacy through encouraging compliance with the legislation regulating public service and the rules of the code of proper professional conduct;
3. provide an effective accountability and disciplinary system that ensures that the Employees' rights and obligations are respected;
4. create a favourable work environment, and address and endeavour to overcome, the difficulties faced by Employees;
5. implement a disciplinary system that upholds the impartiality and objectivity principles, and minimise negative behaviour in the work environment;
6. give Employees the opportunity to submit Grievances in respect of the decisions and measures that affect their legal and professional standing; and
7. ensure that justice, job satisfaction, and job stability are achieved for Employees.

Chapter Two

Work-related Offences and Disciplinary Penalties

Breach of Duties and Obligations

Article (3)

- a. Without prejudice to any civil or criminal liability, where applicable, a Disciplinary Penalty will be imposed on any Employee who breaches the employment duties stipulated in the Law, the legislation issued in pursuance thereof, and the legislation and instructions relevant to his Department; or who fails to comply with the ethics of public service or his own employment duties.

- b. An Employee will be exempt from Disciplinary Penalty only if it is proven that he has committed the relevant Work-related Offence in implementation of an order issued by any of his supervisors after alerting him to the offence, in which case the person who issues the order will be held responsible.

Formation of the Work-related Offences Committee

Article (4)

- a. One or more committees named the “Work-related Offences Committee” will be formed in each Department pursuant to a resolution of its Director General. The Work-related Offences Committee will be comprised of a chairman, a vice chairman, and three (3) members selected from among the Employees of the Department. Members of the Work-related Offences Committee must include specialists in human resources and legal affairs.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the Work-related Offences Committee may include members from outside of the Department where it has no specialists in human resources and legal affairs.
- c. The vice chairman of the Work-related Offences Committee will exercise the powers of the chairman of the committee where the chairman is absent or becomes incapable of performing his duties.
- d. The grade of a member of the Work-related Offences Committee must not be lower than thirteen (13) or an equivalent grade, and he must not be a member of the Grievances and Complaints Committee. In any event, the grade of the chairman of the Work-related Offences Committee must not be lower than the grade of the Employee referred to the committee.
- e. Meetings of the Work-related Offences Committee will be valid if attended by the majority of its members, provided that the chairman or vice chairman is in attendance. Resolutions and recommendations of the Work-related Offences Committee will be passed by majority vote of attending members, and in the event of a tie, the chair of the meeting will have a casting vote.
- f. The Work-related Offences Committee will have a rapporteur selected by the Director General. The rapporteur will be responsible for coordinating the meetings of the committee, preparing its meeting

agendas, recording minutes of its meetings, following up the implementation of its resolutions and recommendations, and performing any other duties assigned to him by the chairman of the Work-related Offences Committee.

Functions of the Work-related Offences Committee

Article (5)

The Work-related Offences Committee will have the duties and powers to:

1. interview the Employee in respect of the Work-related Offence attributed to him, and interview any other Employee involved in such an offence;
2. hear the statements of witnesses, experts, and specialists;
3. review the files and documents, and request any information and data relevant to the subject matter of the Work-related Offence referred to it;
4. determine the Work-related Offences referred to it;
5. impose the appropriate Disciplinary Penalty on the Employee upon establishing that he has committed the Work-related Offence attributed to him;
6. close the investigation without holding the Employee referred to it disciplinarily liable, if it is established that the incident attributed to him does not constitute a Work-related Offence; that the Employee has not committed such an offence, or that the Employee has committed the relevant Work-related Offence in implementation of an order issued by any of his supervisors after alerting him to that offence;
7. make recommendations to the Director General to refer the Employee who has committed a Work-related Offence that constitutes a criminal offence to the competent judicial authorities;
8. verify the validity of the reason given by the Employee whose service is terminated under the Law due to continued absence from work or failure to report to work without a prior permission or a valid reason; and

9. make recommendations to the Director General to disciplinarily terminate the service of the Employee where so warranted by the Work-related Offence he has committed.

Referral to Work-related Offences Committee

Article (6)

- a. Where an Employee commits a Work-related Offence, his Immediate Supervisor must prepare a detailed report on that offence and present it to the Head of the Organisational Unit within five (5) working days from the date on which the Immediate Supervisor becomes aware of the committed offence.
- b. Where the Work-related Offence attributed to the Employee is deemed by the Head of the Organisational Unit as warranting a Disciplinary Penalty, he must refer the Employee to the Work-related Offences Committee within five (5) working days from the date on which the matter is referred to him by the Immediate Supervisor, and must notify the Employee in writing of the same.
- c. Where the incident attributed to the Employee is deemed as not warranting a Disciplinary Penalty, he may close the investigation, provided that his decision in this respect is reasoned.
- d. Notwithstanding the provisions of this Article, the Director General may directly refer the Employee to the Work-related Offences Committee to consider the Work-related Offences attributed to him.

Time Limit for Determining Work-related Offences

Article (7)

- a. The Work-related Offences Committee must investigate Work-related Offences referred to it and issue its final decision thereon within thirty (30) working days from the referral date of the same. The Director General may, upon the recommendation of the Work-related Offences Committee, extend this period once for the same period unless the Employee is referred to the competent judicial entity. In this case, the Work-related Offences Committee must issue its decision within fifteen (15) working days from the date of receiving the definitive judicial decision or judgement issued against the Employee.

- b. Where no decision is issued by the Work-related Offences Committee within the time frame referred to in paragraph (a) of this Article, the Work-related Offences Committee must submit a report to the Director General citing the reasons for not issuing such a decision. In this case, the Director General may close the investigation or require the Work-related Offences Committee to continue to consider the Work-related Offence within the time frame he determines. Where the investigation is closed, the decision for closing the investigation must be reasoned.

Procedures for Determining Work-related Offences

Article (8)

- a. In considering and determining Work-related Offences referred to it, the Work-related Offences Committee must follow the following procedures:
 - 1. The Employee referred to the Work-related Offences Committee will be notified in writing of the Work-related Offence attributed to him, and will be summoned to appear before the Work-related Offences Committee on the date it determines. The relevant notice must be served at least three (3) working days before the date on which the Employee is to appear before the Work-related Offences Committee.
 - 2. The Employee will be granted access to all documents relevant to the incident subject matter of the investigation in the manner determined by the Work-related Offences Committee; and he will be allowed to present his relevant defences and objections.
- b. Where an Employee is unable to appear before the Work-related Offences Committee on the scheduled date for any reason acceptable to the committee, a new date will be scheduled for the Employee to appear. In this case, the Employee will be notified in writing at least three (3) working days before the rescheduled appearance.
- c. Failure by an Employee to appear before the Work-related Offences Committee or failure by the Employee to sign the administrative investigation report will not preclude the Work-related Offences Committee from completing the procedures for considering and determining the Work-related Offence referred to it based on the available evidence and documents.

- d. Where it is established to the Work-related Offences Committee that the Work-related Offence attributed to the Employee constitutes a criminal offence, the committee must make a recommendation to the Director General to refer the Employee and the relevant investigation report to the competent judicial entity. Referral of an Employee to the competent judicial entity will not preclude from imposing any Disciplinary Penalty on the Employee, unless determining the Work-related Offence is contingent upon determining the criminal liability. In this case, the administrative investigation proceedings will be suspended until the criminal liability is determined.

Details of Administrative Investigation Reports

Article (9)

An administrative investigation report issued by the Work-related Offences Committee must contain the following details:

1. date and venue of the hearing;
2. name, position, grade, and organisational unit of the Employee referred for investigation;
3. description of the Work-related Offence attributed to the Employee;
4. names of the chairman and attending members of the Work-related Offences Committee;
5. the statement and defence of the Employee;
6. statements of the witnesses and specialised Employees;
7. signatures of the Employee under investigation, the chairman and attending members of the Work-related Offences Committee, and any other person who gave a statement before the committee; and
8. any other information prescribed by the Work-related Offences Committee.

Rules for Imposing Disciplinary Penalties

Article (10)

In imposing Disciplinary Penalties on Employees, the following rules and principles must be observed:

1. Objectivity, impartiality, and integrity must be upheld in investigating Work-related Offences in order to find the truth.
2. A Disciplinary Penalty may be imposed on an Employee only after he is interrogated in writing and given the opportunity to state his case and defend himself.
3. Only one Disciplinary Penalty may be imposed on the Employee for a single Work-related Offence.
4. A Disciplinary Penalty must be commensurate with the nature and gravity of the committed Work-related Offence.
5. The decision imposing the Disciplinary Penalty on the Employee must be reasoned.
6. Only the Disciplinary Penalties stipulated in this Code may be imposed.

Preventive Suspension of Work

Article (11)

- a. Pursuant to a written and reasoned decision by the Director General or the Work-related Offences Committee, an Employee to whom a Work-related Offence is attributed may be suspended from work, where required in the interests of the investigation. In this case, the period of suspension from work must not exceed the period prescribed in paragraph (a) of Article (7) of this Code for determining the Work-related Offence.
- b. Where an Employee is suspended under the provisions of paragraph (a) of this Article, he will be paid his Basic Salary for the whole period of suspension. Where the investigation is closed or it is decided that the Employee will not be held disciplinarily liable, he will be paid the amounts withheld from his salary. Where a Disciplinary Penalty is imposed on the Employee, the Work-related Offences Committee will have discretion in determining whether to pay any amounts withheld from the

Employee's salary, provided that the Work-related Offences Committee observes the provisions of Article (19) of this Code.

Work-related Crimes

Article (12)

- a. Where an Employee is referred to the competent judicial entities for committing a crime relating to or arising out of his post, and is remanded in custody, he will be deemed suspended from work for the whole period of remand. In this case, the Employee will be paid his Basic Salary until a definitive judicial decision or judgement is issued on the crime attributed to him by the competent judicial entity.
- b. Where an Employee is referred to the competent judicial entities for committing a crime relating to or arising out of his post, and is not remanded in custody, he may be suspended from work by a resolution of the Director General. In this case, the Employee will be paid his Basic Salary until a definitive judicial decision or judgement is issued on the crime attributed to him by the competent judicial entity.
- c. After the issuance of a definitive judicial decision or judgement against the Employee referred to the competent judicial entities for committing a crime related to or arising out of his post, his Department must:
 1. reinstate the Employee to his post or any other similar post that is commensurate with his qualifications and experience and pay all amounts withheld from his salary during suspension from work where the investigation is closed; a decision is issued that there are no grounds for criminal prosecution; or a court judgement acquitting him of the charges attributed to him is rendered;
 2. reinstate the Employee to his post or any other similar post that is commensurate with his qualifications and experience without releasing any amounts withheld from his salary during suspension from work where the Employee is convicted of a misdemeanour not affecting honour or trustworthiness and for which he has been sentenced to imprisonment for no more than three (3) months; placed under electronic monitoring; or granted a stay of the execution of the sentence issued against him;

3. terminate the service of the Employee, where he is convicted of a crime not affecting honour or trustworthiness, and is sentenced to a custodial sentence not exceeding three (3) months; or
4. terminate the service of the Employee, where he is convicted of a crime affecting honour or trustworthiness.

Non-work-related Crimes

Article (13)

- a. No Disciplinary Penalty may be imposed on an Employee for any act that is not related to his post or that does not undermine the ethics of public service or the reputation of the Department.
- b. Where an Employee is referred to the competent judicial entities for committing a crime not relating to or arising out of his post and is remanded in custody, he will be deemed suspended from work for the whole period of remand. This period will not be deemed part of his actual period of service and he will not be paid any salary or other employment-related financial entitlements.
- c. An Employee who is referred to the competent judicial entities for committing a crime not relating to or arising out of his post will be subject to the following:
 1. Where a decision is issued to close the investigation or that there are no grounds for filing a penal case against the Employee; where the Employee is acquitted of the charges attributed to him; or where the Employee is convicted of a misdemeanour not affecting honour or trustworthiness and he is punished by a fine or imprisonment with a stay of execution, the Employee will be reinstated to his post.
 2. Where an Employee is convicted by a definitive judicial decision or judgement of a misdemeanour not affecting honour or trustworthiness and is sentenced to imprisonment for a period not exceeding three (3) months, the Employee will be deprived from his salary for the whole period of imprisonment. This period will not be deemed part of the actual period of service. Where the period of imprisonment exceeds three (3) months, the Director General may terminate the Employee's service.

3. Where an Employee is convicted by a definitive judicial decision or judgement of any felony or misdemeanour affecting honour or trustworthiness, his service with the Department will be terminated.

Imprisonment of Employees for Debt

Article (14)

An Employee, who is imprisoned for debt, will be deemed suspended from work for the whole period of imprisonment. This period will not be deemed part of the Employee's actual period of service and he will not be paid any salary or any other employment-related financial entitlements. Where the Employee is imprisoned for more than three (3) months, the Director General may terminate his service.

Effects of Court Orders or Judgements on Disciplinary Liability

Article (15)

A definitive judicial decision or judgement issued convicting or acquitting an Employee or dismissing the penal case filed against him as groundless will not preclude holding such an Employee disciplinarily liable for the Work-related Offence attributed to him, and imposing the relevant Disciplinary Penalty, in accordance with the procedures stipulated in this Code.

Resignation of Violating Employees

Article (16)

- a. Resignation by an Employee will not preclude holding him disciplinarily liable, in accordance with this Code, for the Work-related Offence attributed to him.
- b. Where an Employee is referred to the Work-related Offences Committee or the competent judicial entities, his resignation may be accepted only after the issuance of the relevant disciplinary decision or definitive judicial decision or judgement.

Date of Termination of the Service of Suspended Employees

Article (17)

- a. Where a decision is issued to terminate the service of an Employee who is suspended from work without pay, his service will be deemed terminated on the date of suspension from work.
- b. Where a decision is issued to terminate the service of an Employee who is suspended from work with Basic Salary, his service will be deemed terminated on the date of issuance of the termination decision.

Disciplinary Penalties

Article (18)

- a. Except for the Disciplinary Penalties for non-compliance with Official Working Hours, the Disciplinary Penalties that may be imposed on Employees under this Code will be as follows:
 - 1. serving a written notice;
 - 2. serving a written warning;
 - 3. deducting the Aggregate Salary for no more than fifteen (15) days per each Work-related Offence and no more than sixty (60) days per Year;
 - 4. withholding promotion of the Employee for a period not exceeding one (1) Year; and
 - 5. terminating the Employee's service, in which case, the Employee may retain his right to full retirement Pension or End-of-service Gratuity, or may be deprived of up to twenty-five percent (25%) of that Pension or gratuity.
- b. The Disciplinary Penalties prescribed in paragraph (a) of this Article may be imposed in any order. The Work-related Offences Committee will have the authority to impose any of the foregoing Disciplinary Penalties in accordance with this Code.
- c. The service of an Employee will be disciplinarily terminated pursuant to a decision of the Director General issued upon the recommendation of the Work-related Offences Committee. The committee

must determine in its recommendation whether the Employee will retain his right to full retirement Pension or End-of-service Gratuity, or will be deprived of up to twenty-five percent (25%) of either of them.

- d. The Work-related Offences Committee must notify the Employee in writing of any decision imposing a Disciplinary Penalty against him no later than five (5) working days from the date on which it is issued. The Human Resources Directorate must be provided with a copy of the decision to follow up its implementation and inform the Immediate Supervisor thereof.

Determining Disciplinary Penalties Commensurate with Work-related Offences

Article (19)

In determining the Disciplinary Penalty to be imposed on an Employee, the Work-related Offences Committee must take the following into consideration:

1. the seriousness and gravity of the committed Work-related Offence;
2. the extent of damage and financial consequences of the Work-related Offence;
3. the relevance between the Work-related Offence to any criminal offence;
4. the behaviour of the Employee throughout the period of his service with his Department;
5. the number of Work-related Offences committed by the Employee and the Disciplinary Penalties imposed on him during the preceding Year;
6. the effect of the Work-related Offence on the ethics of public service and on the reputation of the Government in general and of the Department in particular; and
7. the post of the Employee and the importance of his post to the Government in general and to the Department in particular.

Disciplinary Penalties for Absence from Work

Article (20)

- a. In addition to imposing a Disciplinary Penalty pursuant to this Code, where an Employee fails to report to work without a prior permission or a valid reason, he will not be entitled to his Aggregate Salary for the days of his absence without a prior permission or a valid reason. These days will not be deemed part of the Employee's actual period of service with the Department.
- b. The service of an Employee will be terminated in case of his absence or failure to report to work for more than fifteen (15) consecutive working days or twenty-one (21) non-consecutive working days within a Year without a prior permission or a valid reason.
- c. Where the Employee whose service is terminated under paragraph (b) of this Article provides in writing a reason within one (1) month from the date of termination of his service, his case must be referred to the Work-related Offences Committee to verify the veracity and validity of this reason and to make the appropriate decision in this regard.
- d. The Work-related Offences Committee must determine the validity of the reason given by the Employee pursuant to paragraph (c) of this Article within fifteen (15) working days from the date of being referred the case, otherwise the reason will be deemed valid.
- e. Where the Work-related Offences Committee decides to accept the reason given by the Employee for absence from work, he will be reinstated to his post, but will not be paid any salaries and any other financial entitlements for the period of absence unless these were covered by any type of Leave prescribed pursuant to the Law.
- f. Where the Employee is absent from work for more than fifteen (15) consecutive working days, the termination of his service in accordance with the provisions of this Article will take effect as of the first day of absence. Where he is absent from work for more than twenty-one (21) non-consecutive working days, the termination of his service in accordance with the provisions of this Article will take effect as of the day following the twenty-first day of absence.

Disciplinary Penalties for Offences Related to Official Working Hours

Article (21)

- a. Disciplinary Penalties for Work-related Offences related to official working hours will be imposed in the following order:
 1. serving a written notice;
 2. serving a first-time written warning;
 3. serving a second-time written warning; and
 4. imposing the Disciplinary Penalty determined by the Work-related Offences Committee under this Code on the Employee referred to it upon exhausting the Disciplinary Penalties referred to in paragraphs (a)(1), (a)(2), and (a)(3) hereof.
- b. The Disciplinary Penalties stipulated in paragraph (a) of this Article will be imposed pursuant to a resolution of the head of the Human Resources Directorate after the required investigation is conducted with the Employee by the Immediate Supervisor, in coordination with the Human Resources Directorate.

Expiry of Work-related Offences

Article (22)

- a. A Work-related Offence will expire in any of the following two cases:
 1. the death of the Employee; or
 2. the lapse of two (2) years from the date of committing the Work-related Offence. This limitation period will be interrupted once an investigation of the offence is initiated or upon referral of the Employee to the Work-related Offences Committee or to any competent judicial entity having jurisdiction over any felony resulting from, or relating directly or indirectly to, that offence. A new limitation period will commence from the date of the last action taken in respect of the offence.

- b. Where multiple Employees are under investigation for the same Work-related Offence, any interruption of the limitation period for any Employee in accordance with the provisions of paragraph (a)(2) of this Article will be deemed an interruption of the limitation period for the other Employees even if no other interrupting action is taken against them.

Removal of Disciplinary Penalties

Article (23)

- a. A Disciplinary Penalty will be removed upon the lapse of:
 - 1. three (3) months in case of a written notice;
 - 2. six (6) months in case of a written warning; and
 - 3. one (1) year for the Disciplinary Penalty involving deduction from the Aggregate Salary and withholding of promotion.
- b. The periods referred to in paragraph (a) of this Article will be calculated starting from the date of imposing the Disciplinary Penalty. Removal of a Disciplinary Penalty will render it null and void and all documents related to the Disciplinary Penalty will be removed from the Employee's file.
- c. Disciplinary Penalties referred to in paragraph (a) of this Article will not be removed if the Employee commits any Work-related Offence within the period prescribed for removing the Disciplinary Penalty. In this case, the new period prescribed for removing the previous Disciplinary Penalty will be calculated starting from the date on which a new Disciplinary Penalty is imposed for the new Work-related Offence.

Financial Violations

Article (24)

Where a Work-related Offence is deemed as a financial violation falling within the jurisdiction of the Financial Audit Authority, such an offence will be subject to the rules, procedures, and provisions stipulated in the above-mentioned Law No. (4) of 2018.

Chapter Three
Grievances and Complaints
General Principles
Article (25)

- a. The Immediate Supervisor will regularly provide advice and mentoring to the Employees within his Organisational Unit in a manner that reflects positively on their conduct. The Immediate Supervisor must also address all issues that may give rise to any Grievances or Complaints.
- b. An Employee who files a Grievance or Complaint must be kept free from all harm.
- c. A Department must use all possible endeavours to settle Complaints and Grievances and to keep Employees informed of all relevant human resources legislation.

Formation of the Grievances and Complaints Committee
Article (26)

- a. A committee named the “Grievances and Complaints Committee” will be formed in each Department pursuant to resolution of its Director General. This committee will be comprised of a chairman, a vice chairman, and three (3) members selected from among the Employees of the Department. Members of the Grievances and Complaints Committee must include specialists in human resources and legal affairs.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the Grievances and Complaints Committee may include members from outside of the Department where it has no specialists in human resources and legal affairs.
- c. The vice chairman of the Grievances and Complaints Committee will exercise the powers of the chairman of the committee where the chairman is absent or becomes incapable of performing his duties.

- d. The grade of a member of the Grievances and Complaints Committee must not be lower than thirteen (13) or an equivalent grade and he must not be a member of the Work-related Offences Committee. In any event, the grade of the chairman of the Grievances and Complaints Committee must not be lower than the grade of the Employee filing the Grievance or Complaint.
- e. Meetings of the Grievances and Complaints Committee will be valid if attended by the majority of its members, provided that the chairman or vice chairman is in attendance.
- f. The Grievances and Complaints Committee will have a rapporteur selected by the Director General. The rapporteur will be responsible for coordinating the meetings of the committee, preparing its meeting agendas, recording minutes of its meetings, following up the implementation of its resolutions and recommendations, and performing any other duties assigned to him by the chairman of the Grievances and Complaints Committee.

Functions of the Grievances and Complaints Committee

Article (27)

- a. The Grievances and Complaints Committee will have the jurisdiction to consider and determine the Grievances and Complaints filed by the Employees of the Department pursuant to this Code.
- b. An Employee may file a Grievance against any of the decisions and measures taken in respect of:
 - 1. Disciplinary Penalties;
 - 2. annual performance appraisal;
 - 3. transfers, assignments, or secondments;
 - 4. promotions in such cases where comparison among Employees is required to select the most deserving Employee;
 - 5. termination of service or suspension from work.
 - 6. failure by a Department to make any decision required by the Law; and

7. administrative actions taken in breach of the provisions of the Law.
- c. An Employee may file Complaints concerning any work-related matter, including but not limited to:
1. work environment and tools;
 2. physical abuse or sexual harassment;
 3. verbal or written harassment, or derogatory language;
 4. starting or spreading rumours;
 5. disparaging against an Employee or his opinions;
 6. acts damaging reputation or undermining integrity;
 7. all types and forms of discrimination; and
 8. workplace marginalisation.
- d. The Grievances and Complaints Committee will not have the jurisdiction to consider Grievances or Complaints related to working hours, grades, salaries, or bonuses.

Powers of the Grievances and Complaints Committee

Article (28)

- a. For the purpose of considering and determining Grievances or Complaints filed with it, the Grievances and Complaints Committee will have the authority to:
1. hear the statements of the parties to the Grievance or Complaint, consider any supporting documents, admit presented evidence, and weigh and assess its relevance to the subject matter of the Grievance or Complaint;

2. conduct inspections or supplementary investigations, request additional supporting documents, and consider and review such documents whether by itself or by any other persons it engages for this purpose;
 3. summon any Employee of the Department to attend its sessions;
 4. summon, on its own initiative or upon the request of the parties to the Grievance or Complaint, any person, as it deems appropriate, to hear his statement; and
 5. seek assistance from the experts and specialists it deems appropriate, provided that they do not have a vote during its deliberations.
- b. The Grievances and Complaints Committee may determine a Grievance or a Complaint based on examination of the documents and evidence presented to it, where it is established that such documents and evidence are sufficient to determine that Grievance or Complaint.
- c. Where it is established to the Grievance and Complaints Committee, in the course of considering the Grievance or the Complaint that the subject matter of the same constitutes a Work-related Offence or criminal offence, the Grievance and Complaints Committee must refer the matter to the Human Resources Directorate to take the appropriate action in this respect, in accordance with the rules, procedures, and regulations stipulated in this Code.

Time Frame for Filing Grievances or Complaints

Article (29)

- a. An Employee may file a Grievance within fifteen (15) working days from the date of becoming aware of the contested decision or procedure.
- b. An Employee may file a Complaint within fifteen (15) working days from the date of the incident the subject matter of the Complaint or of becoming aware thereof.
- c. Grievances related to Employee's performance appraisal will be submitted in accordance with the provisions of the above-mentioned Executive Council Resolution No. (39) of 2018.

Passing Decisions

Article (30)

- a. Decisions of the Grievances and Complaints Committee will be passed unanimously or by majority vote of attending members, and in the event of a tie, the chair of the meeting will have a casting vote.
- b. The decisions of the Grievances and Complaints Committee must be reasoned.
- c. The Grievances and Complaints Committee must determine any Grievance or Complaint within thirty (30) days from the date of its submission.
- d. Decisions of the Grievances and Complaints Committee will be recorded in minutes signed by the chair of the meeting and attending members.

Withdrawal of Grievances or Complaints

Article (31)

An Employee may withdraw, in writing, any Grievance or Complaint submitted by him before being determined by the Grievances and Complaints Committee. In this case, the Employee may not submit any Grievance or Complaint in respect of the same subject of the withdrawn Grievance or Complaint without a valid reason acceptable to the Grievances and Complaints Committee.

Implementing the Decisions of the Grievances and Complaints Committee

Article (32)

All decisions issued by the Grievances and Complaints Committee on the Grievance or Complaint filed with it will be binding on the Department. All concerned Organisational Units must, each within its own jurisdiction, implement such decisions.

Grievances against Decisions of the Grievances and Complaints Committee

Article (33)

- a. An Employees may file a Grievance with the Central Grievances Committee of Employees of the Government of Dubai against any decision issued by the Grievances and Complaints Committee within fourteen (14) working days from the date of being notified of the decision of the Grievances and Complaints Committee, or after the lapse of thirty (30) days from the date of submitting the Grievance or Complaint that is pending determination.
- b. Where no Grievance is filed with the Central Grievances Committee of Employees of the Government of Dubai within the time frame referred to in paragraph (a) of this Article, the decision of the Grievances and Complaints Committee will be considered final.

Chapter Four

General Provisions

Disqualification of the Chairmen and Members

Article (34)

- a. A chairman or member of the Work-related Offences Committee and the Grievances and Complaints Committee will become disqualified for participation in considering any Work-related Offence, Grievance, or Complaint in any of the following cases:
 1. where the concerned Employee is his spouse or relative up to the fourth degree;
 2. where he is involved in the Work-related Offence, Grievance, or Complaint; or
 3. where he has previously submitted a report, issued a decision, or gave an opinion on the subject matter of the Work-related Offence, Grievance, or Complaint.
- b. A chairman or member of the Work-related Offences Committee and the Grievances and Complaints Committee must recuse himself from considering any Work-related Offence, Grievance, or Complaint in any of the cases stipulated in paragraph (a) of this Article.

- c. Any member of the Work-related Offences Committee and the Grievances and Complaints Committee may request to be recused from considering any Work-related Offence, Grievance, or Complaint for special considerations. In this case, the chairman of the concerned committee will have the authority to approve or reject such a request.
- d. An Employee may request disqualification of the chairman or a member of the Work-related Offences Committee and the Grievances and Complaints Committee from considering a Work-related Offence, Grievance, or Complaint where any of the cases referred to in paragraph (a) of this Article applies.
- e. Where the chairman or member of the Work-related Offences Committee and the Grievances and Complaints Committee recuses himself or is disqualified in accordance with the provisions of this Article, the Director General will issue a resolution nominating a replacement chairman or member.

Record of Work-related Offences, Grievances, and Complaints

Article (35)

- a. The Human Resources Directorate will maintain a record of the Work-related Offences, Grievances, and Complaints for the purpose of considering the causes of these offences, Grievances, and Complaints and develop the appropriate solutions required to prevent their recurrence.
- b. Both the Work-related Offences Committee and the Grievances and Complaints Committee must provide the Human Resources Directorate with the decisions they issue.

Maintaining Confidentiality

Article (36)

The chairmen and members of the Work-related Offences Committee and the Grievances and Complaints Committee must maintain the confidentiality of the sessions, deliberations, minutes of meetings, and information to which they have access in their capacity as members of either committees, and must not disclose or obtain a copy of the same in any way without the approval of the Director General.

Training of Members

Article (37)

The Government of Dubai Human Resources Department will undertake the training of the members of the Work-related Offences Committee and the Grievances and Complaints Committee to enable them to efficiently and effectively perform their duties under this Code.