

# Uae labor law

Law



We, Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates; After perusal of the provisions of the provisional Constitution; and Law No. 1 of 1972 regarding the competence of Ministries, powers of Ministers and Laws bringing amendments thereto; and

In accordance with the proposal of the Minister of Labour and Social Affairs; the approval of the Council of Ministers and the Federal National Council as ratified by the Federal Supreme Council, decree as follows:

## **DEFINITIONS AND GENERAL PROVISIONS**

DEFINITIONS ARTICLE (1) for the implementation of the provisions of this Law, the following terms and expressions shall have the meanings opposite thereto unless the context requires otherwise: " Employer" : Any natural or juridical person employing one or more workers in consideration of a remuneration of any kind whatsoever. " Worker" : Any male or female person who receives remuneration of any kind for work performed thereby in the services of an employer and under his management or control, even if the employee is off employer's sight. This meaning shall also apply to officials and employees who are in the service of the employer and are subject to the provisions hereof. " Establishment" : Any economic, technical, industrial or commercial unit in which workers are employed and the objectives of which are to produce or market commodities or to provide services of any kind. 2" Employment Contract" : Any Agreement, whether for a limited or for an unlimited period, concluded between an employer and an employee under which the latter undertakes to work in the service of the employer and under his management or control against a remuneration payable to him by the employer. " Work" : Any human effort, be it intellectual, technical or physical,

extended against a remuneration whether the said work is permanent or temporary. " Temporary Work" : Work which is by nature to be executed or completed within a specific period of time. " Agricultural Work" Work involving soil ploughing, cultivation, and harvesting of any kind of crops as well as breeding of cattle, poultry, silkworms, bees and the like. " Continuous Service" : Uninterrupted service with the same employer or his lawful successor from the date of commencement of the service. " Remuneration"\* : Remuneration is whatever is given to the employee in consideration of his services under the employment contract, whether in cash or in kind, payable annually, monthly, weekly, daily, hourly, or by piece-meal or pro rata to the production or as a commission.

The remuneration includes the high cost of living allowance, and any benefit given to the employee in reward for his honesty or efficiency, provided always that these amounts are prescribed in the Company bylaws or in the employment contract, or normally practiced or granted to the \* Amended by Federal Law No. (12) of 1986. -3employees, until they have been regarded by these as an integral part of the remuneration rather than a donation. BASIC REMUNERATION\* It is the pay provided for in the employment contract during its validity between both parties. Allowances whatsoever are not included in this remuneration. " Employment Injury" : Any of the occupational diseases listed in the schedule attached hereto or any other accident sustained by the worker during the performance or as a result of his work. Any accident sustained by the worker on his way to or back from his work shall be deemed an employment injury provided that the trip to or from the place of work is made directly, without delay, default or diversion from the

normal route. " Labour Department" : Branches affiliated to the Ministry of Labour, having competence to look into Labour Matters in the Emirates, Members of the Federation.

## **GENERAL PROVISIONS ARTICLE**

(2) The Arabic Language is the one to be used in all records, contracts, files, statements and other documents as may be provided for in this Law or in any orders or regulations issued in implementation of the provisions hereof.

The Use of Arabic shall also be compulsory in instructions and circulars issued by the employer to his employees. If a foreign language besides the Arabic language is used, the Arabic language shall prevail over other texts.

ARTICLE (3)\* \* \* Amended by Federal Law No. (12) of 1986. Amended by Federal Law No. (24) of 1981 and amended for the second time by Federal Law No. (12) of 1986 -4The provisions of this Law are not applicable to the following categories: a) Officials, employees and workers of the Federal Government, Governmental Departments of the Member Emirates of the State, Officials, employees and workers of municipalities as well as other officials, employees and workers, working in Federal and local public Departments and organizations, as well as the officials, employees and workers appointed for Governmental Federal and Local Projects. ) Members of the Armed Forces of Police and Security. c) Domestic servants working in Private residences and the like. d) Workers employed in Agriculture or pastures, other than those persons employed in the agricultural corporations engaged in processing their products or those permanently engaged in operating or repairing mechanical machines required for Agriculture.

ARTICLE (4) All amounts payable to the employee or his beneficiaries under

this Law shall have lien on all the employer's movable and immovable properties.

And payment thereof shall be made immediately after payment of any legal expenses, sums due to the public treasury and Sharia alimony awarded to wife and children. ARTICLE (5) Cases filed by employees or their beneficiaries under this Law shall be exempted from court fees at all stages of litigation and execution and shall be expeditiously heard. In the event of non-acceptance or dismissal of the action, the court may order the Plaintiff to pay all or part of the expenses.

ARTICLE (6)\*\* Without prejudice to the provisions concerning the collective labour disputes, stipulated hereunder, if the employer, worker or any beneficiary thereof lodges claim concerning any of the rights occurring to any of them under this law, he is required to apply to the concerned Labour Department, and the latter shall call both parties and will take whatever is considered necessary for settlement of dispute between them amicably. But \*\* Amended by Federal Law No. 12 of 1986. 5if amicable settlement has not been reached, the said department must refer the dispute to the competent Court within a fortnight from the date of application being submitted to it. The case so referred should be accompanied with a memo giving a summary of the dispute, evidence of both parties and the comments of the Department. Within three days from date of receipt of the application the Court will fix a hearing for the case, and a summon to this effect will be served upon both parties of the dispute. The Court may request a representative to appear for the Department of Labour to explain the contents of the memo submitted by it. In all cases no claim for any rights due

according to the provisions of this Law will be heard after lapse of one year from date of its maturity, neither will the action be heard if the procedures provided for in this Article have not been complied with. ARTICLE (7) Terms inconsistent with the provisions of this Law including those whose effective date may precede the enforcement of this Law shall, unless they are proved more beneficial to the worker, be deemed null and void.

ARTICLE (8) Dates and periods stipulated herein shall be construed according to the gregorian calendar. In the application of the provisions of this Law a calendar year is 365 days and month is 30 days unless stated otherwise in the employment contract.

## **EMPLOYMENT OF WORKERS, JUVENILES AND WOMEN SECTION I EMPLOYMENT OF WORKERS ARTICLE**

(9) Work is a right of the United Arab Emirates Nationals. Others may not be employed in the United Arab Emirates except as provided for in this Law and its executive orders. ARTICLE (10)

In the event of non-availability of national workers, preference shall be given to: 1. Arab workers who are nationals of an Arab Country. 2. Workers of other nationalities. -6ARTICLE (11) A Section at the Labour Department shall be created for the employment of nationals and shall be vested with the following functions: a. b. c. Supply of suitable employment opportunities for nationals. Giving assistance to employers to satisfy their requirements of national workers when needed. Registering unemployed nationals and those who seek better jobs in a special register.

The registration shall be made as requested by the workers and certificates of registration shall be granted free of charge on the day of submitting the applications. The registration certificate shall be given a serial number and shall include the applicant's name, age, place of residence, occupation, qualifications and past experience. ARTICLE (12) Unemployed national employees may be recruited by employers who must notify the Labour Department of the same in writing within fifteen days from date of employment.

The notice shall include the employee's name, age, the date on which he assumes his duties, the remuneration fixed for him, the type of work assigned to him and the serial number of the certificate of registration. ARTICLE (13) Employees who are not UAE nationals may be employed in the United Arab Emirates only after approval of the Labour Department and the obtainment of a work permit in accordance with the procedures decided by Ministry of Labour and Social Affairs. Work permits may only be granted if the following conditions are fulfilled. . That the employee has the professional competence of educational qualifications that are needed by the State. b. That the employee has lawfully entered the Country and complies with the conditions stipulated by the residence regulations in force in the State. Article (14) The Labour Department may not approve the employment of employees who are not UAE nationals unless its records show that none of the unemployed national employees who are registered with the Labour Section is qualified for the job. -7ARTICLE (15)

The Ministry of Labour and Social Affairs may cancel work permits granted to nonnationals in any of the following cases: a. If the employee remains

unemployed for a period exceeding three consecutive months. b. If the employee fails to meet one or more of the conditions on basis of which the permit is granted. c. If the Ministry is satisfied that a certain national employee is qualified to replace the employee; in this case the employee shall continue to carry out his work until the expiry of his contract of employment or his work permit, whichever occurs earlier. ARTICLE (16)

A special Section shall be established at the Ministry of Labour and Social Affairs for the employment of non-nationals and the functions of said Section shall be regulated by a Ministerial Resolution. ARTICLE (17) No natural person or body-corporate is allowed to work as an agent or supplier of nonnational employees unless he has a license to do so. However, such license may be issued if necessity so requires only to nationals by order of the Minister of Labour. A license shall be valid for one year subject of renewal, and the licensee shall be under the supervision and control of the Ministry.

Said Licenses may not be granted if an Employment Office pertaining to the Ministry or to an authority approved by the Ministry is already operating in the area and is able to act as intermediary to supply labour. ARTICLE (18) It is not permissible for any licensed labour agent or supplier to demand or accept from any worker whether before or after his recruitment, any commission or material reward in consideration for arranging such recruitment, nor may he obtain from him any expenses except as may be decided or approved by the Ministry of Labour and Social Affairs.

The persons supplied by a recruitment agent or a labour supplier shall, immediately -8upon joining the service of an employer, be considered



employees of that employer and shall be entitled to all the rights enjoyed by the employees of the establishment in which they are employed. The relations between such employees and the employer shall be direct and without any interference from the labour agent whose task and relation with them shall cease to exist as soon as they are introduced to and employed by the employer. ARTICLE (19)

The Minister of Labour and Social Affairs shall determine all rules, formalities and forms used by private and public labour offices as well as cooperation and coordination methods to be adopted between the various activities of these offices and the conditions under which licenses may be issued for the establishment of private employment offices or agencies or labour suppliers. Lists showing professional categories to be used as basis for placement operation shall also be defined by the Minister of Labour and Social Affairs.

#### SECTION 2 EMPLOYMENT OF JUVENILES ARTICLE (20)

It is prohibited to employ a juvenile of either sex before he/she completes fifteen years of age. ARTICLE (21) Before a juvenile is employed, the employer shall obtain the following documents from him/her and keep them in the juvenile's personal file: 1. A birth certificate of an official extract thereof or an age estimation certificate issued by a competent medical officer and endorsed by the competent Health Authorities. 2. A certificate issued by a competent medical officer and duly attested to the effect that the juvenile concerned is medically fit for the job. 3. A written consent signed by the juvenile's guardian, or custodian.

ARTICLE (22) The Employer shall keep a special register for the juveniles at the work premises, showing the juvenile's name, full name of juvenile's

guardian or custodian, place of residence, date of employment and job title. ARTICLE (23) Juveniles may not be employed at night in industrial projects. The term " night" shall mean a period of not less than twelve consecutive hours including the period from 8 p. m to 6 a. m. ARTICLE (24) Juveniles may not be employed in jobs which are considered hazardous, exhausting or detrimental to health as may be decided by the Minister of Labour after consulting with the competent authorities.

ARTICLE (25) The maximum number of actual working hours for juveniles shall be six hours per day. During working hours one or more break times should be given for rest, meals or prayer purposes provided that such time should not be less than one hour. Such time or times have to be determined in a way that juveniles may not work consecutively over four hours. A juvenile may not remain continuously over seven hours at the place of work.

ARTICLE (26) Under no circumstances, may juveniles be instructed to work overtime, stay in the employment premises beyond the hours of work fixed for them or asked to work on holidays.

## **EMPLOYMENT OF WOMEN ARTICLE**

(27) Women may not be required to work at night. The term " night" means a period of not less than eleven consecutive hours including the period from 10 p. m to 7 a. m. ARTICLE (28) The following cases shall be excepted from the clause prohibiting women to work at night. a. In the event where the work in the establishment is stopped due to force majeure. b. Work in responsible managerial and technical jobs. c. Work in medical and other services as may be decided by the Minister of Labour and Social Affairs if the working woman does not normally carry out a manual job. ARTICLE (29)

Women may not be employed where jobs are hazardous, harmful or detrimental to health or morals, and in such other jobs as may be decided by the Minister of Labour and Social Affairs after consulting with the competent authorities. ARTICLE (30) A working woman is entitled to maternity leave with full pay for a period of forty five days including the time before and after delivery, provided that her continuous period of service with the employer should not be less than a year, but if a working woman has not completed the said period, the maternity leave shall be with half pay. A working woman, on the expiry of the maternity leave, may discontinue work without pay for a maximum period of one hundred consecutive or intermittent days if such absence is due to illness which does not enable her to resume work. Such illness shall be evidenced by a medical certificate issued by a medical authority attested by the competent health authority or endorsed by such authorities to the effect that the illness resulted from pregnancy or delivery. Leave provided for in the preceding two paragraphs shall not be computed as part of other leaves.

ARTICLE (31) In addition to any prescribed rest period, a working woman nursing her child shall, during the eighteen months following the date of delivery, be entitled to two additional breaks each day for this purpose, neither of which shall exceed half an hour. These two additional periods shall be considered as working hours and shall not cause any reduction of remuneration. ARTICLE (32) A working woman shall be entitled to the same wage as that of a working man, if she does the same work. SECTION 4 - 11 - COMMON PROVISIONS FOR EMPLOYMENT OF

JUVENILES & WOMEN ARTICLE (33) The Minister of Labour and Social Affairs may decide to exempt charity and educational organizations from all or part of the provisions stipulated in the two preceding sections of this Chapter if the objects of such organizations are to provide vocational rehabilitation or training to juveniles or women on condition that the by-laws of these organizations provide for the nature of the work to be carried out by juveniles and women, the working hours and conditions in a manner that commensurate with the actual potentiality of women and juveniles. ARTICLE (34) Criminal liability in respect of the enforcement of the provisions provided for in Sections 2 and 3 of this Chapter shall be incurred by: a. The Employers of their representative. b. The Guardians or trustees of juveniles, husbands, guardians or trustees of minor women if they have agreed to the employment of women and juveniles contrary to the provisions of the Law.

## **EMPLOYMENT CONTRACTS, RECORDS AND REMUNERATION SECTION 1 INDIVIDUAL EMPLOYMENT CONTRACTS ARTICLE**

Subject to the provisions of Article 2, the employment contract shall be made in duplicate, one copy to be given to the employee and the other to the employer. In absence of a written contract all of its conditions may be proved by all legal means of evidence. - 12 ARTICLE (36) The employment contract shall in particular specify the date of its conclusion, the date on which work begins, nature and place of work, duration of the contract in the case of contract with limited period and the amount of the remuneration. ARTICLE (37)\*

The employee may be appointed for a probationary period not to exceed six months, and the employer may terminate the services of the employee during this period without giving a notice or end of service remuneration. Appointment of the employee on probation basis in the service of one particular employer may not be made more than once. However if the employee passed the probationary period satisfactorily, and remained in service, such period of service shall be computed in the period of his service. ARTICLE (38) An employment contract may either be for a limited or an unlimited period.

If it is for a limited period, such period shall not exceed four years and the contract may with mutual agreement be renewed one or more times for similar or shorter period/periods. In the event of renewal of the contract the new period/periods are deemed to be an extension of the original period and shall be added thereto in calculation of the employee's total period of service. ARTICLE (39) An employment contract is considered a contract for an unlimited period effective from the day of its commencement in any of the following cases: . If it is not concluded in writing . 2. If it is made for an unlimited period. 3. If it is made in writing for a limited period and continues to be applied by both parties after lapse of its period without a written agreement between them. 4. If it is concluded for the performance of a specific job for which no period is \* Amended by Federal Law No. (12) of 1986. - 13 fixed, or if the job by its nature calls for renewal, and has remained in force despite the completion of work agreed to. ARTICLE (40)

If both parties have continued to apply the contract after the lapse of its original term or completion of work agreed to, without an express

agreement, it should be understood that the original contract has been extended under the same conditions except for condition regarding its duration. ARTICLE (41) If an employer entrusts another party with the performance of any of his basic works or any part thereof, this latter becomes solely responsible for any entitlement due to the workers executing the subsidiary work under the provisions of this Law.

SECTION 2 VOCATIONAL TRAINING CONTRACT ARTICLE (42) A vocational training contract is a contract under which the proprietor of an establishment undertakes to equip an individual who attained at least twelve years of age with full vocational training in compliance with the vocation principles. The apprentice shall undertake to serve the employer during the training period under such terms and for such period as may be agreed. The training contract shall be made in writing, otherwise it shall be null and void.

Also the employer or any person giving the training must be adequately qualified and experienced in the vocation or trade in which the employee is to be trained. Furthermore, technical facilities and conditions required for teaching the vocation or trade must be made available at the establishment itself. ARTICLE (43) A trainee who attains legal age shall sign the contract himself. It is not permissible for any one who did not attain 18 years of age to enter into training contract directly by himself, but shall be represented by his natural or legal guardian or trustee. . ARTICLE (44) A training contract shall be made in at least three copies, one of which shall be deposited with the competent labour department for registration and authentication purposes. Each of the two parties shall retain one authenticated copy. - 14 - 2. If the training contract which must be registered contains any

provisions contrary to the Law or the regulation and orders issued in implementation thereof, the competent labour department may require the parties thereof to remedy thereto. . If the competent labour department does not make any comment or objection within a period of one month from the date on which the training contract is deposited therewith, the contract shall be deemed de facto endorsed from date of its deposit. ARTICLE (45) The training contract shall contain details on the identity of parties thereto and/or their representatives as the case may be together with the procedures, period, phases and the vocation subject of the training.

ARTICLE (46) The employer shall give the trainee sufficient time for theoretical education and shall throughout the period fixed in the contract train him on the proper methods and skills of the vocation for which he is employed; the employer shall also grant the trainee a certificate on completion of each phase of training in accordance with the provisions contained in this Section and a final certificate on completion of the training period.

The final certificate shall be endorsable by the competent Labour Department in accordance with such rules and procedures as may be determined by the Minister of Labour and Social Affairs. ARTICLE (47) The training contract may contain an undertaking by the employer to the effect that on completion of his training he shall work for the employer or at the establishment where he has been trained for a period not exceeding twice the training period.

The employer may undertake in the training contract to employ the employee on completion of the latter's period of training. ARTICLE (48) The

Contract shall determine remuneration to be paid for each phase of training, and the remuneration for the final phase shall not be less than the minimum salary prescribed for a similar work and shall not in any case whatsoever be fixed on piece-meal basis or on production basis. - 15 -

ARTICLE (49) A trainee who is under 18 years of age shall before commencement of training undergo medical examination to ascertain his health condition and ability to carry out the duties of the vocation for which he wishes to be trained, should particular physical and health conditions be required. The medical report should certify that the trainee candidate satisfies the physical and health conditions required. ARTICLE (50)

The Minister of Labour & Social Affairs can decide to regulate training for vocations and trades which require apprenticeship and fix the period of training of such vocations and trades, theoretical and practical training programs, the conditions of examination and the certificate given on completion of the training period. The Minister shall give his decision in this respect after taking the opinion of the public establishments concerned. In all cases the Minister may consult one or more experts in the profession or vocation where apprenticeship is required to be regulated.

ARTICLE (51) The Minister of Labour and Social Affairs may decide to establish vocational training centers independently or in co-operation with national, foreign or international vocational or charitable bodies. The decision to establish a center shall determine the vocation for which training is to be provided, condition for admission to the center, the theoretical and practical curricula, the rules of vocational examinations and certificates and any other matters necessary for better performance of the center.



ARTICLE (52) The Minister of Labour and Social Affairs may impose upon such establishments, companies and proprietors of industries, vocations and trades as may be determined by him to accept a certain number or a certain percentage of national trainees for work under such terms and conditions and for such periods as may be decided by the Minister of Labour.

Moreover, the Minister of Labour may require said establishments, companies, and proprietors of industries, vocations and trades as may be determined by him to accept for training purposes and additional practical experience a certain number of a certain percentage of students of industrial and vocational institutes and centers - 16 students under such terms and conditions and for such periods as may be agreed with the management of the establishment concerned. SECTION 3 RECORDS AND FILES ARTICLE (53)\*

Each employer employing five or more employees shall abide by the following : 1. He shall keep a special file for each employee, showing his name, profession, age, nationality, place of residence, marital status, effective date of service, pay and whatever changes effected on the pay, penalties invoked against him, injuries and vocational diseases sustained by him, date of service termination and causes of that. 2. He shall prepare a card for each employee and keep it in his personal file.

The card is to be divided into three parts, one for annual leaves, the second for sick leaves and the third for other leaves. The employer or whoever acts for him shall record in this card any leaves obtained by the employee, and it shall be referred to this card whenever the employee applies for leave.

ARTICLE (54)\* Each employer employing fifteen or more employees shall

keep in each place of business or branch where he practices business, the following records and documents: 1.

Register of wages: In this register names of employees are to be listed showing the dates for joining of service, and fixing the amount of daily, weekly or monthly pay, along with its benefits, or piece-meal pay, or the commission to each one of them, his working days, and the date for his final departure from work. 2. Register of work injuries: All work injuries accidents and vocational diseases sustained by the employees shall be recorded in this register as soon as they are \* \* Amended by Federal Law No. (12) of 1986.

Amended by Federal Law No. 2 of 1986. - 17 brought to the knowledge of employer. 3. The Regulations of the Work: These regulations shall particularly define the daily working hours, weekly holiday, other holidays, necessary measures and precautions to be taken for avoiding work injuries, and fire hazards. They shall be displayed at visible place in the premises of business. Such regulations and any amendments thereof, will not take effect, unless they have been approved by the Labour Department within thirty days from the date they are submitted thereto. . Penalties Sheet: It has to be

displayed at a visible place in the premises of business, listing the penalties that may be invoked on the defaulting employees, and citing the conditions and cases for putting them into operation. Enforcement of penalties and any amendments thereof, should be subject to approval by the Ministry of Labour within thirty day from the date of submitting the same thereto. SECTION 4 REMUNERATION ARTICLE (55)

Remuneration shall be paid on a working day and at the place of work in the lawfully circulating national currency. ARTICLE (56) Employees engaged on

yearly or monthly remuneration shall be paid at least once a month. All other employees shall receive their remuneration at least once every two weeks.

ARTICLE (57) The daily remuneration of an employee on piece pay shall be computed on the basis of the average pay received for actual days of work during the period of six months prior to the termination of service. ARTICLE (58)

Settlement of the remuneration payable to employees irrespective of its amount or nature shall be evidenced only in writing, by declaration or oath.

Any agreement to the contrary shall be null and void even if made before the effective date of this Law. - 18 - ARTICLE (59) No worker shall be obliged to

buy food or other commodities from specific shops or products manufactured by the employer. ARTICLE (60) Any amounts of money may not be deducted from the employee's remuneration to recover particular rights, except in the following cases: a.

Repayment of advances or amounts of money paid to the employee in excess of his entitlement, provided that deduction in this case may not exceed 10% of the employee's periodic pay. b. Installments which are payable by law by the employees from their remuneration, such as social security and insurance schemes. c. Subscriptions of the employees in the saving fund or advances due for payment to the fund. d. Installments in respect of any social scheme or other privileges or services provided by the employer and approved by the Labour Department. . Fines imposed upon the employee due to offenses committed by him. f. Any debts payable in execution of court judgment provided that not more than a quarter of the employee's pay shall be deducted. In the event of numerous debts or

creditors, half of the remuneration at the most may be deducted and the sums of money attached shall be divided pro rata among beneficiaries after payment of any legal alimony amounting to one quarter of the remuneration.

#### ARTICLE (61)\*

If the employee has caused the loss, damage or destruction to any tools, machines, equipment or products owned by or kept in custody of the employer, to the extent that involvement of the employee was due to his fault or violation of the employer's instructions, then the employer has the option to cut from the employee's pay the amount required for rectifying error or restoring the item to its original condition, \* Amended by Federal Law No. (12) of 1986. - 19 provided that the amount to be deducted shall not exceed five day pay each month.

The employer can apply to the competent court through the concerned Labour Department for authorizing him to deduct more than this amount if the employee is financially sound or has another source of money. ARTICLE (62) The employer may not transfer an employee from the monthly pay to the daily, weekly, hourly or piece work pay except with the latter's written consent. ARTICLE (63) The minimum salary and the cost of living allowances payable generally or with respect to a certain area or a particular profession, shall be fixed by a Federal Decree issued pursuant to proposal made by the Minister of Labour and Social Affairs and approved by the Council of Ministers. The Minister's proposal shall be made either for description or reconsideration of the minimum pay after consulting with the competent authorities and trade agencies if any for both employers and employees based on studies and schedules of the cost of living price fluctuations

prepared by concerned authorities in the State. Such minimum pay shall in all cases be enough for the employee's basic needs and to secure means of living. ARTICLE (64) Minimum salary and its amendments shall come into operation from date of publication of the specific decree in the Official Gazette.

## **WORKING HOURS AND LEAVES SECTION 1 WORKING HOURS ARTICLE**

(65) The maximum normal working hours for adult employees shall be eight hours per day or forty eight hours per week. However, working hours for the employees of commercial establishments, hotels, restaurants, watchmen and similar operations may be increased to nine hours per day as determined by the Minister of Labour. Likewise, working hours per day in respect of hazardous work or work detrimental to health, may be decreased by decision of the Minister of Labour and Social Affairs. During the 20 month of Ramadan, normal working hours shall be reduced by two hours. Time spent by the employee in transport from his residence to the place of work shall not be included in the working hours. ARTICLE (66) Daily working hours shall be regulated in a way that no employee shall work over five hours consecutively without break times for rest, food and prayer with a total not less than one hour, provided that such times shall not be counted in working hours. In factories and workshops where work is rotated on night and day shift basis, or in places of business where technical and conomic reasons necessitate round the clock work, break times for rest, food and prayer shall be determined by the Minister. ARTICLE (67) If circumstances of work necessitate that an employee works more than the normal working hours,

the extra time shall be considered overtime, for which the employee shall receive a remuneration equal to that corresponding to his normal working hours plus an extra of at least 25 percent of such remuneration. ARTICLE (68) If circumstance of work necessitate that an employee works overtime between 9. 00 p. m and 4. 00 a. m. he shall be entitled to normal working hours pay plus an increase equal to at least 50% of such pay. ARTICLE (69) Actual overtime may not exceed two hours per day unless work is necessary to prevent substantial loss or serious accident or to eliminate or alleviate its effects. ARTICLE (70) Friday is the normal weekly holiday for all employees except for those on daily wage bases. If the employee is required to work on Friday he shall be granted one day off for rest or be paid the basic pay for normal working hours plus 50% increase at least of such pay. ARTICLE (71)

Except for labourers on daily wage an employee may not work on more than two Fridays successively. - 21 - ARTICLE (72) The provisions of this Section shall not apply to the following categories: 1. Persons holding responsible senior posts in the management or supervision if holders of such titles are vested with the authorities or employers over employees, and such category is to be determined by the Minister of Labour and Social Affairs. 2. Ship crews and sea men who work under special service conditions due to the nature of their work, excluding Sea Port workers who are engaged in loading and off-loading and related works. ARTICLE (73)

A Notice Board showing the weekly closing day, working hours and rest times for all categories of employees must be fixed at conspicuous place on the main gate used as entrance by employees and in the premises of work and a copy of the notice should be submitted to the competent Labour

Department. If the weekly closure system is not applied by the place of business, a notice showing the weekly rest day for each category of employees shall be fixed by the employer at the places referred to in the preceding paragraph. SECTION 2 LEAVES ARTICLE (74) Each employee is entitled to an official leave with full pay on the following occasions: -

Hijra New Year. Christian New Year. Eid Al Fitr Eid Al Adha and Waqfa day  
Birthday of the Prophet Ascension Day National Day One day One day Two days Three days One day One day One day ARTICLE (75) - 22 The employee must be granted an annual leave during each year of service which may not be less than: 1. Two days per month in respect of any employee with more than six months and less than one year of service. Thirty days per annum in respect of any employee whose period of service exceeds one year. 2. In the event of termination of an employee's service he shall be entitled to an annual leave for the fractions of the last year of service.

ARTICLE (76) The employer may at his discretion determine the date for commencement of annual leaves and, when necessary, he may decide to divide the leave in two parts at the most, except in cases of juveniles where vacation may not be divided in parts. ARTICLE (77)\* The annual leave period is deemed to include such holidays as prescribed by law or as agreed to, and any other periods of sickness, occurred during this leave and is considered as part thereof. ARTICLE (78)\* The employee shall receive his basic pay in addition to housing allowance, if any for the annual leave days.

However if the exigencies of work necessitate that the employee works during his annual leave in whole or in part, and the period of leave during which he has worked, has not been carried forward to the next year, the

employer ought to pay him his wage in addition to cash in lieu of leave for his working days based on his basic pay. ARTICLE (79) The employee is entitled to receive cash in lieu of annual leave days not availed by him, if he was dismissed or if he left the service, after the period of notice stipulated by law. Cash in lieu of leave is calculated on the bases of pay received by the employee at the time of maturity of such leave. Amended by Federal Law No. (12) of 1986. - 23 ARTICLE (80) Remuneration due to an employee plus that of the approved leave under this law shall be paid in full by the employer to the employee before the latter's departure on annual leave. ARTICLE (81) If exigencies of work necessitate that the employee work on holidays or rest days against which he receives full or partial pay he shall be compensated in lieu thereof with increase in pay by 50% of his wage, but if he has not been compensated for the same with a leave, the employer shall pay him an increase to his basic wage equivalent to 150% of the days of work. ARTICLE (82)

If the employee falls sick for reasons other than labour injury he must report his illness within a period of two days at most and the employer must take necessary measures having him medically checked up to ascertain illness.

ARTICLE (83)\* During the probationary period, the employee is not entitled to any paid sick leave. 1. 2. If the employee spends over three months after completion of the probationary period, in the continuous service of employer, and falls sick during this period, he becomes entitled to a sick leave not more than 90 days either continuous or intermittent per each year or service, computed as follows:-



A. B. c. The first fifteen days with full pay. The next thirty days, with half pay. The subsequent period, without pay. ARTICLE (84) Pay during sick leave shall not be made if sickness resulted from mis-behaviour of the employee such as consumption of alcohol or narcotics. ARTICLE (85) \* Amended by Federal Law No. (12) of 1986. - 24 The employer may terminate the services of an employee who fails to resume his duties at the end of such leave as stipulated in Article (82), (83) and (84) hereof, and in such case the employee shall be entitled to his gratuity in accordance with the provisions of this Law.

ARTICLE (86) If an employee resigns from service because of illness before the lapse of the first 45 days of the sick leave and the Government Medical Officer or the physician appointed by the employer justifies the causes of resignation, the employer must pay to the employee his remuneration due for the period remaining from the first 45 days referred to above. ARTICLE (87) A special leave without pay may be granted for the performance of pilgrimage to the employee once through-out his service and shall not be counted among other leaves and may not exceed 30 days. ARTICLE (88)\*

During the annual leave or sick leave provided for hereunder, the employee may not work for another Employer; however, if the employer has established that the employee has done this, he shall have the right to terminate the service of employee without notice, and to deprive him of the leave pay due to him. ARTICLE (89) Subject to the provisions herein contained, every employee who does not report to duty immediately after expiry of his vacation, he shall be deprived of his pay for the period of

absence commencing from the day following to the date on which the leave has expired.

ARTICLE (90) Without prejudice to cases where the employer has the right to dismiss the employee without notice or gratuity as prescribed herein, the employer may not dismiss an employee or serve him with a notice of dismissal during his leave as is provided for in this Section.

## **SAFETY, PROTECTION, AND THEIR HEALTH**

\* Amended by Federal Law No. (12) of 1986. - 25 AND SOCIAL CARE OF THE EMPLOYEES ARTICLE (91)

Every employer must provide adequate means of protection for the employee from the hazards of injuries and vocational diseases that may occur during work as well as the hazards of fire and other hazards arising from use of machines and other tools, and he must apply all other means of protection as approved by the Ministry of Labour & Social Affairs, and the employee must use protective equipment and clothing provided to him for such purpose and he must abide by all instructions of the employer aiming at his protection from dangers and must not act in a way that may obstruct the application of said instruction. ARTICLE (92)

Every employer must display at a conspicuous point in the place of business detailed instructions concerning methods to prevent fire and protect employees from dangers while they perform their duties. Said instructions shall read in Arabic and, if necessary, in another language understood by the employees. ARTICLE (93) Each employee has to arrange for one medical aid box(s), supplied with medicines, bandages disinfectants and other relief aids,

to be fixed in a conspicuous place within the reach of employees and to be used by a specialist in handling first aids, and every one hundred employees should be provided with an aid box.

Each first- aid box shall be sufficient for every 100 employees. ARTICLE (94) Without prejudice to the provisions of by-laws and regulations issued by concerned government authorities the employer must provide proper cleanliness and ventilation in each place of business and must provide such places with adequate illumination, potable water and toilets. ARTICLE (95)

The employer must appoint one physicians(s) to do full medical checkup at least once each 6 months regularly for his employees who are exposed to the danger of infection with any of the occupational diseases reserved in the schedule attached hereto, and to record the results in his registers and in the personal files of such employees and the cases of occupational diseases must be reported instantly by the doctors to the - 26 employers and the Labour Department after these become certain through medical and laboratory analysis.

The physician in charge of regular medical check up may ask for a second medical checkup for any employee who is exposed to occupational diseases before the lapse of the time limit stated in the para. under this article if the case of the employee so requires. ARTICLE (96) The employer must provide employees with means of medical care according to the standards decided by the Minister of Labour and Social Affairs in collaboration with the Minister of Health.

The Minister of Labour and Social Affairs has the capacity in consultation with the Ministry of Health, to determine the general Measures for health prevention applicable to all establishments having staff and in particular such measures relating to safety, illumination, ventilation and dining rooms, as well as supply of potable and cleaning water and measures relating to purification of atmosphere from dust and smoke and to stipulate precautionary measures against fire and electric current.

ARTICLE (97) The employer or his representative at the time of appointment must keep employees informed of the dangers related to their profession and preventive measures they have to take. Moreover, the employer must display detailed written instructions in this respect at places of business.

ARTICLE (98) The employer or his representative at the time of appointment must keep employees informed of the dangers related to their profession and preventive measures they have to take.

Moreover, the employer must display detailed written instructions in this respect at places of business. ARTICLE (99) Employers, agents of the employers or any other persons having authority on employees may not permit entry of any kind of alcoholic drinks into the places of business for consumption threat, and they may not permit entrance into or stay at the establishment or any intoxicated person. ARTICLE (100) The employee shall abide by instructions and orders related to business safety and 27 precautions, and adopt precautionary methods and pledge to care for items thereof in his possession. It is prohibited for an employee to act in any way that may contravene enforcement of said instructions or misuse methods placed for health and safety protection of employees or which may cause

loss or damage to the same. ARTICLE (101) Each employer who employs employees in areas that are remote from cities where there is no access to normal means of transportation shall provide employees with the following facilities: . 2. 3. 4. 5. 6. Adequate means of transport Adequate accommodation Drinking water Proper foodstuff Medical aid equipment Entertainment and sports amenities. Areas to which all or part of the provisions of this Article apply shall be stated by decision of the Minister of Labour & Social Affairs. With exception of foodstuff, all services referred to in this Article shall be at the expense of the employer and nothing hereof is to be borne by the employee.

## **DISCIPLINARY RULES**

ARTICLE (102) Disciplinary penalties which may be imposed by the employer or its agent upon its employees are as follows: 1. Warning. 2. Fine. 3. Suspension from work with reduced pay for a period not exceeding ten days. 4. Forfeiture of deferment of periodic increment in establishments where such increments system is applied. 5. Forfeiture or deferment of promotion in establishments where promotion system is applied. 6. Dismissal from service but reserving right to end of service benefits. 7.

Dismissal from service together with forfeiture of all or part of the benefits, - 28 provided that penalties shall not be imposed for reasons other than those specifically prescribed in Article (120) of this Law. ARTICLE (103) The disciplinary code determines the cases where each of the disciplinary penalties prescribed in the preceding Article may be imposed. The Mister of Labour and Social Affairs may issue by decision, a model penalty and

benefits schedule to guide employers in setting up their respective regulations in this regard. ARTICLE (104)

A fine may be a certain amount of money or an amount equal to the remuneration of the employee for a certain period of time. A fine in respect of a single offence may not exceed remuneration payable for five days. It is not permissible to deduct within one month an amount equal to more than five days pay from the employee's remuneration in settlement of fines imposed upon him. ARTICLE (105) A special register shall be kept where shall be entered all penalties imposed upon employees showing reason and occasion of penalty, employee's name and his pay.

A special account shall be made for this purpose and monthly total thereof shall be allocated for employees' social welfare in accordance with a decision to be taken by the Minister of Labour and Social Affairs in this respect.

ARTICLE (106) Periodical increment may not be forfeited more than once in a year nor may the said increment be deferred for more than six months.

ARTICLE (107) No forfeiture of promotion may be made for more than one promotion step. The punished employee shall be promoted on the next immediate step when such employee becomes qualified for promotion.

ARTICLE (108)

Financial proceeds collected by the employer as a result of the differences arising from forfeiture of increment or allowance or delay of the same shall be recorded in a special register with reasons thereof, name of the employee and amount of his remuneration. - 29 Monthly proceeds of such differences shall be allocated for spending on employees social welfare as may be decided by the Minister of Labour and Social Affairs in this regard. ARTICLE

(109) Disciplinary penalties may not be imposed on an employee who has committed an offence outside the place of business unless the said act is relevant to the business, the employer or its manager.

Nor is it permitted to apply more than one penalty in respect of one offence or to combine between disciplinary penalty and deducting part of the employee's pay in accordance with the provisions of Article (61) of this Law.

ARTICLE (110) Any of the penalties prescribed in Article 102 may not be applied on the employee unless he is notified in writing of the charge taken against him and unless his statement is heard and his defence is investigated and unless all that is recorded in a report kept in his personal file.

Penalty shall be noted at the bottom of the said report. The employee shall be notified in writing of the kind, amount and reasons of penalties and the action taken against him in case of repetition of the offence. ARTICLE (111)

An employee may not be charged with a disciplinary offence after lapse of thirty days from disclosure of the same, nor may a disciplinary penalty be imposed after the lapse of sixty days from closing of investigation on the offence and finding an evidence against the employee. ARTICLE (112)\*

If the employee has been charged with premeditated crime, such as his involvement in a physical assault or robbery of property or other offenses such as the abuse of honesty, breach of trust or strikes, the said employee may be temporarily suspended from work. If a judgement releases the employee from standing a trial or acquits him he shall be reinstated to his work and his remuneration for the suspension period be paid to him in full in

cases where his suspension was maliciously contrived by the employer. \*  
Amended by Federal Law No. 12) of 1986. - 30 -

## **TERMINATION OF EMPLOYMENT CONTRACT AND END OF SERVICE REMUNERATION SECTION**

1 TERMINATION OF EMPLOYMENT CONTRACT ARTICLE (113) The employment contract is deemed to be terminated in any of the following cases: In the event of mutual consent by both parties to terminate the contract provided that the employee's consent is made in writing. On expiry of the period specified in the contract unless the contract is expressly or implicitly extended in accordance with the provisions of this Law.

At the option of either party in unlimited contracts provided that the provisions of this Law regarding warnings and acceptable causes for termination of the contract without abuse are fully complied with. ARTICLE (114) A contract of employment shall not expire by reason of death of the employer unless the subject matter of the contract is related to him in person. However, the contract shall terminate by reason of death of the employee or in case of his total disability to perform duties established by a medical report approved by the competent State Medical Authority.

If partial disability of an employee permits him to perform different duties which conform with his health state, the employer shall transfer the employee, at the latter's request, to another job of such other duties and shall pay him the remuneration normally paid by the employer in similar cases without prejudice to entitlement and indemnity accrued to the employee in accordance with this Law. ARTICLE (115)\*



If the employer has terminated an employment contract with a limited period, for reasons other than those provided for under Article (120) hereof, he becomes liable for payment of compensation to the employee against damages sustained by him, provided \* Amended by Federal Law No. (12) of 1986. - 31 that the sum of compensation in all events, may not exceed the total pay due to him for a period of three months or for the remaining period of contract whichever is shorter, unless the terms of the contract provide otherwise.

ARTICLE (116)\* If the contract has been terminated on part of the employee, for reasons other than those provided for under Article (121) hereof, the employee becomes liable for compensating the employer against losses incurred by him in consequence of contract termination, provided that the amount of compensation, may not exceed half a month's pay for a period of three months or for the remaining period of contract whichever is shorter, unless the terms of the contract provide otherwise. ARTICLE (117)

The employer and employee may terminate the employment contract with unlimited period, for a valid reason at any time after conclusion of the contract by written notice duly given to other party, thirty days at least prior to termination. In respect of daily pay employees period of notice shall be as follows: a. One week if the employee has worked for more than six months but less than one year. b. Two weeks if the employee has worked for at least one year. c. One month if the employee has worked for at least five years. 1. 2. ARTICLE (118)

The contract shall continue to be valid throughout the period of warning referred to in the preceding Article and shall expire with the expiry date of <https://assignbuster.com/uae-labor-law/>

the warning. The employee shall be entitled to full pay during the notice period on the basis of last pay he earned, and he shall have to perform his duties during such period if so instructed by the employer. It may not be agreed to waive or reduce period of warning but it may be agreed to increase such period. ARTICLE (119) If the employer or the employee has failed to serve notice to the other party for termination of the contract or has reduced the notice period, the party bliged to serve the notice shall pay to the other party an indemnity called " Compensation in lieu of \* Amended by Federal Law No. (12) of 1986. - 32 notice", and it is incurred by the other party as a result offailureto give notice or for reduction of said period, and the indemnity shall be equal to the employee's pay for the notice period in full or in proportion to the diminished part. In regard to employees on monthly, weekly, daily or per hour work pay the notice allowance shall be computed on the basis of last pay earned by them.

With regard to employees paid on piece work basis, allowance shall be calculated on the basis of the average daily pay provided for in Article (57) hereof. ARTICLE (120) The employer may dismiss the employee without notice in the following cases: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. If the employee adopts a false identity or nationality or if he submits forged documents or certificates. If the employee is appointed under a probationary period and dismissal occurred during or at the end of said period. If he commits an error causing substantial material loss to the employer rovided that the latter advises the labour department of the incident within 48 hours from having knowledge of the same. If the employee violates instructions concerning safety of the place of business provided that such instructions are displayed

in writing at conspicuous places and in case of an illiterate employee the latter be informed verbally of the same. If he fails to perform his basic duties under the contract of employment and persists in violating them despite formal investigation with him in this respect and warning him of dismissal if the same is repeated.

If he divulges any secrets of the establishment where he is employed. If he is awarded final judgement by the competent court in respect of an offence prejudicing honour, honesty or public morals. If during working hours he is found drunk or under the influence of drug. If in the course of his work he commits an assault on the employer, the manager or any of his colleagues. If he absents himself without lawful excuse for more than twenty intermittent days or for more than seven successive day during one year. ARTICLE (121)

The employee may leave the service without notice in the following cases: a.

If the employer does not fulfil his obligations towards the employee as provided for in the contract or in this Law. - 33 b. If the employer or his legal representative has committed an act of assault against the employee.

ARTICLE (122) Termination by the employer of an employee's service is considered arbitrary if the cause for such termination has nothing to do with the work. In particular, termination is considered arbitrary if the employee's service has been terminated on grounds, or a reasonable complaint lodged by him to the competent authorities, or on grounds of a justifiable action brought by him against the employer. ARTICLE (123)\* If the employee has been arbitrarily dismissed, the competent court has the jurisdiction to give judgement against the employer for payment of compensation to the employee. a. The court shall determine the amount of this compensation,

taking into consideration the nature of work sustained by the employee, period of service and after investigation of dismissal circumstances.

Provided that in all cases the amount of compensation should not exceed the employee's pay for a period of three months, to be worked out on the basis of last pay due to him. b. The provisions of the preceding clause shall not prejudice to the employee's