

Chapter I: DEFINITIONS AND GENERAL PROVISIONS

Definitions¹

Article 1

For the purpose of this law, the following terms and expressions shall have the meanings herein assigned to them, unless the context requires otherwise:

1. **Employer:** Any natural or legal person employing one or more workers in return for any kind of wage.
2. **Worker:** Any male or female working, for wage of any kind, in the service or under the management or control of an employer, albeit out of his sight. This term applies also to labourers and employees who are in an employer's service and are governed by the provisions of this Law.
3. **Firm:** Any economic, technical, industrial or commercial unit where personnel are employed and whose objective is to produce or market commodities or to provide services of any kind.
4. **Employment Contract:** Any agreement, for a definite or indefinite term, concluded between an employer and an employee, whereby the latter undertakes to work in the employer's service and under his management and control, in return for a certain wage that the employer undertakes to pay.
5. **Work:** Any human effort- intellectual, technical or physical- exerted in return for wage, irrespective of whether such work is permanent or temporary;
6. **Temporary Work:** An assignment that has to be carried out within a specified period of time.
7. **Agricultural Work:** Work involving ploughing, cultivation, harvesting, or breeding of cattle, poultry, silkworms, bees and the like.
8. **Continuous Service:** An uninterrupted service with the same employer or his legal successor, from the service commencement date.
9. **Wage:** Any consideration, in cash or in kind, given to a worker, in return for his service under an employment contract, whether on yearly, monthly, weekly, daily, hourly, piece meal, output or commission basis. The wage shall include the cost of living allowance. It shall also include any grant given to a worker as a reward for his honesty or efficiency, provided such amounts are stipulated in the employment contract or in the firm's internal regulations or are being so customarily granted that the firm workers regard them as part of their wage and not as donations.
10. **Basic Wage:** The wage specified in a valid employment contract, exclusive of any allowances whatsoever.

11. **Occupational Injury:** Any of the work-related diseases listed in the schedule attached hereto or any other injury sustained by a worker during and by reason of carrying out his duties. Any accident sustained by a worker on his way to or back from work shall be considered an occupational injury, provided that the journey to and from work is made without any break, lingering or diversion from the normal route.

12. **Labour Department:** The branches of the Ministry of Labour and Social Affairs that are in charge of labour affairs in the emirates of the Federation.

General Provisions

Article 2

Arabic shall be the language to be used in all records, contracts, files, data, etc. provided for in this Law or in any orders or regulations issued in implementation thereof. Arabic shall also be used in instructions and circulars issued to employees by their employer. Where the employer besides Arabic uses a foreign language, the Arabic version shall prevail.

Article 3

The provisions of this Law shall not apply to the following categories:

1. Employees of the Federal Government and of governmental departments of the emirates of the Federation, employees of municipalities, other employees of federal and local public authorities and corporations, as well as employees who are recruited against federal and local governmental projects.
2. Members of the armed forces, police and security.
3. Domestic servants employed in private households, and the like.
4. Farming and grazing workers, other than those working in agricultural establishments that process their own products, and those who are permanently employed to operate or repair mechanical equipment required for agricultural work.

Article 4

Any payments due to an employee or his beneficiaries hereunder shall constitute a first priority charge on all the employer's moveable and immovable property, and shall be paid immediately upon settlement of any legal expenses, sums due to the public treasury and Sharia's alimony awarded under Islamic Law to the wife and children.

Article 5

Actions initiated by employees or their beneficiaries under this Law shall be exempt from court fees at all stages of litigation and execution, and shall be dealt with in an expeditious manner. Upon non-admission or dismissal of a case, the court may order the plaintiff to pay all or part of the expenses.

Article 6

Without prejudice to the rules provided for under this Law concerning collective labour disputes, if the employer, the worker or any beneficiary thereof disputes any of the rights provided for any of them under this Law, he shall file an application to the competent Labour Department, which shall summon both parties and take whatever action it deems necessary to settle the dispute amicably. If no such amicable settlement is reached, the said Department shall, within two weeks from the date of application, refer the dispute to the competent court under a memorandum containing a summary of the dispute, the arguments of both parties, and the Department's comments. The court shall, within three days from date of receiving the application, fix a hearing date and notify the parties accordingly. The court may summon a representative of the Labour Department to explain the content of the memorandum submitted by it. In all cases, no claim for any of the rights provided for in this Law shall be heard if brought to court after the lapse of one year from the date of accrual, nor shall any claim be admitted if the procedures stated in this Article are not complied with.

Article 7

Any conditions contrary to the provisions of this Law, albeit precedent to the date of effectiveness, shall be null and void unless they are more advantageous to the worker.

Article 8

The periods and dates referred to herein shall be calculated according to the Gregorian calendar. For the purpose of this Law, a calendar year is regarded as 365 days, and a calendar month as 30 days, unless otherwise specified in the employment contract.

Chapter II: EMPLOYMENT OF WORKERS CHILDREN AND WOMEN

Section I: Employment of Workers

Article 9

Work is an inherent right of the Nationals of the United Arab Emirates. Non-nationals may not engage in any work within the State except in accordance with the conditions stipulated in this Law and its executive orders.

Article 10

Where National workers are not available, preference in employment shall be given to:

1. Workers of other Arab nationalities.
2. Workers of other nationalities.

Article 11

There shall be established within the Labour Department a section for the employment of Nationals, which shall assume the following functions:

1. Procuring employment opportunities suitable for nationals.
2. Assisting employers by supplying their demand of National workers when needed.
3. Registering Nationals who are unemployed or seeking better employment in a special register. Such registration shall be made at the applicant's own request. Each registered jobseeker shall be issued, free of charge, a certificate of registration on the day of application. A registration certificate shall be assigned a serial number and shall contain the applicant's name, age, and place of residence, occupation, qualification and past experience.

Article 12

Employers may recruit any unemployed National and shall, in such a case, notify the Labour Department in writing within 15 days from recruitment date. Such notification shall specify the employee's name and age, the date of employment, the specified wage, the type of work assigned to him, and the number of his registration certificate.

Article 13

Non-Nationals may not be employed in the United Arab Emirates without the prior approval of the Labour Department and before first obtaining an employment permit in accordance with the procedures and regulations laid down by the Ministry of Labour and Social Affairs. Such permit shall not be granted unless the following conditions are fulfilled:

1. That the worker possesses professional competence or educational qualification the country is in need of.
2. That the worker has lawfully entered the country and satisfied the conditions prescribed in the residence regulations in force.

Article 14

The Labour Department may not give its approval to the employment of non-nationals until it is satisfied that there are no unemployed Nationals registered with the employment section who are capable of performing the work required.

Article 15

The Ministry of Labour and Social Affairs may cancel a work permit granted to a non-national in the following cases:

1. If the worker remains unemployed for more than three consecutive months.
2. If the worker no longer meets one or more of the conditions on the basis of which the permit was granted.
3. If it is satisfied that a particular National is qualified to replace the non-national worker, in which case the latter shall remain in his job until the expiry date of his employment contract or of his employment permit, whichever is earlier.

Article 16

There shall be established within the Ministry of Labour and Social Affairs a special section for the employment of non-Nationals, whose functions shall be specified in a ministerial resolution.

Article 17

It shall not be permissible for any natural or legal person to serve as agent for recruitment or supply of non-National workers unless he is duly licensed to do so. Such a license may only be issued to Nationals and in cases where its issue is considered necessary, and it shall be issued by order of the Minister of Labour and Social Affairs. A license shall be valid for a renewable period of one year, and the licensee shall be subject to the Ministry's supervision and control. No such a license shall be granted if a placement office affiliated to the Ministry or to an authority approved by the Ministry is already operating in the area and is able to act as an intermediary in the supply of labour.

Article 18

No licensed employment agent or labour supplier shall demand or accept from any worker, whether before or after the latter's admission to employment, any commission or material reward in return for employment, or charge him for any expenses thereby incurred, except as may be prescribed or approved by the Ministry of Labour and Social Affairs. Persons supplied by an employment agent or labour supplier shall, immediately upon assuming employment, be regarded as employees of that employer and shall have all the rights of the employees of the

firm in which they are employed. They shall relate directly with their employer, without any involvement on the part of the employment agent, whose function and relationships with them shall cease as soon as they are supplied to and employed by the employer.

Article 19

The Minister of Labour and Social Affairs shall prescribe, by virtue of ministerial resolutions, the rules, procedures and forms to be adhered to by private and public employment agencies, the manner of coordination of the activities of these agencies, and the conditions for licensing private employment agencies and labour suppliers. The Minister shall also issue resolutions prescribing the occupational classification tables, which shall serve as a basis for recruitment.

Section II: EMPLOYMENT OF CHILDREN

Article 20

It shall not be allowed to employ children under the age of 15.

Article 21

Before employing a child, an employer shall obtain the following documents and keep them in his personal file:

1. A birth certificate, or an official extract thereof, or age estimation certificate, to be issued by a competent medical officer and authenticated by the competent health authorities.
2. A certificate of medical fitness for the required work issued by a competent medical officer and duly authenticated.
3. A written consent from the child's guardian or trustee.

Article 22

The employer shall keep at the workplace a special register of children, showing each child's name and age, full name of his guardian or trustee, the child's place of residence and date of employment, and the job on which he is employed.

Article 23

No child shall be made to work at night in an industrial enterprise. The term "at night" refers to a period of not less than twelve consecutive hours, including the period from 8 p.m. to 6 a.m.

Article 24

No child shall be employed on any job that is hazardous or detrimental to health, as defined in a resolution by the Minister of Labour and Social Affairs, after consulting the concerned authorities.

Article 25

The maximum working hours for children shall be six a day, intercepted by one or more breaks for rest, food or prayer, which shall amount in aggregate to not less than a full hour. Such break(s) shall be so arranged that no child shall work for more than four successive hours. No child shall remain at the workplace for more than seven successive hours.

Article 26

Children shall under no circumstances be required to work overtime, or to remain at the workplace after their prescribed working hours, or be employed on a rest day.

Section III: EMPLOYMENT OF WOMEN

Article 27

No women shall be required to work at night. The term "at night" refers to a period of not less than eleven successive hours, including the period from 10 p.m. to 7 a.m.

Article 28

The prohibition of night work for women shall not apply in the following circumstances:

Where work in the firm is disrupted by a force majeure.

1. Executive managerial and technical staff.
2. Work in such health services and other business as may be specified in a resolution by the Minister of Labour and Social Affairs, if the female worker is not normally engaged in manual work.

Article 29

No women shall be employed on any job that is hazardous, arduous or physically or morally detrimental or on any other work as may be specified in a resolution by the Minister of Labour and Social Affairs, after consulting the concerned authorities.

Article 30

A female worker shall be entitled to maternity leave with full pay for a period of forty five days, including both pre and post natal periods, provided that she has completed not less than one year of continuous service with her employer. A female worker who has not completed the aforesaid period of service shall be entitled to maternity leave with half pay.

A female worker who has exhausted her maternity leave may be absent from work without pay for a maximum period of 100 consecutive or non-consecutive days if such absence is due to an illness preventing her from resuming her work. A medical certificate issued by a duly authorized medical institution or authenticated by the competent health authority confirming that the illness is a result of pregnancy or delivery shall document such illness. The leave provided for in the preceding two paragraphs shall not be deducted from other leave periods.

Article 31

During the 18 months following her delivery, a female worker nursing her child shall, in addition to any prescribed rest period, be entitled to two additional breaks each day for this purpose, neither of which shall exceed half an hour. These two additional breaks shall be considered as part of the working hours and shall not entail any reduction of wage.

Article 32

A female wage shall be equal to that of a male if she performs the same work.

Section IV: RULES COMMON TO EMPLOYMENT OF CHILDREN AND WOMEN

Article 33

The Minister of Labour and Social Affairs may resolve that charitable and educational institutions be exempted from all or some of the provisions of the preceding two Sections of this Chapter, if the objective of such institutions is to provide vocational training or education for children or women, and provided that the internal regulations of such institutions shall specify the nature of activities undertaken by children and women at these institutions, and their employment terms and working hours, in a manner that is not incongruent with the actual endurance of children and women.

Article 34

The following persons shall be held punitively responsible for observance of the provisions of Sections II and III of this Chapter:

1. Employers or their representatives.

2. A child's guardian or trustee, a woman's husband or guardian, or a minor woman's trustee - who consents to the employment of children or women contrary to the provisions of this Law.

Chapter III: EMPLOYMENT CONTRACTS, RECORDS AND WAGES

Section I: Individual Employment Contracts

Article 35

Subject to the provisions of Article 2, an employment contract shall be written in duplicate, with one copy to be delivered to the worker and the other to the employer. In the absence of written contract, adequate proof of its terms may be established by all admissible means of evidence.

Article 36

An employment contract shall particularly specify the date of its conclusion, the date on which work is to begin, the type and place of the work, the duration of the contract, (if definite) and the amount of the wage.

Article 37

A worker may be employed on probation for a period not exceeding six months, during which the employer without notice or severance pay may terminate his services. A worker shall not be placed on probation more than once with the same employer. Where a worker successfully completes the period of probation and continues in employment, the said period shall be calculated as part of his period of service.

Article 38

An employment contract may be for a definite or indefinite term. A definite term contract shall not exceed four years; however, it may be renewed by mutual agreement for an equal or a shorter term(s). Where a contract is renewed, the renewal shall be deemed as an extension of the original term and shall be added thereto when calculating the worker's total period of service.

Article 39

An employment contract shall, from its inception, be considered as an indefinite term contract if and only if it:

1. Is not written.
2. Is concluded for an unspecified period.

3. Was originally written and concluded for a definite term but both parties, without a written agreement between them, continued to perform it after its expiry; or

4. Was originally concluded for the execution of a specific work that had no specific duration or that is recurrent by nature, but the contract continued after completion of that specific work.

Article 40

Where the parties to the contract continue - after expiry of its initial term or completion of the work agreed upon - to perform the contract without explicit agreement, the original contract shall be deemed to have been extended on the same conditions except for the term.

Article 41

Where an employer subcontracts any of the principal operations or any part thereof to a third party, the latter shall be solely liable for all entitlements of employees engaged in such subcontracted work in accordance with the provisions of this Law.

Section II: APPRENTICESHIP & VOCATIONAL TRAINING CONTRACTS

Article 42

An apprenticeship contract is one whereby a firm owner undertakes to provide full vocational training consistent with the professional standards to another person who has completed at least 12 years of age, who, in turn, undertakes to work for the employer during the training period subject to such terms and for such period as mutually agreed. The apprenticeship contract shall be in writing; otherwise it shall be null and void. The employer or the training provider shall be sufficiently qualified and experienced in the relevant vocation or trade. In addition, the firm shall satisfy the technical requirements and facilities necessary for providing such training.

Article 43

An apprentice who has reached the age of maturity may conclude the training contract himself. Those under the age of 18 years may not conclude a training contract directly with an employer, but shall be represented by their natural guardians, legal trustees, or personal ad litem.

Article 44

1. An apprenticeship contract shall be made in at least three copies, one of which shall be deposited with the competent labour department for registration and endorsement. Each party shall keep an endorsed copy.

2. If an apprenticeship contract submitted for registration contains any clause contrary to this Law or the executive regulations thereof, the competent labour department may require the contracting parties to delete such clause.

3. Where the competent labour department does not make any comment or objection within one month from the date on which an apprenticeship contract is deposited with it, the contract shall constructively be deemed to have been endorsed with effect from the date of its deposit.

Article 45

An apprenticeship contract shall contain details of the identity of the contracting parties or their representatives, as the case may be, and of the procedures, duration, phases, and subject of the training.

Article 46

An employer shall allow a trainee sufficient time to acquire theoretical knowledge and shall, throughout the period fixed in the contract, train him on the principles of the occupation and the skills for which he was recruited. The Employer shall issue the trainee a certificate on completion of each phase of training in accordance with the provisions of this Section, and also a final certificate on completion of the training period. Such certificate shall be attestable by the competent labour department in accordance with the rules and procedures to be specified in a resolution by the Minister of Labour and Social Affairs.

Article 47

A worker may undertake in the apprenticeship contract that, upon completion of his training, he will work for the employer, or in the establishment where he has been trained, for a period not to exceed twice the period of training. The employer may undertake in the contract to employ the trainee upon completion of the latter's period of training.

Article 48

An apprenticeship contract shall specify the wage payable during each phase. The wage payable in the final phase shall not be less than the minimum prescribed for an identical work and shall in no circumstances be fixed on a piecemeal or output basis.

Article 49

An apprentice who is under 18 years of age shall, before his training starts, undergo a medical test to determine his ability to carry out the work involved in the profession for which training is sought. If such profession calls for specific physical and health requirements, the medical report shall state whether the training candidate meets such requirements, both physical and psychological.