

**Ministerial Resolution No. (757) for 2006 A.D.**

**On the facility card system**

**Dated 11/10/2006 A.D.**

**Minister of Labour and Social Affairs:**

\*After reviewing Federal Law No. (1) for 1972 regarding the ministries competencies and ministers' capacities and the amending laws thereto, Federal Decree No. (10) for 2006 A.D. to form the Cabinet of United Arab \* Emirates.

Federal Law No. (8) for 1980 in regards to organizing the work relationships \* and the amending laws thereto,

Federal Law No. (5) for 1975 on the Commercial Register. \*

Federal law No. (5) for 1 \*985 in regards to civil transactions and the amending laws thereto.

Federal Law No. (18) for 1993 on commercial transactions. \*

Ministerial Resolution No. (52) for 1989 regarding recruiting non-national \* labourers.

.(1983/2) Ministerial Circulars Nos. (9/1999), (3/1999), (7/1996), and \*

and based on what was presented by the Undersecretary of the ministry,\*

and for the public interest.\*

**It was decided:**

### **First article**

The facility registration and facility card data system applied at the Ministry is considered a private and independent system as per Article 44 (2) of the Commercial Transactions Law.

### **Second article**

The application for a facility card shall not be accepted unless the national, who is -1 the owner, partner, shareholder, or services agent of the facility lists his data and signature sample first, and then list the signature samples of the authorised signatories, if any, in accordance with the rules and regulations in force. The signature of the national and the authorised signatories shall be regarded as their acceptance of their personal commitment to the rights of the workers and the Ministry against the facility. The Ministry's approval to open a facility card shall be considered as an acceptance of that.

A non-national authorised to work at a facility registered at the Ministry may not be -2 an owner or partner in another facility, unless the labour card is cancelled first as a precondition. This shall exclude the purchase of or subscription in the shares of public shareholding companies.

### **Third article**

The national and authorised signatories shall be personally liable for the facility commitment towards the Ministry and the workers in accordance to the sponsorship

provisions, without taking into account the form of the facility, whether it was an independent legal entity, limited liability, individual establishment, or otherwise.

#### **Fourth article**

In case of the facility's violation of its commitments towards the workers or the Ministry, the Ministry may refer to the national or the authorised signatories, and may at the same time ask the facility to meet the commitments and to take the appropriate actions against any of the mentioned.

#### **Fifth article**

In case the national or the authorised signatories violate their commitments, the Ministry may cease dealing with all other facilities owned or represented by the national or the authorised signatories, or take any other appropriate actions at its discretion.

#### **Sixth article**

The personal liability of the national and the authorised signatories under the sponsorship shall remain in effect, even if the form or legal status of the facility changed.

#### **Seventh article**

In case of a change in the facility that necessitates changing the name of the national or the authorised signatories, the facility or the mentioned individuals must submit an application for the requested amendment, the Ministry must ensure that the commitments resulting on the facility are met prior to accepting the application, and the competent labour directorate, prior to making the requested amendment, must audit the documents attached to the application for amendment and confirm the presence of an

original contract notarized by a notary public, an original certificate from the licensing authority, and any other necessary documents. It may also request the presence of the national registered owner or agent as a precondition of the amendment.

#### **Eighth Article**

Anyone who wishes to purchase the facility, share in the same or represent it, must check, in his own interest and at his responsibility, its labour status at the Ministry, prior to taking any action, by requesting the all-in-one report about the facility. For such certificate to be issued by the Ministry, the owner registered at the Ministry must apply for its issuance, and the mentioned certificate shall be issued, signed by the Director of the Directorate or the competent labour office.

#### **Ninth article**

Significance indetermining responsibility shall be according to the data registered in the facility card, with the responsibility for confirming that the data of the registered facility conform with the facts shall fall on the registered individuals and third parties.

#### **Tenth article**

In case of any action or change that would amend any of the data of the registered facility, the competent labour directorate must be informed of the nature of the action or change, submit any data or signatures, and take any actions requested by the directorate within a maximum of thirty days from the date of the action or change.

#### **Eleventh Article**

The Ministry shall not be obliged to accept the application to open a facility card, or the request for any amendments to the data of the owners, services agent, or any other amendments to the facility data, unless it ensures that the conditions mentioned in that decision have been met as requested, and that the applicant or his other parties have no other facilities, nor are they responsible for facilities that are suspended, in violation, or with expired licenses at the level of all labour directorates in the country.

#### **Twelfth Article**

It is not permitted to make any amendments to the registered data of the owners, national sponsor, commercial name, or activity if there were unsettled restrictions, unless they are first settled as a precondition.

#### **Thirteenth Article**

The statuses of the workers shall be settled either by cancelling sponsorship, transferring sponsorship, or the pledge of the new facility owner that they would continue to work for him under the same service conditions as a minimum

#### **Fourteenth Article**

If the acceptance of the amendment necessitated the cancellation of the registered facility card, or the application to open a new facility card, the rules and regulations in force must be applied in either case

#### **Fifteenth Article**

The owner may not dismiss the services agent registered at the Ministry, unless he receives a certificate issued by the Ministry of the clearance of this party of third party's rights in accordance with the provisions of Article (955) of the Civil Transactions Law.

#### **Sixteenth Article**

The competent parties shall confirm and affirm, upon signing or requesting the ratification of the actions pertaining to facilities under the competence of the Ministry, that the rules and regulations stipulated in this resolution have been met as required.

#### **Seventeenth Article**

The rules and regulations stipulated in Federal Law No. (8) for 1980 and the resolutions and regulations issued for the implementation thereof shall apply to any violation of the provisions of this resolution.

#### **Eighteenth Article**

This resolution is applicable as of its issuance date, and shall be published in the official gazette.

**Dr. Ali Abdullah Al-Kaabi**

**Minister of Labour**