

# TITLE ONE DEFINITIONS AND GENERAL PROVISIONS

## 1 – DEFINITIONS

### Article 1 –

In the implementation of the provisions hereof , the following terms and phrases shall have the meanings assigned for each of them unless the context requires otherwise :

Employer : Every natural or juridical person employing one or more workers in return for a wage of any kind whatsoever .

Worker : Every male or female working in return for a wage of any kind whatsoever for the employer and under the management and supervision thereof , even if out of sight . The term shall also include the employees working for the employer and subject to the provisions thereof .

Establishment : Every economic , technical , industrial or commercial unit where workers are employed , aiming at producing or marketing goods or providing services of any kind .

Employment Contract : Every agreement with determined or undetermined term concluded between the employer and the worker , whereby the latter commits to working for the employer and under the management and supervision thereof in return for a wage whose payment is committed by the employer .

Work : Any exerted human effort – whether intellectual , technical or physical – in return for a wage , whether it is permanent or temporary .

Temporary Work : Work whose nature of execution or completion requires a determined term .

Agricultural Work : Work in the plowing and cultivation of the land , the harvest of the crops thereof of any kind whatsoever , the breeding of cattle , livestock , silkworms , bees and otherwise .

Continuous Service : Uninterrupted service for the same employer or the legal successor thereof as of the date of the commencement of the service .

Wage :

**As amended by Federal Law no . 12 dated 29/10/1986 :**

Whatever is given to the worker in return for his service by virtue of an employment contract , whether in cash or in rem , on a yearly , monthly , weekly , daily , hourly , piece basis or in accordance with the production or on a commission basis .

The wage shall include the cost – of – living allowance and every grant conferred upon the worker in recognition of his honesty or efficiency should such sums be set in the employment contracts or the by – laws of the establishment or be customarily granted so as the workers deem such grants as part of the wage and not a donation .

Basic Salary :

**Added by Federal Law no . 12 dated 29/10/1986 :**

The wage stipulated in the employment contract during the term thereof between the parties , exclusive of any allowances whatsoever .

Occupational Injury : The sustainment by the worker of an occupational disease set forth in the schedule enclosed herewith , or any other injury arising from the work thereof and occurring thereto during and by reason of his practice of his job . Shall be deemed an occupational injury every accident occurring to the worker on his way from or to his work , provided that such trajectory is made without any stopping , lingering or diversion from the ordinary route .

Department of Labor : Branches in the Ministry of Labor in charge with the labor Affairs in the Emirates , members of the Federation .

## **2 – GENERAL PROVISIONS**

### **Article 2 –**

Arabic shall be the language used with regards to all records , contracts , files , data and others provided for herein or in any decision of regulation issued in implementation of the provisions thereof . Furthermore , Arabic shall be the language used in the instructions and circulars issued by the employer to his employees . Should the employer use a foreign language in addition to the Arabic language , the Arabic text shall prevail .

### **Article 3 –**

**As amended by Federal Law no . 24 dated 7/11/1981 , and Federal Law no . 12 dated 29/10/1986 :**

The provisions hereof shall not apply to the following categories :

a – Employees and workers of the Federal Government and the governmental departments in the Emirates , members of the State , the employees and workers in public entities and institutions , whether Federal or local , and employees and workers appointed for governmental , Federal and local projects .

b – Members of armed forces , police and security .


c – Domestic servants in private households and similar occupations .

d – Workers in farms or pastures with the exception of persons working in agricultural institutions processing the products thereof or the persons permanently operating or repairing mechanical machines required for agriculture .

### **Article 4 –**

All sums due by virtue of the provisions hereof to the worker or the beneficiaries thereof have a priority over all the moveable and immoveable property of the employer , and shall be paid directly after the judicial expenditures , sums due to the public treasury and legal alimony awarded to the wife and children .

## **Article 5 –**

Lawsuits filed by workers or the beneficiaries thereof shall be exempt from all the judicial fees in all the phases of litigation and execution as per 

the provisions hereof . Such lawsuits shall be heard in an expedite manner .

## **Article 6 –**

**As amended by Federal Law no . 12 dated 29/10/1986 :**

Without prejudice to the provisions related to the collective labor disputes provided for herein , should the employer , the worker or any beneficiary thereof litigates in any rights due to any thereof in pursuance of the provisions hereof , he shall submit an application therefore to the competent Department of Labor . Such Department shall summon both parties of the dispute and take the necessary measures for the amiable settlement of the dispute . Should the amiable settlement of the dispute not take place , the said Department shall , within two weeks from the submission of the application thereto , refer the dispute to the competent court . Such reference shall be accompanied by a memorandum comprising a summary of the dispute , the allegations of the parties and the department's observations . The court must , during three days as from the date it receives the demand , fix a meeting to hear the suit where the two parties to the dispute are declared . The court may request the presence of a representative for the Department of Labor to ask him for explanations with regards to the content of the memorandum submitted thereby .

In all cases , the claim for any right due in pursuance of the provisions hereof shall not be heard after the lapse of one year from the due date thereof . Furthermore , no claim shall be accepted unless it follows the procedures set forth in the present Article .

## **Article 7 –**

Every provision contradicting the provisions hereof , even if precedent to the effective date thereof shall be deemed void , unless it is more advantageous to the worker .

## **Article 8 –**

The calculation of the periods and dates referred to herein shall be made according to the Gregorian calendar . In the implementation hereof , a calendar year shall be deemed as 365 days , and the month as 30 days , unless the employment contract stipulates otherwise .