



**UNITED ARAB EMIRATES
MINISTRY OF LABOUR**

LABOUR DISPUTES

Ministerial Resolution No. (307) for 2003 A.D.

On collective labour disputes

Dated 31/5/2003

Minister of Labour and Social Affairs:

- *After reviewing Federal Law No. (1) for 1972 A.D. regarding the ministries competencies and ministers' capacities and the amending laws thereto,
- *Federal Law No. (8) for 1980 in regards to organizing the work relationships and the amending laws thereto,
- *Cabinet of Ministers Resolution No. (11) for 1982 on organizing the procedures for the settlement of collective labour disputes.
- * Ministerial Resolution No. (48/1) for 1980 on forming conciliation committees to settle group disputes.
- *and based on what was proposed by the Undersecretary of the labour sector,
- *and for the public interest.

It was decided:

First article

A collective labour dispute is any dispute between an employer and his workers in relation to a joint interest to all workers or a group thereof at a specific facility, profession, craft, or sector.

Second article

Workers and employees shall resolve their collective disputes through direct negotiations, then mediation, then reconciliation, and finally arbitration in accordance with the procedures stipulated in this resolution.

Third article

The employer must notify the competent labour directorate in writing immediately in case of a labour dispute, at the same day it occurs, if this was not possible, the mentioned directorate must be notified of the dispute on the next working day. Work may not be halted nor the facility closed in violation of the provisions of this article.

Fourth article

If the dispute was not settled through direct negotiations between the two parties within a maximum one week from the date of its arising, either party may seek the mediation of the Director of the competent labour directorate to settle it. The Director of the directorate shall, of his own, call the parties of the dispute to appear before him, and shall take the necessary actions for mediation to resolve the dispute.

Fifth article

If the cause of dispute was the non-payment of due wages to workers or the violation of the employer or workers' duties as imposed by the mentioned Federal Law No. (8) for 1980 or its executive regulations, the Director of the labour directorate must take the necessary legal procedures to guarantee the implementation of the provisions of the law.

Sixth article

Taking into account the provisions of the Fifth Article above, if the dispute was not settled within ten days from its start, the Director of the labour directorate must refer the dispute to the competent reconciliation committee while notifying the two parties in writing.

Seventh article

If the dispute was settled through mediation the Director of the labour directorate must write out a report of three copies containing the issues that were agreed upon to be signed by the Director of the directorate, the workers and the employer. This agreement shall be valid for the duration agreed upon by the two parties, provided that it is not less than two years.

Reconciliation

Eighth Article

The Director of the competent labour directorate must hold a reconciliation committee upon being notified of a labour dispute, to be headed by himself and formed as follows:

- 1- Director of the labour directorate. President
- 2- A member of the Chamber of Commerce in the area or any other
representative selected by the employer
- Parties in the dispute
- 3- A member of the coordination society for member professional societies in the area or any other representative as selected by the workers who are a party in the dispute.
- 4- A legal researcher as a secretary and advisor without having a counted vote.

Ninth article

The employer and the workers who are the parties in the dispute must nominate a representative on their behalf for the membership of the reconciliation committee once the Director of the labour directorates requests it.

Tenth article

The reconciliation committee shall be responsible for the settlement of the group dispute that is referred to it by the Director of the labour directorate, and shall apply the rules and regulations stipulated in Law No. (8) for 1980 and the mentioned Cabinet of Ministers Resolution No. (11) for 1982.

Eleventh Article

The Head of the Committee may invite any of the workers, parties in the dispute, or specialists and discuss with them before the Committee. The Committee may also request to review the papers, documents, records, and other evidence and obligate the holder thereof to submit them, as well as conduct the requested investigation and take the necessary procedures to settle the dispute.

Twelfth Article

The Director of the Labour Relations Department at the Ministry offices in Abu Dhabi and Dubai, each within his scope of work, shall head the reconciliation committee in any of the following cases:

a- If the work headquarters of the disputing parties falls within the jurisdiction of more than one labour directorate.

b- In any other case the competent Undersecretary requests that.

Thirteenth Article

Without prejudice to the mentioned Cabinet of Ministers Resolution No. (11) for 1982 A.D., if the decision by the reconciliation committee did not lead to the resolution of the dispute, anyone may request the referral of the dispute to arbitration within thirty days from the date of its start, and the competent labour directorate may also refer the dispute to arbitration on its own.

Fourteenth Article

It is not permitted to halt work or close down the facility because of a labour dispute before exhausting all means and procedures for the settlement of group disputes as stipulated in this resolution.

Fifteenth Article

If a labour dispute occurs because the employer or the workers violated the terms of the agreement resulting from mediation or reconciliation, the labour directorate must take the necessary legal action to guarantee the implementation of the provisions of the law and its executive regulations

Sixteenth Article

The following shall be considered the cause of and responsible for a group dispute in accordance with the laws in force in the country at the Federal and local levels:

- Anyone who violates an explicit text of the law and its executive regulations if the dispute was caused by that violation.

- Anyone who violates an agreement resulting from mediation or reconciliation.
- Anyone who did not respond to any request or order for attendance issued by the Director of the labour directorate or the reconciliation committee.
- Anyone who does not abide by the decision of the reconciliation committee despite agreeing in writing to accept its decision.
- Anyone who does not abide by the decision of the reconciliation committee once it becomes final even if he did not agree in writing to accept it.
- Anyone who does not abide by the decision of the supreme arbitration committee.
- Anyone who violates the stipulated procedures for the implementation of the decisions of the reconciliation and arbitration committees.

Seventeenth Article

The penalties stipulated in Federal Law No. (8) for 1980, as mentioned and its executive regulations regarding the violations of this decision shall be applied in addition to the penalties stipulated in the federal and local laws in force in the country.

Eighteenth Article

Ministerial Resolution No. (48/1) for 1980, mentioned above, shall be nullified.

Nineteenth Article

This Resolution shall be published in the Official Gazette and shall be put into force thirty days following the date of its publication.

Matar Humaid Al-Tayer

Minister of Labour and Social Affairs

Ministerial Resolution No. (707) for 2006

Regarding the rules and procedures of conducting business in the state for non-citizens

Dated 06/09/2006

Minister of Labour:

- *After reviewing Federal Law No. (1) for 1972 A.D. regarding the ministries competencies and ministers' capacities and the amending laws thereto,
- *Federal Resolution No. (10) for 2006 A.D. forming the Cabinet of United Arab Emirates.
- *Federal Law No. (8) for 1980 in regards to organizing the work relationships, the related resolutions, regulations and the amending laws thereto,
- *Federal Law No. (6) for 1973 regarding the entry and residence of foreigners, the executive regulation thereon, and the amending laws thereto.
- *and for the public interest.

It was decided:

First article

Non-citizens are not authorized to work inside the State unless they obtain a work permit from the Ministry, according to all applicable regulations and procedures with the exception of the exempt categories under article (3) of the federal law No. 8 for 1980 referred herein.

Second article

All non-citizens that are authorized to work in the State shall comply with the work permit restrictions, the employment card and the provisions of this resolution.

Third article

The residents of the state, for a reason other than work, are not allowed to have a work relationship at an establishment that is subject to the federal law No. (8) for 1980, unless they obtain a work permit from the Ministry in advance. They shall bear the responsibility of compromising their status at the competent authority as per the federal law No. (6) for 1973 regarding the foreigners residence and entry and its related executive regulation.

Fourth article

The non-citizen worker authorized to work shall inform the Ministry as soon as the work relationship with the employer expires for any reason, even if the work card is valid regarding its date, that in a term does not exceed three months from the date of work relation termination.

Fifth article

Without prejudice to the rules of the fourth article mentioned above, the non-citizen worker must report to the Department of Labour Relations or the Inspection Department within three months maximum, and he shall comply with the relevant directives in case of:

- Shutting down the facility where he is authorized to work, its bankruptcy or suspension of business for any reason.

- Expiration of work relationship upon a mutual agreement between parties, after concluding the probation period.
- Termination of work relationship upon resignation.
- Not joining the work at the authorized work establishment.
- Termination of the work relation during the probation period.
- Job abandonment due to employer negligence of his duties, or because being subject to an abuse inflicted on the latter by the employer or his representative.
- Obtaining his rights for which the competent labour directorate referred him to court, either by a court verdict or amicably.

Sixth article

Those whose employment cards have expired shall inform the Ministry in a period does not exceed three months of the expiration date unless the worker was still working at his own workplace in the same establishment, which was authorized to work therein, hence the responsibility falls at this time on the establishment.

Seventh article

Each worker, whose case has been refereed by the ministry to the court shall follow up with the Labour Department in order to notify the latter with the procedures, in a period that shall not exceed six months from the referral date.

Eighth Article

The non-citizen shall be considered non-compliant with the federal law No. (8) for 1980 and the laws and procedures that issued under the same, in the following cases:

- 1- Working without a permit from the ministry or working at an establishment where he is not authorized to work therein.
- 2- If he is a resident for the purpose of work, was unemployed for any reason, and did not inform the Ministry of the incident of his work termination, or that he was unemployed for a period that exceeds three months.
- 3- If he did not inform the ministry in a period exceeds six months from the date of the compliant transference to the appropriate court regarding his own rights or obligations.
- 4- If his residency was not for work, and was engaged in employment with an establishment that subject to the provisions of federal law No. (8) for 1980 without a permit from the ministry.
- 5- If he was apprehended anywhere inside the State in a situation that violated the conditions of his work permit as per the provisions of the law, resolutions, and executive regulations.
- 6- If he did not inform the ministry of what is required of him during the specific period, according to the provisions of this resolution.

Ninth article

If the worker requested cancellation of the work permit and leaving the State, hence the appropriate authority shall summon the sponsoring employer to respond on the application in a period does not exceed seven days from the application.

Tenth article

If the sponsor did not come within seven days of the notice or came without providing a reasonable cause to object the cancellation application, the appropriate authority shall annul the permit and the sponsorship without considering his absence or refusal according to the applicable rules and regulations.

Eleventh Article

The worker shall not be charged any fees or fines for the cancellation of the sponsorship, work permit or other fees or fines, if he desires to leave the country and initiated a communication with the Ministry for the same during the required time-lines as per the provisions of this resolution.

Twelfth Article

The Ministry may, in cases that are not included in the twelfth and thirteenth articles, and instead of cancelling the work permit and deporting the worker to his home country, allow the worker based on his approval and the request of a new employer to obtain a new internal or external work permit according to the rules and regulations, provided that the worker has notified the Ministry with the incident of ending his work, within a period that does not exceed three months from the realization of the notification cause.

Thirteenth article

The ministry is not permitted to issue a new work permit unless after one year from the date of departure for those following cases:

- 1- Termination of the work relationship for a reason that belongs to the labour as per the provisions of article (120) of the federal law No. (8) for 1980.
- 2- Termination or cancellation of the labour residence in the state based on a deportation order issued by the respective authority or according to a court verdict.
- 3- Termination of work relationship because of joining illegal strike or inciting the same.
- 4- Cancellation of the worker's permit or sponsorship due to a communicable disease or in accordance with the procedures of the Department of Labour Inspection.
- 5- The worker's violation of the rules of the eighth article of this resolution.

Fourteenth article

The Ministry may issue a work permit to the labour after one year follows the expiration of sponsorship, if the employment was terminated due to his absence from work based on articles (128) and (129) of the law, or because of the termination of the work relation during the probation period as per the rules and regulations considered, and provided that the Ministry was notified of the incident of work termination in a period does not exceed three months.

Fifteenth article

The Undersecretary of the ministry shall issue the necessary directives and procedures to enforce this resolution.

Sixteenth article

This resolution is effective from its issuance date and shall be published in the official gazette.

Dr./ Ali Abdullah Al-Kaabi

Minister of Labour

Ministerial Resolution No. (1186) for 2010
Rules and Conditions of Granting a New Work Permit to an
Employee after Termination of the Work Relationship in Order
to Move from One Establishment to Another

The Minister of Labour:

- After reviewing Federal Law No. (1) for 1972 and the amendments thereto regarding ministry competencies and ministerial powers,
- Federal Law No. (8) for 1980 and the amendments thereto regarding the regulation of work relationships,
- Cabinet of Ministers Resolution No. (25) for 2010 regarding internal work permits applicable at the Ministry of Labour,
- Minister of Labour Resolution No. (826) for 2005 regarding the executive regulation for transfer of sponsorship,
- Ministerial Resolution No. (707) for 2006 regarding the procedures and rules of the employment of non-citizens in the State,
- And Ministerial Resolution No. (724) for 2006 regarding the administrative cancellation of sponsorship;

It Was Decided:

Article (1)

The Ministry may issue a new work permit to an employee after the termination of his labour relationship with the employer to move from one establishment to another without needing to wait six months from the date of cancelling the labour card, as stipulated in the Minister of Labour Resolution No. (826) for 2005, according to the regulations stipulated in this decision.

Article (2)

The following two conditions must be met in order to grant the work permit mentioned in Article (1) of this resolution:

- 1- Agreement between the employee and the employer to conclude the work relationship.
- 2- The employee must have spent at least two years with the employer.

Article (3)

As an exception to the provision of Item No. (1) of Article (2) of this Resolution, the Ministry may issue the work permit without requiring the consent of the employer to end the relationship in the following cases:

- 1- The violation on the part of the employer of his obligations, whether legal or consensual, (for example but not limited to: non-payment of wages for more than sixty days).
- 2- Cases in which the employee is not the cause for ending the relationship, for example:
 - a) The case of a complaint submitted by the employee against the establishment where he works for not being hired as a result of the closure of that establishment. In this case, a report from the Inspection Department of the Ministry is necessary to prove that the establishment has not exercised its activity for more than two months, provided that the employee had been referred to the Ministry during such period.
 - b) The case of a labour complaint referred by the Ministry to the court. In this case, a final ruling in favour of the employee is necessary, stating his

entitlement to at least two months' wages, compensation for unfair dismissal or termination of the limited contract prior to its expiry, and any other rights the employer had not given the employee, provided that the ruling does not include anything to the effect that the employee had left work of his own accord for no reason recognised by the law, or that he was deprived of the end of service bonus.

- c) In the event that the employer, of his own accord, terminates or neglects to renew the work relationship, and without the resignation of the employee.

Article (4)

As an exception to the provision of Item No. (2) of Article (2) of this Resolution, the Ministry may issue a work permit to the employee without requiring the two year period in the following cases:

- a. In the event that the employee is starting his new position at the first, second or third professional levels after fulfilling the conditions for joining any of these levels according to the rules in force at the Ministry, and provided that his new wage is not less than (12) thousand Dirham at the first professional level, (7) thousand Dirham at the second professional level and (5) thousand Dirham at the third professional level.
- b. In the event that the employer violates his legally stipulated obligations to the employee, or in the event that the employee is not the cause for terminating the work relationship as mentioned in Article (3) of this Resolution.
- c. In the event that the employee moves to another establishment owned solely or jointly by the same employer.

Article (6)

Renewed work permits granted in accordance with this Resolution shall be revoked if the Ministry discovers that the data upon which the permit was based is incorrect, or if it discovers that the conditions necessary for permit renewal mentioned in this Resolution no longer exist.

Article (7)

Any text or provision contrary to this Resolution shall be null and void.

Article (8)

This Resolution shall be published in the Official Gazette and shall be put into force as of 1/1/2011.

Saqr Ghobash

Minister of Labour

Issued by us in Abu Dhabi on: 29/11/2010

Ministerial Resolution No. (1188) for 2010

Regulations and Conditions for the Issuance of Domestic Work Permits

The Minister of Labour:

- After reviewing Federal Law No. (1) for 1972 and the amendments thereto regarding ministry competencies and ministerial powers,
- Federal Law No. (6) for 1973 regarding the entry and residency of foreigners, the amending laws thereto, and its executive regulation,
- Federal Law No. (8) for 1980 regarding the regulation of work relationships and the amending laws thereto,
- Cabinet of Ministers Resolution No. (25) for 2010 regarding domestic work permits,
- And Cabinet of Ministers Resolution No. (27) for 2010 regarding the fees and fines for services provided by the Ministry.

It was decided:

Article (1)

The Ministry may only approve the issuance of a domestic work permit to a foreign national after ensuring that there is no one among the citizens seeking employment able to perform the requested job.

Article (2)

The Ministry may only issue all the permits mentioned in this Resolution after providing statements to the following:

- a. The license of the establishment – the applicant – is valid.

- b. The establishment's adherence to the provisions mentioned in the sample contract approved by the ministry in relation to the requested permit.
- c. Payment of the fee for this permit.
- d. Continued validity of the non-national employee's residence, and that of his family in the event of a family-sponsored work permit.
- e. Approval from the entity where the applicant works in case of part-time or temporary work, if he works at another establishment.
- f.

Article (3)

- a. A temporary work permit and a part-time work permit shall be issued to the following categories:
 - 1- Employees registered at the Ministry who hold valid labour cards.
 - 2- Persons who meet the conditions to be granted work permits based on the residency of their families.
 - 3- Students over 18 years of age.
 - 4- Government employees.
- b. The permits mentioned in the article may not be issued to a non-national employee who is over sixty five years of age.

Article (4)

The Ministry may approve issuing the worker a temporary work permit without the need for the consent of the establishment where the employee works and without the necessary validity of his residency and labour card in the event that the employee has an ongoing labour complaint referred by the Ministry to the court.

Article (5)

The Ministry, at its discretion, may issue the employee a part-time work permit for more than one establishment.

Article (6)

A work permit is issued to those sponsored by their family residency under the following categories:

- 1- Females over the age of 18.
- 2- Husband of a female national.
- 3- Sons and daughters of female nationals.

Article (7)

The employee working under any of the systems stipulated in this Resolution shall be entitled to the accruals for workers in accordance with the aforementioned law regulating work relationships, if the said employee meets the conditions and taking into account the wages paid to him and his durations of work.

Article (8)

The Assistant Undersecretary for Labour Affairs shall issue via resolution the procedures necessary to issue the domestic work permits mentioned in this Resolution.

Article (9)

Any establishment wishing to employ a worker in accordance with the permits mentioned in this Resolution shall bear the expenses for issuing and approving the permits. It shall not be allowed, under any circumstances, to obligate the employee to pay for his costs of employment, including the issuance and approval of permits, or deduct such costs from his wages.

Article (10)

The domestic work permits issued by the Ministry which are still in force at the time of implementing this Resolution shall remain valid until expiry. Any renewals or new permits shall be issued in accordance with the provisions of this Resolution.

Article (11)

The domestic work permits issued by the Ministry in accordance with the provisions of this Resolution shall not be renewed if expired; a new application must be submitted if there is a desire to continue working under any of the regulations of these permits.

Article (12)

Any text or provision contrary to this Resolution shall be null and void.

Article (13)

This Resolution shall be published in the Official Gazette and shall be put into force as of 1/1/2011.

Saqr Ghobash

Minister of Labour

Issued by us in Abu Dhabi on: 29/11/2010