



**UNITED ARAB EMIRATES
MINISTRY OF LABOUR**

PUNISHMENT AND PENALTIES

Ministerial Resolution No. (42/1) for 1980 A.D.
On determining the method of spending the sum of the fines deducted from
workers

Minister of Labour and Social Affairs:

- * Having reviewed the provisions of the temporary constitution
 - * 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 A.D. in regards to organizing the work relationships.
- *and based on what was presented by the Undersecretary of the ministry,

It was decided:

Article (1)

The fines deducted from workers in every facility shall be recorded in a special register showing the name of the worker against whom the fine was applied, his wage, the value of the applied fine, and stating the reason for applying it or why it was applied. The sum of these fines shall be determined monthly in the register.

Article (2)

Every facility using fifteen workers or more shall form a committee called the committee for dispensing fine money that shall be comprised of:

- | | |
|--|-----------|
| 1- Employer or whom he appoints. | President |
| 2- Two of the facility workers selected by the employer in consultation with the director of the competent labour directorate. | Members |

Upon the request of the employer, a representative of the competent labour directorate shall join the committee and shall preside over it.

As for the facilities where the number of workers is under fifteen, the sums of the fines deducted from its workers shall be dispensed by the employer in consideration of the provisions of articles (4, 8, and 9) of this resolution.

Article (3)

It is necessary for all the members of the committee to be present to meet the legal quorum and it shall issue its decisions with the approval of the employer, who represents him and one of the committee members.

In case of a dispute, the committee shall be reconvened in the presence of the representative of the labour directorate. If the votes are equal, the side of the president shall prevail.

Article (4)

The committee shall be responsible for estimating how to dispense the fines funds by reviewing the social aspects in the facility, documenting this in minutes, then decide to distribute the fines on them or spend them in any new social aspect intended to entertain the workers or treat them in the cases when the employer is not committed to treating them in accordance with the resolution issued in this respect. Alternatively, it can be used in establishing a sporting club, mosque, library, cooperative, or implement a project to treat the families of the workers or any other similar social activity aspects.

It is not permitted to spend any of this money as a bonus or to purchase any living necessities such as food or clothes, nor can they be invested in any work that is subject to profit or loss.

Article (5)

If the facility had one or more branches, each branch shall have a special register to record the fines deducted from its workers, and benefiting from the money shall be limited to the workers of this branch, unless the committee sees the possibility of realizing a unified general project to benefit the workers of all branches of the facility.

In this case, a committee comprised of two workers selected by the employer from all the branches of the facility must approve the project.

Article (6)

The mentioned committee must be held at least once a month to dispense the monthly sum of these fines.

The committee may postpone the dispensing of the said funds for one or more months, to a maximum of six months, if these funds were insufficient for anything beneficial.

Article (7)

If the committee decides to dispense the fines funds in one of the previously mentioned social projects, it must explain in the committee minutes the procedures organising the project and its implementation.

Article (8)

To implement the committee decision, it must be approved by the competent labour directorate (in which jurisdiction the facility headquarters lies) or the main headquarters of the facility if the committee was formed for all facility branches.

Article (9)

The fines funds shall be distributed upon the liquidation of the facility for any reason equally on the workers present at the facility at the time of liquidation.

Article (10)

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

Seif Ali Al-Jarwan

Minister of Labour and Social Affairs

Ministerial Resolution No. (51/1) for 1980 A.D.

**on defining the means of spending financial differences benefiting
the employer as a result of deprivation of promotion and deprivation
or postponement of bonus**

Minister of Labour and Social Affairs:

*Having reviewed the provisions of the temporary constitution

*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 A.D. in regards to organizing the work
relationships.

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

It was decided:

Article (1)

Financial differences benefiting the employer as a result of deprivation of
promotion and deprivation or postponement of bonus shall be recorded in a special
register showing the name of the worker, his wage, penalty against him, its value, and
why it was applied. The sum of these financial differences resulting from the
application of these penalties shall be recorded monthly in the register.

Article (2)

The committee formed in accordance with the provisions of Resolution No.
(45/1) for 1980 regarding defining the means of spending the sum of the fines
deducted from workers, shall be responsible for dispensing the financial differences
mentioned in the previous article and in accordance with the procedures stipulated in

the second, fourth, fifth, sixth, seventh, and eighth article of Resolution No. (45/1) for 1980 as mentioned.

Article (3)

The mentioned committee in the previous article shall determine the means of spending the financial differences benefiting the employer as a result of deprivation from promotion or the deprivation or postponement of bonus, taking into account the need of workers to establish a saving fund, assistance fund, or loans, provided that the sum of these differences, or parts thereof, shall be allocated to the assistance that are decided to be given to some of the facility workers who are going through circumstances that necessitate giving them these assistance. In this case, everything related to these circumstances that led the committee to grant them the set assistance shall be recorded in the committee minutes.

Article (4)

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

Seif Ali Al-Jarwan

Minister of Labour and Social Affairs

Ministerial Resolution No. (28/1) for 1981 A.D.
on issuing the model regulation for sanctions
to guide employer in setting
the sanctions regulations for their facilities

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 A.D. in regards to organizing the work relationships.
- *and based on what was presented by the Undersecretary of the ministry,

It was decided:

Article (1)

The employers are guided by the attached model regulation for sanctions in preparing the sanctions regulations to be applied on workers at their facilities.

Article (2)

Every employer must present to the competent labour directorate at the Ministry of Labour and Social Affairs the sanctions regulation he proposes to implement on workers at his facility for approval by the mentioned directorate prior to putting it into force. He shall also approve any amendments that may be introduced to this regulation prior to the implementation of the said amendments.

Article (3)

Every employer must hang, in a visible location at the work place, the sanctions regulation after ratification by the competent labour directorate in Arabic and another language understood by the worker if necessary.

Article (4)

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

Seif Ali Al-Jarwan

Minister of Labour and Social Affairs

Model sanctions regulation

| Type of Violation | Degree of penalty | | | | Notes |
|---|--------------------------------|--------------------------------|--------------------------------|-----------------------------|---|
| | First time | Second time | Third time | Fourth time | |
| 1- Violation related to working hours: | | | | | |
| 1- Delay in arriving to work for up to 15 minutes without an acceptable excuse or justification (if the delay did not result in delaying the work of others). | Written notice | 10% deduction from daily wages | Deduction of a quarter day pay | Deduction of half a day pay | 1- If the violation was repeated after six months from the date of the previous violation it shall be treated as a first violation. |
| 2- Delay in arriving to work for up to 15 minutes without an acceptable excuse or justification (if the delay resulted in delaying the work of others). | 10% deduction from daily wages | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | 2- If the same violation was repeated more than four times within six months from the date of the first violation, the penalty for the fifth violation and above shall be double the penalty for the fourth violation, to a maximum of five days. |
| 3- Delay in arriving to work for more than 15 minutes without an acceptable excuse or justification (if the delay did not result in delaying the work of others). | 10% deduction from daily wages | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | |

| Type of Violation | Degree of penalty | | | | Notes |
|--|-------------------------------------|-----------------------------|---------------------------|-----------------------------|--|
| | First time | Second time | Third time | Fourth time | |
| 4- Delay in arriving to work for more than 15 minutes without an acceptable excuse or justification (if the delay resulted in delaying the work of others). | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | |
| 5- Delay in arriving to work for more than 30 minutes and up to 60 minutes without an acceptable excuse or justification (if the delay did not result in delaying the work of others). | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | Deduction of two days pay | 1- If the violation was repeated after six months from the date of the previous violation it shall be treated as a first violation. |
| 6- Delay in arriving to work for more than 30 minutes and up to 60 minutes without an acceptable excuse or justification (if the delay resulted in delaying the work of others). | Deduction of three quarters day pay | Deduction of one day pay | Deduction of two days pay | Deduction of three days pay | 2- If the same violation was repeated more than four times within six months from the date of the first violation, the worker may be fired with a termination bonus. |

| Type of Violation | Degree of penalty | | | | Notes |
|---|---|-----------------------------|--------------------------|---------------------------|--|
| | First time | Second time | Third time | Fourth time | |
| 7- Delay in arriving to work for more than one hour without an acceptable excuse or justification weather the delay resulted in delaying the work of others or not. | The worker may be prevented from entry and shall be considered absent without permission, or he may be allowed entry, provided that he is deprived from the pay of the hours of delay, in addition to the penalty stipulated for absence without permission for the first time. | | | | 3- With respect to violation No. 9, if he had left work before the end of working hours by more than one hour, the worker may be deprived of his pay for this hour, in addition to the penalty stipulated for absence without permission for the first time. |
| 8- Absence without permission or acceptable excuse. | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | |
| With depriving the worker of his pay for the days of absence. | | | | | |
| 9- Leaving work or departing before the end of working hours without permission or acceptable excuse. | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | |
| 10- Staying at the work place or returning to it after working hours without permission or acceptable excuse. | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | 4- The worker should be warned in writing when punishing him for committing a violation for the fourth time that he will be fired if he committed the same violation for a fifth time within six months from the date of the fourth violation. |

| Type of Violation | Degree of penalty | | | | Notes |
|--|--|-----------------------------|--------------------------|---------------------------|---|
| | First time | Second time | Third time | Fourth time | |
| b- Violations related to the employment system: | | | | | |
| 11- Leaving from other than the allocated exit if the facility instructions require that. | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | 1- If the violation was repeated after six months from the date of the previous violation of the same type it shall be treated as a first violation. |
| 12- Receiving visitors other than facility workers at the work place without permission from the administration. | The same penalty as the previous violation | | | | 2- If the same violation was repeated more than four times within six months from the date of the first violation, the penalty shall be to dismiss the worker with a termination bonus except for violations Nos. (13, 14, 15, 16, and 17). |
| 13- Talking and chatting in a matter not related to work, if it resulted in delaying work. | The same penalty as the previous violation | | | | |

| Type of Violation | Degree of penalty | | | | Notes |
|---|--|-----------------------------|---------------------------|-----------------------------|--|
| | First time | Second time | Third time | Fourth time | |
| 14- Reading during work in matters that are not related to work, if it resulted in delaying work. | The same penalty as the previous violation | | | | The penalty for the fourth time shall be doubled to a maximum of 5 days. |
| 15- Eat in other than the specified place or time | The same penalty as the previous violation | | | | |
| 16- Sleeping during work. | Deduction of a quarter day pay | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | 3- The worker should be warned in writing when punishing him for committing a violation for the fourth time that he will be fired if he committed the same violation for a fifth time within six months from the date of the fourth violation. |
| 17- Workers loitering or being present in other than their places of work during working hours. | The same penalty as the previous violation | | | | |
| 18- Entry of publications or printed matter and distributing them without permission. | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | Deduction of three days pay | |
| 19- Collection of money or assistance without permission. | The same penalty as the previous violation | | | | |

| Type of Violation | Degree of penalty | | | | Notes |
|---|--|--------------------------|---------------------------|-----------------------------|---|
| | First time | Second time | Third time | Fourth time | |
| 20- Using the facility phone for personal matters without permission. | The same penalty as the previous violation | | | | |
| 21- Not notifying the change of social status and place of residence within a maximum of one week without an acceptable excuse. | The same penalty as the previous violation | | | | |
| 22- Writing data or statements, or sticking advertisements on the walls of the facility or other places within the work place without permission. | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | Deduction of three days pay | 1- If the violation was repeated after six months from the date of the previous violation of the same type. it shall be treated as a first violation. |
| 23- Handing in the daily labour card after his colleagues without an acceptable excuse. | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | Deduction of three days pay | |

| Type of Violation | Degree of penalty | | | | Notes |
|---|-----------------------------|---------------------------|---------------------------|-----------------------------|--|
| | First time | Second time | Third time | Fourth time | |
| 24- Make false claims against supervisors and colleagues which lead to delaying work. | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | Deduction of three days pay | 2- If the violation was repeated more than four times within six months from the date of the first violation, firing the worker with a termination bonus for the violations the penalty for which is firing after the fourth time. |
| 25- Violating the instructions pertaining to proving the stamp of the worker's daily card when attending and leaving, or manipulating that. | Deduction of half a day pay | Deduction of one day pay | Deduction of two days pay | Deduction of three days pay | |
| 26- Violation pertaining to not following work orders. | Deduction of one day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | |
| 27- Deliberate reduction of production. | Deduction of half a day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | |
| 28- Wasteful consumption of raw materials without acceptable cause. | Deduction of half a day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | |

| Type of Violation | Degree of penalty | | | | Notes |
|--|---------------------------|--|-------------------------|---|--|
| | First time | Second time | Third time | Fourth time | |
| 29- Violating the implementation of work related instructions provided that the instructions are in Arabic with another language understood by the workers and are displayed in a clear place. | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | Dismissal without termination bonus | 3- The worker should be warned in writing when punishing him for committing a violation for the fourth time that he will be fired if he committed the same violation for a fifth time within six months from the date of the fourth violation. |
| 30- Incitement to violate orders or instructions related to work and workers safety if they were hung in a clear place in Arabic as well as another language understood by the worker, or if he was informed of it if he was illiterate. | Deduction of 5 days pay | Dismissal in accordance with the provisions of Paragraph (d) of Article (120) of Law No. (8) for 1980 A.D. | | | |
| 31- Sleeping during work in the cases that require continuous vigilance. | Deduction of 3 days pay | Dismissal while preserving the right to a termination bonus | | 1- If the violation was repeated after six months from the date of the previous violation of the same type. it shall be treated as a first violation. | |

| Type of Violation | Degree of penalty | | | | Notes |
|--|--|---|------------|-------------|--|
| | First time | Second time | Third time | Fourth time | |
| 32- The worker's refusal without justification to do his main duties, and his refusal to do any other work assigned to him provided it does not differ fundamentally from his original work. | Dismissal in accordance with the provisions of Paragraph (e) of Article (120) of Law No. (8) for 1980 A.D. | | | | 2- If the violation was repeated more than four times within six months from the date of the first violation, firing the worker with a termination bonus for the violations the penalty for which is firing after the fourth time. |
| 33- The use of raw materials or machines related to work for personal purposes. | Deduction of 5 days pay | Dismissal while preserving the right to a termination bonus | | | |
| 34- Negligence or gross negligence in work which might lead to serious harm to souls or properties. | Deduction of 5 days pay | Dismissal while preserving the right to a termination bonus | | | 3- The worker should be warned in writing when punishing him for committing a violation for the fourth time that he will be fired if he committed the same violation for a fifth time within six months from the date of the fourth violation. |
| 35- Tampering or ruining the facility machines, tools, or equipment. | Deduction of 5 days pay | Dismissal while preserving the right to a termination bonus | | | |

| Type of Violation | Degree of penalty | | | | Notes |
|---|--------------------------|---------------------------|-------------------------|-------------------------|--|
| | First time | Second time | Third time | Fourth time | |
| 1- <u>Violation related to working hours:</u> | | | | | |
| c- <u>Violations related to the worker's conduct:</u> | | | | | |
| 1- Introducing things not permitted, or conducting commercial transactions into the work place. | Deduction of one day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | 1- If the violation was repeated after six months from the date of the previous violation of the same type. it shall be treated as a first violation. |
| 2- Smoking during working hours in places where smoking is not permitted. | Deduction of one day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | 2- If the violation was repeated more than four times within six months from the date of the first violation, firing the worker with a termination bonus for the violations the penalty for which does not reach firing after the fourth time. |

| Type of Violation | Degree of penalty | | | | Notes |
|---|--------------------------|---------------------------|-------------------------|-------------------------|--|
| | First time | Second time | Third time | Fourth time | |
| 3- Fighting with colleagues or causing disturbances at the work place. | Deduction of one day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | |
| 4- Assault on the employer, executive managers, or a colleague at work. | Deduction of one day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | The penalty for the fourth time shall be doubled to a maximum of 5 days. |
| 5- Abstaining from carrying out the medical examination at the request of the facility doctor without a valid excuse. | Deduction of one day pay | Deduction of two days pay | Deduction of 3 days pay | Deduction of 5 days pay | |

Ministerial Resolution No. (851) for 2001

On ceasing to deal with violating facilities

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. (3) for 1977 on the regulation for recruiting and using foreign workers.
- *Cabinet of Ministers Resolution No. (16/16) for 1981.
- *Cabinet of Ministers Resolution No. (14) for 2001 on banking surety.
- *Resolution of the Supreme Committee of Labour Affairs in its fifth meeting held on 26/6/1997.
- *The meeting of the Supreme Committee of Labour Affairs No. (38) on 6/10/2001 A.D.

It was decided:

Article (1)

For the purposes of this regulation, the following statements shall have the meanings given to each of them, unless otherwise required by the context..

The Facility: Means the employer, sponsor, services agent, or all of them according to the case.

Banning the Facility: Means not granting the facility any new work permit, or transferring a sponsorship to the latter. The suspension may include all its active branches in the state.

Complete suspension: Means not granting the violating facility or any facility owned by the same or in which it is a partner any new work permit, transferring a sponsorship to it, or opening a new facility card.

Settlement of Restriction: Means completing the procedures necessary to amend the labour situation at the facility, pay fees, or meet the necessary obligations in any other way.

Work License: Means the work license mentioned in Article (13) of the Federal Law No. (8) for 1980 on organizing the work relationships and the amending laws thereto

Article (2)

- a- Dealing with facilities in violation of the Federal Law No. (8) for 1980, the amending laws thereto, and the resolutions, regulations and orders issued in its implementation, as well as the related laws shall cease in accordance with the provisions of this resolution.
- b- All arrangements and procedures mentioned in the Ministerial Resolutions in effect at the time of issuance of this regulation shall remain in force and effective unless it is explicitly stated that they shall be voided or amended in the articles mentioned here.

Article (3)

The procedures mentioned in this resolution shall be implemented without prejudice to the penal procedures explained in the annexed table.

Article (4)

Dealing will be ceased with the facilities in accordance with this Resolution without any liability to the Ministry in that respect, even if it assigned projects to them, provided that the Ministry informs the Ministries, Project Committees, competent directorates, and other authorities concerned with the cease, in accordance with the form prepared for that purpose.

Article (5)

Dealing will be ceased with the facilities in accordance with the following regulations and procedures:

| Number | Type of Violation | Type of Action |
|---------------|--|---|
| 1 | Using a worker sponsored by others | Banning the facility upon affirmation of the violation and notifying the competent authorities according to the penalty mentioned in the Naturalization and Residency Law. The suspension shall not be lifted for three months from the date of settling the restriction. |
| 2 | The unemployment of a worker sponsored by the facility or working for others without reporting him. | Banning the facility and its branches upon affirmation of the violation along with notifying the competent authorities. The suspension shall be lifted only after three months from the date of settling the restriction. |
| 3 | Facilities closed with sponsored workers | Complete suspension upon affirmation of the violation. The suspension shall not be lifted for six months from the date of settling the restriction. |
| 4 | Not providing the requested banking surety or deducting its value from the worker's salary or allocations. | a- Banning the facility. b- Banning the facility without renewing the labour cards, if the surety was requested for the renewal. The suspension shall stay in force as long as the violation exists, and the facility shall bear all |

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| | | the responsibilities arising therefrom. (the suspension shall be lifted upon submitting the requested banking surety) |
| 5 | Not taking the necessary procedures to cancel the labour permit upon the termination of the work relation. | Suspend the facility until removing the violation. |
| 6 | Exceeding the time limitation for renewing labour cards. | Suspend the facility and its branches upon the expiry of the deadline, and the facility shall bear the responsibility arising under the laws. The suspension shall not be lifted for three months from the date of removing the violation and settling the restriction. |
| 7 | Violating summoning orders to the Ministry or the removal of violations. | Suspend the facility and its branches in the country completely, and the suspension shall be lifted only after six months from the date of settling the restriction. |
| 8 | Non-payment of the salaries of workers regularly or violating the related settlement terms. | Suspend the facility and its branches provided that the necessary action is taken to withdraw the work permit awarded to the facility if the violation is repeated. (the suspension shall be lifted by a decision from the Undersecretary) |
| 9 | Stopping work or closing the facility in violation of Article (155) of Law 17 and Council Resolution No. 11/1982 if it was proved that the facility caused it. | Banning the facility and its branches, which shall continue, as long as the violation persists. |
| 10 | Failure to remove violations or take measures to protect workers from the hazards of work or guarantee levels of health and occupational safety. | Banning the facility and its branches, which shall continue, as long as the violation persists. |
| 11 | Failure to report an occupational accident or death. | Suspend the Facility. |
| 12 | The facility's failure in taking an action to prevent serious hazard to the health and safety of workers. | a- Banning the facility. b- Take the necessary measures to close down the facility with the speed necessary for the hazard. |

Article (6)

It is not permitted to open a new facility card if the facility had an expired license with sponsored workers, unless it was proved that the facility still exercises its activity or if the facility owner has settled the restrictions at the Ministry.

Article (7)

It is permitted to stop dealing with any facility in accordance with the provisions of this regulation if it was proved that the facility is guilty of committing a violation against any of the provisions of the Federal Law No. 8/1980 on organizing work relations, amending laws thereto, and the resolutions and regulations implementing it.

Article (8)

If the facility was suspended for more than three months from the date the violation was proved, or if it committed a similar violation before a year had passed since the suspension decision for the first violation, hence a complete suspension must be imposed against it.

Article (9)

When it had exercised the summons, orders, and procedures mentioned in this decision, the Ministry shall be considered to have exhausted all means to amend the situations mentioned in Article (186) of Law No. (8) for 1980 and the amendments thereto, and shall be obliged to take the necessary penal actions against the violating facilities.

Article (10)

Without prejudice to Article (8) above, the Ministry shall need to take penal action particularly in the following cases:

- 1- In case of failure to report occupational accidents.
- 2- If another law stipulated that they should be taken.
- 3- If the violation persists after exhausting the actions stipulated in this resolution.

Article (11)

Dealing shall be suspended or lifted based on a written report on the situation prepared by the Directorate of the competent Labour Office. The Inspection Directorate at the Ministry Offices in Abu Dhabi and Dubai and their branches at the Labour Office, according to speciality, shall be responsible for suspending dealings or lifting the said suspension.

Article (12)

The suspension shall be lifted off the violating facility in accordance with the following terms and conditions:

- a- The facility submits an application, after settlement of restrictions, to the Labour Inspection Directorate or its various branches to lift the suspension.
- b- The facility shall be inspected, and the Labour Inspection Directorate and its various branches shall refer the application with the inspection report to the competent directorate that ordered the suspension to advise in writing in order to lift or continue the suspension.
- c- After that the application shall be referred to the Labour Inspection Directorate to inform the facility of the decision.

Article (13)

This resolution is effective as of the date of its publishing in the Official Gazette, and all the concerned officials must implement the same, each in his own capacity.

Matar Humaid Al-Tayer

Minister of Labour and Social Affairs

The table attached to Ministerial Resolution No. (851) for 2001

Penal sanctions stipulated for the violations under the laws and resolutions in force

| Number | Violation | Penal Sanction | Law or Ministerial Resolution |
|---------------|--|---|---|
| 1 | Using a worker sponsored by others | Imprisonment for six months and a fine of (10,000) Dirham, or either punishment. | Federal law No. (6) for 1973 on the entry and residence of foreigners. |
| 2 | The unemployment of a worker sponsored by the facility or working for others | Imprisonment for six months and a fine of (10,000) Dirham, or either punishment. | Federal law No. (6) for 1973 on the entry and residence of foreigners. |
| 3 | Facilities closed with sponsored workers | Imprisonment for six months and a fine from (3,000 to 10,000) Dirham, or either punishment. | Law No. (8) for 1980 in regards to organizing the work relationships. |
| 4 | Not providing the banking surety or deducting its value from the worker's income | Imprisonment for six months and a fine from (3,000 to 10,000) Dirham, or either punishment. | Law No. (8) for 1980 on organizing the work relationships and the Ministerial Resolution No. (14/2001). |
| 5 | Not cancelling the work permit | Imprisonment for 3 months and a fine (one thousand Dirham) or either punishment. | Cabinet of Ministers Resolution No. (3) for 1977. |
| 6 | Not renewing the labour card | Fine from (500 to 2,000 Dirham) | Cabinet of Ministers Resolution No. (17/1977). |
| 7 | Violation of summoning orders or the removal of violations | Imprisonment for 6 months and a fine from (3,000 to 10,000) Dirham, or either punishment. | Law No. (8) for 1980. |
| 8 | Non-payment of the salaries of workers regularly or violating the related settlement terms | Imprisonment for 6 months and a fine from (3,000 to 10,000) Dirham, or either punishment. | Federal Law No. (8) for 1980. |
| 9 | Causing the suspension of work or the closing of the facility. | Imprisonment for 6 months and a fine from (3,000 to 10,000) Dirham, or either punishment. | Federal Law No. (8) for 1980. |
| 10 | Failure to remove violations or take measures to protect | Imprisonment for 6 months and a fine from (3,000 to 10,000) Dirham, | Federal Law No. (8) for 1980. |

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|----|---|---|-------------------------------|
| | workers from the hazards of work / guarantee levels of health and occupational safety, or prevent a serious hazard. | or either punishment. | |
| 11 | Failure to report an occupational accident or death | Imprisonment for 6 months and a fine from (3,000 to 10,000) Dirham, or either punishment. | Federal Law No. (8) for 1980. |

Ministerial Resolution No. (721) for 2006 A.D.

On escape reports procedures

Dated 11/9/2006 A.D.

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 Decree 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 and the amending laws thereto,

*Ministerial Resolution No. (19) for 2005 on fees and banking surety.

*Federal Law No. (6) for 1973 regarding the entry and residence of foreigners, the executive regulation thereon, and the amending laws thereto.

* Ministerial Resolutions Nos. (570) for 1996, (685) for 1995, and (70) for 1992 on escape reports.

* Ministerial Resolution No. (707) for 2006 on the rules and procedures of working in the country for non-residents.

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

It was decided:

First article

An escape report is applied on the case of the worker who has stopped working for more than seven consecutive days if the employer pledged that he does

not know his whereabouts or has a legitimate reason for his absence in accordance with the provisions of this Ministerial Resolution.

Second article

The following are necessary to accept the registration of an escape report:

- 1- The facility shall complete the data of the escape report form, signing and stamping the attached affidavit, and providing what proves that it has paid the fine, if due, and the requested banking surety in accordance with the provision of Paragraph (2) below.
- 2- The facility requesting the registration of the escape report shall submit a banking guarantee to the Ministry to the value of 3000 Dirham for each worker it is willing to report, whether the facility was exempt from the general banking surety or not.

Third article

If the facility had paid the banking guarantee for each worker, or if its balance of banking sureties was equal to the maximum limit stipulated for the latter, in such case the request to register the report shall be accepted without asking the same for new guarantees.

Fourth article

The competent employee shall confirm, at his own responsibility, when looking into the request to register an escape report or its cancellation, and that the conditions for an escape report are met in general. An escape report may not be registered in particular in the following cases:

- 1- If the concerned worker on whom a report is to be filed had a complaint or labour claim tried before the Ministry or the competent court.
- 2- If the worker was on a sick leave, maternity leave, annual leave, or absent for any other legitimate reason and seven successive days have not passed since the date the mentioned leave or legitimate absence ended.
- 3- If the facility is aware of the place where the worker is and the competent officer sees that it is possible to call him and bring him to the Ministry without apprehension.
- 4- If the worker was not absent for seven successive days from work or if the conditions mentioned in the First Article of this decision are not met.
- 5- If the work relation was terminated for any reason and three months or more have not passed since its termination, whether the worker had a complaint or labour claim before the Ministry or the competent court or not.
- 6- If the absence was a result of a force majeure, or an emergency that did not enable the worker from notifying the employer, whether this was immediately after the end of the holidays or while the worker was at work.
- 7- If the report was fictitious in accordance with the Twelfth Article of this Ministerial Resolution.
- 8- If the report was malicious in accordance with the Twelfth Article of this Ministerial Resolution.
- 9- In any other case if the competent officer is not convinced with the justifications of the application, in this case he shall refer the issue to the Head of Department or Office and follow his written directions.

Fifth article

If the worker was apprehended in a situation violating the conditions of the work permit issued for him, and it was proved that the facility authorized to employ him had not informed the Ministry of his escape or absence from work for more than three months, the worker's sponsorship shall be cancelled by deprivation and the facility shall be obliged to provide his travel ticket and the payment of the due fine until the date of the cancellation. In addition to moving the facility to category (c) and obligating the same to pay ten thousand Dirham in late fines for not amending its status in accordance with the table attached to the First Article of the mentioned Cabinet of Ministers Resolution No. (19) for 2005.

Sixth article

If the work relation was continuous and the facility was aware of the escape of the worker and had submitted a request to register the report of his escape after three months or more from the date it find that out, the request will be accepted after the payment of the fine if it was due, or the sponsorship of the worker will be cancelled by deprivation, and the facility shall be obliged to pay ten thousand Dirham for the delay in settling its status in accordance with the table attached to the First Article of the mentioned Ministerial Resolution No. (19) for 2005.

Seventh article

The competent officer shall refer the application to register the escape report prior to its registration in the Department of Inspection, and the mentioned department shall take the necessary action against the violators, whether workers or employers in the following cases:

- 1- If the escape reports submitted by the facility are repeated within a short period of time, or if the numbers of workers reported missing at one time or in several instances within the same period exceed 25% of the workers it is allowed to employ.
- 2- If it was found out that the facility had permitted the worker to look for work or work at others, in violation of the law and the executive decisions.
- 3- If it was found out that the facility had not appointed the worker to the work allowed to him or left him unemployed. The delay made by the facility to report the absence for more than three months is sufficient evidence for that in both cases.

Eighth Article

- 1- If the worker was absent from work, his place was known, and can only prove his escape through actual apprehension, the facility shall contact the Department of Labour Inspection in its capacity as the competent body in this case.
- 2- If it was proved that the facility had not contacted the Department of Labour Inspection in accordance with the provisions of Paragraph (21) for more than three months from the date of the worker's absence, the provisions of the Fifth Article above shall be implemented.

Ninth article

- 1- The Ministry may cancel the escape report if it was proved that the report was registered in violation to the Fourth Article of this Ministerial Resolution.

- 2- The escape report shall not be cancelled if it was proved that the facility is fictitious, and the competent department in such case shall cancel the sponsorship of the worker as permanent deprivation obligating the facility to pay ten thousand Dirham in late fines for amending its status in accordance with the table attached to the First Article of the mentioned Ministerial Resolution No. (19) for 2005, and impose a ban on the facility and on all other facilities owned by any of the owners or partners in which any of them is a partner, provided that they do not include a partner whose name was not mentioned in the violating facility.
- 3- The Ministry, when cancelling the escape report or apprehending the worker in a position in violation of the conditions of his work permit, shall deprive the worker from working in the state for a minimum of one year, if it was proved that he violated the provision of the (Eighth) Article of the mentioned Ministerial Resolution No. (707) for 2006.

Tenth article

The Ministry shall refund the banking guarantee to the facility in the following cases:

- 1- If the facility submitted proof that the worker had left the country permanently, unless he was deported at the expense of the state.
- 2- If three years have passed from the date of the escape circular, or if the work card expired, whichever is later.

In all cases, the banking surety shall not be refunded in case of cancellation or withdrawal of the escape report in accordance with the provisions of this Ministerial Resolution, whether it was done at the request of the employer or the worker.

Eleventh Article

Any worker whose work relation ended in escape, and against whom a final escape circular was issued, shall be permanently deprived from working in the state in accordance with the provisions of this decision.

Twelfth Article

- 1- If it was proved that the facility abused the escape report procedures to repudiate its obligations towards the worker, and hence the report shall be considered malicious.
- 2- If it was proved that the facility abused the escape report procedures to repudiate the payable fees or its obligations under the rules and procedures for foreigners work in the state, and the report shall be considered fictitious.
- 3- If the escape report was fictitious or malicious, the facility shall be obliged to pay ten thousand Dirham in fees for the delay in amending its status in accordance with the table attached to the First Article of the mentioned Ministerial Resolution No. (19) for 2005. The Ministry may ban the facility and all other facilities owned by any of the owners or partners or in which any of them are partners, provided they do not include a partner whose name was not mentioned in the violating facility, until the requested fee is paid.

Thirteenth article

Employers shall affirm the validity and accuracy of the information and data presented to the Ministry, whether on the ready forms or other applications. The employer shall bear the criminal liability if it was proved that he was aware of the

inaccuracy of the data provided to register the report in accordance with the provisions of Articles 216 - 222 of the Penal Law.

Fourteenth article

Department Heads at the Ministry in Abu Dhabi and Dubai, as well as the Directors of the competent Labour Offices are authorized to cancel the escape report and implement the procedures on the violating facilities and workers in accordance with the provisions of this Ministerial Resolution and the Resolutions, decisions and regulations issued in implementation of the provisions of the law.

Fifteenth article

The competent department shall move the penal procedures in the event of any indication of truth misrepresentation made by anyone when filling any of the forms and applicable applications for the registration of escape reports.

Sixteenth article

Without prejudice to the criminal liability mentioned above, anyone violating the provisions of this Ministerial Resolution shall be punished according to the penalties stipulated in Federal Law No. (8) for 1980. Also the rules and regulations mentioned in the decisions and executive regulations issued in accordance with the provisions of Federal Law No. (8) for 1980 shall be applied.

Seventeenth Article

The Undersecretary of the Ministry shall issue the necessary directives and instructions to enforce this Ministerial Resolution.

Eighteenth Article

This decision is effective after fifteen days from its issuance date and shall be published in the Official Gazette.

Dr. Ali Abdullah Al-Kaabi

Minister of Labour

Ministerial Resolution No. (589) for 2007 A.D.

Dated 17/9/2007 A.D.

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 Law No. (21) for 2001 on Civil Service in the Federal Government and its statute.
- *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.
- *Cabinet of Ministers Resolution No. (19) for 2005 regarding the fees system and bank surety,
- * Ministerial Resolution No. (851) for 2001 to Halt Dealing with Violating Facilities,

It was decided:

First article

Without prejudice to the provisions of Ministerial Resolution No. (851) for 2001 regarding ceasing to deal with violating facilities, the provisions of Articles (1) and (2) of the Fifth Article of the same Resolution shall be amended, and the procedures mentioned in the table below shall be implemented:

| S | Violation | State of Facility | First Time | Second Time | Third Time |
|---|--|-------------------|--|--|--|
| 1 | Employing a worker who entered the country illegally | | Category A - B: Stop and transfer the violating facility to Category (C) for one year | Stop and transfer the violating facility to Category (C) for two years | Stop and transfer the violating facility to Category (C) for 3 years and transfer all facilities of the owner to Category (C) for 6 months |
| | | | Category (C): Stop the violating facility for two years | Stop the violating facility for 3 years | Stop the violating facility for 3 years and transfer all facilities of the owner to Category (C) for one year |
| 2 | Employing a worker who has been reported as a fugitive | | Category A - B: Stop and transfer the violating facility to Category (C) for 9 months | Stop and transfer the violating facility to Category (C) for one year | Stop and transfer the violating facility to Category (C) for two years and transfer all facilities of the owner to Category (C) for 6 months |
| | | | Category (C): Stop the violating facility for one year | Stop the violating facility for two years | Stop the violating facility for 3 years and transfer all facilities of the owner to Category (C) for 6 months |
| 3 | Employ a worker sponsored by | | Category A - B: Stop and transfer the violating facility to | Stop and transfer the violating facility to | Stop and transfer the violating facility to Category (C) for two years and transfer |

| | | | | | |
|---|--|-----------------|---|---|--|
| | <p>another facility belonging to the same sponsor, or leaving the worker to work for others without permission from the Ministry</p> | | Category (C) for 6 months | Category (C) for one year | all facilities of the owner to Category (C) for 3 months |
| | | Category (C): | Stop the violating facility for one year | Stop the violating facility for two years | Stop the violating facility for 3 years and transfer all facilities of the owner to Category (C) for 3 months |
| 4 | <p>Employ a worker who has a work permit issued from the free zones or the like</p> | Category A - B: | Stop and transfer the violating facility to Category (C) for 6 months | Stop and transfer the violating facility to Category (C) for one year | Stop and transfer the violating facility to Category (C) for two years and transfer all facilities of the owner to Category (C) for 3 months |
| | | Category (C): | Stop and transfer the violating facility to Category (C) for 6 months | Stop the violating facility for two years | Stop the violating facility for 3 years and transfer all facilities of the owner to Category (C) for 3 months |

| S | Violation | State of Facility | First Time | Second Time | Third Time |
|---|---|-------------------|---|---|--|
| 5 | Employ a worker on a personal sponsorship (domestic help or the like) and all those who enter the country with an entry permit issued by the Department of Naturalization and Residency and | Category A - B: | Stop and transfer the violating facility to Category (C) for Six months | Stop and transfer the violating facility to Category (C) for one year | Stop and transfer the violating facility to Category (C) for two years and transfer all facilities of the owner to Category (C) for 3 months |
| | | Category (C): | Stop the violating facility for one year | Stop the violating facility for two years | Stop the violating facility for 3 years and transfer all facilities of the owner to Category (C) for 3 months |

| | | | | | | |
|----------|--|--|------------------------|--|--|---|
| | who are not permitted to work and those on their sponsorship | | | | | |
| 6 | Employ a worker on the sponsorship of a government or local establishment or authority without the approval of the Ministry of Labour | | Category A - B: | Stop and transfer the violating facility to Category (C) for 6 months | Stop and transfer the violating facility to Category (C) for one year | Stop and transfer the violating facility to Category (C) for two years and transfer all facilities of the owner to Category (C) for 3 months |
| | | | Category (C): | Stop the violating facility for one year | Stop the violating facility for two years | Stop the violating facility for 3 years and transfer all facilities of the owner to Category (C) for 3 months |
| 7 | Employ a worker | | Category | Stop and transfer the | Stop and transfer the | Stop and transfer the violating facility to |

| | | | | | | |
|--|--|--|---------------------------------|---|---|---|
| | <p>in the country with a visitor, travel, or transit visa</p> | | <p>A - B:</p> | <p>violating facility to Category (C) for 6 months</p> | <p>violating facility to Category (C) for one year</p> | <p>Category (C) for two years and transfer all facilities of the owner to Category (C) for 3 months</p> |
| | | | <p>Category (C):</p> | <p>Stop the violating facility for one year</p> | <p>Stop the violating facility for two years</p> | <p>Stop the violating facility for 3 years and transfer all facilities of the owner to Category (C) for 3 months</p> |

Second article

It is important to consider implementing the provisions of Article (174) of Federal Law No. (8) for 1980 regarding organizing the work relations with respect to writing a report to prove a violation and send it to the Labour Office in order to take the necessary procedures toward the violation.

Third article

General Provisions:

- 1- The violating facilities and violators shall be referred to the competent authorities for the necessary legal actions against them.
- 2- In addition to the procedures that should be taken against the violators under this Decision, the Department of Nationality and Residency shall be addressed regarding the sponsored people via the Ministry of Interior. They shall be apprehended working at the private sector even if the facility was fully owned by the sponsor or in which he is a partner to take the appropriate action against them and against their sponsored.
- 3- In addition to the procedures in this Resolution, the Department of Nationality and Residence shall be addressed with respect to the investor or non-national license holders in the event of apprehending a violating worker working for them, allowing a worker to work for others, or working for others to take the necessary action.
- 4- The Ministry may cancel the work permit of a foreign worker who shall be directly responsible for employing violating workers in the cases shown in this Decision once proved.

- 5- A decision by the Undersecretary may cancel the facility card if the violation was reiterated more than three times according to the violations table.
- 6- In the event the worker escapes from the facility during the inspection, the facility shall be obliged to apprehend him and prove his identity, and if it does not, the facility shall be treated as having employed a violating worker and shall be subject to the mentioned procedures in Paragraph Three of the table annexed to the same resolution.
- 7- In addition to the procedures that need to be taken regarding the violators under the same resolution, the Ministry shall have the right not to issue any work permit for at least one year for those entering the country on a visitor, tourist, or transit visa in the event they are apprehended working without a permit from the Ministry of Labour.
- 8- It is not considered a violation to employ the worker in another facility (whether in the same Emirate or not) owned by the same sponsor.
- 9- Stopping, according to the provisions of the Resolution, means suspending the issuance of work permits or sponsorship transfer permits to the facility.
- 10- It should be taken into consideration when transferring the owner's facilities to Category (c) that its records do not include the name of an owner or a partner whose name was not mentioned in the record of the violating facility (partnership unit).
- 11- The heads of the Department of Labour Inspection in Abu Dhabi and Dubai shall take the set procedures in the event of violations as per Article One.

Fourth article

This decision shall be effective as of 1/10/2007 A.D., and all competent workers shall implement it each in his own scope of work.

Dr. Ali Abdullah Al-Kaabi

Minister of Labour

Ministerial Resolution No. (788) for 2009

On Wage Protection

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 Law No. (8) for 1980 in regards to organizing the work relationships and the amending laws thereto,
- Federal Penal Law, issued by Law No. (3) for 1987, and the amending laws thereto,
- Cabinet of Ministers Resolution No. (1/133) for 2007 regarding wage protection
- Upon what was presented by the Acting Director General of the Ministry,

It was decided:

Article (1)

All facilities registered at the Ministry shall pay the salaries of their workers at least once a month, or at the times stated in the employment contract, if less than one month, provided that this payment is according to the procedures and times specified in this decision.

These facilities shall submit all what is required to prove the payment of these salaries.

Article (2)

The facilities, stated in Article (1) of this decision shall begin - as of 1/9/2009 - transferring all salaries of its workers to banks and financial establishments in the State through the Wage Protection System (WPS), provided that they complete this within the periods specified for it in Article (3) of this decision.

Article (3)

The facilities, stated in Article (1) of this decision shall be given the necessary periods of time to complete the transfer of the salaries of their workers through the (WPS) System according to the following table:

| The facilities in which the number of workers reach | Maximum period allowed | End of period |
|---|-------------------------|---------------|
| 100 and more | 3 months as of 1/9/2009 | 30/11/2009 |
| from 15 to 99 | 6 months as of 1/9/2009 | 28/2/2010 |
| Less than 15 | 9 months as of 1/9/2009 | 31/5/2010 |

The periods mentioned in this table shall not apply to:

1. The facility prohibited from issuing work permits at the time of the issuance of this decision as a result of the non-payment of salaries on time.
2. The facility that does not pay the salaries of its workers for one or more months after the issuance of this decision.

The facilities mentioned in Items (1, 2) of this paragraph shall begin to transfer salaries in accordance with Article (2) of this Decision for the prohibition to be lifted off them.

This does not prejudice the implementation of any other penalties on those facilities.

Article (4)

All work permits shall be suspended from the facility if it does not transfer salaries as mentioned in Article (2) of this Decision, within the periods specified in Article (3) thereof, and the suspension shall be lifted from the beginning of the month following its full transfer of the requested salaries.

Article (5)

Until the facilities transfer the salaries of its workers in accordance with Article (2) of this Decision, the facilities, in which the number of workers is fifty or more, shall submit a monthly statement as per the form attached to this Decision.

It is possible, through a decision made by the Director General of the Ministry, or his delegate, to add or dismiss facilities of what was mentioned in the First Paragraph of this Article.

Article (6)

The statement mentioned in Article (5) of this Decision must be submitted within two weeks from the date the salary is due and in accordance with the procedures approved by the Director General of the Ministry

Article (7)

Without prejudice to Articles (8 and 9) of this Decision, the authorized signatory at the facility shall undertake to submit the statement stipulated in Article (5) of this

Decision, being civilly and criminally liable for the data and information in this statement.

Article (8)

If the Ministry confirms any of the two following violations:

- a) Not paying the salary within a month of its due date.
- b) Not submitting the statement, stipulated in Article (5) of this decision, within one month of the salary due date.

Without prejudice to any Ministerial Resolutions imposing other administrative penalties, the facility, where the violation took place, shall not be granted any new work permits for the following periods:

- Until the violation is amended if committed for the first time.
- One month, after the violation is amended if committed for the second time.
- Two months, after the violation is amended if committed for the third time.
- Three months, after the violation is amended if committed for the fourth time.

The Ministry, if it decided that the above mentioned situation was not feasible, may suspend the granting of any new work permits to all facilities belonging to the owner of the facility in violation, provided the full unity of partners, and refer all those responsible for the violation to the judicial entities to take action. The said suspension shall continue until the claim is settled or the violation is amended, whichever is sooner.

Article (9)

If the Ministry confirms that the statement, mentioned in Article (5) of this Decision, included incorrect data, it may suspend granting any new work permits to the facility,

where the violation took place, referring all those responsible for the said violation to judicial entities to take action. The suspension shall continue until the claim is settled.

Article (10)

The mentioned Ministerial Resolution No. (156) for 2003, and its obliging the facilities to submit an auditor's certificate shall be cancelled once this resolution is put into force.

Article (11)

This resolution shall be published in the official Gazette and put into force as of 1/9/2009.

Saqr Ghobash
Minister of Labour

Issued by us in Abu-Dhabi

Corresponding to 20/7/2009

Ministerial Resolution No. (255) for 2010

Sub-Contracting Construction Contracts

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 regarding the regulation of work relationships and the amending laws thereto,
- Federal Law No. (5) for 1985 and the amendments thereto regarding civil transactions,
- Ministerial Resolution No. (496) for 2002 regarding construction contracts and sub-contracting,
- And in the interest of labour;

It was decided:

Article (1)

Definitions:

In the implementation of the provisions of this Resolution, the following words and phrases shall have the following definitions unless otherwise specified in the context:

Ministry: The Ministry of Labour

Local Authorities: Economic Development Directorates and Municipalities.

Contracting: A contract signed between a project owner and a contractor, wherein the latter pledges to manufacture something or perform work in exchange for the compensation promised by the former.

Subcontracting: A contract signed between the primary contractor and a secondary contractor, wherein the latter pledges to perform work for the former in exchange for the promised compensation, with the approval of the project owner.

Sub-subcontracting: A contract concluded between the subcontractor and another subcontractor, under which the latter pledges to perform work for the former in exchange for the promised compensation, with the approval of the primary contractor or the project owner.

The Competent Department: The Department of Labour Inspection at the Ministry.

The Activity in Question: Construction Activity or any other activity specified by the Ministry.

Article (2)

The project owner may conclude a contractual agreement with an primary contractor whereupon the latter pledges to manufacture something or perform work, and the primary contractor may assign all or some of the jobs assigned to him to a subcontractor under a subcontracting agreement, and the subcontractor may assign all or some of the jobs assigned to him to a sub-subcontractor.

In all cases, subcontracting is not permitted if prevented by a stipulation of the contract or if the agreement depends on the personal sufficiency of the primary contractor.

Article (3)

No person may employ any worker, under any capacity, unless that employment is in accordance with the rules and regulations in force and approved by the Ministry.

Article (4)

The contracting agreement or subcontracting agreement must be written in Arabic. In the event of the presence of a foreign language in addition to the Arabic, the Arabic text shall be the officially recognized text.

Article (5)

The subcontracting agreement must include a description of the subject of the contract, showing its type, value, method of execution, phases of execution if any, the necessary duration for completion, the beginning and end, and method of payment.

Article (6)

The subcontractor must be licensed to practice the activities in the contracting agreement in accordance with the terms and details of the license to practice the activity, which shall be in agreement with the contracting works for implementation, taking into account the type and significance of the activity.

Article (7)

The primary contractor and subcontractor shall be liable alone for their workers who are carrying out the job at the site, with respect to all commitments as stipulated in the law regulating work relationships and the work contracts signed between the two parties, without extending the liability to the project owner, as these workers do not work under the supervision and authority of the latter.

Article (8)

In case the primary contractor assigns all or part of his works to a subcontractor, the former shall be prohibited from applying for work permits for workers to work on the same subcontracted works.

Article (9)

If the Ministry becomes aware of the presence of any manipulation of information in the contracts submitted to it, for example: if the contracts contain falsified data, the labour force is found to have been hired by illegal means, or the use of a fictitious subcontracting contract, the issuing of any new work permits to the establishment where the violation took place shall be halted, referring all those responsible for the said violation to the competent authorities to take punitive measures. The suspension shall continue until the case is settled or for the period specified by the Ministry.

Article (10)

Ministerial Resolution No. (496) for 2002 is null and void, as is any other resolution contrary to or inconsistent with the provisions of this Resolution.

Article (11)

The contract shall be revised and the authenticity of the signatures shall be verified in accordance with the Undersecretary of the Ministry's decision in this respect.

Article (12)

The Undersecretary of the Ministry shall issue any decrees necessary to implement the provisions of this resolution, including the review procedures and verification of the authenticity of contracts.

Article (13)

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

Saqr Ghobash

Minister of Labour

Issued by us in Abu Dhabi

Date: 30/3/2010

Ministerial Resolution No. (256) for 2010

Statutes and Regulations for Penalties

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 regarding the regulation of work relationships and the amending laws thereto,
- And as required in the interest of labour,

It was decided:

Article One

The employers who employ fifteen workers or more must:

1. Establish a statute and a list of penalties without prejudice to the provisions and regulations stipulated in the law regulating work relationships, the resolutions issued in its implementation, and the provisions of this Resolution. They may, for that purpose, be guided by the Labour Statute and List of Sanctions attached to this resolution.
2. Display the statutes and list of sanctions, after ratification by the Ministry of Labour, in a visible location at the workplace in Arabic and another language spoken by the employees if necessary.

Article Two

The statutes must address daily work hours, weekends, holidays, and the measures and precautions that should be taken into consideration to avoid work injuries and fire risks.

Article Three

The list of sanctions must include the sanctions that can be applied to the employees in violation, the conditions and cases of their implementation, in addition to the adherence with the provisions mentioned in this respect as stipulated by the law regulating work relationships.

Article Four

Employers should submit the statute and list of sanctions and any amendments thereto to the Ministry of Labour for ratification and implementation.

Article Five

The Undersecretary of the Ministry shall be assigned to prepare the work plan, certification mechanisms for the statutes and lists of sanctions submitted by the establishments to the Ministry, and form committees for such purposes.

Saqr Ghobash

Minister of Labour

Issued by us in Abu Dhabi

Date: 30/3/2010

Cabinet of Ministers Resolution No. (10) of 2012 A.D.

To Amend some Provisions of Cabinet of Ministers Resolution No. (27) of 2010

A.D.

Regarding Fees and Fines on Services Provided by the Ministry of Labour

The Cabinet of Ministers:

- After reviewing the Constitution,
- 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 regarding organising the work relationships and the amending laws thereto,
- Federal Law No. (1) for 2011 A.D. regarding the general revenues of the state,
- Cabinet of Ministers Resolution No. (27) for 2010 A.D. regarding fees and fines for services provided by the Ministry of Labour as amended,
- Based upon what was presented by the Minister of Finance and approved by the Minister of Labour and the Cabinet of Ministers.

It was decided:

Article One

The following tables substitutes table “Eighth (Administrative Fines)” mentioned in Article (1) of the Cabinet of Ministers Resolution No. (27) for 2010 A.D. regarding fees and fines on services provided by the Ministry of Labour as amended:

Eighth: Administrative Fines

| Paragraph | Description of the violation | Value of the fine per category (in Dirham) |
|------------------|---|---|
| 1 | Issue or renew a labour card 60 days after the date of entry or the date of expiry of the card. | 1000 per month or part thereof of delay |
| 2 | Issue a work mission card 30 days after the date of entry. | 100 per day of delay |
| 3 | Renew a mission card 7 days after the expiry date. | 100 per day of delay |
| 4 | Fictitious nationalism | Twenty thousand per worker |

| Paragraph | Description of the violation | Value of the fine per category (in Dirham) |
|------------------|--|--|
| 5 | Entry of incorrect information in the wages protection scheme for the purpose of evading or circumventing the provisions of this regulation. | Twenty thousand per case |
| 6 | Non-payment of wages payable to the worker for 60 days or more | Five thousand per worker to a maximum of fifty thousand in case of several workers |
| 7 | Signature of workers on false documents to the effect of receiving their accruals | Five thousand per worker to a maximum of fifty thousand in case of several workers |
| 8 | The residence does not fully conform to the approved standards in this respect | Twenty thousand per case regardless of the number of workers |
| 9 | Not using, appointing, or assigning the worker to work for more than two months | Twenty thousand per worker |
| 10 | Holding the worker responsible for the recruitment and employment fees stipulated at | Twenty thousand per case |

| | | |
|----|--|----------------------------|
| | the Ministry and the entities responsible for recruitment, deducting or withholding from the worker's pay without legal basis | |
| 11 | Not abiding by the procedures for employing citizens | Twenty thousand per case |
| 12 | Not responding to summons from the Ministry pertaining to work affairs during the times specified by the minister | Twenty thousand per case |
| 13 | Not taking the procedures necessary to register an escape report against the escaped worker in accordance with the procedures on the matter | Twenty thousand per worker |
| 14 | Submit a malicious or false escape report | Twenty thousand per worker |
| 15 | Violate the decision banning work at noon | Fifteen thousand per case |
| 16 | Provide incorrect documents or data to the Ministry | Twenty thousand per case |
| 17 | Not subscribing to the wage protection scheme | Ten thousand per case |
| 18 | Not adhering to the occupational health and safety standards or not following the procedures set to avert threats to occupational health and safety. | Ten thousand per case |
| 19 | Not informing the ministry of work injuries, professional illness or the death of the worker | Ten thousand per case |

| Paragraph | Description of the violation | Value of the fine per category (in Dirham) |
|------------------|---|--|
| 20 | Not removing the violation of housing standards within the time specified by the ministry. | Ten thousand per case |
| 21 | Any other cases including not abiding by the law regulating work relationships or the decisions issued according to it and not included in this table (a cabinet decision shall be issued for these cases) | The value of the fine shall be determined per case |

Article Two

The following text shall substitute Article (6) of Cabinet of Ministers Resolution No. (27) for 2010 A.D. regarding fees and fines on services provided by the Ministry of Labour as amended:

Article (6):

This Resolution shall be published in the Official Gazette and its provisions shall be implemented as follows:

- 1) With respect to nationals fishing boats establishments, as of 1/2/2011 A.D.
- 2) With respect to the remaining establishments, as of 1/1/2011 A.D.
- 3) With respect to Eighth "Administrative Fines" mentioned in Article (1), it shall be put into force as follows:

- a. Paragraphs (1, 2 and 3), as of 1/1/2011 A.D.
- b. Paragraphs (4 to 21), as of 1/8/2012 A.D.

Article Three

Any provision in violation with or contradicts the provisions of this Resolution shall be null and void.

Article Four

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

Mohammed Bin Rashid Al Maktoum
Prime Minister

Issued by us:

On 15/Jumada Al Aakhera/1433 H

Corresponding to 01/May/2012 A.D.