



UNITED ARAB EMIRATES

MINISTRY OF HUMAN RESOURCES & EMIRATISATION

OFFICE OF THE MINISTER

MINISTERIAL DECREE NO. (211) OF 2020

**CONCERNING THE LICENSING AND REGULATION OF PRIVATE RECRUITMENT
AGENCIES**

The Minister of Human Resources and Emiratisation:

- -HAVING REVIEWED FEDERAL LAW NO. (1) OF 1972 ON THE COMPETENCIES OF THE MINISTRIES AND POWERS OF THE MINISTERS AND ITS AMENDMENTS,
- FEDERAL LAW NO. (8) OF 1980 AND THE AMENDMENTS THERETO REGARDING THE REGULATION OF WORK RELATIONSHIPS, AND
- MINISTER OF LABOR RESOLUTION NO. (1283) OF 2010 REGARDING THE LICENSING AND REGULATION OF SPECIAL RECRUITMENT AGENCIES, AS AMENDED

Decrees:



Article (1)

The following words and statements, whenever mentioned in this Resolution, shall have the meanings provided next to them unless otherwise specified in the text:

The State: The United Arab Emirates.

The Ministry: Ministry of Human Resources and Emiratisation.

The Minister: Minister of Human Resources and Emiratisation.

Private Recruitment Agency (Agency): Any natural or legal person for whom a permit was issued to practice all or some of the activities mentioned in Article (2) of this Resolution, concerning the workers of establishments governed by the above Law No. (8) of 1980.

License: The written permit issued by the Ministry in accordance with the provisions of this Resolution and the regulations or decisions pertaining thereto to exercise the work of the Agency.

Employer: Any natural or legal person who employs or wishes to employ one or more people for a wage of whatever type.

Employee: Any natural person within the meaning provided for in Federal Law No. (8) of 1980 referred to above.



Employment: Employing any worker present inside the State in accordance with the relevant regulations.

Recruitment: The introduction of a natural person into the country for the purposes of employing him in accordance with the regulations in force.

User or Beneficiary: A natural or legal person under whose direction and supervision the recruitment agency makes the employee on a provisional basis to perform the agreed works provisionally. Such user or beneficiary shall not be liable to the employee safe within the provisions of the law and this Resolution, or any other systems applicable in the Ministry, and subject to the scope and limits of the contract concluded between the said user or beneficiary and the Agency.

Article (2)

The exercise of each or some of the following activities shall be considered exercising the work of an Agency:

- a. **Mediation:** between the parties of the work or their representatives and negotiating on their behalf in relation to the conditions of the contract and the employment, to form a labor relationship to which the Agency will not be a party.
- b. **Temporary Employment:** by using the employee for the purpose of enabling a third party (user or beneficiary) to execute a job or service under the supervision and



management of that employer. In this case, the Agency becomes an employer with a direct work relationship with the concerned employee.

The two cases mentioned in items (a, b) of this Article apply regardless of whether the employee is recruited from abroad or is initially present in the country.

Article (3)

It is prohibited to exercise any of the Agency activities mentioned in Article (2) of this Resolution without acquiring a license issued by the Ministry in accordance with the provisions of this Resolution and the regulations and instructions pertaining thereto. For every individual activity conducted by the Agency shall be issued a separate license excluding other activities and stating the type of licensed activity. The Minister may add other activities to the license, if he finds that such addition will not result in any conflict with or adverse effect on the main activities of the Agency.

Article (4)

The following conditions must be met by all those applying for a permit to practice any of the activities of an Agency:

- a. Must be a fully competent Emirati national aged twenty-one years as a minimum if a natural person, or, if a legal person, every partner in the company applying for that license must be an Emirati national.



- b. That the natural person, or any of the partners in the legal entity, had not been sentenced in a crime involving moral turpitude, dishonesty, human trafficking, or any of the crimes mentioned in the law regulating work relationships or the resolutions issued for its implementation, unless such an individual has been rehabilitated (if the conviction against him was to restrict freedom), or after one year from the date of the ruling if it was a fine.
- c. The natural person applying for the license or any of the partners in the legal entity applying therefor may not be an employee of the Ministry in relevant operational sectors or a first-class relative of such employee, including husband and wife.
- d. To provide the Ministry with a bank guarantee for a value no less than three hundred thousand Dirhams throughout the period of permit validity if applying for a mediation license, and no less than one million Dirhams if applying for temporary employment license or combining both types of license. This guarantee must be automatically renewable. The Ministry may set an security deposit system in place of the said guarantee.

The Ministry may allocate all or part of the guarantee or security deposit stipulated in this Article to settle any sum that may be payable by the Agency as a result of



its failure to perform its obligations under this Resolution or abide by the instructions and Decisions issued hereunder.

- e. Shall have a headquarters with a clearly defined address solely for practicing Agency business, and this headquarters must be licensed for that purpose in accordance with the criteria stipulated in the instructions and executive procedures issued based on this Resolution. Agency work may only be practiced through the specified headquarters.
- f. To submit a written pledge not to make any changes to the body of associates, whether by addition or withdrawal, without the written consent of the Ministry. The Agency shall employ a sufficient number of administrators and supervisors, who will have appropriate experience in their field of work. The Ministry may obligate the Agency to allocate a certain number of these administrators and supervisors for Emirati nationals.
- g. The Agency manager must be a fully competent Emirati national, with university degrees, in case of temporary employment agencies, or secondary school or equivalent degree, in case of mediation agencies.

In case of mediation agencies, the agency owner or partner therein may be the agency manager, if such person meets the requirements of the manager position,



and provided the rules of employing Emirati nationals in private sectors shall apply to the employment of the said person.

- h. Must not be the owner or partner of an establishment that satisfied one or more of the conditions of suspending establishments provided for in the Ministry's applicable systems.
- i. To submit a written pledge to adhere to the decisions of government authorities regarding Emiratisation percentages applicable to workers introduced into the labor market in the State.
- j. The license applicant or partner, as the case may be, shall submit a pledge that "The applicant or partner is not an employee of the Ministry in relevant operational sectors or a first-class relative of such employee, including husband and wife".

The Minister may exempt the license applicant from some of the conditions provided for in this Article, in view of the Emiratisation percentages adhered to by the Agency, provided such exemption may not prejudice the employee's rights.

Article (5)

The Agency license shall be valid for one year for whoever obtains the preliminary approval of such license, provided the said person, within ninety days from being notified of such approval, shall open an establishment card for the Agency, provide the required



agency headquarter, appoints its manager and pays the fee and bank guarantee provided for by the law for the license. If the said time lapses without any of these requirements is satisfied, the application shall be disapproved. In this case, the applicant shall not be entitled to recover the fees he paid, and the guarantee or security deposit shall be returned to him after deducting all amounts payable by the Agency under Article 4(d) hereof. No new license may be issued to the applicant before the lapse of one year of the said disapproval.

Article (6)

The license shall be renewed on an annual basis upon the approval of the competent department director, provided the Agency continues fulfilling the requirements of the license and adheres all the decisions issued by the Ministry for the Agency.

Article (7)

The Agency may open branches in the same emirate where it is licensed to operate, or in any other emirate, after obtaining a new license from the Ministry.

Article (8)

The Agency shall adhere to the following:

- a. The contracts it signs with the employee, employer, user or beneficiary shall be written and specifically recognize the obligations of each party. If the text of the



contract overlooks any obligation, the Agency shall be responsible for said obligation in such case.

- b. It shall keep records for the employees who were employed by the Agency for a minimum of three years, including all details of each worker, where he was hired, the details of the hiring establishment, the wage, copies of the contracts, and other details specified by the Ministry. The Agency shall provide the Ministry with quarterly lists of these contracts and details.

Article (9)

The Agency is prohibited from:

- a. Employing or recruiting any support worker governed by Law No. (10) of 2017 On Domestic Workers.
- b. Employing or recruiting any worker who falls under the category of children not permitted to work according to applicable laws in the country.
- c. Acquiring, directly or indirectly, from the worker himself or through mediation, any sums, monies, rights or gains under the name of commission, fees, or anything else for any reason and through any means whatsoever. The Ministry may oblige the Agency to submit a pledge to such effect, while obliging it to refund to the



worker any amounts paid to any entity or person inside or outside the country with whom the Agency had dealt on the matter.

- d. Exercising its activity to serve any employer for the purpose of providing him with labor force or substituting employees for others at a time when the employer is facing group labor disputes, or if a decision has been issued to suspend his establishment.
- e. Conducting business with any person or other Agency, whether in the country or abroad, for the purposes of recruiting labor force and using them temporarily, unless that person or Agency is licensed to exercise that activity in accordance with applicable laws in the country providing the labor force or in the United Arab Emirates.
- f. The temporary employment Agency shall not employ its workers at another Agency regardless of the latter's activity, or at any ministry or government entity without obtaining prior consent of the Federal Authority for Government Human Resources or the local entity representing it, according to Emiratisation percentages required by these ministries and entities.

Article (10)



The Mediation Agency shall be responsible for returning the worker to his country at its own expense, as well as being responsible for the harm it may cause to others as a result of its activity, without prejudice to the authority of the Ministry to impose any applicable administrative procedures on the Agency, in any of the following cases:

1. The Agency's failure to adhere to the conditions of the agreement reached with the employer.
2. The worker's failure to pass the medical examination, or if he is found to be unfit to work according to official medical reports.
3. The failure of the worker to meet the qualifications, level of skill, or specialization required for employing him.
4. The worker's failure to sign the draft contract to be endorsed by the Ministry prior to his recruitment.

Article (11)

The temporary employment Agency shall adhere to the following:

- a. To implement, at all times, all legally stipulated obligations on any employer towards the employee, except for what has been excluded by special text in this Resolution or in the other Decisions issued by the Ministry. The Agency may not, in any way, fail to implement these obligations due to the employer's failure to



fulfil its obligations with the Agency, and it shall be the main party responsible, in all cases, for the implementation of these obligations.

- b. To not keep the employee with an employer in a way that would exceed the duration of employment specified by the Ministry.
- c. To provide the employee with a copy of the employment conditions as agreed upon with the employer, and explain the duties required of that employee.
- d. To provide the employing establishment with employees throughout the agreed upon period without any violation of this Resolution and the decisions issued based thereupon, and at the necessary level of qualifications and skills.

Article (12)

The user or beneficiary shall be obligated to the employee as follows:

- a. Payment of wages and other gains to the employee in case the Agency delays in payment. This does not negate the Ministry's authority to take action against the Agency through the stipulated administrative and judicial procedures.
- b. Ensure all proper occupational health and safety conditions for the worker, in line with the nature of the work and job hazards in accordance with the applicable laws.



- c. Not assign the employee any jobs or services that fall outside the general framework of the work or service agreed upon with the Agency.
- d. Not work the employee for more than the hours agreed upon with the Agency, except in accordance with the provisions pertaining to overtime according to applicable laws.
- e. Provide the employee with the instructions for the duties he is to undertake in writing within the general work framework as agreed with the Agency.
- f. Show the employee the attendance sheet prior to sending it to the Agency and include in it any reservations the employee may have had regarding the content.
- g. Notify the Ministry and Agency immediately of any work accidents or injuries the employee sustains.
- h. Meet all his obligations to the Agency, provided that the said obligations are due to the provision of labor force.
- i. Not employ the worker at any other party except in accordance with the regulations and instructions issued by the Ministry.

Article (13)

The Ministry may set regulations for the fees the Agency is authorized to obtain from employers in exchange for the services it provides.



Article (14)

Subject to Article (16) hereof, the Minister may revoke the license of an Agency or temporarily suspend it, in any of the following cases:

1. Failure to meet any of the conditions upon which his license is issued, including submitted pledges and statements or the Agency's failure to adhere to the new decisions issued by the Ministry regarding the activities of the Agency.
2. If any of the documents or data submitted for licensing purposes are found to be untrue.
3. If the license is not renewed within two months from its expiry.
4. If the Agency violates the provisions of this Resolution, the regulations and instructions pertaining thereto, or related legislation applicable in the Ministry.
5. If the Agency commits any act involving some form of forced labor or human trafficking.

Article (15)

If the Agency's license is suspended or canceled hereunder, the following actions shall be taken:



- a. The Agency shall be notified by the suspension or cancellation decision using the notification methods applicable in the Ministry, along with the reasons for such decision.
 - b. All fines payable and due by the Agency up to the date of cancellation shall be collected.
 - c. Authorities licensing business activities in the local government (economic departments and municipalities) and departments of residency and foreigners' affairs shall be notified to take their actions according to the suspension or cancellation decision, including the cancellation of any license, permits or authorizations issued to the cancelled agency.
 - d. Owners of cancelled agencies shall be instructed to settle the conditions of their employees within fifteen days from the date of the license cancellation decision.
- All this shall be without prejudice to the authority to take any other severer actions applicable in the Ministry against any violating establishments.

Article (16)

Based on the recommendations of the Assistant Undersecretary for Labor Affairs Sector, the Undersecretary for Human Resources Affairs shall issue all the regulations, instructions and forms necessary to implement the provisions of this Resolution, as well



as the procedures that need to be followed to in order to issue permits and resume Agency activities.

Article (17)

The Minister may exempt any establishment from any condition or control provided for herein, as required by the interests of work.

Article (18)

Any violation of the provisions of this Resolution shall be considered a violation of the peremptory norms of the decisions issued to execute the aforementioned law regulating work relations. The penalties mentioned in this law shall be implemented in addition to the administrative procedures taken by the Ministry in this respect.

Article (19)

- Resolution No. (1205) of 2013 referred to above shall be cancelled.
- The Minister shall issue a resolution to regulate the work of recruitment agencies licensed under Resolution No. (1205) of 2013 referred to above.

Article (20)

Any decisions in conflict with this Resolution shall be cancelled.

Article (21)



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

//signed and stamped//

Nasser Thani Al Hamli

Minister of Human Resources and Emiratization

Issued by us in Abu Dhabi on 1/3/2020

UNITED ARAB