

CABINET RESOLUTION NO. (209) OF 2022

CLASSIFICATION OF ESTABLISHMENTS UNDER CATEGORY (3)

His Excellency Minister of Human Resources and Emiratisation:

- Having reviewed the Federal Law No.(1) of 1972 on the competencies of the Ministries and Powers of the Ministers and the amendments thereof,
- Federal Decree-Law No. 33 of 2021 concerning Regulation of Labour Relations
- Cabinet Resolution No. (21) of 2020 concerning Service Fees and Administrative Fines at the Ministry of Human Resources and Emiratisation
- Cabinet Resolution No. (1/2 m) of 2022 regarding updating the policy for classifying private sector establishments and amending the Ministry of Human Resources and Emiratisation fees system
- Cabinet Resolution No. (18) of 2022 regarding the classification of private sector establishments subject to the provisions of the Law Regulating Labor Relations
- Cabinet Resolution No. 37 of 2022 amending some provisions of Cabinet Resolution No. 21 of 2020 regarding service fees and administrative fines in the Ministry of Human Resources and Emiratisation
- Cabinet Resolution No. (729) of 2017 regarding controls and criteria for classifying establishments and its employees
- Cabinet Resolution (43) of 2022 regarding the Wage Protection System
- In pursuance of public interest

Has Resolved

Article (1)

- a) Establishments subject to the provisions of the aforementioned Federal Decree-Law No. 33 of 2021 will be classified in the Ministry's system under Category (3) if the establishment commits one or more of the violations listed in the violations table attached herein.
- b) The Ministry's classification of the violating establishment under category (3) in accordance with this decision shall not prejudice the application of any penalties or procedures stipulated in other legislation.

Article (2)

1. The establishment will be reclassified into its deserved Category according to the classification criteria approved by the Ministry only after the expiry of the period of stay in category (3) specified in the attached schedule and after the violations are remedied and the fines resulting therefrom are settled.
2. The Minister may issue a decree to keep a violating establishment under category (3) for an extended period of time according to the gravity of the violation committed or its recurrence.

Article (3)

The Undersecretary for Human Resources shall issue a procedures manual for implementing the provisions of this resolution.

Article (4)

The aforementioned Cabinet Resolution No.(729) of 2017, shall be repealed, and any provision contrary to the provisions of this resolution shall also be repealed.

Article (5)

This decision shall be published in the Official Gazette and shall come into force on 1st of June 2022.

Dr.Abdul Rahman Abdul Manan Al Awar
Minister of Human Resources and Emiratisation
Issued by us on this day 18th of April 2022

Table of Violations

The Annexed Schedule to the Cabinet Resolution No.() of 2022 concerning the classification of establishments under Category (3)

Description	Downgrading Process	Duration of stay under Category (3) provided that the violations are remedied and the fines are settled
1. A final judgment is issued against the establishment that it committed a human trafficking crime	By a decision issued by the Undersecretary for Human Resources	2 years
2. Employing or recruiting a worker without obtaining a work permit for him/her, non-employment of the worker for whom a work permit was issued or allowing him/her to work for others without complying with the rules and changing his / her status.	Via the Ministry system when imposing an administrative fine	3 months
3. Submitting incorrect data, false documents or information to the Ministry	Via the Ministry system when imposing an administrative fine	3 months
4. Exercising the activity of a Mediation Agency or Temporary Recruitment Agency without a license issued by the Ministry	Via the Ministry system when imposing an administrative fine	3 months
5. If the employer breaches his legal obligations, which led workers to cease work more than twice during one calendar year, and the establishment fails to correct the reasons for such stoppage, despite warnings on this regard.	By a decision issued by the Undersecretary for Human Resources	6 months
6. Failure to pay wages through the Wages Protection System in	Via the Ministry system	3 months

accordance with the specific cases of transfer contained in the cabinet decision in force in this regard.	when imposing an administrative fine	
7. Serious breaches to housing, occupational health or safety standards twice during one calendar year despite warnings.	Via the Ministry system when imposing an administrative fine	3 months
8. Serious work injuries resulting in total or partial disability or death due to the establishment's failure to implement occupational health and safety standards and procedures.	By a decision issued by the Undersecretary for Human Resources	3 months
9. False Emiratization	Via the Ministry system when imposing an administrative fine	3 months
10. Exploiting or abusing electronic facilities granted to access the Ministry's systems which may lead to disruption of work in the Ministry.	By a decision issued by the Undersecretary for Human Resources	6 months