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لدولة الامارات العربية المتحدة

UNITED ARAB EMIRATES

MINISTRY OF LABOUR AND SOCIAL AFFAIRS

FEDERAL LAW NO 8 OF THE YEAR 1980

Law to Regulate Labour Relations

(Al-Jarida Al-Rasmiya April 1980. No. 79 Page 26)

**WE ZAYED BIN SULTAN AL NAHYAN, PRESIDENT
OF THE UNITED ARAB EMIRATES**

**IN ACCORDANCE WITH THE PROVISIONS OF THE
PROVISIONAL CONSTITUTIONS.**

*LAW NO. 1 Of The Year 1972 Relating To The
Functions Of Ministers And The Laws Issued In
Amendments Thereof, And After Submission Of The
Minister Of Labour And Social Affairs And Approval Of
The Council Of Ministers. The Federal National Council
And The Supreme Council.*

BE IT ENACTED THE FOLLOWING LAW :

PART I

DEFINITIONS AND GENERAL PROVISIONS

1. Definitions

Article 1

For the purpose of the provisions of this law the following terms and expressions shall have the meanings hereby assigned to them, unless the context requires otherwise:

"Employer":

Any person or body corporate employing one or more workers in return for remuneration of any kind;

"Workers":

Any male or female person receiving any kind of remuneration for work he or she performs in the service of an employer and under his management or control, even if he or she is out of the employer's sight. This term also includes officials and employees who are in the employer's service and are governed by the provisions of this Law;

"Establishment":

Any economic, technical, industrial or commercial unit in which employees are employed and whose objective is to produce or market commodities or to provide services of any kind;

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"Contract of employment" :

Any agreement, whether for a limited or an unlimited period concluded between an employer and an employee, whereby the latter undertakes to work in the employer's service, and under his management and control, in return for remuneration, the employer undertakes to pay;

"Work" :

Any human effort, whether intellectual, technical or physical, exerted in return for remuneration, irrespective of whether such work is permanent or temporary;

"Temporary work" :

The nature of whose execution on completion entails a limited period'

"Agricultural work" :

Work involving the ploughing and cultivation of the soil, the harvesting of crops of any kind and the breeding of cattle, poultry, silkworms, bees and the like ;

"Continuous service" :

An uninterrupted service with the same employer or his legal successor from the date of commencement of the service;

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"Remuneration" :

All payments made to the worker on a yearly, monthly, weekly, daily, hourly, piece work, or production or commission basis, in return for the work he performs under the contract of employment, whether such payments are made in cash or in kind. Remuneration shall include the cost of living allowance. It shall also include any grant given to the worker as a reward for his honesty or efficiency if such amounts are provided for in the contract of employment or in the internal regulations of the establishment or have been granted by custom or common practice to such and extent that the workers of the establishment regard them as part of their remuneration and not as donations ;

"Basic wage" :

Is the wage specified in the labour contract during its validity between the two parties. Allowances of whatever kind are not included in this wage.

"Employment injury" :

Any of the occupational diseases listed in the schedule attached to this Law or any other injury arising from the worker's work and sustained by the worker while performing and as a result of such work. Any accident sustained by the worker on his way to or back from his work shall be considered an employment injury, on condition that the going or the returning journey is made without any break, lingering or diversion from the normal route;

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"Labour department" :

The branches of the Ministry of Labour and Social Affairs which are in charge for labour affairs in the member emirates of the Federation.

2.General Provisions

Article 2

Arabic shall be the language to be used in all records, contracts, files, statements etc., provided for in this Law or in any orders or regulations made thereunder. Arabic shall also be used in the instructions and circulars issued to employees by their employer. Where a foreign language is used by the employer in addition to Arabic, the arabic version shall be regarded as authoritative.

Article 3

The provisions of this Law shall not apply to the following categories :

- (a) officials, employees and workers of the Federal Government, governmental departments of the Member Emirates of the State, officials, employees and workers of the municipalities and other officials, employees and workers employed by public corporations and Federal and local public institutions, and also the officials, employees and workers who are appointed against Federal and local Governmental Projects.
- (b) members of the armed forces, police and security;

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- (c) domestic servants employed in private residences and the like ;
- (d) workers employed in agricultural or grazing of animals, other than persons working in agricultural establishments which process their own products and those who are permanently employed to operate or repair mechanical equipment required for agricultural work.

Article 4

Any amounts of money payable to an employee or his beneficiaries under this Law shall constitute a first charge on all the employer's moveable and immovable property and shall be paid immediately after any legal expenses, sums due to the public treasury and Sharia's alimony awarded under Islamic Law to the wife and children.

Article 5

Cases brought by employees or their beneficiaries under this Law shall be exempt from court fees at all stages of litigation and end execution and shall be heard in an expeditious manner. Where the court does not accept the claim or dismisses the case, it may order the claimant to pay all or part of the expenses.

Article 6

Without prejudice to the provisions concerning collective labour disputes stated in this Law, if the employer or the worker or any beneficiary thereof raised a claim concerning

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any of the rights accruing to any of them according to the provisions of this Law, he shall submit a request thereof to the concerned Labour Department. This Department shall summon the two parties to the dispute and shall take whatever it deems necessary to settle the dispute amicably.

If the amicable settlement is not reached, the said department must within two weeks from date of submitting request, submit the dispute to the concerned court. The submission must be accompanied with a note including a summary of the dispute; The arguments of the two parties and the observation of the department. The court shall, within three days from date of receiving the request, fix a sitting to consider the claim and the two parties shall be notified thereof. The court may summon a representative of the Labour Department to explain the note submitted by it.

In all cases no claim of any entitlement due under the provisions of this law, shall be heard if brought to court after the lapse of one year from the date on which such entitlement became due, and no claim shall be admitted if the procedure stated in this Article are not adhered to.

Article 7

Any stipulations contrary to the provisions of this Law, even if it was made prior to its commencement, shall be null and void unless they are more advantageous to the worker.

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Article 8

The periods and dates prescribed in this Law shall be calculated according to the Gregorian calendar. For the purpose of the provisions of this Law a calendar year shall be deemed to consist 365 days, and a month of 30 days, unless otherwise specified in contract of employment.

PART II
EMPLOYMENT OF WORKERS,
YOUNG PERSONS AND WOMEN

CHAPTER I
Employment of Workers

Article 9

Work shall be an inherent right of nationals of the United Arab Emirates. Non-nationals may not perform work within the State otherwise than subject to the conditions specified in this Law and the orders made thereunder.

Article 10

Where national employees are not available, preference in employment shall be given to :

- 1- Arab workers belonging to an Arab country by nationality ;
- 2- Workers of other nationalities

Article 11

There shall be established within the labour department a section for the employment of nationals, which shall be competent for

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- (a) Procuring employment opportunities suitable for nationals;
- (b) Assisting employers in meeting requirements of national workers when needed ;
- (c) Register unemployed national workers and national workers seeking better jobs in a special register. Such registration shall be made at the worker's own request and every registered worker shall be issued, free of charge, with a certificate of registration on the day application is submitted. A registration certificate shall be given a serial number and shall contain the applicant's name , age, place of residence, occupation, qualification and past experience.

Article 12

Employers may recruit any unemployed nationals and shall be required in this event to notify the labour department in writing within 15 days of their recruitment. Such notification shall include the employee's name and age, the date of his entering employment, the remuneration stipulated, the type of work to which he is assigned and the number of his certificate of registration.

Article 13

No non-national may not be recruited for work in the United Arab Emirates without the prior approval of the labour department and without first obtaining a work permit in accordance with the procedures and regulations laid down by the Ministry of Labour and Social Affairs.

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- Such permit shall not be granted unless the following conditions are fulfilled ;
- (a) that the worker possesses the professional competence or educational qualification which the country is in need of;
 - (b) that the worker has lawfully entered the country and satisfies the conditions prescribed in the residence regulations in force in the State.

Article 14

The labour department may not give its approval to the recruitment of non-nationals unless its records show that, among the nationals registered with the employment section, there are no unemployed persons capable of performing the work required.

Article 15

The Ministry of Labour and Social Affairs may cancel a work permit granted to a non-national in the following cases :

- (a) if the worker continues to be unemployed for more than three consecutive months ;
- (b) if the employee fails to fulfil one or more of the conditions on the basis of which the permit was granted ;

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(c) if it is satisfied that a particular national is qualified to replace the worker, in which case the worker shall remain in his job until the expiry date of his contract of employment or the expiry of his work permit, whichever is the earlier

Article 16

There shall be established within the Ministry of Labour and Social Affairs a special section for the employment of non-nationals; the functions of this sections shall be regulated by ministerial order

Article 17

It shall not be permissible for any person or body corporate to operate as an agent for the recruitment or supply of non-national workers unless he or it is licensed for the purpose ; such licence may only be issued to nationals and in cases where its issue is considered necessary ; it shall then be issued by order of the Minister of Labour and Social Affairs

A licence shall be valid for a renewable period of one year, and the licensee shall be subject to the Ministry's supervision and control

No licence shall be granted if a placement office attached to the Ministry or to an authority approved by the Ministry is already operating in the area and is able to act as an intermediary in the supply of labour

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No licensed employment agent or supplier of labour shall demand, accept from any person, either before or after his recruitment, any commission or material reward in return for arranging such recruitment or charge him for any expenses thereby incurred, except as may be ordered or approved by the Ministry of Labour and Social affairs.

Article 18

Person supplied by an employment agent or supplier of labour shall, immediately upon entering employment, be regarded as employees of that employer and shall have all the rights of the employees of the establishment in which they are employed ; relations between them and the employer shall be direct and without any intervention on the part of the employment agent, whose function and relationships with them shall cease as soon as they are introduced to and employed by the employer

Article 19

The Minister of Labour and Social Affairs shall by order prescribe the rules, procedures and forms to be complied with or used by private and public placement offices, the nature of the co- operation and co-ordination between the various offices of such activities and the conditions to be satisfied by licenses for the establishment of private placement offices functioning as employment agents of suppliers of labour. The Minister shall also make orders prescribing lists of occupational classifications, which shall serve as a basis for placement operations.

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AND WOMEN**

CHAPTER II

Employment of Young Persons

Article 20

It shall not be lawful to employ a young person of either sex before he or she reaches 15 years of age.

Article 21

An employer shall, before employing a young person, obtain the following documents from him or her and keep them in his or her personal file :

- 1- a birth certificate, or an official copy of it, or a certificate estimating the young person's age, to be issued by a competent medical officer and endorsed by the competent health authorities;
- 2- a certificate of medical fitness for the required work to be issued by a competent medical officer and duly endorsed ;
- 3- written consent from the young person's guardian or trustee.

Article 22

The employer shall keep a special register of young persons at the workplace, showing each young person's name and age, the full name of his or her guardian or trustee, the young person's place of residence and date of recruitment, and the job on which he or she is employed.

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Article 23

No young person shall be employed at night in an industrial undertaking. The term "night" means a period of not less than 12 consecutive hours, including the period from 8 p.m. to 6 a.m.

Article 24

No young person shall be employed on any job that is dangerous, arduous or detrimental to health as defined by order of the Minister of Labour and Social Affairs after consulting the competent authorities.

Article 25

The maximum actual hours of work in the case of a young person shall be six a day, and the hours of work shall include one or more breaks for rest, food or prayer, which shall amount in aggregate to not less than one hour. Such break or breaks shall be so arranged that no young person works for more than four consecutive hours. No young person shall remain at the work- place for more than seven consecutive hours.

Article 26

No young person shall be required to work overtime in any circumstances or to remain at the workplace after the times prescribed for him or her, or be employed on a rest day.

CHAPTER III

EMPLOYMENT OF WOMEN

Article 27

No women shall be employed at night. The term "night" means a period of not less than 11 consecutive hours, including the period from 10 p.m. to 7 a.m.

Article 28

The prohibition of the employment of women at night shall not apply in the following cases :

- (a) cases in which work in the establishment ceases owing to force majeure;
- (b) work in responsible administrative and technical posts ;
- (c) work in such health services and other jobs as may be specified by order of the Minister of Labour and Social Affairs, if the woman worker is not normally engaged in manual work.

Article 29

No women shall be employed on any job that is dangerous, arduous or detrimental to health or morals or on any other operations specified by order of the Minister of Labour and Social Affairs after consulting the competent authorities.

Article 30

A female worker shall be entitled to maternity leave with full pay for a period of 45 days, including the period preceding and the period following her confinement, on condition that she has been in her employer's service for a continuous period of not less than one year. If she has not completed the aforesaid period of service, she shall be entitled to maternity leave with half pay.

On the expiry of her maternity leave a female worker may be absent from her work without pay for a maximum period of 100 consecutive or non-consecutive days if such absence is due to an illness preventing her from resuming her work and if the illness is confirmed by a medical certificate issued by the medical service specified by the competent health authority or if the latter authority confirms that the illness was caused by the women's work or confinement

The leave provided for in the preceding two paragraphs, shall not be deducted from other periods of leave

Article 31

During the 18 months following her confinement a female worker nursing her child shall, in addition to any prescribed rest period, be entitled to two additional breaks each day for this purpose, neither of which shall exceed half an hour

These two additional breaks shall be reckoned as part of the hours of work and shall not involve any reduction of remuneration

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Article 32

A women's remuneration shall be equal to that of a man if she performs the same work.

CHAPTER IV

**Common Provisions as to the Employment of
Young Persons and Women**

Article 33

The minister of Labour and Social Affairs may by order exempt charitable and educational institutions from all or certain of the provisions laid down in the preceding two Chapters of this part if the purpose of such institution is to provide vocational training or instruction for young persons or women and provided that the by-laws of such institutions enact the nature of the operations performed and the hours and conditions of work observed are consistent with the actual capacity of the young persons or women concerned.

Article 34

The following persons shall incur criminal liability in respect of the enforcement of the provisions of Chapters II and III of this part :

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- (a) employers or their representatives ;
- (b) the guardians or trustees of young persons and the husbands, guardians or trustees of women under age if they consent to the employment of the young persons or women contrary to the provisions of this Law.

PART III

CONTRACTS OF EMPLOYMENT, RECORDS AND REMUNERATION

CHAPTER I

Individual Contracts of Employment

Article 35

Subject to the provisions of article 2 a contract of employment shall be written in two copies, one being delivered to the worker and the other to the employer. In the absence of written contract, adequate proof of its terms may be established by any means of evidence.

Article 36

A contract of employment shall more particularly specify the date of its conclusion, the date on which work is to begin, the nature and the place of the work, the duration of the contract (if it is for a limited period) and the amount of the remuneration.

Article 37

A worker may be engaged on probation for a period not exceeding six months, during which his services may be terminated by the employer without notice or severance pay. Provided that a worker shall not be engaged on probation more than once in the service of any one employer. Where a worker successfully completes his period of probation and remains in his job, the said period shall be reckoned towards his period of service.

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Article 38

A contract of employment may be for an unlimited or for a limited period. If it is for a limited period, this shall not exceed four years and the contract may be renewed by mutual agreement between the parties for a similar or a shorter period on one or more occasions

Where a contract is renewed, the further period or periods shall be deemed to be an extension of the original period and shall be added thereto when calculating the worker's total period of service.

Article 39

A contract of employment shall be deemed to be a contract for an unlimited period effective from the date of its commencement in any of the following circumstances :

- 1- if it is not made in writing ;
- 2- if it is concluded for an unlimited period ;
- 3- if it is made in writing and concluded for a limited period and both parties continue to perform it after the expiry of the period specified without a written agreement between them ;
- 4- if it is concluded for the execution of a specific work for which no period is fixed, due to its nature, is likely to be renewed, and the contract continues after completion of the work agreed upon.

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Article 40

Where the two parties continue to perform the contract, without an expressed agreement, after the expiry of its initial period or after the completion of the work agreed upon, the original contract shall be deemed to have been tacitly extended on the same conditions as those already contained therein, other than the condition respecting its duration.

Article 41

Where an employer delegates the performance of any of the basic operations or any part thereof to another party, the latter shall be solely liable for any entitlements arising out of such subsidiary work in accordance with the provisions of this Law.

CHAPTER II

Vocational Training Contract

Article 42

A vocational training contract is a contract whereby the owner of an establishment undertakes to provide full vocational training consistent with the principles of the vocation to another person who is at least 12 years of age and who undertakes to work for the employer during the period of on the terms and for the period agreed to. The training contract shall be in writing, failing which it shall be

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null and void. The employer or whoever gives the training shall be suitably qualified and experienced in the vocation or trade in which the training is to be provided. In addition, the technical conditions and facilities necessary for teaching the vocation or trade shall be available in the establishment itself.

Article 43

A trainee who has reached full legal age shall conclude the training contract himself. A person who has not attained the age of 18 years may not conclude a training contract directly with an employer, but shall be represented by his natural guardian or legal trustee or whoever has charge of his affairs.

Article 44

1- A training contract shall be in at least three copies, one of which shall be deposited with the competent labour department for registration and endorsement. Each of the parties shall retain an endorsed copy.

2- If a training contract submitted for registration contains any provision contrary to this Law or the regulations or orders made thereunder, the competent labour department may require the contracting parties to delete such violation.

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3- Where the competent labour department does not make any comment or objection within one month, reckoned from the date on which a training contract is deposited with it, the contract shall constructively be deemed to have been endorsed with effect from the date of its deposit.

Article 45

A training contract shall contain particulars of the identities of the contracting parties or their representatives, as the case may be, and particular of the procedures, duration and phases of the training and the vocation forming the subject of the training.

Article 46

An employer shall grant a trainee sufficient time to acquire his theoretical education and shall throughout the period fixed in the contract train him in the principles of the occupation and the skills for which he was recruited. The Employer shall grant the trainee a certificate on completion of each phase of the training in accordance with the provisions laid down in this Chapter and also a final certificate on completion of the training period. Such certificate shall require authentication by the competent labour department in accordance with the rules and procedures laid down by order of the Minister of Labour and Social Affairs.

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Article 47

A worker may undertake in the training contract that, on the completion of his training, he will work for the employer, or in the establishment where he has been trained, for a period not exceeding twice the period of training. The employer may undertake in the contract to employ the trainee on the completion of the latter's period of training.

Article 48

A training contract shall specify the remuneration payable during each phase. The remuneration payable in the final phase shall not be less than the minimum prescribed for similar work and shall not in any circumstances what so ever be fixed on a piece-rate or output basis.

Article 49

A trainee who is under 18 years of age shall, before his training starts, undergo a medical examination to ascertain his state of health and ability to carry out the work involved in the vocation for which he wishes to be trained. If such vocation implies special physical and health requirements, the medical report shall state that the candidate for training meets such requirements, both physical and psychological.

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Article 50

The Minister of Labour and Social Affairs may by order regulate the training to be given in vocation and trades requiring training, prescribed the period of training in such vocation and trades, fix the theoretical and practical programmes and lay down rules for the examinations and certificates to be given on the completion of the training period.

The Minister's orders in this respect shall be made after consulting the public institutions concerned. The Minister may in all cases appoint one or more experts in the vocation or trade in which the training is to be regulated to advise him on this matter.

Article 51

The Minister of Labour and Social Affairs may order the establishment of vocational training centers either independently or in co-operation with national, foreign or international vocational or charitable organisations. The order establishing a center shall specify the vocation for which training is to be provided, the conditions for admissions to the center, the programmes of theoretical and practical study and the rules governing vocational examinations and certificates, and shall contain any other provisions necessary for the proper operation of the centre.

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Article 52

The Minister of Labour and Social Affairs may require such establishments, companies, owners of undertakings, vocations and trades as he may specify to accept for employment a specified number or percentage of trained nationals, subject to such terms and conditions, and for such periods, as he may specify.

The Minister may also require such establishments, companies, owners of undertakings, vocations and trades as he may specify to accept for purpose of training and completion of practical experience a specified number or percentage of the students of industrial and vocational institutes and centres, subject to such terms and conditions, and for such periods, as may be agreed with the management of the establishments concerned.

CHAPTER III

Records and Files

Article 53

Every employer employing five or more workers shall-

- (a) Keep a special file for each worker, showing his name, trade or occupation, age, nationality, place of residence marital status and date of recruitment, his remuneration and any change therein, any penalties imposed on him, any employment injuries and occupational diseases he

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has sustained and the date of and reasons for the termination of his service ;

- (b) Prepare a leave card for each worker, to be kept in the employee's file and divided into three parts. The first for annual leaves, the second for sick leave and the third for other leaves. The employer or his representative shall record on this card all leaves taken by the worker, for future reference when any leave is requested.

Article 54

An employer employing 15 or more workers shall maintain the following records and documents in each main establishment, or branch or locality in which work is carried out:

- 1- a remuneration register, showing the worker's names by date of entry into service, together with particulars of the amount of each workers daily or monthly pay, any bonus or piece-work wages or commission paid to him, his days of work and the date of his final departure from work;
- 2- a register of employment injuries, in which any employment accidents and occupational diseases sustained or contracted by the workers shall be entered as soon as the employer learns the occurrence thereof.
- 3- the basic work rules, which shall more particularly specify the times of daily work and weekly rest, official holidays and the necessary measures and precautions to be taken to prevent employment injuries and fire hazards. Such rules shall be conspicuously displayed at the work

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place, the application of these rules and any amendments thereto shall be conditional upon their approval by the Labour department within 30 days of their submission thereto.

CHAPTER IV

Remuneration

Article 55

Remuneration shall be paid on a Working day and at the place of work in the national currency circulating in accordance with the Law.

Article 56

Workers engaged on yearly or monthly remuneration shall be paid remuneration at least once a month ; all other workers shall be paid at least once every two weeks.

Article 57

The daily remuneration of workers engaged on piece rates shall be calculated on the basis of the average of the remuneration he received for actual days of work during the six months preceding the termination of their service.

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Article 58

The final settlement of remuneration payable to workers, irrespective of its amount or nature, shall be proved only by a written document, or declaration or oath. Any agreement to the contrary shall be null and void, even if made before the effective date of this Law.

Article 59

No worker shall be obliged to purchase food or other commodities from a particular shop or goods produced by the employer.

Article 60

No amount of money may be deducted from a worker's remuneration in respect of private claims, except in the following cases ;

- (a) the recovery of advances or amount of money paid to the worker in excess of his entitlements, on condition that the amount deducted in this case does not exceed 10 per cent of his periodic remuneration ;
- (b) contributions which the worker is required by law to pay from his remuneration, e.g. towards social security and insurance schemes ;
- (c) the workers contributions to a savings fund or repayment of advances repayable thereto ;

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- (d) contributions towards any welfare scheme or in respect of any other privileges or services provided by the employer and approved by the labour department ;
- (e) fines imposed upon the worker for any offence he has committed ;
- (f) any debt payable in execution of the judgement of a court of law ;

Provided that the deduction shall not exceed one-quarter of the workers remuneration. Where two or more debts are payable, the maximum shall be half the workers remuneration and the sums of money attached shall be divided pro rata among the beneficiaries, after payment of any legal alimony at the rate of one-quarter of the workers remuneration.

Article 61

Where a worker, either through his own fault or in violation of the employer's instructions, is guilty of the loss, damage or destruction of tools, machines or products or materials owned by the employer or in the latter's custody, the employer may deduct from the worker's remuneration such amount as may be necessary to repair them or to replace them as fully as possible ; provided that the amount so deducted shall not exceed five days remuneration in each month. The employer may request the competent court through the concerned Labour department for permission to deduct more than this amount if the worker has capital assets or any other source of income.

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Article 62

An employer may not transfer a monthly-paid worker, without the worker's written consent, to the daily paid category or to a category whose remuneration is paid weekly, hourly or by the piece.

Article 63

The minimum rate of remuneration and the cost-of-living allowances payable either generally or in the case of a particular area or occupation shall be fixed by federal decree on the basis of a proposal made by the Minister of Labour and Social Affairs and approved by the Council of Ministers.

The Minister shall put forward his proposal for the determination or review of the minimum rate of remuneration after consulting the competent authorities and the occupational organisations of employers and workers, if any, and shall have regard to studies and tables of fluctuations in the cost of living drawn up by the competent authorities in the State, in such manner that the said minimum rate is sufficient to meet the workers basic needs and guarantee his livelihood.

Article 64

The minimum rates of remuneration and any amendments thereto shall take effect from the date on which the decrees fixing them are published in the Official Gazette.

PART IV

HOURS OF WORK AND LEAVE

CHAPTER I

Hours of Work

Article 65

The maximum normal hours of work of adult workers shall be eight a day or 48 a week. The hours of work may be increased to nine hours a day in commercial establishments, hotels and cafes and of guard duties and any other operations where such increase is authorised by order of the Minister of Labour and Social Affairs. The daily hours of work may be reduced in the case of arduous or unhealthy operations by order of the Minister of Labour and Social Affairs.

The normal hours of work shall be reduced by two during the month of Ramadan.

The periods spent by a worker in traveling between his home and place of work shall not be included in his hours of work.

Article 66

The daily hours of work shall be so arranged that no worker works for more than five consecutive hours without breaks for rest, meals and prayer amounting in aggregate to not less than one hour. Such breaks shall not be reckoned towards the hours of work.

PART IV : HOURS OF WORK AND LEAVE

In factories and workshops where work is organised in the form of successive day and night shifts or in operations where continuous working is necessary for technical and economic reasons, the manner in which breaks for rest, meals and prayer are to be granted shall be arranged by order of the Minister.

Article 67

Where the circumstances of the work require a worker to work more than the normal number of hours any period worked in excess shall be treated as overtime, for which the worker shall receive remuneration equal to that corresponding to his normal hours of work, plus a supplement of at least 25 per cent of the remuneration.

Article 68

Where the circumstances of the work require a worker to work overtime between 9p.m. and 4 a.m. he shall entitled in respect of such overtime to the remuneration stipulated for his normal hours of work, plus a supplement of at least 50 per cent of the remuneration.

Article 69

The number of actual hours of overtime shall not exceed two a day, unless work is necessary to prevent the occurrence of substantial loss or a serious accident or to eliminate or alleviate its consequences.

PART IV : HOURS OF WORK AND LEAVE

Friday shall be the normal weekly rest day for all workers except daily-paid workers. Where the circumstances require a worker to work on this day, he shall be granted another day or receive his basic remuneration for his normal hours of work ; plus a supplement of at least 50 per cent of the remuneration.

Article 70

No worker other than a daily-paid worker shall be employed on more than two successive Fridays.

Article 71

The provisions of this Chapter shall not apply to the following classes of persons :

Article 72

- 1- persons holding responsible managerial or supervisory positions, if such positions confer upon the holders the powers of an employer over workers. The categories in questions shall be specified by order of the Minister of Labour and Social Affairs.
- 2- workers constituting the crews of seagoing ships and persons employed at sea and enjoying special conditions of service on account of the nature of their work, except dock workers engaged in loading and unloading and related operations.

PART IV : HOURS OF WORK AND LEAVE

Article 73

The employer shall post up at the main entrances used by the workers, and in a conspicuous position at the workplace a notice showing the weekly closing day and the hours of work and rest periods applicable to all classes of workers. A copy of this notice shall be transmitted to the competent labour department.

Where the establishment does not observe a weekly closing system, the employer shall post up at the places referred to in the preceding paragraph a notice showing the weekly rest day for each class of workers.

CHAPTER II

Leave

Article 74

Each worker shall be entitled to official with full pay on the following occasions:

- (a) New Year's Day (Hegira) : one day ;
- (b) New Year's Day (Christian) : one day ;
- (c) Feast of Lesser Bairam : two day ;
- (d) Feast of Greater Bairam and Eve of Greater Bairam : three days ;
- (e) Birthday of the Prophet : one day ;

PART IV : HOURS OF WORK AND LEAVE

- (f) Nocturnal Journey and Ascension of the Prophet: one day ;
- (g) National Day : one day.

Article 75

Every worker shall, within each year of service, be granted a period of annual leave of not less than :

- (a) two a month, where the worker's period of service is more than six month but less than one year ;
- (b) 30 days a year, where the worker's period of service is more than one year.

Where a worker's service is terminated, he shall be entitled to annual leave in respect of fractions of the last year.

Article 76

The employer may fix the date of commencement of annual leave and, if necessary, divide such leave into not more than two periods. Notwithstanding the foregoing, the provision respecting the division of leave shall not apply to leave fixed for young persons.

Article 77

Holidays for which provisions has been made by Law or agreement or any other days of absence from work on account of sickness shall be reckoned as part of the annual leave if such holidays fall within the annual leave.

PART IV : HOURS OF WORK AND LEAVE

Article 78

Every worker shall be entitled to his basic wage and the housing allowance if applicable in respect of his days of annual leave where the circumstances of the work make it necessary for a worker to work during all or part of his annual leave and the days of leave on which he works are not carried forward to the following year, the employer shall pay him his remuneration, plus a leave allowance in respect of the days worked at a rate equal to his basic wage.

It shall be unlawful in any circumstances to employ a worker during his annual leave more than once in two successive years.

Article 79

Where a worker is dismissed or leaves his job after the period of notice prescribed by law, he shall be entitled to remuneration in respect of any days of annual leave not taken. Such remuneration shall be calculated on the basis of the remuneration that he earned on the date on which the leave became due.

Article 80

An employer shall pay a worker, before the commencement of the latter's annual leave, the entire remuneration due to him, plus the leave pay prescribed for him in accordance with the provisions of this Law.

PART IV : HOURS OF WORK AND LEAVE

Article 81

Where the circumstances of the work make it necessary for a worker to work on public holiday or rest day in respect of which he is entitled to full or partial pay, he shall be granted compensatory leave in respect of such days, together with a bonus equal to 50 per cent of his remuneration. If he is not compensated for such days by leave, his employer shall pay him a bonus equal to 150 per cent of his basic remuneration in respect of the days worked.

Article 82

Where a worker contracts an illness otherwise than as a result of an employment injury, he shall report his illness within a maximum of two days and the employer shall thereupon take the necessary steps to have him medically examined immediately for the purpose of verifying his illness.

Article 83

- 1- The worker shall not be entitled to any paid sick leave during the probation period.
- 2- If the worker completed more than three months after the probation period in the continuous service of the employer and falls ill, he shall be entitled to sick leave not exceeding 90 days whether continuous or otherwise, in respect of every year of service. Such leave shall be calculated as follows:
 - a) The first 15 days with full pay.

PART IV : HOURS OF WORK AND LEAVE

- b) The next 30 days, with half day.
- c) Any subsequent periods, without pay.

Article 84

No remuneration shall be payable during sick leave if the illness is the direct result of the worker's misconduct (e.g. his having consumed alcohol or narcotic drugs).

Article 85

An employer may terminate the services of a worker after the period of sick leave provided for in articles 82, 83 and 84 if this Law if worker is unable to resume his work within that period ; in this case the worker shall be entitled to an indemnity in accordance with the provisions of this Law.

Article 86

Where a worker resigns from work by reason of illness before the first 45 days of his sick leave have elapsed and the government medical officer or the medical practitioner designated by the employer agrees with the cause of his resignation, the employer shall pay him the remuneration due in respect of the remainder of the first 45 days.

Article 87

Every worker shall be granted, once in the course of his period of service, special leave without pay for the purpose of fulfilling the obligation to make the pilgrimage ; such leave shall not be counted towards any other periods of leave and shall not exceed 30 days.

PART IV : HOURS OF WORK AND LEAVE

No worker shall work for another employer while on annual leave or sick leave within the meaning of this chapter. Where his employer establishes that he has done so, he may terminate the worker's services without notice and deprive him of the remuneration in respect of the period of the leave.

Article 88

Article 89

Subject to the provisions of this Law, any worker who fails to resume work immediately after the expiry of his leave shall automatically forfeit his remuneration for the period of his absence, with effect from the day following that on which the leave expires.

Article 90

Without prejudice to cases in which an employer is entitled to dismiss a worker without notice or without the indemnity provided for in this Law, an employer shall not dismiss a worker or serve notice of dismissal on him while the worker is on leave within the meaning of this Chapter.

PART V
INDUSTRIAL SAFETY, PREVENTIVE
MEASURES, HEALTH AND SOCIAL CARE
FOR WORKERS

Article 91

Every employer shall provide adequate preventive equipment to protect workers against the dangers of employment accidents and occupational diseases that may occur during the work, and also against fire hazards and other hazards that may result from the use of machines and other equipment. He shall also adopt all other preventive methods ordered by the Ministry of Labour and Social Affairs. Every worker shall use the protective equipment and the clothing supplied to him for this purpose, shall comply with all instructions given by the employer to protect him against hazards and shall not take any action liable to hamper compliance with such instructions.

Article 92

Every employer shall display detailed instructions in a conspicuous position at the workplace indicating the measures to be taken to prevent fire and protect the workers against hazards to which they may be exposed while performing their work. Such instructions shall be in Arabic and, if necessary, in another language understood by the worker.

Article 93

Every employer shall provide one or more first-aid boxes containing medicines, bandages, antiseptics and such other first-aid material as may be ordered by the Ministry of Labour and Social Affairs. There shall be one first-aid box

**PART V : INDUSTRIAL SAFETY, PREVENTIVE MEASURES,
HEALTH AND SOCIAL CARE FOR WORKERS**

for every 100 workers, the box shall be located in a conspicuous place and within easy reach of the workers. Use of the box shall be entrusted to a person specialised in giving first aid.

Article 94

Without prejudice to the provisions of the regulations and orders issued by the competent government authorities, an employer shall ensure perfect cleanliness and ventilation in each workplace and shall provide each workplace with adequate lighting, drinking water and toilets.

Article 95

An employer shall arrange for one or more medical practitioners to carry out a periodic general and thorough examinations at intervals of not more than six months on those of his workers who are exposed to the danger of contracting any of the occupational diseases specified in Schedule (1) attached to this Law and shall enter the findings of such examinations in his records and in the workers files.

The medical practitioners shall immediately inform the employer and the labour department of cases of occupational disease occurring among the workers and of deaths resulting therefrom, after the facts have been ascertained by means of medical and laboratory tests and the necessary procedures. The employer shall in turn report these findings to the labour department

**PART V : INDUSTRIAL SAFETY, PREVENTIVE MEASURES,
HEALTH AND SOCIAL CARE FOR WORKERS**

The medical practitioner carrying out the periodic examination may require any worker who is exposed to occupational disease to be re-examined after a period less than the interval prescribed in the first paragraph of this article if he finds that the worker's conditions so warrant.

Article 96

An employer shall provide his workers with medical care facilities corresponding to the standards laid down by the Minister of Labour and Social Affairs in co-operation with the Minister of Health.

Article 97

The Minister of Labour and Social Affairs may, after consulting the Minister of Health, by order prescribe the general precautions and health protection measures applicable to all establishments employing workers, and, in particular, the measures relating to safety, lighting, ventilation, canteens, the supply of drinking water and water for washing, the elimination of any dust and smoke polluting the air, and the precautions to be taken against fire and electricity.

Article 98

The employer or his representative shall inform each worker at the time of his recruitment of the dangers connected with his occupation and of the protective measures he must take, and shall post up detailed written instruction in this behalf in the workplaces.

**PART V : INDUSTRIAL SAFETY, PREVENTIVE MEASURES,
HEALTH AND SOCIAL CARE FOR WORKERS**

Article 99

It shall be unlawful for an employer or his representative or any person having authority over workers to bring or allow any one else to bring any kind of alcoholic beverages into a workplace for consumption therein or to allow any person in a state of drunkenness to enter or remain in the establishment.

Article 100

Every worker shall comply with the instructions and orders respecting industrial and personal safety precautions, use the necessary Protective devices and treat any such devices in his possession with due care. It shall be unlawful for a worker to commit any act leading to non-compliance with such instructions, to the misuse of the equipment provide for protecting the health and safety of the workers or to the damage or destruction of such equipment.

An employer may, include in the disciplinary code penalties to be imposed on workers contravening the provisions of the preceding paragraph.

Article 101

Every employer employing workers in areas remote from towns and not connected with them by any normal means of transport shall provide his workers with the following services:

1 - adequate means of transport ;

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**PART V : INDUSTRIAL SAFETY, PREVENTIVE MEASURES,
HEALTH AND SOCIAL CARE FOR WORKERS**

- 2- suitable living accommodation .
- 3- drinking water ;
- 4- suitable food stuff ;
- 5- first-aid facilities ;
- 6- recreation and sports facilities .

The areas to which all or part of the provisions of this article apply shall be specified by order of the Minister of Labour and Social Affairs.

Except in the case of food stuffs, the cost of the services referred to in this article shall be defrayed by the employer and shall be entirely free of charge to the workers

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PART VI DISCIPLINARY RULES

Article 102

The disciplinary penalties that an employer or his representative may impose on the workers shall be as follows:

- 1- a warning ;
- 2- a fine ;
- 3- suspension from work with reduced pay for a period not exceeding 10 days ;
- 4- forfeiture or deferment of a periodic increment, in establishments having an increment scheme ;
- 5- forfeiture or promotion, in establishments having a promotion scheme ;
- 6- dismissal without prejudice to severance pay ;
- 7- dismissal with forfeiture of all or part of the severance pay.
This penalty may only be imposed on the grounds expressly specified in article 120 of this Law.

Article 103

The disciplinary code shall specify the circumstances in which each of the disciplinary penalties referred to in the preceding article may be imposed.

PART VI : DISCIPLINARY RULES

The Minister of Labour and Social Affairs may by order issue a model disciplinary code and rewards to be used by employees as guide in preparing their own lists.

Article 104

A fine may be expressed in terms of a specific amount or an amount equal to the workers remuneration for a specific period. The fine prescribed in respect of any one offence shall not exceed five days' remuneration, and it shall not be lawful to deduct more than five days' remuneration in any one month from a workers remuneration in payment of fines imposed on him.

Article 105

The fines imposed on workers shall be recorded in a special register, together with particulars of the reasons for which or circumstances in which they were imposed, the worker's name and the amount of his remuneration. A special account shall be opened for this purpose and the monthly yield from this account shall be used to meet the cost of social welfare facilities for the workers, in accordance with an order to be made by the Minister of Labour and Social Affairs in this behalf.

Article 106

The penalty of forfeiture of a periodic increment may not be imposed more than once in any year, and such increment may not be deferred for more than six months.

PART VI : DISCIPLINARY RULES

It shall not be lawful to impose the penalty of forfeiture of promotion for more than one promotional step. The worker penalised shall then be promoted to the first following step as soon as he meets the necessary requirements.

Article 107

Article 108

The financial benefit accruing to an employer from the penalties of forfeiture of promotion or forfeiture or deferment of an increment shall be entered in a special register, together with particulars of the reasons for which or circumstances in which each penalty was imposed, the worker's name and the amount of his remuneration. A special account shall be opened for this purpose and the monthly yield from this account shall be used to defray the cost of social welfare facilities for the workers, in accordance with an order to be made by the Minister of Labour and Social Affairs in this behalf.

Article 109

No disciplinary penalty may be imposed on a worker for any act committed by him outside the workplace, unless such act is connected with the work, the employer or the responsible manager. It shall also be unlawful to impose more than one penalty or to combine a disciplinary penalty with a deduction of part of the worker's remuneration, as provided for an article 61 of this Law.

PART VI : DISCIPLINARY RULES

Article 110

None of the penalties prescribed in article 102 may be imposed on a worker until after he has been notified in writing of the charge against him, his statements have been heard, he has been allowed to defend himself and the foregoing has been entered in a report placed in his personal file. The penalty shall be entered at the end of this report.

A worker shall be notified in writing of any penalties imposed on him, and of the nature and amount thereof, the reasons for their imposition, and the penalty to which he will be liable in the event of a repetition of the offence.

Article 111

No worker may be charged with a disciplinary offence after more than 30 days have elapsed since the offence was discovered, nor may a disciplinary penalty be imposed more than 60 days after the date on which the inquiry into offence ended and the worker's guilt was established.

Article 112

A worker may be temporarily suspended from work if he is accused of committing a deliberate offence involving assault on person or property or crimes relating to honour and honesty or the offence of unlawful strike.

The period of suspension shall run from the date on which the incident is reported to the competent authorities and until the latter have given a decision on the case. The worker shall

PART VI : DISCIPLINARY RULES

not be entitled to his remuneration in respect of the period of the suspension. Where it is decided not to take worker to court or the worker is acquitted, he shall be reinstated in his work ; he shall be paid his remuneration in full for the period of the suspension if it was maliciously contrived by the employer.

PART VII

TERMINATION OF CONTRACTS OF EMPLOYMENT SEVERANCE PAY

CHAPTER I

Termination of Contracts of Employment

Article 113

A contract of employment shall terminate in any of the following cases :

- if both parties agree to its termination, on condition that the worker's consent is given in writing ;
- on the expiry of the period prescribed in the contract, unless the contract is expressly or tacitly extended in accordance with the provisions of this Law ;
- if either of the parties of a contract concluded for an unlimited period, expresses his intention to terminate the contract ; provided that the provisions of the Law regarding the period of notice are observed and on grounds accepted for the non-arbitrary termination of the contract

Article 114

A contract of employment shall not terminate by reason of the employer's death, unless the subject of the contract is connected with his person. A contract shall, however, be

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terminated by reason of the worker's death or his total incapacity of work, where the latter is established by a medical certificate approved by the health authority competent in the State :

Provided that, where a worker's partial capacity to perform his work permits him to perform other work consistent with his state of health, the employer shall if such other work is available and he so requests, transfer him to it and pay him the remuneration normally paid in similar cases, without prejudice to any entitlements and compensation due to him in accordance with this Law.

Article 115

Where a contract of employment is for a limited period of time and the employer revokes it for reasons other than those specified in article (120) he shall be required to compensate the worker for any prejudice the latter sustains : provided that the amount of compensation shall in no case exceed the aggregate remuneration due for a period of three months or the residual period of the contract whichever is shorter unless the contract contains a provision to the contrary.

Article 116

Where a contract is revoked by the worker for reasons other than those specified in article (121), he shall be required to compensate the employer for any prejudice the latter sustains as a result : provided that the amount of

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compensation shall not exceed half the worker's remuneration for three months or the residual period of the contract whichever is shorter unless the contract contains a provision to the contrary.

Article 117

(1)-Both the employer and the worker may terminate a contract of employment of unlimited duration for a valid reason at any time following its conclusion by giving the other party notice in writing at least 30 days before the termination.

(2)-In case of workers working on a daily basis the period of notice shall be as follows :

- a- one week, if the worker has been employed for more than six months but less than one year ;
- b- two weeks, if the worker has been employed for not less than one year ;
- c- one month, if the worker has been employed for not less than five years.

Article 118

A contract shall continue to be valid throughout the period of notice referred to in the preceding article and shall terminate on the expiry of the notice period. The worker shall

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be entitled in respect of the period of notice to full pay calculated on the basis of his last remuneration and he shall be required to perform his works during that period if the employer so requests.

The parties may not agree to dispense with the requirement as to notice or to reduce the period of notice, but may agree to increase it.

Article 119

Where an employer or a worker fails to give the party notice of the termination of the contract or reduces the period of notice, the party obliged to give notice shall pay the other party compensation, called "compensation in lieu of notice", even where no prejudice has been sustained by the other party as a result of such failure or reduction. The said compensation shall be equal to the worker's remuneration in respect of the entire period of notice or the time by which it was reduced. Compensation in lieu of notice shall be calculated on the basis of the remuneration last received, in the case of worker remunerated on a monthly, weekly, daily or hourly basis or in the case of a worker remunerated at piece rates, on the basis of the average daily remuneration referred to in article 57 of this Law.

Article 120

An employer may dismiss a worker without notice in any of the following cases:

a- if the worker adopts a false identity or nationality or submits forged certificates or documents ;

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EMPLOYMENT SEVERANCE PAY**

b- If the worker is engaged on probation and is dismissed during the probationary or on its expiry ;

c- If the worker makes a mistake resulting in substantial material loss for the employer, on condition that the latter notifies the labour department of the incident within 48 hours of his becoming aware of its occurrence ;

d- If the worker disobeys instructions respecting industrial safety or the safety of the workplace, on condition that such instructions are in writing and have been posted up at a conspicuous place and, in the case of an illiterate worker, that he has been acquainted with them orally ;

e- If the worker does not perform his basic duties under the contract of employment and persists in violating them despite the fact that he has been the subject of a written investigation for this reason and that he has been warned that he will be dismissed if such behaviour continues;

f- If the worker reveals any secret of the establishment in which he is employed ;

g- If the worker is finally sentenced by a competent court for an offence involving honour, honesty or public morals ;

h- if the worker is found in a state of drunkenness or under the influence of a drug during working hours ;

i- if, while working, the worker assaults the employer, the responsible manager or any of his work mates ;

j- if the worker absents from his work without a valid reason for more than 20 non-consecutive days, or more than seven

Article 121

A worker may leave his work without notice in either of the following case :

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A- If the employer fail to comply with his obligations towards him, as provided for in the contract or in this Law ;

B- If he is assaulted by the employer or the employer's legal representative.

Article 122

A worker's service shall be deemed to have been arbitrarily terminated by his employer if the reason for the termination is irrelevant to the work and, more particularly, if the reason is that the worker has submitted a serious complaint to the competent authorities or has instituted legal proceedings against the employer that has proved to be valid.

Article 123

a- Where a worker is arbitrarily dismissed, the competent court may order the employer to pay him compensation. The court shall assess such compensation with due regard to the nature of the work, the amount of prejudice he has sustained and his period of service, and after investigating the circumstances of the work. The amount of the compensation shall in no case exceed the worker's remuneration for three months calculated on the basis of the last remuneration he was entitled to.

b- The provisions of the preceding paragraph shall not prejudice the worker's right to the gratuity he is entitled to and the termination notice allowance provided for in this law.

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Article 124
It shall not be lawful for an employer to terminate the service of a worker on the ground of deficient health before he takes the periods of leave to which he is lawfully entitled. Any agreement to the contrary shall be null and void, even where it was reached prior to the commencement of this Law.

Article 125

An employer shall provide a worker, at the latter's request and on the termination of his contract, with a certificate of termination of service, which shall be free of charge: it shall specify the dates of his entering and leaving the employer's service, his total period of service, the nature of the work he has performed, his last remuneration and any bonuses he has received.

It shall also be the duty of the employer to return any certificates, documents and tools belonging to the worker.

Article 126

Where a change occurs in the form or legal status of the establishment, contracts of employment that are valid at the time of the change shall remain in force between the new employer and the workers of the establishment, and their service shall be deemed to be continuous. Both the original employer and the new employer shall be jointly liable for a period of six months for the discharge of any obligations resulting from contracts of employment during the period preceding the change; after the expiry of this period the new employer shall solely bear liability.

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EMPLOYMENT SEVERANCE PAY**

Article 127

Where the work assigned to a worker allows him to become acquainted with the employer's clients or to become familiar with the secrets of his business, the employer may require him to refrain, after the termination of his contract, from competing with him or participating in any enterprise competing with his own. Such agreement shall be valid only on condition that the worker is at least 21 years of age at the time of its conclusion that the agreement is limited, as regards the time, the place and the nature of the business, to the extent necessary to safeguard the employer's lawful interests.

Article 128

Where a non-national worker leaves his work without a valid reason before the expiry of a contract for a limited period, he may not, even with the employer's consent, take up other employment for one year from the date on which he left his work. It shall not be lawful for any other employer who is aware of the fact to recruit such worker or keep him in his service before the expiry of such period.

Article 129

Where a non-national notifies the employer of his desire to terminate a contract of unlimited duration and leave his work before the expiry of the statutory period of notice, he shall not, even with the employer's consent, take up other employment for one year from the date on which he left his work. It shall not be lawful for any other employer who is aware of the fact to recruit or keep him in his service before the expiry of such period.

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EMPLOYMENT SEVERANCE PAY**

Article 130

The provisions of articles 128 and 129 shall not apply to a non-national worker who, before taking up other employment, obtains the authorisation of the Minister of Labour and Social Affairs with the approval of the original employer.

Article 131

An employer shall, on the termination of a worker's contract, defray the cost of returning him to the district from which he was recruited or to any other place agreed upon between the two parties. Where after the termination of his contract, a worker enters the service of another employer, the latter shall defray the worker's travelling expenses on the termination of his service. Subject to the provisions of the preceding sentence, if the employer fails to return the worker or to defray his travelling expenses, the competent authorities shall do so at the employer's expense and may then recover any expenditure incurred in this connection by attachment.

Where the reason for the termination of the contract is attributable to the worker, his travel shall be at his own expense if he has the wherewithal to pay.

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Article 131 (repeated)

- 1- In the application of the Provision of the preceding article, the cost for return of the worker means the value of his travel ticket as well as what the Labour contract or the rules of the establishment specify regarding the travel expenses for the worker's family and the cost of shipping of his belonging.
- 2- In case where the employers provide accommodation to the worker, the worker shall be obliged to vacate the premises within thirty days from the date of termination of his service.
- 3- The worker should not delay vacating the premises for any reason, provided that the employer pays the worker the following :
 - A- the expenses specified in paragraph one of this Article.
 - B- severance pay and any other entitlements the employee is obliged to pay in accordance with the Labour contract or the establishment regulations or the law.
- 4- If the worker disagrees with the amount of the expenses and entitlements referred to above, the Labour Department

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concerned shall determine, as a matter of urgency, and within a week from its been notified of the same, these expenses and entitlements and shall inform the worker of the same as soon as they are determined.

- 5- In this case, the counting of the thirty days grace period for the vacating of the premises referred to in paragraph two of this Article shall commence from the date of employer deposits of the value of the expenses and entitlements as determined by the Labour Departments concerned. If the worker does not vacate the premises within the thirty days mentioned, the Labour department with the assistance of the authorities concerned in the emirate shall take the necessary administrative measures for the vacating of the same.
- 6- The provisions of this Article shall not deprive the worker of his right to take his case to the court concerned.

CHAPTER II

Severance Pay

Article 132

A worker who has completed a period of one or more years of continuous service shall be entitled to severance pay on the termination of his employment. The days of absence from work without pay shall not be included in calculating the period of service. The severance pay shall be calculated as follows :

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EMPLOYMENT SEVERANCE PAY**

1. 21 days' remuneration for each year of the first 5 years of service.
2. 30 days remuneration for each additional year of service provided that the aggregate amount of severance pay shall not exceed 2 year's remuneration.

Article 133

A worker shall be entitled to severance pay in respect of fractions of a year in proportion to the time actually worked, on conditions that he has completed one year of continuous service.

Article 134

Without prejudice to what is provided for by some laws on the granting of pensions or retirement benefits to employees in some establishments. Severance pay shall be calculated on the basis of the remuneration last due to the worker for those who are paid monthly, weekly or daily basis and on the average basis of the daily remuneration referred to in article 57 of this law for those who are paid at piece rates basis

The remuneration used as a basis for the purpose of calculating severance pay shall not include what is given to the worker in kind, and housing allowance and transport and

**PART VII : TERMINATION OF CONTRACTS OF
EMPLOYMENT SEVERANCE PAY**

travelling allowances, overtime pay, representation allowances, cashier's allowances, children education allowances, allowances for recreational and social facilities and any other allowances or increments.

Article 135

An employer may deduct any amounts owed to him by a worker from the latter's severance pay.

Article 136

For the purposes of article 132 no employment situation preceding the date of commencement of this Law shall be regarded as a situation entitling a worker to severance pay unless he is a national, but without prejudice to any rights acquired by the worker under repealed labour legislation or under contract of employment of any agreement, by-laws or work rules of the establishment. In the event of the worker's death, his severance pay shall be paid to those entitled thereto.

Article 137

Where a worker who is bound by a contract of unlimited duration leaves his work of his own accord after continuous service of not less than one year and not more than three years' he shall be entitled to one-third of the severance pay provided for in the preceding article ; where the continuous period of service exceeds three years but does not exceed five years, he shall be entitled to two-third of such severance pay ; where the continuous period of service exceeds five years, he shall be entitled to the full severance pay.

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EMPLOYMENT SEVERANCE PAY**

Article 138

Where a worker who is bound by a contract for a limited period leaves his work of his own accord before the expiry of his contract period, he shall not be entitled to severance pay unless his continuous period of service exceeds five years.

Article 139

A work shall forfeit all entitlement to severance pay in any of the following two cases :

- (a) if he is dismissed from service for any of the reason specified in article 120 of this Law or if he leaves his work in order to avoid being dismissed in accordance with that article;
- (b) if he leaves his work of his own accord and without notice, otherwise than in either of the cases specified in article 121 of this Law (in the case of contracts of unlimited duration) or before completing five years of continuous service (in case of contracts for a limited period).

Article 140

Where an establishment has a savings fund for the workers and the rules of the fund provide that whatever the employer

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pays into the fund for the worker's account corresponds to his statutory obligation in respect of severance pay, the worker shall be paid the amount of the savings in his account or the severance pay due in accordance with the Law, whichever is the greater.

Where the rules of the fund do not provide that whatever has been paid by the employer corresponds to his statutory obligation in respect of severance pay, the worker shall receive whatever is due to him in the savings fund in addition to the statutory severance pay.

Article 141

Where an establishment has a retirement or insurance scheme, or any similar scheme, a worker who is entitled to a retirement pension may opt between it and the prescribed severance pay or whatever he is entitled to receive from the pension or insurance fund, whichever of the two is more to his advantage.

PART VIII
COMPENSATION IN RESPECT OF
EMPLOYMENT

ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 142

Where a worker sustains and employment accident or contract an occupational disease listed in Schedules 1 and 2 attached to this Law, the employer or his representative shall report the matter immediately to the police and to the labour department or its local office within whose jurisdiction the place of business is located.

The report shall indicate the worker's name, age, occupation, address and nationality and contain a brief account of the occurrence, its circumstances and the medical aid or treatment provided.

On receipt of the report the police shall carry out the necessary inquiries. The report shall contain the statements of the witnesses and the employer or his representative and those of the injured person (if his condition so permits) and shall indicate, inter alia, whether the occurrence was connected with the worker's work and whether it was deliberate or resulted from gross misconduct on the worker's part.

**PART VIII : COMPENSATION IN RESPECT OF EMPLOYMENT
ACCIDENTS AND OCCUPATIONAL DISEASES**

Article 143

On completion of the inquiry the police shall send one copy of the report to the labour department and one to the employer. The labour department may request a supplementary inquiry or may itself conduct a supplementary inquiry, if it finds it necessary to do so.

Article 144

Where a worker sustains an employment accident or contracts an occupational disease, the employer shall pay for the cost of his treatment in a local government or public medical center until he recovers or until he is disabled. Treatment shall include residence in a hospital or sanatorium, surgical operations, expenditure on X-rays and medical analyses, the purchase of medicines and rehabilitation equipment and the supply of artificial limbs and other prosthetic appliances for any person who is declared disabled. In addition to what he supplies, the employer shall pay the cost of any transport entailed by treatment provided for the worker.

Article 145

Where an injury prevents a worker from carrying out his work, the employer shall pay him a cash allowance equal to his full pay throughout the period of treatment or for a period of six months whichever is shorter. Where the treatment last more than six months, the allowance shall be reduced by one-half for a further period of six months or until the worker has fully recovered or his disability is confirmed or he dies whichever occurs first.

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ACCIDENTS AND OCCUPATIONAL DISEASES**

Article 146

The cash allowance referred to in the preceding article shall be calculated on the basis of the last remuneration received in the case of a worker remunerated on a monthly, weekly, daily or hourly basis or, in the case of a worker remunerated at piece rates, on the basis of the average daily remuneration referred to in article 57.

Article 147

On the termination of the treatment the medical practitioner in attendance shall make out a report in two copies, one to be delivered to the worker and the other to the employer, in which he shall specify the nature and cause of the injury, the date on which it occurred, the extent to which it is connected with the work, the period of treatment, whether it is resorted in permanent or non-permanent infirmity, the degree of disability, if any whether such disability is total or partial and, if there is disability the extent to which the worker is able to continue to perform his work.

Article 148

Where a dispute arises as to the extent of a worker's physical fitness for work, his degree of disability or any other matter related to his injury or treatment, the matter shall be referred to the Ministry of Health through the competent labour department. The Ministry of Health shall, whenever a dispute of this nature is referred to it, constitute medical

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board consisting of three government medical officers to determine the extent of the worker's physical fitness for employment, his degree of disability or any other matter related to the injury or treatment.

The board may call in any experts it thinks capable of helping it. Its decision shall be final and shall be submitted to the labour department in order that the measures necessary for its implementation may be taken.

Article 149

Where a worker dies as a result of an employment accident or an occupational disease, the members of his family shall be entitled to compensation equal to his basic remuneration for 24 months : Provided that the amount of compensation shall not be less than 18,000 or more than 35,000 dirhams. The amount of compensation shall be calculated on the basis of the last remuneration received by the worker before his death. The compensation shall be distributed among the deceased worker's dependants in accordance with the provisions of Schedule 3 attached to this Law.

For the purposes of the provisions of this article the expression "deceased worker's family means such of the following persons as were wholly or principally dependent for their subsistence on the deceased worker's income at the time of his death:

- (a) the widow or widower ;

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- (b) the children, namely-

1- sons who are under 17 years of age, and also sons who are regularly enrolled in educational institutions and are under 24 years of age or who are mentally or physically incapacitated for earning a living. The term "sons" includes the sons of the husband or of the wife who were in the deceased worker's care at the time of his death ;

2- unmarried daughters, which term includes unmarried daughters of the husband or of the wife who were in the deceased worker's care at the time of his death ;

- (c) the parents ;
- (d) the brothers and sisters, subject to the conditions prescribed for sons and daughters.

Article 150

Where an employment accident sustained or an occupational disease contracted by a worker results in permanent partial disability, he shall be entitled to compensation at the rate specified in the two schedules attached to this Law, multiplied by the amount of death compensation provided for in the first paragraph of the preceding article, as the case may be.

**PART VIII : COMPENSATION IN RESPECT OF EMPLOYMENT
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Article 151

The amount of compensation payable to a worker in the event of his permanent total disability shall be the same amount as that payable in the event of his death.

Article 152

The Minister of Labour, when necessary, and with the consent of the Minister of Health may amend schedule 1 concerning occupational diseases and schedule 2 concerning disability compensation assessment attached to this Law.

Article 153

An injured worker shall be entitled to any compensation in respect of an injury or disability not resulting in his death if the inquiries held by the competent authorities establish that he willfully brought about his own injury with the intention of committing suicide or of obtaining compensation or sick leave or for any other reason or if, at the time of the occurrence, he was under the influence of a narcotic drug or alcohol or if he intentionally violated the safety instructions posted up in conspicuous positions in the workplace or if his injury or disability was the result of gross and deliberate misconduct on his part or if he refused without serious cause to submit to a medical examination or undergo the treatment ordered by the medical board constituted in accordance with article 148.

The employer shall not be required in such circumstances to provide treatment for the worker or to pay him any cash allowance.

PART IX

COLLECTIVE LABOUR DISPUTES

Article 154

The expression "collective labour dispute" means any dispute between an employer and his workers the subject of which concerns the joint interests of all or certain of the workers working in a specific vocational sector.

Article 155

Where a dispute occurs between one or more employers and all or certain of their workers and the parties fail to settle it amicably, they shall observe the following procedures :

- 1- the workers shall submit their complaint or claim in writing to the employer and at the same time send a copy of it to the labour department ;
- 2- the employer shall reply in writing to the workers' complaint or claim within seven working days from the date of receipt of the complaint. He shall at the same time send the labour department a copy of his reply;
- 3- where the employer fails to reply within the prescribed time-limit or where his reply does not lead to a settlement of the dispute, the competent labour department shall, either of its own motion or at the request of one of the parties to the dispute, mediate with a view to reaching an amicable settlement.

PART IX : COLLECTIVE LABOUR DISPUTES

4- where the complaint is the employer he shall submit his complaint directly to the labour department which shall mediate between the parties to settle the dispute amicably.

Article 156

Where the mediation of the competent labour department does not lead to a settlement of the dispute within ten days of its learning of the occurrence of the object of the dispute, it shall refer the dispute to the competent conciliation board for decision and shall at the same time inform both parties in writing.

Article 157

A board, to be called a "conciliation board", shall be set up within each labour department by order of the Minister of Labour and Social Affairs.

Article 158

Each party to a dispute shall pursue the dispute before the conciliation board until a settlement is reached; the board shall take its decision by majority vote within two weeks of the dispute being referred to it.

Such decisions shall be binding on both parties if they have agreed in writing before the board to accept it. In the absence of such agreement, either or both of the parties may appeal against the board's decision to the Supreme Arbitration Board within 30 days of the date on which the decision was given. Otherwise the decision shall be deemed to be final and enforceable.

PART IX : COLLECTIVE LABOUR DISPUTES

The dismissal or termination of the contracts of employment of workers' representatives who are members of a conciliation board shall not prevent such members from continuing to discharge their functions on the board, unless the workers elect other representatives.

Article 159

Article 160

A board to be called the "Supreme Arbitration Board" shall be set up within the Ministry of Labour and Social Affairs to settle collective labour disputes. The Board shall be composed as follows :

- 1- the Minister of Labour and Social Affairs, who shall act as chairman. In the event of his absence he shall be replaced by the Under Secretary or the Director-General of the Ministry ;
- 2- a judge of the Federal Supreme Court, to be appointed by order of the Minister of Justice on the nomination of the plenum of the Court who shall act as a member;
- 3- a person having knowledge and experience of labour matter, and of unquestioned impartiality, to be appointed by order of the Minister of Labour and Social Affairs.

PART IX : COLLECTIVE LABOUR DISPUTES

Two alternate members may be appointed from the same categories as the two regular members, to take their place in the event of their absence or inability to serve.

Regular and alternate members shall be appointed for a renewable period of three years. Renewal shall be effected in the same manner as the appointment itself.

Article 161

The Supreme Arbitration Board shall be competent to settle finally and definitely all collective labour disputes referred to it by the parties concerned. Its decisions shall be taken by majority vote and the reasons shall be stated.

Article 162

The Council of Ministers shall, in pursuance of a proposal to be submitted by the Minister of Labour and Social Affairs after consultation with the Minister of Justice, issue an order regulating litigation proceedings and any other rules necessary for the good progress of work before the conciliation board and the Supreme Arbitration Board for settlement of collective labour disputes.

For the purposes of carrying out their functions, these committees shall have the right for discovery of papers, document, records and other evidences, and to order the possessor thereof to submit them to committees, to enter the establishment to conduct the necessary investigation, and to take any measures they deem as fit for the settlement of the dispute.

PART IX : COLLECTIVE LABOUR DISPUTES

Article 163

Neither of the parties to a dispute on which a final decision has been given by any of the boards provided for in this part shall raise it again. Such a dispute may only be raised by the agreement of the two parties concerned.

Article 164

The boards provided for in this Part shall apply the provisions of this Law, the laws currently in force, the provisions of Islamic Sharia law and any principles of customary law and concepts of equity, natural law and comparative law consistent therewith.

Article 165

The decisions of the Supreme Arbitration Board in settlement of collective labour disputes shall be applied in collaboration with the competent authority in each Emirate.

PART X

LABOUR INSPECTION

Article 166

Labour inspection shall be carried out by special inspectors attached to the Ministry of Labour and social Affairs, who shall have the powers and prerogative prescribed in this Law.

Labour inspectors shall carry a card certifying their status; which shall be issued to them by the Ministry of Labour and Social Affairs.

Article 167

Each labour inspector shall be competent for the following:

- (a) ensuring proper compliance with the provisions of this Law, and particularly those respecting conditions of work, remuneration, the safeguard and protection of workers during the performance of their work, and matters relating to the health and safety of workers and the employment of young persons and women;
- (b) supplying employers and workers with technical guidance and advice enabling them to make the best use of the means of applying the provisions of the law;
- (c) bringing to the notice of the competent authorities any defects that existing provisions are inadequate to remedy and proposing whatever is necessary for that purpose.

PART X : LABOUR INSPECTION

(d) recording incidents involving violations of this Law or the regulation and orders made thereunder.

Article 168

Before performing their duties labour inspectors shall take an oath before the Minister of Labour and Social Affairs that they will respect of the law, perform their duties honestly and faithfully and, even after leaving the service, not reveal any industrial secret or invention or other secrets coming to their knowledge in the course of their duties. They shall treat any complaints that they receive as absolutely confidential and shall give no intimation to the employer or his representatives of the source of the complaints.

Article 169

Employers and their representatives shall provide inspectors authorized to carry out labour inspection with the facilities and information necessary for the performance of their duties shall comply with any summons to appear before them or send a person to represent them if requested to do so.

Article 170

A labour inspector shall have the following powers :

1- to enter any establishment subject to the provisions of this Law without previous notice at any hour of the day or night, on condition that he does so during working hours;

PART X : LABOUR INSPECTION

2- to carry out any examination or inquiry necessary to verify due compliance with the Law, and he may, in particular-

(a) interrogate the employer or the workers, either alone or in the presence of witnesses, on any matters concerning compliance with the provisions of the law;

(b) inspect all documents required to be kept in accordance with this Law and the orders made thereunder, and to copy such documents or make extracts from them ;

(c) take one or more samples of materials used for or in connection with industrial or other operations or other operations that are subject to inspection, where he believes such materials to have a harmful effect on the health or safety of the workers, for the purpose of having them analysed in official laboratories and ascertaining the degree of danger, to notify the employer or his representatives of the result, and to take appropriate measures in this connection;

(d) ensure that the notices and announcements required by this Law are posted up at the workplace.

Article 171

The Minister of Labour and Social Affairs shall issue the regulations necessary for organising the inspection operations prescribed in the preceding article.

PART X : LABOUR INSPECTION

Article 172

Without prejudice to the provisions of article 169, any person carrying out an inspection shall notify the employer or his representative of his presence, unless he considers that the matter that has prompted his inspection requires otherwise.

Article 173

A labour inspector may, in order to secure compliance with the provisions respecting the health and safety of the workers, require employers or their representatives to make alterations to the installations or plant within the time-limits he prescribes. In addition, he may, in the event of imminent danger to the health or safety of the workers, require such measures as he deems necessary to be taken to avert such danger forthwith.

Article 174

Where, in a course of an inspection, an inspector discovers any violation of this Law or the regulations or orders made thereunder he shall draw up a report confirming the violation and shall submit to the competent labour department to enable it to take any necessary action against the offender.

Article 175

A labour inspector may, in case of need, request the complete administrative authorities and the police to provide any necessary assistance.

PART X : LABOUR INSPECTION

Where an inspection is made in connection with a matter relating to industrial health, the inspector shall, with the consent the head of the competent labour department, be accompanied by specialised medical practitioner from the Ministry of Health or a medical practitioner appointed for the purpose.

Article 176

The chief labour inspector in the area shall prepare a month report on labour inspection activities, inspection aspects, establishment inspected, and number and types of violation committed. He shall also prepare an annual report on inspection on the locality, contain the results and effects of inspection together with his comments as proposals. A copy of monthly report and the annual report should be sent to the labour department.

Article 177

The Minister of Labour and Social Affairs shall prepare annual report on inspection activities in the state, containing all matter related to the Ministry's supervision of the implementation of the labour law and, in particular, the following matters :

- 1- a statement on the provisions regulating inspection ;
- 2- a statement on officials in charge of inspection ;

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- 3- statistics of the establishments that are subject to inspection, number of workers employed therein, the number of inspection visits and tours made by the inspectors, the violation and the penalties imposed, and the employment accidents and occupational diseases.

Article 178

The Minister of Labour and Social Affairs shall prepare special forms for violation reports, inspection records, cautions and warning, as well as necessary rules for the maintenance and use of such forms, and shall send copies thereof to the labour department in various localities.

Article 179

Subject to the priority prescribed for nationals and to the general conditions laid down for the appointment of officials, labour inspectors shall-

- 1- have a reputation for total impartiality ;
- 2- have no direct interest in the establishments that they inspect;
- 3- pass a special professional examination after completing a period of training of at least three months.

Article 180

Special training courses for labour inspectors shall be given special training in the following :

PART X : LABOUR INSPECTION

- 1- the principles of organising visits of inspection and contacts with employers and workers;
- 2- the principles of verifying records and books ;
- 3- the principles of showing employers how to interpret legal texts, explaining to them the advantages of applying such texts and assisting them in doing so ;
- 4 - The basic principles of industrial technology and means of safeguarding against employment accidents and occupational diseases ;
- 5 - The basic principles of production efficiency and its connection with the extent to which proper conditions are provided for the performance of work.

PART XI

PENALTIES

Article 181

Without prejudice to any severer penalty provided for in any other law, a penalty of imprisonment for a period not exceeding six months and a fine not less than three thousand dirhams and not exceeding ten thousand dirhams or either of these two penalties :

- 1 - anyone who violates any of the obligatory provisions of this Law or of the rules or orders issued thereunder ;
- 2 - anyone who hinders or prevent any of the officials entrusted with the implementation of the provisions of this Law or the rules or orders issued in implementation thereof, or attempts or starts to prevent such officials from performing his duties whether by force or violence or by threatening to use force or violence ;
- 3 - any official entrusted with implementation of the provisions of this Law, if he divulges, even after termination of his services, any secret of work, industrial invention, or any method of work, which came to his knowledge in his capacity as such official.

Article 182

Execution of orders to pay fine shall not be stayed. A fine applicable to an employer for an offence shall be multiplied by the number of workers against whom the offence was

PART XI : PENALTIES

committed, provided that the total amount of fine shall not exceed three times the maximum limit of the fixed fine. The provisions of this article shall be applicable to violations committed against the following provisions and the rules and orders issued in implementation thereof :

1. violation of the provisions of article 13 ;
2. violation of the provisions of chapter two and three of part two.
3. violation of the provisions of part three ;
4. violations of articles 114, 124, 125, 128, 129, 142, 144.

Article 183

Where an offence is committed before the lapse of one year from the date on which judgement of the Court was pronounced in respect of a similar offence committed by the same offender the penalty may be inflicted twice as much.

Article 184

Without prejudice to the provisions of article 34, 41 and 126, criminal proceedings shall be initiated against the manager of the establishment responsible for its management as well as the owner of the establishment, if the circumstances give reason to believe that such owner was unaware of the facts constituting the offence.

PART XI : PENALTIES

Article 185

If the employer fails to fulfill his obligation under the provisions of this Law, the labour department concerned may issue an order stating the violation committed and inform the employer of such order with a view that the employer shall carry out such work within a period commencing on the date the employer has been informed. If such work is not carried out within the fixed period the said department shall carry out the required work at the employer's expense and recover such expenses by way of attachment.

Article 186

The labour department shall not in application of the provisions of the Law and the rules and orders issued in implementation thereof, whenever possible, initiate criminal proceedings before giving advice and guidance to employers and worker who commit violations against the Law and when necessary, gives them written warning to rectify their situation so as to be in accordance with the Law, before initiating criminal proceedings.

PART XII

CONCLUDING PROVISIONS

Article 187

The Minister of Labour and Social Affairs shall by order establish labour departments and their offices to be competent for the application of this Law and shall prescribe their areas of jurisdiction.

Article 188

The heads of labour departments and the inspectors of the inspection sections of the Ministry of Labour and Social Affairs shall have the status of judicial officers for the purposes of the application of this Law and the regulations, orders and decrees made thereunder.

Article 189

Any provision inconsistent with the provisions of this Law is hereby repealed.

Article 190

Without prejudice to the cases specified in this Law in respect of exemption from fees the Minister of Labour shall issue an order fixing the fees payable for the issue of placement offices licences, employment visas and work permits and their renewal and the issue of copies of these documents and other documents prescribed by this Law; provided that the fee shall not exceed five hundred dirhams.

PART XII : CONCLUDING PROVISIONS

Article 191

The Council of Ministers, acting at proposal of the Minister of Labour and Social Affairs, may make rules that are more beneficial to national workers.

Article 192

The Minister of Labour and Social Affairs shall issue orders for the implementation of the provisions of this Law. Ministers shall, each within his jurisdiction implement the provisions of this Law.

Article 193

This law shall be published in the Official Gazette and shall come into operation 60 days after its date of publication.