



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: UNITED ARAB EMIRATES (UAE)

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2000 and 2001 Annual Reviews (ARs).
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the United Arab Emirates Federation of Chambers of Commerce and Industry (UAEFCCI, which operates as an employers' organization) and the United Arab Emirates Coordinating Committee of Professional Associations (UAECCPA, which operates as the representative of workers' organizations) by means of consultations and communications of Government reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the UAEFCCI. 2007 AR: Observations by the UAEFCCI.
	Workers' organizations	2008 AR: Observations by the UAECCPA. Observations by the International Trade Union Confederation (ITUC). 2007 AR: Observations by the UAECCPA. Observations by the International Confederation of Free Trade Unions (ICFTU). 2006 AR: Observations by the UAECCPA. Observations by the ICFTU. 2005 AR: Observations by the ICFTU. 2002 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU. 2000 AR: Observations by the ICFTU.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	The United Arab Emirates has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C.87), nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C.98).	
		Ratification intention	YES, since 2006, for C.87 and C.98 2008 AR: The Government reiterated its intention to ratify C.87 and C.98. The UAEFCCI and the UAECCPA also reiterated their support to ratification of C.87 and 98. 2007 AR: The Government indicated six ILO Fundamental Conventions had been ratified, and that it would ratify the others (i.e. C.87 and C.98) shortly. The UAECCPA supported ratification of C.87 and C.98, as well as the establishment of workers' organizations in the United Arab Emirates.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES Article 33 of the Constitution provides that «the freedom to organize and establish associations is guaranteed within the limits defined by law».	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy 2005 AR: The Labour Code is being reviewed in light of the provisions of ratified ILO Conventions and the fundamental principles and rights at work. The Cabinet has recently adopted a decision with a view to elaborating a federal law on the establishment of workers' organizations. <ul style="list-style-type: none"> • Legislation: 2007 AR: According to the Government: Amendment to the labour law is under review. 2006 AR: According to the Government: A draft law on workers' organizations and other amendments to the Labour Relations Act, 1980, were submitted to the ILO in April 2005 for review. The Government is currently waiting for ILO comments to go ahead with the law and amendments. 2005 AR: Federal Law No. 8 of 1980 regulating labour relations defines in section 154 a collective labour dispute as «any dispute between an employer and his employee the subject of which concerns the joint interests of all or certain subgroups of employees working in a specific establishment, occupation or trade or in a specific occupational sector».	
		Basic legal provisions	(i) Constitution (Art. 33); (ii) Federal Law No. 8 of 1980; (iii) Federal Law No. 6 of 1974, as amended by Federal Law No. 20 of 1981; (iv) Federal Law No. 22 of 2000 (section 9); and (v) Ministerial Decree No. 297 of 1994.	
		Judicial decisions	NIL	
		Exercise of the principle	At national level	For Employers

	and right	(enterprise, sector/industry, national)		organization, but not to conclude collective agreements. All categories of employers can exercise freedom of association (FOA) and the right to collective bargaining at sector/enterprise, national and international levels.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Workers	2002-2004 ARs: Prior government authorization is required to establish a workers' organization, but not to conclude collective agreements. Medical professionals can exercise FOA, as can teachers at sector, national and international levels, but the right to collective bargaining is recognized at enterprise, sector/industry, national and international levels. However, FOA and the right to collective bargaining cannot be exercised by the following categories of persons: (i) workers in the public service; (ii) agricultural workers; (iii) workers engaged in domestic work; (iv) workers in export processing zones (EPZs) or enterprises/industries with EPZ status; (v) migrant workers; workers in the informal economy; and (vi) all categories of «non-professional» workers. The minimum age for exercising this right is 18 years.
			Special attention to particular situations	2003 AR: According to the Government: Women workers and workers' organizations in the industry, banking, petroleum and other sectors.
			Information/Data collection and dissemination	2003-2004 ARs: According to the Government: There is a lack of information and data.
		At international level	According to the Government: There are no particular restrictions for the international affiliation of employers' and workers' organizations.	
	Monitoring, enforcement and sanctions mechanisms	<p>2004 AR: According to the Government: In instances where the principle of collective bargaining has not been respected, penal and administrative sanctions are taken, the matter being referred to the courts.</p> <p>2002 AR: According to the Government: The Conciliation Committees and the Higher Arbitration Committee have been established to settle collective labour disputes.</p>		
Involvement of the social partners	2002 AR: The Government indicated that it seeks to promote and expand the scope of FOA through consultations with employers and professional associations in the country. Tripartite discussions of issues have been set up.			
Promotional activities	<p>2007 AR: The Government, the UAEFCCI and the UAECPPA mentioned their participation in the ILO/Gulf Cooperation Council (GCC) on the Declaration Follow-up organized in Kuwait City in April 2006. According to them, a labour law review is being carried out to promote the ILO Declaration.</p> <p>2003 AR: According to the Government: Women workers can enjoy the right to FOA by forming their own committees and federations; five women were appointed as members of the Consultative Council of Sharjah. In September 2002, the Conciliation Board and the Supreme Arbitration Board promoted the mechanism of collective bargaining. Moreover, a technical committee was implemented in order to create workers' organizations.</p> <p>2002 AR: The Government indicated that it was seeking to amend relevant laws and regulations to achieve the realization of the principle of freedom of association and the effective recognition of the right to collective bargaining (PR).</p>			

	Special initiatives/Progress	<p>2008 AR: The Government, the UAEFCCI and the UAECPPA indicated that women membership represented 22% of the newly elected Federal National Council as a result of the elections that took place in 2006.</p> <p>2004 AR: According to the Government: A special initiative has been taken through the draft amendment of the Labour Law in relation to FOA, so as to allow the formation of workers' organizations, as jointly suggested by the Ministry of Labour and the Ministry of Justice. This amendment has been submitted to the Cabinet for approval. A technical committee is actively following up on this matter.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2007 AR: According to the UAECCI: There is a lack of understanding on the ILO Fundamental Conventions and Declaration among the partners.</p>
		Workers' organizations	<p>2008 AR: The ITUC raised the following additional challenges: (i) the current Labour Law does not permit the formation of trade unions; (ii) the law does not recognise the right to collective bargaining; (iii) strikes are banned in the public sector; (iv) migrant workers (85-90 per cent of the workforce) would risk deportation for trying to organize unions or going on strike; (v) labour legislation does not cover public service workers, domestic workers or anyone working in the agricultural sector; and (vi) each export processing zones has its own labour regulations.</p> <p>2006-2007 ARs: According to the Arab Emirates Coordinating Committee of Professional Associations, although the Government is making progress in relation to FOA and other fundamental principles and rights at work, some entities are expressing reluctance due to their lack of awareness on the PR.</p> <p>The ICFTU raised the following additional challenges: (i) the Bill allowing the formation of trade unions in the private sector is still pending; (ii) in 2004, trade unions and collective bargaining were still banned, although some workers can associate; (iii) strike action is tolerated; (iv) each export processing zones has its own labour regulations.</p> <p>2000-2002, 2005-2005 ARs: The ICFTU raised the following challenges: (i) trade unions are illegal; (ii) the law does not recognize the right to organize nor the right to collective bargaining and the right to strike; (iii) payment is set by individual contracts that are reviewed by the Ministry of Labour, or in the case of domestic workers, by the Ministry of Immigration; (iv) labour laws do not apply to government employees, agricultural workers and domestic servants; (v) migrant workers (85-90 per cent of the workforce) would risk deportation for trying to organize unions or going on strike.</p>
	According to the Government	<p>2003 and 2007 ARs: The Government identified the main difficulties encountered in realizing the PR as follows: (i) lack of public awareness/support; (ii) lack of information and data; (iii) social values and cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of workers' organizations and (ix) lack of social dialogue on the PR.</p> <p>2000-2001 ARs: In response to ICFTU's observations, the Government made the following comments: (i) FOA exists under the law; (ii) it is not denied, but established professional organizations are different in form from traditional workers' organizations; (iii) the United Arab Emirates is a Federation and has no previous experience in the establishment of trade unions or labour federations; (iv) the right to collective bargaining is guaranteed by Federal Law No. 8 of 1980, which has established a mechanism to settle labour disputes through specific structures that are supervised by the labour administration.</p>	

TECHNICAL COOPERATION	Request	<p>2007 AR: According to the Government, the UAEFCCI and the UAECPPA: ILO technical cooperation is necessary for awareness raising activities on freedom of association and for the promotion of the Declaration in the United Arab Emirates.</p> <p>2006 AR: According to the Arab Emirates Coordinating Committee of Professional Associations, there is a need for ILO technical cooperation to facilitate the realization of FOA in the country, especially in raising awareness on the PR.</p> <p>2003 and 2007 ARs: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in the country in the following areas, in order of priority: (1) sharing of experiences across countries/regions; (2) legal reform (labour law and other relevant legislation), strengthening capacity of workers' organizations, strengthening tripartite social dialogue; (3) capacity building of responsible government institutions, training of other officials, strengthening capacity of employers' organizations.</p>
	Offer	ILO, GCC
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also acknowledged the high number of promotional activities concerning the PR in the Gulf States (and some other countries), and encouraged the Office to maintain its efforts to support these activities. However, they noted that restrictions on the right to organize of certain categories of workers in United Arab Emirates, such as domestic workers, workers in export-processing zones, workers in the public service, agricultural workers and workers in the informal economy, were not compatible with the realization of this principle and right (Cf. Paragraphs 12, 35 and 38 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2006 AR: The IDEAs observed the following: «It is important to note that the majority of workers in the United Arab Emirates and other Gulf States are migrant workers. Therefore, while we note that certain measures have been reported relating to this principle [...] we stress that the principle should be given full effect as regards all the workers present in these countries, including migrant workers, if these countries are to progress meaningfully in this area» (Cf. Paragraph 45 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs listed the United Arab Emirates among the countries where progress had been made under the Annual Review in the promotion of freedom of association and the effective recognition of the right to collective bargaining. Furthermore, the IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (Cf. Paragraphs 12 and 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs were encouraged by the continuing steps taken by countries of the Gulf Cooperation Council (GCC) in relation to this PR, but noted that there was a long way to go and much to do. They further indicated that the Gulf Cooperation Council States were providing more information on the PR, but not enough on the other three PRs. This would help to illustrate the link between all four PRs. The IDEAs also wished that the positive measures taken by countries in the Gulf Cooperation Council (GCC) be expanded upon (Cf. Paragraphs 29 and 84 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended the United Arab Emirates for their continuing dialogue with the Office. They also were encouraged to see the Government of the United Arab Emirates pointing out the needs in this country to strengthen the capacity building of workers' and employers' organizations and that it turned to the ILO for help (Cf. Paragraph 73 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged, in particular, the high level dialogue and agreement on a plan of activities between the Office and the Government of United Arab Emirates (Cf. Paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped that the Government of the United Arab Emirates would continue a dialogue with the Office regarding the ways in which the PR could be achieved. They also recommended to the governing body that further information be requested from the Government of United Arab Emirates in relation to efforts made to promote the principle and right Cf. Paragraphs 30 (b) (ii) and 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	

