



# REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS<sup>1</sup>

Updated November 2019



International  
Labour  
Organization

## PRIVATE SECTOR WORKERS<sup>2</sup>

(other than domestic workers)

## DOMESTIC WORKERS

<u>KEY LEGISLATION</u>	Federal Labour Law 1980.	Federal Law No. 10 of 2017 on Support Service Workers (UAE Domestic Workers Law). <sup>3</sup>
<b>RECRUITMENT</b>		
<u>RECRUITMENT FEES</u>	It is illegal to charge recruitment fees to workers. <sup>4</sup>	It is illegal to charge recruitment fees to workers whether prior to or after employment. <sup>5</sup>
<u>PASSPORT CONFISCATION</u>	It is illegal for an employer to confiscate a passport. <sup>6</sup>	
<b>WORKING CONDITIONS</b>		
<u>CONTRACT</u>	The employment contract must be in accordance with the Approved Standard Employment Contract, drafted. <sup>7</sup>	The contract, modelled on the unified standard contract mandated by the MOHRE must be signed in four copies.  It must be drafted in Arabic but it is possible to attach a version in another language, knowing that the officially admitted version is the Arabic one.
<u>MINIMUM WAGE</u>	No minimum wage.	No minimum wage.
<u>WORKING HOURS</u>	<b><u>The Rule</u></b> 8 hours per day or 48 hours per week.  <b><u>The Exception</u></b> The Ramadan month.  Working hours may be increased to 9 hours per day for persons employed in commercial establishments, hotels, restaurants, guards or similar operations.  Employees are entitled to a daily break for rest, meals and prayer after 5 consecutive hours of work per day.	A maximum of 12 hours per day and up to 72 hours per week.  Domestic workers are entitled to at least an 8 consecutive hour rest.

1 This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

2 This section does not apply to workers in the 'free zones' (approximately 37 free zones exist across the country).

3 Based on the terms of the law as found here.

4 A licensed 'labour mediator or supplier' may not request or accept from any worker, whether prior or subsequent to their admission to employment, any fees, or to charge the worker for any expenses unless it is provided for or approved by the Ministry of Human Resources and Emiratization (MOHRE).

5 Recruitment agencies for domestic workers have been replaced with 'Tadbeer Centres' that are publicly regulated but privately operated. Services provided by Tadbeer Centres include: conducting pre-arrival interviews with domestic workers to ensure that they understand their contractual rights; providing training and education to new workers; resolving disputes between workers and employers, and inspecting worker accommodation.

6 Internal administrative order by Ministry of Interior, reference number not provided.

7 No alteration or substitution may be entered unless it benefits the worker and it is approved by both the worker and the MOHRE. Ministerial Decree 764 of 2015 On the Implementation of the Ministry of Labor's Approved Standard Employment Contracts.

<u>REST PERIODS</u>	1 day per week, on Friday.  Workers who complete work on Friday are entitled to request a rest day in lieu which can be taken at a later date or be paid at 150 per cent rate of their basic wage.	1 day per week.
<u>OVERTIME</u>	<u>The Rule</u> Overtime provisions are at a rate of 125 per cent of the wage.  <u>The Exceptions</u> Overtime provisions increase up to 150 per cent of the wage for work between 9:00pm and 04:00am.  Overtime cannot exceed 2 hours per day, unless extreme circumstances justify it.	Not specified
<u>PAYMENT OF WAGES</u>	Employers must pay workers via the Wage Protection System at least once a month or at the dates specified in the work contract if the frequency of payment is more than monthly.	Employers have to pay domestic workers on a monthly basis no later than 10 days after the due date. A written receipt must be provided.
<u>ANNUAL LEAVE</u>	30 days per year. <sup>8</sup>	30 days per year.
<u>OTHER REQUIREMENTS</u>	Working outdoors is banned for construction and industrial workers between 12:30pm and 03:00pm during summer, from 15 June till 15 September. <sup>9</sup>  Workers are entitled to a 15 day paid sick leave and an additional 15 day sick leave at half-pay. After this period, sick leaves are not paid.	Employers have to provide domestic workers with an appropriate accommodation, medical care, food and work attire. Workers are entitled to a 15 day paid sick leave and a 15 day unpaid sick leave as well as a compensation for work-related injuries or illnesses.

## FREEDOM OF ASSOCIATION

<u>ABILITY TO JOIN TRADE UNION</u>	Trade unions are not permitted, however there is no prohibition on committees at company level, which can include worker representatives.
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## GRIEVANCES AND DISPUTE RESOLUTION

<u>LODGING COMPLAINTS/ RESOLVING DISPUTES</u>	<u>Conciliation</u> It is possible to file a complaint before the MOHRE for an amicable dispute resolution. If not settlement is reached within 2 weeks of submission of the complaint, the MOHRE can refer the dispute to the competent court.  <u>Judicial remedy</u> Disputes which cannot be resolved by MOHRE can be brought before the Labour Court or other Civil Courts. The court must, within 3 days from the date of reception of the file, fix a hearing date. For domestic workers, no legal action to recover rights under the provisions of this law may be brought more than six months after the end of the employment relationship without a legal justification. <sup>10</sup>
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<sup>8</sup> 2 days per month if the person has been employed less than a year but more than 6 months and 30 days a year if the person has been employed for more than a year. Workers receive any sums of accumulated annual leave days in case of dismissal or resignation, after the notice period.

<sup>9</sup> Ministerial Decree No. 401 of 2015 Concerning the Determination of Midday Working Hours.

<sup>10</sup> Article 8, Federal Law No. 10 of 2017 on Support Service Workers. These procedures are under the Federal Law No 10 of 2017 Support Service Workers and do not exist in the general text of the initial Labour Law which only mentions group actions and not individual claims.

Law 10 also has specific dispositions concerning the labour contracts that is a standardized one contrary to the provisions of the Emirati Labour Law that does not impose a format.

The procedure described here is the one of article 21 of Law 10, 2017.

## SPONSORSHIP

### SPONSORSHIP AND CHANGING EMPLOYERS

#### With permission of employer

After 6 months of service and with a notice. Exceptions apply for workers categorized under Skill Levels 1, 2 or 3.<sup>11</sup>

#### Without permission of employer,

only after the term of the contract has expired (2 years) or:

- *If the current employer has failed to meet their legal or contractual obligations;*
- *If the business has closed down, provided an inspection report attests it; or*
- *If a worker has brought a successful complaint to the Labour Court against their current employer, provided that the final ruling attests that the worker is owed wages for no less than 2 months of work or indemnity for arbitrary or early termination or any other rights violated.*

#### Penalty for non-compliance

An absconding charge can be made if the worker is absent for more than 7 consecutive days. Ban for 6 months for cancellation of residence but extended to 1 year due to strikes, unlawful strike, cancellation of the work permit due to contracting an infectious disease, and cancellation of the worker's residence permit due to a deportation order.<sup>12</sup> However, in cases of 'absconding' the ban can be much longer.

#### With permission of employer

Anytime.

#### Without permission of employer

A domestic worker can terminate the contract if the employer violates his legal obligations. However, the MOHRE decides if the domestic worker can change his employer or has to leave the country.

#### Penalties for non-compliance:

A domestic worker can be charged of absconding if he/she did not report quitting his/her job within 48 hours.<sup>13</sup>

An administratively deported worker due to 'absconding' charges generally receives a permanent entry ban to the UAE.

### LEAVING THE COUNTRY

No exit permit is required.

<sup>11</sup> Pursuant to Resolution 766 of 2015, workers cannot terminate the contract before completion of 6 months without incurring a labour ban of up to one year, unless they qualify as skill level 1 (undergraduate degree or higher), 2 (diplomas in any field) and 3 (higher-secondary or high-school).  
<sup>12</sup> Art. 13, UAE Ministerial Decision No. 707 of 2006 Regarding the Rules and Procedures for the Work of Non-nationals in the Country, Ministry of Labour.  
<sup>13</sup> Employer must report any illegitimate absence within 5 days.