



UNITED ARAB
EMIRATES

REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS ¹

Updated May 2023



International
Labour
Organization

PRIVATE SECTOR WORKERS

(other than domestic workers)

DOMESTIC WORKERS

RECRUITMENT		
KEY LEGISLATION	Federal Decree-Law No. 33/2021 Concerning the Regulation of Labour Relations (hereafter referred to as the “Labour Law”). ²	Federal Law No. 9/2022 on Domestic Workers, ³ executive regulations (Cabinet Resolution No. 106/2022) ⁴
RECRUITMENT FEES	An employer cannot charge the worker or collect from him/her recruitment and employment costs, either directly or indirectly. ⁵ If the worker changes to a new employer during the probation period, the employer may be able to claim (part of) the recruitment costs from the new employer.	Employers cannot charge workers any costs or charges, whether directly or indirectly unless specified in the law. ⁶ Likewise, the recruitment agency is prohibited from demanding or accepting, directly or indirectly, any commission for securing the job from any domestic worker or to charge them any expenses. ⁷
PASSPORT CONFISCATION	It is illegal for an employer to confiscate a passport. ⁸	Domestic workers should be allowed to retain all official documents. In case the employer withholds the domestic workers’ identification documents, he could be fined 500 dirhams. ⁹
WORKING CONDITIONS		
CONTRACT	The employment contract must be in accordance with the relevant Approved Standard Employment Contract based on whether the contract is full-time, part-time, temporary, flexible, remote, or job-sharing. The worker and employer can agree to introduce new clauses into the approved contract form only if they are compliant with legal provisions.	Domestic workers may be ‘full-time’ or ‘temporary’. Temporary workers are employed by the respective recruitment office which legally is their employer, but the domestic worker’s obligations remain to the person/family to whom the worker provides the services. ¹⁰

1 The information in this factsheet is made available for general information purposes only. The information included does not, and is not intended to, constitute legal advice. No obligations or rights can be derived from the information provided. This factsheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation, and is based on publicly available information.

2 The Labour Law does not apply to the following groups of employees: (i) public sector employees; (ii) those in the armed forces, police and security; (iii) domestic workers; and (iv) employees on farms. The Labour Law also does not apply to employees in any of the financial free zones, namely the Dubai Financial Centre and the Abu Dhabi Global Market. The Labour Law is applicable to workers in the Free Zones. Each Free Zone may supplement the Labour Law provisions.

3 This law came into force on 15 December 2022.

4 Full title, Cabinet Resolution No. 106 f 2022 Pertaining to the Executive Regulations of Federal Decree Law No. 9/2022 Concerning Domestic Workers.

5 Labour Law, article 6.

6 Federal Decree-Law No. 9/2022, article 11 (13).

7 Federal Decree-Law No. 9/2022, article 5 (2).

8 Labour Law, article 13 (2); Ministry of Interior Circular No. 267/2002. Federal Decree-Law No. 9/2022, article 11(11).

9 Schedule No. 2 of Cabinet Resolution No. 106/2022

10 Federal Decree-Law No. 9/2022, article 14.

	<p>The employment contract shall be for a defined period and may be renewed for similar periods as agreed by the parties. The law does not provide for a maximum term.¹¹</p>	<p>Temporary domestic workers shall reside at the work site ‘specified by the beneficiary’ (to whom he/she provides services) unless otherwise agreed upon between the agency and the beneficiary. The recruitment office shall be jointly responsible for implementing the law with the beneficiary.¹²</p> <p>The contract, modelled on the unified standard contract mandated by the Ministry of Human Resources and Emiratisation (MOHRE), must be signed and a copy given to the worker. The template contract is issued in dual Arabic and a foreign language understood by the non-Arabic speaking domestic worker. However, in the event of a dispute, the Arabic language version will be considered the official version.</p> <p>The duration of the contract varies. In instances where the sponsor is the employing family, the contract term is currently in practice between one and two years depending on the type of visa the sponsoring family member holds. In instances where the sponsor is the recruitment office, the contract term may be for two years. The contract may be renewed for the same period.¹³</p> <p>The probationary period must not be longer than 6 months.</p>
<p>MINIMUM WAGE</p>	<p>Minimum wage to be introduced by Cabinet decision.</p> <p>Female workers are entitled to a wage equal to that of a male worker provided they are performing the same work or other work of equal value.¹⁴</p>	<p>No minimum wage.</p>
<p>WORKING HOURS</p>	<p><i>The Rule</i></p> <p>Eight hours per day, and 48 hours per week.¹⁵ Businesses whose technical nature requires continuation of work through successive shifts or tours are exempt from the maximum working hours and are subject to maximum working hours of 56 hours per week.¹⁶</p>	<p>A maximum of 12 hours per day.</p> <p>Domestic workers are entitled to at least 12 hours of rest per day, of which at least 8 must be consecutive hours of rest.¹⁷</p>

11 Labour Law, article 8; and Cabinet Resolution No. 1/2022 on the Implementing Regulations of Federal Decree-Law No.33/2021 (hereafter the “Implementing Regulations”), article 10. Moreover, article 66 of Federal Decree-Law No. 33/2021 states that the employer shall use the Arabic language in concluding contracts with the workers, in writing and publishing instructions and circulars which it shall issue, provided that there shall be another language, beside the Arabic, which is understood by the non-Arabic speaking worker, taking into account that the text in the other language matches the Arabic text. In case of difference, the Arabic text shall prevail.

12 Cabinet Resolution 106/2022

13 Federal Decree-Law No. 9/2022, article 7.

14 Federal Decree-Law No. 6/2020.

15 Labour Law, article 19.

16 Implementing Regulations, article 15

17 Federal Decree-Law No. 9/2022, article 9(2).

	<p>Exceptions</p> <p>Working hours will be reduced by two hours during the month of Ramadan.¹⁸</p> <p>Employees are entitled to a daily break for rest, meals and prayer after five consecutive hours of work per day.¹⁹</p> <p>In some cases, the period spent by the worker commuting between his/her place of residence and the workplace shall be counted within the working hours.²⁰</p>	
<p>REST PERIODS</p>	<p>One day per week as specified in the employment contract or internal work regulations.²¹</p> <p>Workers who work on their rest day are entitled to request a rest day in lieu that can be taken at a later date or be paid at a rate of 150 per cent of their basic wage.</p>	<p>One day per week. Workers who work on their rest day shall be granted an alternative one day of rest or be compensated cash in lieu for this rest day.²²</p> <p>The domestic worker may not be required to work for more than two consecutive days of rest in any two weeks, unless otherwise agreed on.²³</p>
<p>OVERTIME</p>	<p>The Rule</p> <p>Employees who work overtime during the hours of 4am and 10pm are entitled to overtime rate of 125 per cent of their basic wage. Overtime must not exceed 2 hours per day. Total working hours should not exceed 144 hours in 3 weeks.²⁴</p> <p>Exceptions</p> <p>Overtime provisions increase to 150 per cent of the basic wage for overtime work undertaken between 10 p.m. and 4 a.m.²⁵</p> <p>Certain categories of employees are exempt from the maximum working hours provisions. These include:</p> <ul style="list-style-type: none"> • Chairperson and members of the board of directors; • persons occupying supervisory positions if such positions would enable them to enjoy the powers of the employer; • crews of naval vessels and other workers at sea; and • Preparatory or complementary works which must necessarily be carried out outside the time limits generally established for work in the facility.²⁶ 	<p>Not specified.</p>

18 Implementing Regulations, article 15.

19 Labour Law, article 18.

20 Cabinet Resolution 1/22, article 15.

21 Labour Law, article 21.

22 Federal Decree-Law No. 9/2022, article 9(1).

23 Cabinet Resolution 106/2022, article 8.

24 Labour Law, article 19.

25 Labour Law, article 19.

26 Implementing Regulations, article 15

<p>PAYMENT OF WAGES</p>	<p>Employers must pay workers via the Wage Protection System (WPS) at least once a month, or on the dates specified in the work contract if the frequency of payment is greater than monthly. The payment of wages can be made in another currency than the Emirati Dirham (AED), if agreed between the two parties in the employment contract.²⁷</p> <p>The only employers exempt from the WPS are fishing boats and public taxis (owned by nationals), banks and houses of worship.²⁸</p>	<p>Employers have to pay domestic workers on a monthly basis no later than ten days after the due date. A written receipt must be provided.²⁹</p> <p>The employer can deduct up to a quarter of the worker's salary if the worker caused any loss, damage or destruction to any tools, machines, equipment or products owned by the employer, kept in the custody of the worker or under his/her disposal.³⁰</p> <p>Starting 1 April 2023 employers are required to register and pay the wages of domestic workers through the Wage Protection System if the worker is employed as a:</p> <ul style="list-style-type: none"> • Private Agricultural Engineer • Private Messenger • Home Care Provider • Private Tutor • Private Trainer.³¹ <p>For the other 14 domestic work professions (including housemaid, security guard, physical labour worker, housekeeper, cook, nanny/babysitter) the employer is not obliged, but may voluntarily pay the worker through the Wage Protection System from 1 January 2023.³²</p>
<p>ANNUAL LEAVE AND SICK LEAVE</p>	<p>Annual leave – paid 30 days per year upon completion of one year of employment. If the period of service is less than a year but more than six months, the worker is entitled to two days' leave for each month until completing 12 months of service.³³ The Labour Law does not provide for annual leave during the first six months of employment, but leave may be taken during the probationary period with the employer's consent..³⁴ Different calculations apply to part-time workers.</p> <p>Sick leave – Workers are entitled to 90 days of sick leave per year: the first 15 days at full pay; the next 30 days at half pay; and the remaining 45 days at no pay.³⁵</p>	<p>Annual leave – paid 30 days per year of service upon completion of one year of employment. If the period of service is less than a year but more than six months, the worker is entitled to two days leave for each month until completing 12 months of service.³⁶</p> <p>The employer may determine the timing of the annual leave. If the nature of the work requires the worker to work during part or all of the annual leave, it is either carried over to the following year or must be compensated in cash.³⁷ (it is prohibited for a domestic worker to work during his/her annual leave more than once during two consecutive years.)</p> <p>Sick leave – Workers are entitled to 30 days of sick leave per year, the first 15 days on full pay and the remaining 15 days on half pay, subject to providing a medical report.³⁸ If the domestic worker's behavior contributed to the illness, no payment will be made during sick leave.³⁹</p>

27 Labour Law, article 22(3).

28 Ministerial Resolution No. 43/2022.

29 Federal Decree-Law No. 9/2022, article 15.

30 Federal Decree-Law No. 9/2022, article 16.

31 Ministerial Resolution No. 675/2022, Article 2.

32 Ministerial Resolution No. 675/2022, Article 2.

33 Labour Law, article 29.

34 In case of dismissal or resignation, workers receive payment for any accumulated unused annual leave days, after the notice period.

35 Labour Law, article 31.

36 Federal Decree-Law No. 9/2022, article 10(1).

37 Federal Decree-Law No. 9/2022, article 10(2).

38 Federal Decree-Law No. 9/2022, article 10(6).

39 Federal Decree-Law No. 9/2022, article 10(7).

OTHER REQUIREMENTS

Working outdoors is banned for construction and industrial workers between 12.30 p.m. and 3 p.m. during summer (15 June through 15 September).⁴⁰

All industrial establishments, and construction companies with more than 100 workers, must appoint a qualified OSH officer.⁴¹ Establishments with more than 50 workers where the monthly wage is AED 1,500 or less must provide accommodation, which complies with certain requirements.⁴²

A full-time migrant worker, who completed a year or more in continuous service, is entitled to end of service benefits at the end of his/her service, calculated according to the basic wage as per the following:

- a. A wage of 21 days for each year of the first five years of service;
- b. A wage of 30 days for each year exceeding such period.⁴³

Employers have to provide domestic workers with appropriate accommodation, medical care, food and work attire but only if the worker is employed on a full-time basis, unless agreed otherwise.⁴⁴

The recruitment agency should provide a decent equipped temporary accommodation for domestic workers whether they are registered to employ workers (temporary basis) or for the period between arriving and being placed with a family.⁴⁵

The employer is liable for the domestic worker's medical care in accordance with the health system in effect in the state, or, alternatively, provide the domestic worker with appropriate health insurance in accordance with the laws and regulations governing the state's health system.⁴⁶ The employer is liable for compensation for work injuries and occupational diseases as set out in the Labour Law. Domestic workers must be provided with protective equipment and the employer must take measure to protect the worker from occupational disease and injury.⁴⁷

The rules and regulations for calculation and payment of end of service gratuity for domestic workers have not yet been determined.⁴⁸

The employer must pay for the cost of a return ticket once every two years if the worker wishes to spend annual leave in his/her home country.⁴⁹ or

The domestic worker shall comply with the employer's instructions regarding the completion of the agreed work, unless these instructions violate the employment contract, the law, public order, public morals, or expose him/her to danger or legal repercussions.

FREEDOM OF ASSOCIATION

RIGHT TO JOIN TRADE UNION

Trade unions are not permitted. However, there is no prohibition on committees at the company level, which can include migrant worker representatives.

40 Ministerial Decree No. 401/2015 Concerning the Determination of Midday Working Hours.

41 Ministerial Resolution No. 44/2022.

42 Cabinet Resolution No. 13/2009.

43 Labour Law, article 51. A migrant worker shall be entitled to a benefit for parts of the year in proportion to the period spent at work, provided that he or she completed one year of continuous service.

44 Federal Decree-Law No. 9/2022, article 11(3).

45 Federal Decree-Law No. 9/2022, article 5(5).

46 Federal Decree-Law No. 9/2022, article 11(5).

47 Cabinet Resolution 106/2022.

48 The UAE Cabinet shall adopt these rules according to Federal Decree-Law No. 9/2022, article 22, but this has not been done to date (May 2023).

49 Federal Decree-Law No. 9/2022, article 10(4).

GRIEVANCES AND DISPUTE RESOLUTION

LODGING COMPLAINTS/ RESOLVING DISPUTES

Conciliation

Individual complaints must be launched within 30 days of either of the worker or employer failing to fulfil the obligations stated in the employment contract or the law.⁵⁰ The individual labour complaint can be registered via the MOHRE website or app, or by contacting the hotline for non-nationals (04-6659999). A text message is sent to both parties with details of the complaint and the process. A legal officer aims to facilitate an amicable dispute resolution. If a settlement is not reached within two weeks of submission of the complaint, the MOHRE can refer the dispute to the competent court or cancel the work permit as decided by the legal officer.⁵¹

A collective labour claim can be filed with the MOHRE in instances where a dispute arises between the employer and a group of more than 50 employees. The MOHRE official will aim to facilitate an amicable dispute resolution. If no settlement is reached within 30 days, the MOHRE will refer the dispute to the competent Committee of Settlement of Collective Labour Disputes.⁵²

The Committee must make a judgment on the dispute within 30 days from the date of the first session (which will be held two days after receiving the complaint).⁵³

Judicial remedy

Individual disputes that cannot be resolved by the MOHRE can be referred to the Labour Court. However, once the MOHRE makes this referral, the worker has a maximum of 14 days to register the labour complaint with the competent court. The worker can only work for another employer after obtaining a temporary permit from the MOHRE (workers with an absconding claim against them are ineligible for this permit).⁵⁴

The Labour Court must, within three days from the date of receipt of the file, fix a hearing date. Labour claims that do not exceed AED 500,000 may be referred to the Summary Chambers within the Partial Circuit Division, where the case may be expedited.

For domestic workers, in the event a dispute arises and the parties are unable to settle the matter amicably, the dispute can be referred to the MOHRE, which will review and take the appropriate action. Where the matter remains unresolved, the case may be referred to the Labour Court. No legal action to recover rights may be brought more than three months after the end of the employment relationship.⁵⁵

Labour inspectors are not allowed to enter the employer's family residence without the consent of its owner, except with the permission of the Public Prosecutor in the following two circumstances: a. A complaint is submitted by the employer or the domestic worker; b. Existence of reasonable evidence of violation of the provisions of the Law or regulations.⁵⁶ Labour inspectors can enter recruitment agencies including accommodations provided by the recruitment agency for domestic workers.⁵⁷

Penalties for breaching the law include a fine of no less than AED 5,000 (Five Thousand Dirhams) and no more than AED 1,000,000 (One Million Dirhams).

50 Ministerial Resolution No. 47/2022 on the Settlements of Labour Disputes and Complaints Procedures.

51 Labour Law, article 54; Implementing Regulations, article 31; Administrative Resolution No. 25/2022.

52 Ministerial Resolution No. 47/2022 on the Settlements of Labour Disputes and Complaints Procedures.

53 Cabinet Resolution No. 46/2022 Concerning formation of the Collective Labour Disputes Committee.

54 Ministerial Resolution No. 47/2022 on the Settlements of Labour Disputes and Complaints Procedures.

55 Federal Decree-Law No. 9/2022, article 26.

56 Federal Decree-Law No. 9/2022, article 22

57 Federal Decree-Law No. 9/2022, article 24.

SPONSORSHIP

SPONSORSHIP AND CHANGING EMPLOYERS

With permission of employer

Anytime.

Without permission of employer

Anytime, provided that the worker can show “legitimate reason” and gives the employer notice in writing. The notice period is agreed in the contract (between 30 and 90 days).⁵⁸ The term “legitimate reason” has not been defined in the legislation.

An employer can report a worker as having “absented him or herself from work” for more than seven consecutive days without the employer knowing where the worker is. In such a case, the employer can lodge a complaint on the MOHRE website/app and the work permit is automatically cancelled as soon as the application is approved (within no more than two days of the application being filed).⁵⁹ The Ministry can cancel the application in a limited number of cases, including if there is “a legitimate reason for [the worker] not reporting to work or any other reason in which the complaint is proven to be invalid”.⁶⁰

With permission of employer

Anytime.

Without permission of employer

A domestic worker can terminate the contract if the employer violates any of his or her obligations under the law, including with respect to a salary reduction, appropriate accommodation, meals and clothing, and maintaining the workers dignity and safety. The worker must inform the MOHRE within two weeks of the occurrence.⁶¹

In case the employer (or representative) commits assault, including sexual assault or humiliation, the worker can leave immediately without notice, but must report to the competent authorities immediately and inform MOHRE within 3 days of leaving.⁶²

In case the worker leaves under the above circumstances, it is necessary to return to the recruitment office that recruits him/her for housing. The worker will be able to retain his/her entitlements and either leave the country or transfer to another employer. However, the legislation does make reference to a ‘judicial decision which demonstrates that the employer has breached his obligations towards the domestic worker during the term of their employment contract.’⁶³

If the worker (leaves work without employer’s knowledge), he/she must inform the MOHRE within two days of leaving work.⁶⁴ Moreover, the employer has an obligation to inform the Ministry within five days of a domestic worker ‘abandoning’ work.

The employer may terminate the contract for a number of reasons, including

- if the worker is absent more than 10 consecutive days or 15 intermittent days without valid reason.
- for worker’s breach of contract (direct employment: worker pays for repatriation; recruitment by agency, agency pays for ticket)

LEAVING THE COUNTRY

No exit permit is required.

58 Labour Law, article 43.

59 Administrative Resolution No. 25/2022.

60 Ministerial Resolution No. 47/2022 on the Settlements of Labour Disputes and Complaints Procedures.

61 Federal Decree-Law No. 9/2022, article 20; Cabinet Resolution No. 106/2022.

62 Cabinet Resolution 106/2022.

63 Ministerial Resolution No. 674/2022, article 2.

64 Federal Decree-Law No. 9/2022, article 18(3).