

Ministerial Resolution No. (1186) for 2010
Rules and Conditions of Granting a New Work Permit to an
Employee after Termination of the Work Relationship in Order
to Move from One Establishment to Another

The Minister of Labour:

- After reviewing Federal Law No. (1) for 1972 and the amendments thereto regarding ministry competencies and ministerial powers,
- Federal Law No. (8) for 1980 and the amendments thereto regarding the regulation of work relationships,
- Cabinet of Ministers Resolution No. (25) for 2010 regarding internal work permits applicable at the Ministry of Labour,
- Minister of Labour Resolution No. (826) for 2005 regarding the executive regulation for transfer of sponsorship,
- Ministerial Resolution No. (707) for 2006 regarding the procedures and rules of the employment of non-citizens in the State,
- And Ministerial Resolution No. (724) for 2006 regarding the administrative cancellation of sponsorship;

It Was Decided:

Article (1)

The Ministry may issue a new work permit to an employee after the termination of his labour relationship with the employer to move from one establishment to another without needing to wait six months from the date of cancelling the labour card, as stipulated in the Minister of Labour Resolution No. (826) for 2005, according to the regulations stipulated in this decision.

Article (2)

The following two conditions must be met in order to grant the work permit mentioned in Article (1) of this resolution:

- 1- Agreement between the employee and the employer to conclude the work relationship.
- 2- The employee must have spent at least two years with the employer.

Article (3)

As an exception to the provision of Item No. (1) of Article (2) of this Resolution, the Ministry may issue the work permit without requiring the consent of the employer to end the relationship in the following cases:

- 1- The violation on the part of the employer of his obligations, whether legal or consensual, (for example but not limited to: non-payment of wages for more than sixty days).
- 2- Cases in which the employee is not the cause for ending the relationship, for example:
 - a) The case of a complaint submitted by the employee against the establishment where he works for not being hired as a result of the closure of that establishment. In this case, a report from the Inspection Department of the Ministry is necessary to prove that the establishment has not exercised its activity for more than two months, provided that the employee had been referred to the Ministry during such period.
 - b) The case of a labour complaint referred by the Ministry to the court. In this case, a final ruling in favour of the employee is necessary, stating his

entitlement to at least two months' wages, compensation for unfair dismissal or termination of the limited contract prior to its expiry, and any other rights the employer had not given the employee, provided that the ruling does not include anything to the effect that the employee had left work of his own accord for no reason recognised by the law, or that he was deprived of the end of service bonus.

- c) In the event that the employer, of his own accord, terminates or neglects to renew the work relationship, and without the resignation of the employee.

Article (4)

As an exception to the provision of Item No. (2) of Article (2) of this Resolution, the Ministry may issue a work permit to the employee without requiring the two year period in the following cases:

- a. In the event that the employee is starting his new position at the first, second or third professional levels after fulfilling the conditions for joining any of these levels according to the rules in force at the Ministry, and provided that his new wage is not less than (12) thousand Dirham at the first professional level, (7) thousand Dirham at the second professional level and (5) thousand Dirham at the third professional level.
- b. In the event that the employer violates his legally stipulated obligations to the employee, or in the event that the employee is not the cause for terminating the work relationship as mentioned in Article (3) of this Resolution.
- c. In the event that the employee moves to another establishment owned solely or jointly by the same employer.

Article (6)

Renewed work permits granted in accordance with this Resolution shall be revoked if the Ministry discovers that the data upon which the permit was based is incorrect, or if it discovers that the conditions necessary for permit renewal mentioned in this Resolution no longer exist.

Article (7)

Any text or provision contrary to this Resolution shall be null and void.

Article (8)

This Resolution shall be published in the Official Gazette and shall be put into force as of 1/1/2011.

Saqr Ghobash

Minister of Labour

Issued by us in Abu Dhabi on: 29/11/2010