



REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS ¹

Updated March 2021

A note on temporary changes due to COVID-19: Ministerial Resolution No. (279) of 2020 ² effective from 26 March 2020, allows certain employers to amend contracts of the migrant workers they employ, during 'the period of precautionary measures' (not defined). This factsheet makes brief reference to the most relevant aspects in italics to demonstrate that the measures are temporary.



International
Labour
Organization

PRIVATE SECTOR WORKERS

DOMESTIC WORKERS

(other than domestic workers)

KEY LEGISLATION	Federal Labour Law No. 8/1980 Concerning the Regulation of Labour Relations. ³	Federal Law No. 10 of 2017 on Domestic Workers.
RECRUITMENT		
RECRUITMENT FEES	It is illegal to charge recruitment fees to workers. ⁴	It is illegal to charge recruitment fees to domestic workers whether prior to or after employment. ⁵
PASSPORT CONFISCATION	It is illegal for an employer to confiscate a passport. ⁶	
WORKING CONDITIONS		
CONTRACT	<p>The employment contract must be in accordance with the Approved Standard Employment Contract, and must be drafted in Arabic. ⁷</p> <p><i>During the COVID-19 period, companies which are impacted by the government's precautionary measures to limit spread of COVID-19, can reduce the wages of a migrant worker they employ but this can only be done if both parties agree and sign a "temporary additional appendix" to the labour contract. ⁸ Both the employer and the worker must keep a copy of this appendix to the contract.</i></p> <p><i>An employer can permanently reduce the wages of a migrant worker but is required to apply through the "Employment Contract data modification" service to obtain the approval of the MOHRE. ⁹</i></p>	<p>The contract, modelled on the unified standard contract mandated by the Ministry of Human Resources and Emiratization (MOHRE) must be signed in four copies.</p> <p>It must be drafted in Arabic, but it is possible to attach a version in another language. However, in the event of a dispute, the Arabic language version will prevail.</p>

¹ This factsheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation, and was reviewed by Clyde & Co lawyers for accuracy.

² Full title Ministerial Resolution No. (279) of 2020 Regarding the stability of employment in private sector companies during the period of applying precautionary measures to contain the spread of the Novel Corona virus). The full text is available [here](#).

³ 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 in 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.

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). Federal Law No. 8/1980, Article 18.

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 is approved by both the worker and the MOHRE. Ministerial Decree 764 of 2015 on the Implementation of the Ministry of Labour's Approved Standard Employment Contracts.

⁸ The terms of this Appendix expire with the expiration of the term of the contract or the period of validity of this resolution, whichever is earlier. Ministerial Resolution No 279 of 2020, article 5.2. Renew the appendix referred to in Item 1 of this Article with the approval of both parties.

⁹ Ministerial Resolution No 279 of 2020, article 6.

MINIMUM WAGE	<p>No minimum wage.</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.¹⁰</p>	<p>No minimum wage.</p>
WORKING HOURS	<p>The Rule Eight hours per day, and 48 hours per week.</p> <p>Exceptions Working hours will be reduced by two hours during the month of Ramadan.</p> <p>Working hours may be increased to nine hours per day for persons employed in trade, hotels, cafeterias and security. Working hours in other jobs may be extended by virtue of a decision of the MOHRE.</p> <p>Employees are entitled to a daily break for rest, meals and prayer after five consecutive hours of work per day.</p>	<p>A maximum of 12 hours per day, and up to 72 hours per week.</p> <p>Domestic workers are entitled to at least eight consecutive hours of rest per day.</p>
REST PERIODS	<p>One day per week, on Friday.</p> <p>Workers who work on Friday 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.</p>
OVERTIME	<p>The Rule Overtime provisions are at a rate of 125 per cent of the wage.</p> <p>Exceptions Overtime provisions increase up to 150 per cent of the wage for work between 9 p.m. and 4 a.m.</p> <p>Overtime cannot exceed two hours per day, unless extreme circumstances justify it.</p>	<p>Not specified</p>
PAYMENT OF WAGES	<p>Employers must pay workers via the Wage Protection System at least once a month, or on the dates specified in the work contract if the frequency of payment is more than monthly. During the period of COVID-19, certain changes can be made to migrant workers' wages as noted under 'Contracts' above.</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.</p>
ANNUAL LEAVE	<p>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. The Labour Law does not provide for annual leave during the first six months of employment.¹¹</p>	<p>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.¹²</p>

10 Federal Law No. 8/1980, Article 32, as amended by Federal Decree-Law No. 6/2020.

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

12 Federal Law No. 10 of 2017 on Domestic Workers, Article 13.

<p>OTHER REQUIREMENTS</p>	<p>Working outdoors is prohibited for construction and industrial workers between 12.30 p.m. and 3 p.m. during summer (15 June through 15 September).¹³</p> <p>Workers are entitled to 90 days of sick leave: the first 15 days at full pay; the next 30 days at half pay; and the remaining 45 days at no pay.¹⁴</p> <p><i>During the COVID-19 period, companies who have ‘surplus’ migrant workers can register workers’ data in the Virtual Labor Market system to allow them to be rotated to other employers, but the first employer must continue to provide housing and other entitlements (except wages) until the worker either leaves the country, or starts working with another company.¹⁵</i></p>	<p>Employers have to provide domestic workers with appropriate accommodation, medical care, food and work attire.</p> <p>Workers are entitled to 15 days of paid sick leave and 15 days of unpaid sick leave, as well as a compensation for work-related injuries or illnesses.</p>
<p>FREEDOM OF ASSOCIATION</p>		
<p>RIGHT TO JOIN TRADE UNION</p>	<p>Trade unions are not permitted; however, there is no prohibition on committees at company level, which can include worker representatives.</p>	
<p>GRIEVANCES AND DISPUTE RESOLUTION</p>		
<p>LODGING COMPLAINTS/ RESOLVING DISPUTES</p>	<p>Conciliation</p> <p>Workers can file a complaint before the MOHRE for 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. In Abu Dhabi, the worker and the employer are given 48 hours to resolve the matter between themselves. In the event that the matter cannot be resolved by the parties, the Disputes Committee of the MOHRE will set a hearing for both parties to attend. If settlement cannot be agreed, the matter will be referred to the Labour Court.</p> <p>Judicial remedy</p> <p>Disputes that cannot be resolved by the MOHRE can be brought before the Labour Court. The court must, within three days from the date of receipt of the file, fix a hearing date. Labour claims that do not exceed 500,000 dirhams (US\$ 136,100) may be referred to the Summary Chambers within the Partial Circuit Division where the case may be expedited.</p> <p>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 six months after the end of the employment relationship without a legal justification.¹⁶</p>	

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

14 Federal Law No. 8/1980, Article 83.

15 Ministerial Resolution No 279 of 2020, article 3.

16 Federal Law No. 10 of 2017 on Support Service Workers, Article 8 and Article 21.

SPONSORSHIP

<p>SPONSORSHIP AND CHANGING EMPLOYERS</p>	<p><i>With permission of employer</i></p> <p>Anytime, except for some lower-skilled migrant workers, who will need to have performed at least six months of service to avoid a labour ban. No minimum service requirements apply for skilled migrant worker employees.</p> <p><i>Without permission of employer</i></p> <p>Workers on unlimited-term contracts or renewed fixed-term contracts may terminate their contract with notice.</p> <p>Workers on an initial fixed-term contract (ie. Their first contract with the employer, which has not been renewed) do not have a statutory right to terminate early, and so risk incurring a labour ban of 12 months if they terminate without permission of the employer (this does not apply if they renewed the contract once already).</p>	<p><i>With permission of employer</i></p> <p>Anytime.</p> <p><i>Without permission of employer</i></p> <p>A domestic worker can terminate the contract if the employer violates their legal obligations. However, the MOHRE will decide whether the domestic worker can change their employer or has to leave the country.</p>
<p>LEAVING THE COUNTRY</p>	<p>No exit permit is required.</p>	