

Ministerial Decree (766) of 2015 on Rules and Conditions for granting a permit to a worker for employment by a new employer

The Minister of Labour:

Upon review of Federal Law (1) of 1972 on the mandates of ministries and the powers granted to ministers and of Federal Law (8) of 1980 and its amendments on the regulation of labour relations;

And of the Council of Ministers' Decree (25) of 2010 on internal work permits that are granted by the Ministry of Labour to workers who are active in the labour market;

And of Decree (826) of 2005 issued by the minister of Labour on rules implementing the transfer of sponsorship;

And of Ministerial decree (707) of 2006 on terms and procedures for granting non-nationals permits to engage in employment in the UAE;

And of ministerial Decree (724) of 2006 on administrative termination of sponsorships;

And of Ministerial Decree (1186) of 2010 on the rules and conditions for granting permission to a worker whose employment relation has ended to work for a new employer;

And of Ministerial Decree (422) of 2015 on the rules and conditions governing the termination of an employment relation.

Decrees:

Article (1)

A new work permit may be granted to a worker upon the termination of the said worker's employment relation in the following instances:

I. Term contracts

1. The term of the contract has expired and not been renewed.
2. The two parties (worker and employer) mutually consent to terminating the contract during the course of its term, provided the worker has completed a period of no less than six months with the employer; the latter provision is waived for workers that qualify for skill levels 1, 2 and 3, as per the ministry's classification.
3. The employer initiates the termination of the employment relation, without reason of non-compliance on the part of the worker, provided the worker has completed a period of no less than six months with the employer; the latter

provision is waived for workers that qualify for skill levels 1, 2 and 3, as per the ministry's classification.

4. Either party acts unilaterally to terminate the employment relation following its renewal (irrespective of the period the worker has been in the employment of the employer and irrespective of the date of renewal) provided that:

a. The terminating party notifies the other party in writing of his/her intent to terminate the contract in accordance with the notice period that was agreed to by the two parties, not to be less than one month and not to exceed three months. If renewal of the contract occurs prior to this decree entering into effect, and the two parties had not agreed to a notice period, then the notice period shall be three months.

b. The terminating party continues to honor the contractual obligations for the duration of the notice period.

c. The terminating party indemnifies the other party in the amount that was agreed to by the two parties, not to exceed the equivalent of three months of gross wages; if renewal of the contract occurs prior to this decree entering into effect, and the two parties had not agreed to the amount of indemnification, indemnification is set at the equivalent of three months of gross wages.

II. Non-term contracts

1. The two parties (worker and employer) mutually consent to terminating the contract provided the worker has completed a period of no less than six months with the employer; the latter provision is waived for workers that qualify for skill levels 1, 2 and 3, as per the ministry's classification.

2. One of the parties acts to terminate the contract and notifies the other party and continues to honor his/her obligations under the contract for the duration of the notice period which shall be no less than one month and no more than three months, provided the worker has completed a period of no less than six months with the employer; the latter provision is waived for workers that qualify for skill levels 1, 2 and 3, as per the ministry's classification.

3. The employer acts to terminate the contract without reason of non-compliance by the worker, provided the worker has completed a period of no less than six months with the employer; the latter provision is waived for workers that qualify for skill levels 1, 2 and 3, as per the ministry's classification.

III. For all contracts: term and non-term

The instances described in I- and II- of this article notwithstanding, a worker may be granted a new work permit:

1. It is determined that the employer has failed to meet his legal or contractual obligations, including but not limited to when the employer fails to pay the worker's wages for more than 60 days.

2. When a complaint is filed by the worker against a business entity that has not provided for the worker to perform work due to its shutting down, provided an Inspection report is produced that attests that the business entity has been inactive for more than two months and the worker has reported to the Ministry during this period.

3. When a labour complaint is referred by the Ministry to the labour court, provided a final ruling in favour of the worker is issued that attests that the worker is owed wages for no less than two months of work or indemnity for arbitrary or early termination, or any other rights that the employer has abstained from granting, or dues of end-of-service.

In all of cases described in this article, the worker must have met all conditions and requirements of the provisions of the law before being granted a new permit.

Article (2)

No new work permit shall be granted except in the cases described in Article (1)

Article (3)

All those empowered to issue new work permits to workers in educational institutions during the school year shall obtain the approval of the relevant government agencies prior to issuing such permits in accordance with the provisions of article (1) of this decree.

Article (4)

A work permit that is granted in application of this decree shall be made null and void if it is established by the ministry that information the approval of the permit was based on was falsified.

Article (5)

Ministerial Decree (1186) of 2010 on the rules and conditions for granting permission to a worker whose employment relation has ended to work for a new employer is hereby nullified, as are any texts or provisions that are contrary to provisions of this present Decree.

Article (6)

This Decree shall be published in the Official Gazette and become effective on January 1, 2016.

By Saqr Ghobash, Minister of Labour
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