



MINISTERIAL DECREE NO. 212 OF 2018 ON REGULATION OF EMPLOYING NATIONALS IN THE PRIVATE SECTOR

The Minister of Human Resources and Emiratisation:

- HAVING REVIEWED FEDERAL LAW NO. (1) OF 1972 ON THE COMPETENCIES OF THE MINISTRIES AND POWERS OF THE MINISTERS AND ITS AMENDMENTS,
- FEDERAL LAW NO. (8) OF 1980 GOVERNING LABOR RELATIONS AND THE LAWS AMENDING THEREOF; AND
- FEDERAL LAW NO. (7) OF 1999 ON PENSIONS AND SOCIAL INSURANCE AND ITS AMENDMENTS;
- CABINET RESOLUTION NO. (15) OF 2017 SERVICE FEES AND ADMINISTRATIVE FINES IN THE MINISTRY OF HUMAN RESOURCES AND EMIRATISATION,
- CABINET RESOLUTION NO. (25) OF 2016 CONCERNING THE ORGANIZATIONAL STRUCTURE OF THE MINISTRY OF HUMAN RESOURCES AND EMIRATISATION,
- MINISTERIAL DECREE NO. (176) OF 2009 CONCERNING THE RULES AND REGULATIONS OF TERMINATING THE SERVICE OF NATIONAL EMPLOYEES IN THE PRIVATE SECTOR.



- MINISTERIAL DECREE NO (293) OF 2015 ON THE RULES AND REGULATIONS OF EMPLOYING NATIONALS,
- MINISTERIAL DECREE NO (765) OF 2015 ON THE RULES AND REGULATIONS OF TERMINATING THE LABOR RELATION
- AT THE PRESENTATION OF THE UNDERSECRETARY OF HUMAN RESOURCES

Decrees

Article 1

A NATIONAL, directly or through any method established by the Ministry, may apply to work for any of the establishments registered with the Ministry.

Article 2

The following steps shall be followed in employing a NATIONAL:

First: The employer shall submit the required documents set out in the Employment Guide, to apply for a NATIONAL work permit, through any of the Ministry's approved service channels.

Second: Upon approving the employment application of the national, the Ministry shall:

- a. Issue a package for the NATIONAL that includes the employment permit and contract, Absher card, Guide of the Rights and Obligations of Private Sector Workers as well as any other material provided for in the service guide.



- b. Provide counselling and qualification services for the NATIONAL who needs such counselling and qualification services, through engaging him in training programs as required to perform his jobs according to the needs of the labor market.
- c. Send the details of the work permit and contract to GPSSA or any other local or insurance fund, according to the Ministry's applicable regulations.

Third: Within 6 months from the approval of the work permit, the employer shall update the national worker's file in terms of his data of contribution to GPSSA or any other local or insurance fund, according to the Ministry's applicable regulations.

Article 3

The term of a NATIONAL employment contract shall be two years and shall be renewed by mutual agreement according to the conditions set out in the service guide.

Article 4

In addition to inspections conducted to ensure serious Emiratisation and the seriousness of any matter within the scope of such inspections, the Ministry shall allocate one or more of its regulatory units to:

- 1- Provide the required methods to ensure the NATIONAL works in an appropriate environment,
- 2- Find a special mechanism for NATIONALS employment through which complaints are received by the labor relation parties, make sure of the



earnestness of such complaints, propose methods to address them and present them to the parties of the labor relation, and to ensure the existence of a mechanism to implement the solutions decided to restore the balance in the labor relation.

- 3- Follow up with establishments to ensure they contribute, on behalf of the NATIONAL worker, to GPSSA or any other local or insurance fund, according to the Ministry's applicable regulations.

Article 5

In all situations where the labor relation terminates or expires:

- a- The employer shall submit an "exit interview" report with the NATIONAL worker to identify the reasons for the termination or expiry of the relation. The guides issued by the Undersecretary regulates the actions to be taken in this regard.
- b- The rules and regulations provided for in the Ministerial Decree No 765 of 2015 Concerning the Termination of Labor Relation, attached herewith in Appendix (1), shall be followed.

Article 6

The service of a NATIONAL worker shall be illegally terminated if:



First: The termination is not based on one of the requirements provided for in Article 120 of the Law on the Regulation of Labor Relations, attached herewith in Appendix (2).

Second: If it is established that the owner of the establishment has a NON-NATIONAL worker performing the same duties of the NATIONAL whose service is terminated, or, if it is established that the objective of terminating the NATIONAL's service is to replace him with a NON-NATIONAL in the same job, without providing a justification acceptable by the Ministry in such two cases.

Third: If the employer terminates the labor relation for reasons completely unrelated to the job, especially if the reason behind terminating the NATIONAL's service is that the national employee submitted an earnest complaint to competent authorities or filed an action against the employer, which is proven to be true.

Fourth: If it is established that there is a failure to observe the rules provided for in Article 5 hereof.

Article 7

If it is established to the Ministry that the labor relation is illegally terminated by the NATIONAL or the employer and fails to settle the dispute amicably



and restore the worker to his work, the Ministry may take one or more of following actions:

- a) Refer the dispute to the competent court, after 5 business days from serving a notice to the parties to settle the dispute amicably and failure to do so. The court may obligate the party proven to be abusive to pay the compensation it may estimate.
- b) Downgrade the worker's priority in the register of job seekers up to 6 months after establishing his abusive termination of the labor relation.
- c) The Minister may issue a decision suspending the issuance of new work permits to the establishment for a period not exceeding 6 months from the date of proving the legal status of the NATIONAL worker regarding the complaint or the final judgement.

Article 8

Subject to Article 6 hereof, after the termination of the worker's service, the Ministry may take one or more of the following actions:

- a) Re-register the NATIONAL worker after terminating his service in the register of job seekers, so long as he is able to work and is seeking a job. He shall have priority of employment according to his qualifications and experience and the conditions of terminating his services.



- b) Provide counselling, advice and training services to the NATIONAL worker based on the results of the “exit interview” report, to raise his awareness about his rights and obligations and support the continuity of the labor relation when he finds a new job.

Article 9

- a) At all cases in which a NATIONAL’s service is terminated, the employer shall pay his share and the insured share (the NATIONAL worker) in the contributions due to Pension and Social Security approved by the state and any other fund the employer must contribute to under the Ministry’s applicable regulations on behalf of the worker.
- b) If the establishment fails to contribute to such funds or pay the contribution share, the Minister may issue a decision prohibiting the issuance of new work permits to the establishment until it satisfies such requirements.

Article 10

The provisions of Article 3 (5) and (12) of Cabinet Resolution No. 15 of 2017 Concerning the Fees and Fines of the Ministry of Human Resources and Emiratisation shall apply to the following cases:



- a) If the establishment fails to observe the provisions of this Decree or the guides issued by the Undersecretary in this regard (AED 20,000 per incident).
- b) If it is established by a court judgment that the NATIONAL's service is abusively terminated and the establishment refuses to re-instate him to his job in spite of the Ministry's instructions (AED 20,000 per incident).
- c) If it is established that the employer failed to pay the contributions due to GPSSA and any other fund the employer must contribute to under the Ministry's applicable regulations on behalf of the worker (AED 20,000 per incident).
- d) If it is established that the employer is not earnest regarding Emiratisation, based on the reports onsite visits to private sector establishments where NATIONALs work (AED 20,000 per NATIONAL).

Article 11

- a) The Undersecretary for Human Resources shall issue Procedure Manuals for all services provided to NATIONALs hereunder. Such guides may include additional provisions to these set out herein, so long as these additional provisions do not conflict with this Decree and serve the objectives of Emiratisation.



- b) The Ministry's applicable laws are the decrees, guides and circulars related to the activities of the Ministry to the extent they are applicable to NATIONAL labor relations.

Article 12

Ministerial Decree No 293 of 2015 on the Rules and Regulations of Employing NATIONALs, Ministerial Decree No 176 of 2009 Concerning the Rules and Regulations of Terminating the Service of NATIONALs in the Private Sector and any Decree in conflict herewith shall be cancelled.

Article 13

This Decree shall be published in the Official Gazette and shall become effective as of the date following the date of its publication.

Nasser bin Thani Al Hamli

Minister of Human Resources and Emiratization

Issued in the Ministry's Head Office in Abu Dhabi on 4/4/2018

// signed and Sealed by Minister Office//



Appendix (1) of Ministerial Decree No. 212 of 2018

Rules and Regulations of Terminating Labor Relation, referred to in Article 5 (b) hereof

The labor relation between the employer and the worker shall terminate in any of the following cases:

I. Limited Term contracts (which the Ministry approves and whose term is 2 years at maximum)

The labor relation shall terminate if:

1. The agreed term of the contract has expired and not been renewed.
2. The two parties (the worker and the employer) mutually agree to terminate the contract during the course of its term.
3. Either party (the employer or the worker) acts unilaterally to terminate the contract, subject to the provisions of item (4) hereof. In this case, the party terminating the contract shall assume the consequences thereof.
4. Either party (the employer or the worker) acts unilaterally to terminate the contract during its renewal period, provided the terminating party shall do the following legal procedures:

a) Notify the other party in writing of his wish to terminate the contract, one to three months before the times fixed for the termination (as the parties may agree). If the parties fail to agree on the said notice period, the same shall be three months.



- b) The party deciding to terminate the contract shall continue performing his contractual obligations throughout the notice period.
- c) Pay the notice period payment as agreed between the parties, subject to a maximum of three months gross salary. If the parties fail to agree on the notice period payment, the same shall be three months gross salary.

5- If either party (the employer or the worker) acts unilaterally to terminate the contract without observing the rules provided for in item (4) of this paragraph, without a cause of such termination ascribable to the other party, the terminating party shall assume the consequences.

6- If the employer terminates the worker's service because of any of the violations provided for in Article 120 of the Labor Law set out in Appendix (2) hereof.

II. unlimited-term contracts

The labor relations shall terminate if:

1. The two parties agree to terminate the contract.
2. Either party terminate the contract after serving a notice to the other party and continuing performing his contractual obligations during the notice period, which may not be less than one month and may not exceed three months.
3. If either party (the employer or the worker) acts unilaterally to terminate the contract without observing the rules provided for in item (2) of this paragraph, without a cause of such termination ascribable



to the other party, the terminating party shall assume the consequences.

4. If the employer terminates the worker's service because of any of the violations provided for in Article 120 of the Labor Law set out in Appendix (2) hereof.

III- The labor relation shall be regarded as terminated if:

- 1- It is established that the employer fails to perform his legal or contractual obligations (for instance, the failure to pay wages for more than sixty days);
- 2- The worker files a complaint against the establishment for which he works because of his inability to join the work due to the closure of the establishment, provided a report by the Ministry's Inspection Sector proves that the establishment failed to conduct its activities for more than two months and provided the worker has contacted the Ministry during the said period.
- 3- There is a labor claim forwarded by the Ministry to the court, provided a final court judgement is delivered establishing the worker's title to the salary of no less than two months, compensation for arbitrary termination of the contract before its expiry or to any other rights unpaid by the employer to the worker without a legal cause, or unpaid end-of-service gratuity.



**APPENDIX (2) OF MINISTERIAL DECREE NO. 212 OF 2018
ON CASES IN WHICH THE LABOR RELATION IS TERMINATED
PURSUANT TO
ARTICLE 120 OF FEDERAL LAW NO. 8 OF 1980 CONCERNING THE
REGULATION OF LABOR RELATIONS**

Article 120 -

The employer may dismiss the worker without prior notice in any of the following cases:

- a - Should the worker assume false identity or nationality, or submits false certificates or documents.
- b - Should the worker be appointed under probation period, and the dismissal occur during or at the end of the probation period.
- c - Should the worker commit an error resulting in colossal material losses to the employer, provided that the Labor Department is notified of the incident within 48 hours of the knowledge of the occurrence thereof.
- d - Should the worker violate the instructions related to the safety at work or in the work place, provided that such instructions be written and posted in a prominent location.
- e - Should the worker fail to perform his main duties in accordance with the employment contract, and fail to remedy such failure despite a written



investigation on the matter and a warning that he will be dismissed in case of recidivism.

f - Should he disclose any of the secret of the establishment where he works.

g - Should he be convicted in a final manner by the competent court in a crime of honor, honesty or public ethics.

h - Should he be found in a state of drunkenness or under the influence of a narcotic during work hours.

i - Should he assault during the work the employer, responsible manager or co - worker.

j - Should he be absent without valid cause for more than twenty non - consecutive days in one contractual year, or for more than seven consecutive days.