

CHAPTER II

EMPLOYMENT OF WORKERS CHILDREN AND WOMEN

SECTION I

Employment of Workers

Article 9

Work is an inherent right of the Nationals of the United Arab Emirates. Non-nationals may not engage in any work within the State except in accordance with the conditions stipulated in this Law and its executive orders.

Article 10

Where National workers are not available, preference in employment shall be given to:

- 1- 1- Workers of other Arab nationalities.
- 2- 2- Workers of other nationalities.

Article 11

There shall be established within the Labour Department a section for the employment of Nationals, which shall assume the following functions:

- a. a. Procuring employment opportunities suitable for nationals.
- b. b. Assisting employers by supplying their demand of National workers when needed.
- c. c. Registering Nationals who are unemployed or seeking better employment in a special register. Such registration shall be made at the applicant's own request. Each registered jobseeker shall be issued, free of charge, a certificate of registration on the day of application. A registration certificate shall be assigned a serial number and shall contain the applicant's name, age, and place of residence, occupation, qualification and past experience.

Article 12

Employers may recruit any unemployed National and shall, in such a case, notify the Labour Department in writing within 15 days from recruitment date. Such notification shall specify the employee's name and age, the date of employment, the specified wage, the type of work assigned to him, and the number of his registration certificate.

Article 13

Non-Nationals may not be employed in the United Arab Emirates without the prior approval of the Labour Department and before first obtaining an employment permit in accordance with the procedures and regulations laid down by the Ministry of Labour and Social Affairs. Such permit shall not be granted unless the following conditions are fulfilled:

- (a) (a) That the worker possesses professional competence or educational qualification the country is in need of.
- (b) (b) That the worker has lawfully entered the country and satisfied the conditions prescribed in the residence regulations in force.

Article 14

The Labour Department may not give its approval to the employment of non-Nationals until it is satisfied that there are no unemployed Nationals registered with the employment section who are capable of performing the work required.

Article 15

The Ministry of Labour and Social Affairs may cancel a work permit granted to a non-National in the following cases:

- (a) (a) If the worker remains unemployed for more than three consecutive months.
- (b) (b) If the worker no longer meets one or more of the conditions on the basis of which the permit was granted.
- (c) (c) If it is satisfied that a particular National is qualified to replace the non-National worker, in which case the latter shall remain in his job until the expiry date of his employment contract or of his employment permit, whichever is earlier.

Article 16

There shall be established within the Ministry of Labour and Social Affairs a special section for the employment of non-Nationals, whose functions shall be specified in a ministerial resolution.

Article 17

It shall not be permissible for any natural or legal person to serve as agent for recruitment or supply of non-National workers unless he is duly licensed to do so. Such a licence may only be issued to Nationals and in cases where its issue is considered necessary, and it shall be issued by order of the Minister of Labour and Social Affairs.

A license shall be valid for a renewable period of one year, and the licensee shall be subject to the Ministry's supervision and control. No such a licence shall be granted if a placement office affiliated to the Ministry or to an authority approved by the Ministry is already operating in the area and is able to act as an intermediary in the supply of labour.

Article 18

No licensed employment agent or labour supplier shall demand or accept from any worker, whether before or after the latter's admission to employment, any commission or material reward in return for employment, or charge him for any expenses thereby incurred, except as may be prescribed or approved by the Ministry of Labour and Social Affairs.

Persons supplied by an employment agent or labour supplier shall, immediately upon assuming employment, be regarded as employees of that employer and shall have all the rights of the employees of the firm in which they are employed. They shall relate directly with their employer, without any involvement on the part of the employment agent, whose function and relationships with them shall cease as soon as they are supplied to and employed by the employer.

Article 19

The Minister of Labour and Social Affairs shall prescribe, by virtue of ministerial resolutions, the rules, procedures and forms to be adhered to by private and public employment agencies, the manner of coordination of the activities of these agencies, and the conditions for licensing private employment agencies and labour suppliers. The Minister shall also issue resolutions prescribing the occupational classification tables, which shall serve as a basis for recruitment.

SECTION II

Employment of Children

Article 20

It shall not be allowed to employ children under the age of 15.

Article 21

Before employing a child, an employer shall obtain the following documents and keep them in his personal file:

- 1- 1- A birth certificate, or an official extract thereof, or age estimation certificate, to be issued by a competent medical officer and authenticated by the competent health authorities.
- 2- 2- A certificate of medical fitness for the required work issued by a competent medical officer and duly authenticated.
- 3- 3- A written consent from the child's guardian or trustee.

Article 22

The employer shall keep at the workplace a special register of children, showing each child's name and age, full name of his guardian or trustee, the child's place of residence and date of employment, and the job on which he is employed.

Article 23

No child shall be made to work at night in an industrial enterprise. The term "at night" refers to a period of not less than twelve consecutive hours, including the period from 8 p.m. to 6 a.m.

Article 24

No child shall be employed on any job that is hazardous or detrimental to health, as defined in a resolution by the Minister of Labour and Social Affairs, after consulting the concerned authorities.

Article 25

The maximum working hours for children shall be six a day, intercepted by one or more breaks for rest, food or prayer, which shall amount in aggregate to not less than a full hour. Such break(s) shall be so arranged that no child shall work for more than four successive hours. No child shall remain at the workplace for more than seven successive hours.

Article 26

Children shall under no circumstances be required to work overtime, or to remain at the workplace after their prescribed working hours, or be employed on a rest day.

SECTION III EMPLOYMENT OF WOMEN

Article 27

No women shall be required to work at night. The term "at night" refers to a period of not less than eleven successive hours, including the period from 10 p.m. to 7 a.m.

Article 28

The prohibition of night work for women shall not apply in the following circumstances:

- (a) (a) Where work in the firm is disrupted by a force majeure.
- (b) (b) Executive managerial and technical staff.
- (c) (c) Work in such health services and other business as may be specified in a resolution by the Minister of Labour and Social Affairs, if the female worker is not normally engaged in manual work.

Article 29

No women shall be employed on any job that is hazardous, arduous or physically or morally detrimental or on any other work as may be specified in a resolution by the Minister of Labour and Social Affairs, after consulting the concerned authorities.

Article 30

A female worker shall be entitled to maternity leave with full pay for a period of forty five days, including both pre and post natal periods, provided that she has completed not less than one year of continuous service with her employer. A female worker who has not completed the aforesaid period of service shall be entitled to maternity leave with half pay.

A female worker who has exhausted her maternity leave may be absent from work without pay for a maximum period of 100 consecutive or non-consecutive days if such absence is due to an illness preventing her from resuming her work. A medical certificate issued by a duly authorized medical institution or authenticated by the competent health authority confirming that the illness is a result of pregnancy or delivery shall document such illness. The leave provided for in the preceding two paragraphs shall not be deducted from other leave periods.

Article 31

During the 18 months following her delivery, a female worker nursing her child shall, in addition to any prescribed rest period, be entitled to two additional breaks each day for this purpose, neither of which shall exceed half an hour.

These two additional breaks shall be considered as part of the working hours and shall not entail any reduction of wage.

Article 32

A female wage shall be equal to that of a male if she performs the same work.

SECTION IV

Rules Common to Employment of Children and Women

Article 33

The Minister of Labour and Social Affairs may resolve that charitable and educational institutions be exempted from all or some of the provisions of the preceding two Sections of this Chapter, if the objective of such institutions is to provide vocational training or education for children or women, and provided that the internal regulations of such institutions shall specify the nature of activities undertaken by children and women at these institutions, and their employment terms and working hours, in a manner that is not incongruent with the actual endurance of children and women.

Article 34

The following persons shall be held punitively responsible for observance of the provisions of Sections II and III of this Chapter:

- a. a. Employers or their representatives.
- b. b. A child's guardian or trustee, a woman's husband or guardian, or a minor woman's trustee - who consents to the employment of children or women contrary to the provisions of this Law.

