

### **CABINET DECISION NO . 3**

Issued on 27/6 / 1977

Corresponding to 10 Rajab 1397 H .

#### **CONCERNING THE REGULATION OF THE SUPPLY AND RECRUITMENT OF FOREIGN WORKERS**

The Cabinet ,

Pursuant to the perusal of the provisional 2 Constitution ; and

Federal Law no . 1 of 1972 concerning the Jurisdiction of the Ministries and the Powers of the Ministers and the amending laws thereof ; and

Federal Law no . 6 of 1973 concerning the Immigration and Residence ; and

Cabinet Decision no . 6 of 1974 regulating the Entrance Visa Permits for Work in the Country ; and

Acting upon the proposal of the Minister of Interior and the Minister of Labor and Social Affairs ,

Has decided :

#### **Article 1 -**

Without prejudice to the provisions of the international conventions and treaties , the foreign workers shall not be brought to the territories of the State for the purpose of working therein unless by virtue of the provisions of the present Regulation and the decisions issued in implementation thereof .

#### **Article 2 -**

In the implementation of the provision of the present Regulation , the term " worker " shall mean every male or female working in counterpart of remuneration , regardless of the type thereof , in the service of an employer and under the power and supervision thereof .

#### **Article 3 -**

The provisions of the present Regulation shall not apply to the following categories :

a - Employers and workers who are brought by the Federal Government or the Emirates to work in the Ministries , departments or public institutions thereof , whether through secondment or contracting .

b - Whoever brought by the diplomatic and consular missions , branches of regional and international organizations , and specialized agencies thereof operating in the State region . The said persons shall be prohibited from working for any other party .

c - Domestic servants and likewise .

#### **Article 4 -**

The Ministry of Labor and Social Affairs may not grant a permit for the supply of foreigners for the purpose of working in the State region , save to the persons who reached seventeen years of age , and provided that no national can perform the required work .

**Article 5 -**

The acceptance of application of foreigners supply for collective work shall require that the number of workers be not less than twenty five .

The Minister of Labor and Social Affairs shall exempt from the said condition if need be .

**Article 6 -**

The granting of collective and individual supply permits shall require that the supply applicant be a national or a major company licensed to work in the State , and that such applicant submits document corroborating the existence of works that justify the need to bring required workers .

The said documents shall be determined by virtue of a decision from the Minister of Labor and Social Affairs .

**Article 7 -**

The employer or legal representative thereof shall sign the supply application sample set by the Ministry of Labor and Social Affairs .

He shall also submit an undertaking to the said Ministry on the special form containing the following :

- a - The sponsorship and responsibility thereof for the brought worker .
- b - The commitment thereof to carry out the necessary procedures to prepare and sign an employment contract and any other important procedures that may be required therefrom , and such within one week at most to date of arrival of the worker .
- c - That the worker is restituted to the party from which he was brought whenever necessary .

**Article 8 -**

The employment contracts between the worker and the employer shall be written and made on one original and two copies . Such contracts shall be authenticated by the Ministry of Labor and Social Affairs in accordance with the rules determined by the Minister of Labor and Social Affairs by virtue of a decision issued thereby .

**Article 9 -**

The employment contracts shall be of a limited term which may not exceed four years .

The employer shall retribute the worker to the party from which he was brought after the termination of the contract term .

**Article 10 -**

The Ministry of Labor and Social Affairs shall submit the approved supply applications to the Directorate of Naturalization and Immigration or the embassies of the United Arab Emirates State abroad in order to issue the visas or work permits in accordance with the regulations issued by the Ministry of Interior .

**Article 11 -**

Should the Directorate of Naturalization and Immigration decide to grant the worker brought individually , or workers brought collectively a visa or a work entrance permit , the employer must refer to the Ministry of Labor and Social Affairs in order to obtain their work cards . The Ministry of Labor and Social Affairs shall submit the issued work cards or the fees receipts thereof to the Directorate of Naturalization and Immigration to complete the residence procedures according to the rules set in this regard .

The validity of the work card shall be limited to the determined residence term .

**Article 12 -**

The shape of the work card and the data included therein shall be determined by virtue of a decision issued by the Minister of Labor and Social Affairs . The Minister may include in the said decision rules regarding the matters of preserving the security and the public order , and such in agreement with the Minister of Interior .

**Article 13 -**

The rules governing the accompanying of the workers by their families shall be determined by virtue of a decision issued by the Minister of Interior and in agreement with the Minister of Labor and Social Affairs .

**Article 14 -**

The employers recruiting foreign workers shall present to the Ministry of Labor and Social Affairs monthly statements of the names of the recruited workers and such based on the forms set by the Ministry for this purpose .

**Article 15 -**

Without prejudice to sanctions set forth in the Penal Code or any other law , whoever is proven to have used visas and work permits in an illicit manner shall be sentenced to the sanction set forth in Article 23 herein . Furthermore , the sponsorship thereof for the supply of any worker shall be rejected .

**Article 16 -**

The worker may not , within the effectiveness of the contract , join another work for another employer before obtaining the consent of the first employer and the Minister of Labor and Social Affairs . The Ministry may opt against taking the objection of the first employer into account should there not be a legal reason therefore .

The Ministry of Labor and Social Affairs shall notify the Directorate of Naturalization and Immigration regarding the cases of approval of the transfer of the worker to work for a new

employer , and the latter shall carry out the necessary procedures of transfer of the worker sponsorship thereto .

In all cases , the term of employment contracts shall not exceed five years , regardless of the multiplicity of employers .

**Article 17 -**

The employer may not recruit any worker unless he is the original sponsor thereof . Moreover , he may not recruit any worker sponsored by another person unless subsequent to the fulfillment of the conditions and procedures set forth in the preceding Article .

Should it be proven that the worker works for a person other than the original sponsor thereof without following the mentioned procedures , the Minister of Labor and Social Affairs shall request from the Directorate of Naturalization and Immigration to take the necessary procedures to terminate the residence thereof in the country and return him to the country from which he came .

**Article 18 -**

The employer shall notify the Ministry of Labor and Social Affairs and the Directorate of Naturalization and Immigration regarding every worker who leaves the work therefore prior to the termination of the contract term without the consent of the employer . The Directorate of Naturalization and Immigration shall take the necessary legal procedures . Should the Directorate of Naturalization and Immigration decide to terminate the residence of the worker and return him to the country from which he came , it shall notify the Ministry of Labor and Social Affairs thereof .

**Article 19 -**

The residence of the worker in the country and his return to the country from which he came may be terminated by virtue of a decision issued by the Minister of Interior upon the recommendation of the Ministry of Labor and Social Affairs , should one of the following acts be proven against him :

- a - Instigate workers to abstain from work or to strike .
- b - Intentionally abstain from performing a work assigned thereto without any legal justification .
- c - Intentionally damage one of the means of work or equipments thereof .
- d - Assault the employer or any direct superior .

The residence of the worker shall be terminated in all cases , should he be convicted of a felony or a misdemeanor of breach of honor or trust .

**Article 20 -**

Should the residence of the worker be terminated and the worker be returned to the country from which he came by virtue of Articles 17,18 and 19 hereof , the worker may not be granted

another working visa in the State before the elapse of one year from the date of his return to the country from which he came .

The granting of the said visa shall be completely prohibited should the termination of the residence result from the conviction of the worker of a felony or a misdemeanor of breach of honor and trust .

**Article 21 -**

Employers recruiting foreign workers shall keep records determined by the Ministry of Labor and Social Affairs who shall set records thereof , and such in view of controlling the implementation of the provisions of the present regulation and the decisions issued in implementation thereof .

The officials of the Ministry of Labor and Social Affairs commissioned by the Minister to control the implementation of the present Regulation shall take within the limits of the duties thereof the necessary procedures required by the said control .

**Article 22 -**

All applications , records , statements and forms presented or set in implementation of the provisions of the present Regulation shall be made in Arabic . Any other document made contrary thereto shall be rejected .

**Article 23 -**

Without prejudice to any severer sanction set forth in the laws or regulations , Whoever breaches the provisions of the present Regulations or the decisions issued in application thereof , whether an employer or a worker , shall be sentenced to imprisonment for a period not exceeding three months , and to a fine not exceeding one thousand Dirhams , or to either penalties .

The fine imposed upon the employer shall be equivalent to the number of workers against whom the breach occurs .

**Article 24 -**

A permanent consultancy committee shall be established in agreement between the Minister of Labor and Social Affairs and the Minister of Interior in order to verify the implementation of the present Regulation and control the workers affairs in the State . The decision of establishment of the said committee shall determine the other jurisdictions granted thereto .

**Article 25 -**

The Ministers , each in the respective jurisdiction thereof , shall implement the provisions hereof . Every provision contradicting the provisions hereof shall be abrogated .

**Article 26 -**

The present Regulation shall be published in the Official Gazette and shall come into force as of 1/10/1977 .

Promulgated at the Presidential

Palace in Abu Dhabi

On 10 Rajab 1397 H .

Corresponding to 27 June 1977

**Maktoum Bin Rashed Al Maktoum**

**Prime Minister**

This Decision has been published in the Official Gazette , issue no . 49 , p . 41 .