



**The Protection of the Rights of  
Workers in the United Arab Emirates  
Annual Report  
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## INTRODUCTION

There have been two major developments of extraordinary significance in the United Arab Emirates (UAE). One is well known throughout the world. The other, at least equally important to the global community, has received much less international attention.

First, the world is well aware that the UAE is experiencing an unprecedented rate of growth. The current construction boom taking place surpasses that of any other country in the Arabian Gulf region. For all intents and purposes, the key physical infrastructure development is nearly complete in most of the UAE. That infrastructure will assist in sustaining further growth and economic development.

Second, and less apparent outside the region, the UAE has made great progress legislating and enforcing the rights of its labour force. These rights affect every aspect of workers' lives and have been carefully researched and measured against international standards. Rapid growth and labour rights are not incompatible, and the UAE is working at every level of government and the private sector to show that its progress in both is evolving into a model for the region and elsewhere. Both the private and public sectors in the UAE recognize that aggressive labour rights laws and the enforcement of those laws are not only the right things to do but are also absolutely necessary for continued economic and political success.

The UAE relies on an ever increasing number of temporary foreign workers from labour-exporting nations. Ministry of Labour records show that the expatriate workforce is made up of nationals from 202 countries. The UAE is continuing to evolve its legal standards and enforcement policies to accommodate this fast-growing population. The UAE is designing laws and policies

to ensure that its workers feel welcome and safe and to familiarize them with their rights and how those rights can be protected.

For the UAE, respect for labour rights is thus a matter of both fundamental morality and economic self-interest. It is also a matter of accountability, a responsibility that the UAE welcomes and accepts. As a member of the International Labour Organization, the Arab Labour Organization, and other labour-focused multilateral organizations, the UAE deals transparently and objectively with all its international labour obligations and views reasoned and rational internal and external criticism as constructive and helpful.

What follows is a UAE Progress report, which outlines and clarifies specific measures that have been undertaken and that are being undertaken by the UAE government. As with any complex society, new challenges and new problems are constantly arising, especially as demographics change. As such, the report is both a progress assessment and a blueprint for ongoing action.

## **A POWERFUL PLATFORM: THE UAE LEGAL FRAMEWORK FOR HUMAN RIGHTS**

To begin to understand the progress that has been made in the labour rights arena in the UAE, one must first understand that the key components of the UAE's legal system, including its Constitution and subsequent legislation, directly and unequivocally support such momentum.

### ***1. The Constitution***

The UAE Constitution, the foremost source of authority in the UAE legal system, is the governing document that guides all Federal Government actions in the UAE, a federal entity comprising seven Emirates. All legislation and ministerial decrees must be in compliance with the Constitution. Its dicta on an issue like labour rights take precedence over any and all other legal determinations. As the UAE pursues continued improvement in all areas, the Constitution's specific pronouncements on labour rights grow increasingly meaningful. In particular:

The Constitution specifically recognizes the applicability of international standards. According to Article 20, legislation must uphold “the rights of workers and employers consistent with advanced international standards...”

The Constitution expressly forbids involuntary labour of any sort, including bondage and slavery as stipulated in Article 34.

The Constitution grants additional labour rights to foreign residents. Article 40 specifically links the rights of foreign

workers to the standards of international conventions.

The Constitution unequivocally asserts the right of any individual to file complaints. Article 41 specifies “competent authorities, including the courts,” as the venue for complaints.

As basic UAE constitutional guarantees, these principles are not debatable; they represent the UAE’s core values.

## ***2. Federal Law***

The UAE, in its legislative history, has aggressively and progressively applied such fundamental constitutional precepts. For example, Federal Law 8 of 1980, which governs labour relations, reaffirms the protection of UAE nationals and expatriates alike, adding specific protections for particular constituents. The law:

- Prohibits labour by juveniles under the age of 15 (Article 20)
- Sets maximum working hours (Article 25)
- Prohibits night labour by all juveniles, as well as hazardous work for all juveniles (Articles 22 and 23)
- Provides compensation for work-related injuries or health hazards, and for the families of workers fatally injured on the job (Article 142)
- Compels employers to bear the costs of medical treatment and directs them to compensate the families of deceased workers (Articles 14 through 153)
- Sets a maximum number of working hours for adults (Article 65)

Federal Law 8 also mandates industrial safety measures and the provision of health care for workers.

Other legislative initiatives address specific situations such as civil transactions (Federal Law 51 of 1985); camel races (Federal Law 15 of 2005); and human trafficking (Federal Law 51 of 2006).

These laws underscore the extent to which the UAE has responded to new challenges as they have arisen. The UAE spares no effort to amend its legislation in order to accommodate evolving labour right guarantees for legal workers.

- Establishing a “Collective Labour Disputes Committee” in each labour jurisdiction, to include representatives of both labour and employers. The Committee would be required to reach a decision – binding and enforceable – within two weeks of the filing of a complaint. All parties are empowered to appeal decisions to the Court of Appeal within thirty (30) days.

The Ministry of Labour has welcomed and encouraged public debate on the draft law and posted its content on its website for this purpose.

### ***3. International Conventions***

The UAE has ratified the following International Labour Organization (ILO) conventions to affirm and ensure workers’ human rights:

- No.29 of 1930 on Forced Labour
- No.105 of 1957 on Abolition of Forced Labour
- No.100 of 1951 on Equal Remuneration
- No.111 of 1958 on Discrimination (including employment and occupation)
- No.138 of 1973 on Minimum Age
- No.182 of 1999 on The Worst Forms of Child Labour

- No.1 of 1919 on Hours of Work
- No. 81 of 1947 on Labour Inspection
- No.89 – amended – of 1900 on Night Work (women), revised 1948

The UAE has also ratified two Arab Labour Organization conventions:

- Convention No. 18 of 1996 on The Employment of Minors
- Convention No. 19 of 1998 on Labour Inspection

It is worth noting that these conventions assume their place in the UAE legal system as soon as they are ratified.

The UAE, as part of its commitment to take the lead in finding solutions to labour market challenges both domestically and internationally is proud to have hosted a Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia, (the “Abu Dhabi Dialogue”) and the “Gulf Forum on Temporary Contractual Labour” in January 2008. These two groundbreaking events were organized in collaboration with Council of Ministers of Labour and Social Affairs of the GCC States, the International Organization for Migration, the International Labour Organization and the Arab Labour Organization.

The UAE has been an active participant in several international forums dealing with the latest and most widely accepted labour rights provisions, including:

1. The 95<sup>th</sup> session of the International Labour Conference in Geneva, Switzerland, in June 2006.
2. The high level segment of the U.N Economic and Social Council (ECOSOC) held in Geneva from July 3-5, 2006.
3. The fourteenth Asian regional meeting of the ILO- Busan

- Republic of Korea from August 29 – September 1, 2006.
4. The high level dialogue concerning international migration and development held within the UN General Assembly at the UN headquarters in New York from September 14-15, 2006.
  5. The first meeting of the Friends of the Global Forum on Migration and Development held in Brussels, Belgium, on January 30, 2007.
  6. The second meeting of the Friends of the Global Forum on Migration and Development held in Geneva on March 27, 2007.
  7. The Global Initiative to Fight Human Trafficking to be held in Vienna, Austria in February, 2008.

At the regional level, the Ministry has participated (and plans to participate) in the following conferences and meetings.

1. The 33<sup>rd</sup> session of the Arab Labour Conference held in Rabat, Morocco, in March 2006.
2. The 34<sup>th</sup> session of the Arab Labour Conference held in Egypt in 2007.
3. The 24<sup>th</sup> session of the Council of Ministers of Labour and Social Affairs of the GCC States held in Riyadh in November 2007.
4. The 35<sup>th</sup> session of the Arab Labour Conference in Egypt in February 2008.

At the bilateral level:

During 2006 and 2007, the UAE pursued active bilateral cooperation with labour exporting countries by signing MoUs with several Asian countries including Nepal, India, Pakistan, Bangladesh and Sri Lanka, China, Thailand and the Philippines. The purpose of bilateral agreements is to encourage these countries to tackle the problems of illegal recruitment agencies

and labour abuse among other issues and to regulate the employment of manpower from these countries in the UAE as temporary contractual workers. Co-operation with labor-exporting countries like India and the Philippines, for example, has resulted in these two countries announcing their refusal to grant emigration clearance to women under 30 and 25 years of age respectively who wish to work in the GCC in order to protect younger women from possible abuse.

### **TAKING ACTION:**

## **HOW THE UAE ENFORCES HUMAN RIGHTS STANDARDS**

The legal framework supporting human rights in the UAE is no paper lion. To understand the progress that has been made in the UAE, one must also understand the aggressive steps that the government has taken to enforce the law and to do what it can to mandate decent living conditions for temporary contractual workers and to provide them with internationally recognized benefits and provisions for their safety and health.

What follows are some of illustrative actions that demonstrate the UAE's commitment to human rights and that show specifically where and how progress has been made.

### **1. Directives by H.H. Sheikh Mohammed Bin Rashid Al Maktoum, UAE Vice President and Prime Minister, Ruler of Dubai, Issued in November 2006**

Labour rights involve a great deal more than wages and contracts. The UAE believes human beings have a right to decent living conditions and broad safety standards as well. Accordingly, H.H.

Sheikh Mohammed Bin Rashid Al Maktoum, UAE Vice President and Prime Minister, Ruler of Dubai, issued binding directives that continue to improve the lives of guest workers throughout the region. The directives called for:

1. Adequate housing – with “adequate” defined as consistent with international standards and conventions. Of particular note, model communities have been constructed for workers that include not just sanitary facilities, but also medical services, security resources, and health/safety provisions.
2. Safe transportation of workers to labour sites—for example, a complete ban on open-air conveyances in extreme weather conditions.
3. A recruitment process for at least 2,000 new inspectors over time to keep pace with the fast growth of the labour sector amid rapidly increasing construction and development.
4. New federal labour courts to fast-track labour dispute resolutions – with electronic links for streamlined communication between the courts and the Ministry of Labour. Individuals trained in dispute resolution are also stationed at the courts to expedite and settle complaints. These courts have been established in Dubai and Abu Dhabi and similar systems will be replicated throughout the UAE.
5. Workers scheduled for return to their native countries are adequately housed and fed pending their departure.
6. Workers who have been cheated on wages or simply not paid for more than two months are granted immediate release from their employer sponsorships if they so choose.

## **2. Cabinet and Other Actions to Combat Abusive Labour Practices**

The UAE government is committed to combat labour practice that place the rights of workers at risk and adopted a number of key initiatives:

- The UAE Cabinet has officially extended the right of workers to transfer employer sponsorship to all labour sectors in order to facilitate job movement.
- The Cabinet has created bank guarantees that earmark funds for worker compensation.
- The Minister of the Interior made it illegal for employers to withhold workers' passports. Certain employers had continued this practice, despite efforts by relevant authorities to enforce the prohibition.
- The Ministry of Labour cancelled new licenses for foreign labour brokers and recruiters who cannot demonstrate full compliance with the law. The UAE has also signed Memoranda of Understanding with labour-source countries to combat illegal practices by labour brokers and recruiters in those countries. These practices included charging workers illegal side fees and providing false information about workers to employers in the UAE.
- As part of their agreements with the UAE, labour-source countries affirmed the unrestricted and unhampered right of workers to repatriate their savings to whichever nation they choose. In 2006, these annual remittances from the UAE were estimated to be around US \$16 billion.

- The UAE government has proceeded to draft a law that governs the relation between domestic help and household employers. This law will be guided by international standards and practices and is one of the first of its kind in the region. The new initiative will particularly benefit women which is a key concern of the UAE as part of the state's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- Prior to this, in April 2006, the UAE enforced mandatory employment contracts to protect the rights of domestic workers in relation to salary, accommodation, healthcare and working hours. Some of the features of the employment contract are.
  1. Valid for two years
  2. Three copies of contract in Arabic and English, with each party having one and a third with the Residency Department
  3. A month's paid leave in two years and medical aid provision
  4. Unit at Residency Department to arbitrate disputes
  5. One-way ticket at end of contract – if the contract is ended by the employer before its expiry, a ticket and a month's salary shall be paid to the worker.
  6. Disputes not settled within two weeks to be referred to courts
  7. Fees charged by recruiting agencies to be checked through coordination with consulates of labor exporting countries
  8. In case of death of the domestic worker, employer responsible to repatriate the body of the deceased and personal belongings
  9. Heavy fines of up to Dh50,000 for hiring illegal domestic maids will be imposed by Naturalization and Residency Department.

- In an effort to end the practice of using minors as camel jockeys more government actions are underway to strengthen comprehensive rehabilitation procedures. The UAE and Unicef agreed in April 2007 to establish a second and expanded phase of their rehabilitation program, which will now continue until May 2009. As a follow-up measure, the UAE has committed about 29 million dirhams, which will help in country-based interventions to tackle trafficking by focusing on the establishment of monitoring mechanisms that would prevent children formerly involved in camel racing from re-entering hazardous or exploitative labor.
- The Dubai Police's Human Rights Department continues to run a victim care program. It provides psychological, emotional, and legal assistance for victims of abuse, who can call the social services division or the social services section of police stations.
- A new charitable body, the Dubai Women's and Children's Foundation, was established in July 2007 to provide a safe environment, assistance and rehabilitation for those at the receiving end of physical and psychological abuse, and human rights violation. The structure of this pilot project is being studied by various government committees, which could result in such shelters getting replicated in other parts of the country.

### **3. Ministry of Labour Actions to Protect Worker Rights**

In 2007, the Ministry of Labour rolled out a series of mandates providing expanded oversight of labour rights on behalf of guest workers. This initiative is an example of public sector enforcement empowered by decisive deterrents and stiff punitive

measures to punish non compliant employers who might have thought the UAE government was unwilling to enforce its own policies.

The Ministry acted decisively on the following fronts.

### ➤ **Wage Protection**

Late payment and non-payment of workers have been the most conspicuous labour abuses by employers. In response, the Ministry now requires firms with 50 or more workers – as many as 5,000 companies – to submit statements demonstrating that wages have indeed been paid and received. These statements are audited by certified accountants.

Also in 2007, the UAE government obligated business establishments to pay a total of 52 million in unpaid wages to their workers following duly initiated legal actions.

In 2007, the Ministry discontinued labour permits for employers—a total of 1300 companies—who failed to pay their workers. Meanwhile, 1,350 unpaid workers, who were affected by these companies' violations were allowed to transfer employer sponsorship. About 545 institutions found guilty of non-payment of wages on time had their activities frozen or suspended.

In November 2007, the Ministry collaborated with some construction companies to award a 20 percent pay rise to compensate for increasing living costs. A bank direct deposit electronic wage payment system will become operational in January 2008 to ensure wage protection. Companies that do not comply will be fined, have their category downgraded and transactions suspended.

### ➤ **Employment transfers**

The Ministry took specific practical steps to make it easier for workers to transfer to other employers, while also extending the privilege to all labour categories. This initiative resulted in 48,000 workers transferring employment in 2007, a 35 percent increase over the previous year.

At the end of the amnesty period in November 2007, 95,000 illegal workers from about 342,000 illegal residents, who applied for amnesty, availed of the flexible employment transfer system and legalized their stay to continue staying and working in the UAE.

### ➤ **Labour Disputes**

The Ministry revamped its procedures to settle labour disputes with new efficiency measures that allowed for 22,000 cases, involving 31,500 workers, to be processed in 2007. Of those, only 3,949 (18 percent) were referred to courts.

Grievance cases that do go to court in the future will be resolved more speedily because the UAE is establishing specialized labour courts. As noted, the Ministry is linked electronically to those courts, allowing for efficient information exchange and quicker rulings.

Together with the labor courts, the government has taken the initiative to establish a representative office located within the Dubai and Abu Dhabi courts to act as a liaison point and facilitate the process of solving disputes. Similar offices will be established in courts across the UAE.

## ➤ **Improved Working Conditions**

The Ministry has prohibited work in open labour sites during the midday hours of summer days – a decisive move supported with a large-scale, two-month awareness campaign to build consensus among employers.

For each violation of this provision, companies are fined AED 30,000 and banned from receiving additional work permits for three months. The Ministry increased inspections for this area, conducting 1,950 inspection visits and charging 816 violators. The fines collected totaled AED 9 million.

In a unique experiment, labourers in Dubai will take part in a survey during December 2007 and January 2008 assessing their standard of living, working conditions and awareness of their rights and obligations. This will be conducted by the Permanent Committee for Labour Affairs in cooperation with Dubai Police. The findings are expected to highlight areas where both the government and contractors can improve. It is also aimed at developing and improving safety standards and environmental safety in workers' accommodation.

## ➤ **Improved Accommodation**

Further forcing compliance with the law, the Ministry declines to process group labour permits (for 25 or more workers) until applicants demonstrate a tangible commitment to adequate housing for workers. Companies must produce evidence that they actually have plans and resources to provide facilities. In 2007, 12 companies failed to convince the Ministry of their ability to provide adequate accommodations and their applications were consequently rejected.

In 2007, 60 of 100 construction companies in Dubai who had been ordered to improve their workers' accommodations in the previous year took action to comply with the order, and 30 new notices were served.

The Dubai Civil Defense Department has announced it will suspend the license applications and renewals of all companies that fail to obtain safety compliance certificates for all labor accommodations. The Dubai government has also announced the prohibition of labor accommodation within industrial sites, workshops and warehouse premises.

In March 2007, The Emirate Sharjah issued a decree mandating better and healthier housing conditions with adequate living space; accommodation must also include a laundry room, kitchen and dining hall. Companies found violating these regulations will face heavy penalties of up to Dh50,000, and second time violators will have their fines doubled.

In October 2007, Al Rayan Investments, a private company, responded to the government's drive for quality labour accommodation by starting the construction of the biggest labour accommodation facility in Abu Dhabi. Estimated to cost, Dh418 million, it will host 32,000 workers, technicians and supervisors. The project features six compounds surrounding the main building, which is designed to provide various services and amenities, from a modern hypermarket, shops, banks, medical and dental clinics to a travel agency, post office, a building for security services, mosque, food courts, playgrounds, laundry, parks and public spaces. The project is expected to be completed by the middle of 2008.

### ➤ **Inspection visits**

As the UAE prepares to dramatically increase the numbers of inspectors and improve the effectiveness of its inspection regime, the Ministry of Labour is utilizing a new template that assures more thorough inspections, guided by criteria geared closely to UAE labour law and international conventions.

In 2007, the Ministry has conducted over 122,000 inspection visits. As a result, non-compliant establishments were duly sanctioned for onsite violations and abrogation of worker rights.

### ➤ **Legal Rights**

The Ministry took the following corrective actions to prevent employers from exploiting their workers.

The Ministry realigned how terminated employees are treated. In the past, the employment privileges of terminated employees were suspended for one year. Now, requests from employers to bar workers from employment are referred to a legal counsel before the requests are approved for violation of contract terms..

The Ministry imposed an AED 5,000 fine for delays in the issuance or renewal of a labour card or labour contract. In the two-year period from 2006 to 2007, some 50,000 firms have been found to be in violation and total fines levied amounted to AED 300 million.

The Ministry imposed fines of AED 10,000 for each false report by an employer of a worker desertion.

While the government has given shape to the idea of setting up a labor court, the Ministry has laid down a new mechanism for

quick settlement of labor cases, under which it will have the power to summon the employer and provide the courts with all relevant documents. The new approach aims to support the worker till the problem is settled and seeks the employer's assistance to the court in case of unsettled litigation.

➤ **Insurance**

The Emirate of Abu Dhabi has introduced a comprehensive and compulsory insurance policy for all workers including domestic, to be borne at the expense of sponsors. A compulsory health insurance scheme for private sector employees, as implemented in Abu Dhabi, will come into effect across the country in 2008.

## CONCLUSION

The UAE Progress Report reflects the country's full engagement in providing quality labour rights. Moreover, the report illustrates that there is unequivocal commitment to enhancing the existing legal framework to mandate and support labour rights throughout the UAE. The report highlights an enforcement regimen that is able and willing to take the many steps needed to defend labour rights for all who work in the UAE.

This report provides a synopsis of the positive changes that UAE leaders are taking to achieve goals and objectives designed to manage, enhance, and broaden the laws and policies needed to provide a nationwide system of labour rights.

While the UAE acknowledges there is much more to be done, to expand the capacity to enforce labour laws and fully protect the rights of workers in the country, current progress needs to be viewed in context and scope by all who have an interest in this issue. For example, expatriate labour in the UAE is exceptionally large and culturally diverse, accounting for more than 90 percent of the private sector labour force. Ministry records show that a total of 3,113,000 foreign workers are employed by approximately 260,000 establishments. Meeting the challenges presented by such numbers takes diligence, time, and both fiscal and management resources. The UAE is nonetheless committed to preserve its national identity, further the interests of those who live and work in this country, and continue the expansive economic growth at all levels. Our government continues to administer the UAE labour environment in compliance with international law and international labour standards and the private sector understands that all laws in the UAE are being and will continue to be strictly enforced. By harmonizing all of these components, the UAE intends to be a model for all countries, in the GCC region and beyond.