

European (& the GCC) Employment Law Update

Jurisdiction: GCC
Date: April 2018

Impact date	Development	Impact
UAE		
18 October 2017	Teleworking (remote working with modern information technology)	<p>The Ministry of Human Resources and Emiratisation (MHRE) has issued Ministerial Resolution No. 787/2017, introducing teleworking.</p> <p>This Resolution has been introduced to provide flexible job opportunities but is currently applicable only to UAE nationals who have completed six months' service on a full-time basis or one year on a part-time basis.</p> <p>An applicant has the right to request teleworking, which the employer must respond to within 20 working days. Refusal of an application must be supported with reasons for the refusal. No more than two applications can be made per annum.</p>
21 January 2018	Part time workers	<p>The MHRE has issued Ministerial Resolution No. 31/2018, which introduces a new part time employment contract which removes exclusivity of employment. However, a part-time employee who wishes to work for more than one employer must still obtain the approval of the MHRE.</p> <p>A part-time employee may not work more than 40 hours per week (unless the MHRE has provided permission to work in excess of this) and no more than 144 hours over a three-week period.</p> <p>Statutory benefits may be pro-rated according to contractual working hours.</p>
1 February 2018	Data protection in Abu Dhabi	<p>Following the establishment of the Abu Dhabi Global Capital Market Office in January, the Global Market has announced amendments to its Data Protection Regulations. Provisions relating to data breach notification timeframes. Deadlines for notifications to the Registrar and enforcement have been amended, in addition to an expanded list of jurisdictions to include Andorra, the Dubai International Financial Centre and the Faroe Islands.</p>

20 February 2018	Public consultation on new DIFC Employment Law	<p>The Dubai International Financial Centre (DIFC) has proposed the following:</p> <ul style="list-style-type: none"> • clarification of the application of the employment regime, including to part time and short term employees; • the introduction of penalties for breaches relating to employment terms, visa and residency sponsorship; • allowing the waiver of rights in limited circumstances; • removing the mandatory nature of penalties for late payment of employee dues; • removing the working hours restriction; • reducing sick leave pay; • introducing paternity leave; • expanding the definition and grounds for discrimination to include pregnancy and age and introducing remedies for discrimination claims; and • introducing whistle blower protection. <p>The public consultation exercise closed on 22 March 2018.</p>
April 2018	Paternity leave in Dubai	<p>The Minister of Community Development has announced that the National Family Policy is working on drafting and implementing paternity leave legislation.</p> <p>The National Family Policy will be drafting policies in relation to the following:</p> <ul style="list-style-type: none"> • marriage; • family relations; • balance of roles; • child protection; • family protection; and • re-engineering the provision of family services to achieve family happiness.

Oman		
24 January 2018	Suspension of work visas	<p>The Ministry of Manpower has issued a temporary ban on the issuance of work visas for several categories of foreign nationals for a period of six months.</p> <p>The suspended positions include the following fields:</p> <ul style="list-style-type: none"> • accounting and finance; • administration and human resources; • aviation; • engineering; • information technology; • marketing and sales; • media; • medical; and • technical.
Qatar		
April 2018	Formation of committees to settle labour disputes	<p>The Emir of Qatar has ratified a Cabinet decision to form labour dispute resolution committees to resolve labour disputes. The committee shall have jurisdiction over resolving all individual disputes resulting from the employment contact.</p>
Kuwait		
March 2018	Visa changes for foreign national engineers	<p>The Public Authority for Manpower has announced that it has signed an agreement with the Kuwait Engineers Society which will require foreign national employees in engineering positions to obtain a no objection certificate (NOC) from the Kuwait Engineers Society as a pre-requisite to renewing work permits. An NOC will be granted only if the engineer has passed a competence test regardless of the number of years of work experience and graduated from an accredited university.</p>

Saudi Arabia

Protection against arbitrary dismissal

Saudi Arabia's Shura Council has asked the Labour and Social Development Ministry to review Article 77 of the Implementing Regulations to the Labour Law which allows parties to an employment contract to specify liquidated damages in the contract in the case that either party terminates the relationship without a valid reason.