

CABINET RESOLUTION NO.46 OF 2022

CONCERNING FORMATION of COLLECTIVE LABOR DISPUTES COMMITTEE

The Cabinet:

- Having reviewed the constitution
- Federal Law No.(1) of 1972 on the competencies of the Ministries and Powers of the Ministers and the amendments thereof,
- Federal Decree-Law No. 33 of 2021 concerning the Regulation of Labor Relations
- Cabinet Resolution No. (11) of 1982 regarding the organization of litigation procedures and other rules necessary for the good progress of the work before the Conciliation Boards and the Supreme Arbitration Committee
- Cabinet Resolution No. (1) of 2022 concerning the executive regulations for Federal Decree-Law No.33 of 2021 regarding the regulation of labor relations
- Upon the proposal of the Minister of Human Resources and Emiratization, and the approval of the Council of Ministers,

Resolved:

ARTICLE (1)

DEFINITIONS

For the purposes of implementing the provisions of this Resolution, the following terms and expressions shall have the meanings opposite thereto unless the context requires otherwise:

Ministry : Ministry of Human Resources and Emiratization

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Committee : The Collective Labor Disputes Committee established pursuant to this resolution

ARTICLE (2)

FORMATION OF THE COMMITTEE

1. A Committee called the “Collective Labor Dispute Committee” is to be formed for settlement of collective Labor Dispute, operated by the Ministry, composed as follows:
 - The Undersecretary of the Ministry of Human Resources and Emiratisation - Chairman.
 - Supreme Court judge nominated by the Minister of Justice - Member.
 - Representative of the Chamber of Commerce in any of the emirates within the territorial jurisdiction of the dispute nominated by the Chairman of the Federation of the UAE Chambers of Commerce and Industry – Member
 - Representative of the local labor committee/ labor crisis management team in the emirate within the territorial jurisdiction of the dispute- Member
 - Representative of the Labor Relations Department at the Ministry of Human Resources and Emiratisation – Member and Secretary
2. The Minister shall issue a decision naming the members of the committee stipulated in this Article.

Article (3)

Functions of the Committee

The committee stipulated in Article (2) of this resolution shall have the powers to review collective labor disputes related to labor rights referred by the Ministry in which the number of workers exceeds (50) fifty workers due to the failure of amicable settlement between the parties to the labor relationship.

Article (4)

Local Committees

A special committee may be formed to look into collective labor disputes in any emirate of the country pursuant to a request submitted to the Ministry by the concerned authority in that emirate. The Minister shall a decision to nominate its members. The Local committee shall include a judge among its members, who shall be selected in coordination with the Minister of Justice and a representative from the Ministry. The Committee shall abide by the same procedures set forth in this decision.

Article (5)

Meetings of the Committee

1. The Committee shall hold its meetings at the Ministry's premises or any other premises the Committee deems appropriate, or through digital channels. Meetings of the Committee will be valid if attended by the majority of its members, provided that the chairman, the Judge and the representative of the Ministry are in attendance.
2. The Committee shall, within two working days from the date of receiving the collective dispute set a session to consider the dispute. The Committee secretary shall notify the committee members and parties to the dispute of the date and place of the session in the manner the Committee determines. The parties to the dispute may deposit defense memorandum with supporting documents of their pleas within (3) three days from the date of notification of the session.
3. Workers shall choose no less than 3 and no more than 5 to represent them in the collective dispute. The employer may appoint a representative to dully represent him if he is unable to attend.
4. The Committee may hear witnesses, summon any person it deems appropriate to hear his statement and may seek assistance from experts and specialists it deems appropriate. The Committee may determine a dispute based on examination of the documents and evidence presented to it.

5. The committee may impose legally prescribed penalties if one of the litigants or the witnesses fail to appear before the committee without a reasonable excuse or refused to provide a statement.

Article (6)

Passing Decisions

1. Committee shall determine any labour dispute within thirty (30) days from the date of the first session in the presence or absence of the parties to the dispute based on examination of the documents and evidence presented to it, where it is established that such documents and evidence are sufficient to determine its decision. Decisions of the Committee will be passed by majority vote of attending members, and in the event of a tie, the chairman of the meeting will have a casting vote. The decision of the Committee must be reasoned.
2. The committee's decision shall be referred to the competent enforcement department based on jurisdiction, to append it with the execution formula. The parties to the dispute must be notified of the committee's decision within two days from the date of its issuance. The decision of the Committee is final and binding on parties to the dispute.

Article (7)

Liquidation of Bank Guarantees and Insurance

In all cases, in order to protect workers' rights and to address the consequences of collective labor disputes, the Committee may request the Ministry to draw down the bank guarantees and disburse the value of the insurance coverage based on its decision appended to the executive formula.

Article (8)

General Provisions

1. Parties to the dispute shall abide by all applicable laws and rules regulating labor relations by exhausting the means and procedures for collective labor disputes.
2. The Ministry may take the following actions to address the implications of collective labor disputes:
 - a. Cancel work permits without the consent of the employer, and may transfer the fines resulting from failure to provide the Ministry with the worker's employment contract or failure to renew work permits at the expense of the establishment party to the dispute, in accordance with the applicable legislation in this regard.
 - b. Coordinate with the concerned authorities to complete the procedures for cancelling workers' visa and allow them to leave the country or change their status, in accordance with the applicable legislation in this regard.

Article (9)

Annulment

Cabinet Resolution No.(11) of 1982 referred to is hereby repealed, and any provision inconsistent with the provisions of this Law is hereby repealed.

Article (10)

Publication and Effect

This decision shall be published in the Official Gazette, and shall be effective from the date of its issuance.

Original is signed by his Highness Sheikh

Mohammed bin Rashed Al-Maktoom

Prime Minister

Issued by us on:

8th Shawwal 1443 A.H.

Corresponding to: 9th of May 2022