

## **Cabinet Resolution No. (46) of 2022**

### **Regarding the Establishment of the Collective Labor Disputes Committee**

#### **The Cabinet:**

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Regarding the Competencies of Ministries and the Powers of Ministers, as amended;
- Federal Decree by Law No. (33) of 2021 Regulating Labor Relations;
- Cabinet Resolution No. (11) of 1982 Regarding the Regulation of Litigation Procedures and Other Rules Necessary for the Proper Functioning of the Conciliation Committees and the Supreme Arbitration Committee for the Settlement of Collective Labor Disputes;
- Cabinet Resolution No. (1) of 2022 Regarding the Executive Regulations of Federal Decree by Law No. (33) of 2021 Regarding the Regulation of Labor Relations; and
- Upon the proposal of the Minister of Human Resources and Emiratization and the approval of the Cabinet;

#### **Hereby resolves as follows:**

### **Article (1)**

#### **Definitions**

For the purposes of implementing the provisions of this Resolution, the following terms and expressions shall have the meanings assigned to each of them, unless the context requires otherwise:

**Ministry** : Ministry of Human Resources and Emiratization.

**Minister** : Minister of Human Resources and Emiratization.

**Committee** : The Collective Labor Disputes Committee established pursuant to this Resolution.

## **Article (2)**

### **Committee Establishment**

1. A committee called the "Collective Labor Disputes Committee" shall be established, affiliated with the Ministry, and shall be formed as follows:
  - The Under-secretary of the Ministry of Human Resources and Emiratization for Human Resources Affairs - Chairman.
  - A judge with the rank of President of the Court of Appeal, nominated by the Minister of Justice - Member.
  - A representative of the Chamber of Commerce in any of the Emirates of the State within the territorial jurisdiction of the dispute, nominated by the President of the Federation of UAE Chambers of Commerce and Industry - Member.
  - A representative of the local labor committee/ Labor Crisis Management Team in the Emirate within the territorial jurisdiction of the dispute - Member.
  - A representative of the Labor Relations Department at the Ministry of Human Resources and Emiratization - Member and Secretary.
2. The Minister shall issue a decision naming the Committee members stipulated in this Article.

## **Article (3)**

### **Committee Duties**

The Committee stipulated in Article (2) of this Resolution shall be competent to consider collective labor disputes related to workers' entitlements, referred by the Ministry, where the number of workers involved exceeds (50) fifty, where an amicable settlement between the two parties to the labor relationship could not be reached.

## **Article (4)**

### **Local Committees at the Level of the Emirates**

A special committee may be established to consider collective labor disputes in any Emirate of the State based on a request submitted to the Ministry by the Concerned Authority in that

Emirate. A resolution shall be issued by the Minister to nominate its members, provided that a judge shall be included in its membership, who shall be nominated in coordination with the Minister of Justice and a representative from the Ministry, and provided that the committee shall adhere to the same procedures set forth in this Resolution.

## **Article (5)**

### **Committee Convening**

1. The Committee shall convene at the Ministry's headquarters, at any other location it deems appropriate, or through digital channels. The Committee's Convening shall not be valid unless attended by the majority of its members, including the Chairman, the judge, and a representative of the Ministry.
2. The Committee shall, within two working days as of the date of receiving the collective dispute, schedule a hearing to consider the dispute, provided that the Committee's Secretary shall notify the Committee members and the parties to the dispute of the date and place of the hearing in any appropriate manner the Committee shall deem appropriate. The parties to the dispute may submit a written memorandum of defense supported by relevant documents at least three (3) days prior to the scheduled hearing.
3. The Workers shall be represented by a number of representatives selected thereby from among them, provided that their number shall not be less than (3) three and not more than (5) five. The Employer may, if they are unable to attend, appoint a legal representative.
4. The Committee may hear witnesses and summon whomever it deems appropriate to adjudicate the dispute or engage specialized experts. The Committee may also examine all documents and papers related to the dispute and take measures to adjudicate thereof.
5. The Committee may impose legally prescribed penalties in the event that one of the litigants fails to appear before the Committee, or one of the witnesses fails without an acceptable excuse or refuses to answer.

## **Article (6)**

### **The Committee's Decisions**

1. The Committee shall issue its decision within a maximum period of (30) thirty days from the date of the first session, whether the parties to the dispute are present or not, according to the evidence and proofs available to support its decision. The Committee shall issue its decision by a majority vote, and the decision shall be reasoned. In the event of a tie, the Chairman shall have the casting vote.
2. The Committee's decision shall be referred to the competent enforcement department within whose jurisdiction the dispute falls, to append with the writ of execution, provided that the parties to the dispute shall be notified of the Committee's decision within two days as of the date of its issuance, as it is final and binding on the parties to the dispute.

## **Article (7)**

### **Liquidation of Bank Guarantees and Insurance**

In all cases, in order to protect the rights of workers and to address the consequences of the collective labor dispute, the Committee may request the Ministry to liquidate the bank guarantees and disburse the value of the insurance coverage based on its decision appended with the writ of execution.

## **Article (8)**

### **General Provisions**

1. The parties to the dispute shall comply with all applicable laws and rules regulating labor relations by exhausting collective dispute means and procedures.
2. The Ministry may take the following measures in order to address the consequences arising from a collective labor dispute:
  - a. Revocation of work permits without the consent of the Employer. It may also defer fines resulting from failure to provide the Ministry with the worker's work contract or renew the work permits at the expense of the entity party to the dispute, in accordance with the legislation in force in this regard; and

- b. Coordination with the Concerned Authorities to complete the procedures for cancelling workers' residency permits and enabling them to leave the State or regularize their status in accordance with the procedures followed in the applicable legislation.

## **Article (9)**

### **Repeals**

The aforementioned Cabinet Resolution No. (11) of 1982, as well as any provision that contradicts or conflicts with the provisions of this Resolution, is hereby repealed.

## **Article (10)**

### **Publication and Entry into Force**

This Resolution shall be published in the Official Gazette and shall enter into force from the date of its publication.

**Mohamed bin Rashid Al Maktoum**

**Prime Minister**

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