

United Arab Emirates Health and Safety Legislation

01

Summary

This guide outlines how health and safety legislation is applied within occupational work environments in the United Arab Emirates.

The United Arab Emirates (UAE) is made up of seven member emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain, Fujairah and Ras Al Khaimah). It operates under a two-tier legal framework where federal law applies to all seven emirates, and local laws apply only to the emirate in which they are enacted. Each of the seven emirates has its own government, which functions in tandem with the federal government.

“ UAE is made up of seven member emirates ”

Islam is the official religion of the United Arab Emirates and Arabic is considered the official language, however English is used widely in commercial and economic areas. The principles of Sharia influence criminal and civil laws, however, the direct influence of Sharia in the UAE is primarily in social laws such as family law, divorce or succession. Most commercial matters are now dealt with by either civil courts or permanently established arbitration tribunals. Most legislation comprises a mix of Islamic and European civil law concepts.


The United Arab Emirates has signed a technical cooperation agreement with the International Labour Organisation (ILO) to provide decent working conditions in the region. The major components of the agreement include the protection of the workers' rights, development of national employment policies and monitoring systems, as well as the enhancement of the social dialogue.

The Federal Labour Law (No 8 of 1980) is the central piece of labour legislation in place and contains the general duties of employers to ensure the health and safety of all persons in their employment. The Labour Law is generic in nature and applies to all workplaces and employees

working in the UAE, whether UAE nationals or expatriates. Further specific laws are enacted within some emirates, notably Dubai and Abu Dhabi. At a federal level Ministerial Resolutions apply more detail to the Labour Law. With regards to occupational health and safety Ministerial Resolution No 32 extends and expands upon the provisions in the Labour Law by attempting to apply the Resolution to all hazards in the workplace.

Although the Federal Labour Law stipulates that all employees are subject to its provisions, in practice employees in the Free Zones, such as the Jebel Ali Free Zone and the Dubai Airport Free Zone etc., are also subject to the rules and regulations of the Free Zone concerned, with the federal law applying at an oversight level. Employers must therefore also be aware of any local health and safety legislation (emirate or Free Zone) for the areas in which they are licenced, and also areas in which they carry out business (this may be other Free Zones or emirates).

If workplace accidents or occupational diseases occur, the employer must pay the cost of the employee's treatment in a government or private clinic. If this subsequently



prevents the employee from performing their duties, the employer must make payments until the employee recovers, the disability becomes diagnosed or death occurs. If it is discovered that the employee had intentionally caused the injury in order to receive compensation or paid medical leave, then the employee will not be entitled to either and would be liable to face criminal charges.

The UAE does not provide a right to freedom of association, therefore trade unions and collective bargaining are not currently permitted. Therefore no federal statutory provisions exist relating to works councils or employee consultation, and any collective industrial action, such as taking strike action, is an offence as set out in the Labour Law. The Labour Law and the Ministry of Human Resources and Emiratisation are seen as the only protective mechanism needed for employees at work.

The Ministry of Human Resources and Emiratisation is also the authority charged with enforcing health and safety laws. At a federal level, it takes responsibility for enforcement of occupational health and safety through its programme of compliance inspections. The police are often involved in investigations of major accidents within industrial organisations and on construction sites, and decide on any prosecutions to be reported.

The overriding provisions for labour inspection are defined within Title 10 (Labour Inspection) of the Federal Labour Law, and are further enhanced in Ministerial Resolution No 32. Ministry of Human Resources and Emiratisation inspectors have the authority to conduct on-site inspections and levy fines or rectification notices on companies for breaches of the health and safety, regardless of whether or not a workplace accident has occurred as a result.

The Legal System

The United Arab Emirates (UAE) is made up of seven member emirates and operates under a two-tier legal framework where federal law applies to all seven emirates, and local laws apply only to the emirate in which they are enacted. Article One of the constitution provides that the Union consists of the following emirates; Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain, Fujairah and Ras Al Khaimah. Each of the seven emirates has its own government, which functions in parallel with the federal government.

Islam is the official religion of the United Arab Emirates and Arabic is considered the official language, however English is used widely in commercial and economic areas. Within the constitution Islam is identified as the state religion as well as the principal source of law. However, although the principles of Sharia influence criminal and civil laws, the direct influence of Sharia in the UAE is primarily in

social laws, such as family law, divorce or succession. Most commercial matters are now dealt with by either civil courts or permanently established arbitration tribunals. Most legislation comprises a mix of Islamic and European concepts of law. The French influence is most clearly demonstrated by the adoption of the civil law in the region similar to those in European states, rather than the common law system in the UK.

The structure of the legal system is complex with Sharia courts and civil courts operating in parallel but covering different areas of the law.

The constitution describes five federal institutions of government; the Federal Supreme Council (FSC-executive), the President of the Union, the Council of Ministers of the Union, the Federal National Council (FNC-legislative), and the Judiciary of the Union. The Federal Judiciary is one of the five bodies comprising the federal authorities of the UAE Government.

The legal structure in the UAE runs in two systems; the Federal Judiciary presided by the Federal Supreme Court as the highest judicial authority in the UAE and the local judicial departments at the local government level. At the federal level, the Ministry of Justice oversees courts and prosecution departments across the UAE. The UAE Federal Judiciary includes:

- federal supreme court
- federal courts
- public prosecution.

The UAE adopts three levels of courts for litigation purposes. This system enables cases to be challenged. The courts' degrees in the UAE are:

- court of first instance (federal and local)
- court of appeal (federal and local)
- federal supreme court (at the federal level) and the court of cassation at the local level of the emirates which have independent judicial departments.

The UAE's Constitution describe the general principles of these two systems and leaves the details to the discretion of local judiciaries. Each of the seven emirates maintain the right to choose either to participate in the Federal Judiciary or to maintain its own local judicial system. The emirates of Sharjah, Ajman Fujairah and Umm Al Quwain follow the federal judicial system. However, at the local level, Abu Dhabi Judicial Department in Abu Dhabi, Dubai Courts in Dubai and RAK Courts in Ras Al Khaimah maintain their own independent judicial departments, with jurisdiction in

“English is used widely in commercial and economic areas”

matters that were not assigned to the Federal Judiciary in accordance with the Constitution.

The Council of Ministers is responsible for drafting decrees and decisions at federal level. The prime minister and the members of the cabinet are responsible to the president and to the Federal Supreme Council (FSC), which is the highest executive body in the federation, and made up of the rulers of the seven emirates. The FSC is the highest constitutional authority in the UAE, and also the highest legislative and executive body. It also establishes general policies and sanctions of the federal legislation, and meets four times a year. The rulers of Abu Dhabi and Dubai have a power of veto over legislation.

The relationship between the federal and local governments continues to change and evolve. The smaller emirates have benefited from the federation in areas such as education and tourism, and at the same time in other areas, such as the judiciary, there has been an evolving trend towards a voluntary relinquishment of local authority and convergence under the federal institutions.

The United Arab Emirates (UAE) is a rapidly developing nation with regional differences, a multi-national and multi-cultural workforce of varying educational backgrounds, religious beliefs, and cultural practices, which pose a challenge for employers and regulators. Some commentators express concerns over the rights of individuals and specific groups of the population, and also the apparent disparity of rights for emirati nationals and expatriate or migrant workers.

As can be seen although operating as one entity, the structure of the UAE federal system is not straightforward. Readers should be advised to carefully research the federal and individual emirate/free zone legal structures if detail is required.

Types of Law

Federal laws are drafted by the Council of Ministers and are then submitted to the FNC, where they are subject to a number of committee and consultation stages, before being reviewed and laid before the president of the federation. The Council has the power to examine and amend proposed legislation, and to summon and question any federal minister as well as its own members.

Federal legislation is made up of Laws, Regulations and Ministerial Resolutions/Decisions and applies to all seven emirates. This is then supplemented by emirate specific regulations, and rules which apply in each of the Free Zones set up throughout the emirates. UAE criminal law applies throughout all Free Zones, but civil law varies considerably within the Free Zones.

Laws are published in the official gazette of the Union within a maximum of two weeks from the date of their signature, and promulgation by the President of the Union after they have been ratified by the Supreme Council. The law enters force after publication in the official gazette.

Recent updates to legislation are also available on the UAE Ministry of Justice website and the website of the Ministry of Human Resource and Emiratisation (formally the Ministry of Labour).

The official gazette of the UAE is available on subscription through the Ministry of Justice.

Abu Dhabi Executive Council website contains the Abu Dhabi gazette (online since 2009) at www.ecouncil.ae.

The Dubai official gazette is hosted in the government of Dubai website at <http://slc.dubai.gov.ae/>.

The other emirates also have legislation pages on their government websites, but tend to contain very little detail on health and safety provisions.

Details on health and safety rules and requirements for the various Free Zones and ports are located on their relevant internet pages.

Legislation

The United Arab Emirates has signed a technical cooperation agreement with the International Labour Organisation (ILO) to provide decent working conditions within the federation. The major components of the agreement include the protection of the workers' rights, development of national employment policies and monitoring systems, as well as the enhancement of the social dialogue.

The federal health and safety legal framework in the UAE is derived from the following principle laws and decisions:

- The Labour Law, Federal Law No 8 of 1980 (as amended)
- Ministerial Resolution No 32 of 1982 concerning methods of preventing employees being harmed by hazards in the workplace
- Ministerial Resolution No 37/2 of 1982 concerning standards of medical care an employer must provide for their employees
- Ministerial Resolution No 4/1 of 1981 concerning the limitation of working hours in hazardous industries

- Ministerial Resolution No 5/1 of 1981 concerning the prohibition of minors from working in defined hazardous industries
- Ministerial Resolution No 6/1 of 1981 concerning the prohibition of women from working in defined hazardous industries
- Ministerial Resolution No 27/1 of 1981 concerning definition of remote area working and locations in Dubai and the northern emirates.

These legislative provisions are applicable across the whole of the UAE and further legislation continues to be developed in line with UAE government strategy (see later).

The Federal Labour Law is the central piece of labour legislation in place, and contains the general duties for employers to ensure the health and safety of all persons in their employment. The Law is generic in nature and applies to all workplaces, staff and employees working in the UAE, whether UAE nationals, expatriates or migrant workers. However, further specific laws are enacted within some of the other emirates, notably Dubai and Abu Dhabi and some of the Free Zones. If the local legislation is inconsistent with the Labour Law, the Labour Law provisions take precedence. However, this does not apply if the local legislation is of a higher standard than the Labour Law.

Article 1 of the Federal Law contains all the labour definitions of; employers, workers, temporary workers, establishments, occupational injuries etc. Article 3 contains detail of those who are exempt from the Labour Law, such as:

- employees of the federal and emirate governments, the municipalities, public bodies, federal and local public institutions and those employed in federal and local governmental projects
- members of the armed forces, police and security units
- domestic workers
- agricultural workers in farms or pastures (except people employed in organisations which process agricultural products and/or those who are permanently engaged in the operation or repair of machines required for agriculture).

Federal Labour Law No 8 has a series of provisions (Titles) as listed below:

1. definitions and general provisions
2. employment of workers and youth and women labourers
3. employment contracts, records and wages

4. working hours and leave
5. safety, protection health and social care of worker
6. disciplinary rules
7. termination of employment contract and end of service gratuity
8. compensation for occupational injuries and diseases
9. collective labour disputes
10. labour inspection
11. sanctions
12. final provisions.

Many of these Titles relate to working conditions, working contracts and employment labour issues generally. Of the above Titles, the ones specifically relating to, or impacting upon, occupational health and safety are Titles five, eight, ten and eleven. The Labour Law is amended and developed (last updated in 2007) as are other Ministerial Resolutions etc.

Title 5 contains Articles 91 – 101 and are specifically related to the requirements for:

- **Article 91** – providing workers with adequate protection against hazards and any subsequent injuries and diseases, together with instruction on how to correctly use supplied safety equipment (including personal protective equipment) correctly.
- **Article 92** – the display of signs to warn employees of the presence of specific hazards, such as fire, and other relevant hazards. The signs should be provided in Arabic as well as the relevant language(s) of the employees present. This is an important point as many workers within the UAE are non-emirati's.
- **Article 93** – the provision of first aid boxes, their contents and procedures for use.
- **Article 94** – the provision of clean and ventilated workplaces with adequate toilets, lighting and drinking water.
- **Article 95** – the requirement to record medical examinations for employees every 6 months, which are to be administered by physicians, for any hazards expected to be present in the workplace.
- **Article 96** – the provision of medical care for employees (by the employer) as defined by the Minister of Health and Social Affairs (now Ministry of Health and Prevention – MOHAP).

“ The Ministerial Resolutions apply more detail to the Labour Law ”

- **Article 97** – the definition of specific requirements in workplaces such as; appropriate controls for hazards, lighting, ventilation, food provision, drinking water, cleanliness and the elimination of dust and smoke. Specific requirements are stated for fire and electrical hazards.
- **Article 98** – providing information to employees of the hazards faced in the workplace and the provision of safe work instructions, procedures and training.
- **Article 99** – the prohibition of alcohol in the workplace, and the requirement to restrict entry to those who maybe under its influence.
- **Article 100** – the requirement for workers to follow safety instructions given to them and not misuse any items provided for their protection. Note – penalties are specified against the employee should this occur such as warnings, fines suspension plus other benefit related penalties.
- **Article 101** – the provision of certain facilities and equipment when employees are working in remote areas of the UAE, such as; appropriate means of transportation, suitable living accommodation, drinking water, adequate food, means of first aid, and a means of recreation/sport.
- **Article 148** – the Ministry of Health (MOHAP) to arbitrate in any disagreement over the level of fitness or disability of the employee from an occupational injury or illness.
- **Article 149** – compensation payments to be made in the event of the death of a worker to the family.
- **Article 150** – the compensation levels to be paid in the case of partial disability.
- **Article 151** – the compensation levels to be paid in the case of permanent disability.
- **Article 152** – the process for amending the diseases and disabilities listed in Schedules 1 and 2.
- **Article 153** – the forfeit of compensation by the worker should they be; injured when attempting to commit suicide to obtain compensation, under the influence of alcohol or drugs, be mis-using safety equipment, gross mis-conduct etc.

The Ministerial Resolutions apply more detail to the Labour Law. Ministerial Resolution No 32 extends and expands upon the provisions in the Labour Law by attempting to apply the Resolution to all hazards in the workplace. It also expands on subjects such as:

Title 8 contains Articles 142 – 153 and are specifically related to the requirements for:

- **Article 142** – notifying the police and labour department (MOHRE) if any of the diseases listed in Schedule 1 of the Law, and any illness or permanent disabilities of the types listed in Schedule 2 of the Law result from an occupational illness.
- **Article 143** – the police to notify the labour department (MOHRE) of the results of their investigations (Note – the police are often the initial investigating body).
- **Article 144** – the employer to pay the costs of all treatment associated with industrial injuries or illnesses.
- **Article 145** – employers to pay an employee when they are off work due to an industrial injury or illness (on a sliding scale).
- **Article 146** – rules for calculation of the above sliding scale payments.
- **Article 147** – a report on the treatment from a physician regarding an occupational injury or illness to be made to the worker and the employer, including the notification of any disability (permanent or otherwise).
- More detailed requirements for first aid equipment, and need for employers to provide one first aid kit for every 100 employees with prescribed content. The kit is to be stored in a conspicuous place and under the control of a trained individual.
- Requirements in the workplace for facilities such as; space, lighting levels for specific tasks, noise, ventilation, temperature, the eating and preparation of food, welfare arrangements etc.
- The need to prevent employees coming into contact with harmful substances (listed in the document) and harmful radiation, including the requirements for storage and labelling of substances.
- The provision of safe walkways, ladders and stairs.
- The prevention of fire occurring in the workplace including the requirements for alarm systems.
- The prevention of people falling and being harmed by falling objects.
- The requirement to guard moving parts of machinery (including specifying their non-removal by employees), ensuring protective measures stay in place, provide instruction on the safe use of machines and supplying protective equipment where required.

- Requirements for the installation, use and maintenance of steam boilers.
- The requirement of employees to adhere to the safety rules and procedures put in place by the employers, and the fact that sanctions are applied for non-compliance with the rules.
- Protection from the hazards associated with construction work generally, excavation and demolition.
- The requirements for the installation, use and testing of lifting equipment and lifting accessories used in the construction industry.
- A contractor's requirements to notify the labour directorate (MOHRE) before starting construction and demolition works, and the requirements for the provision of safety equipment within the construction site.
- Specific details in the requirements of labour inspectors in the workplace, such as taking samples from the workplace, arranging testing and analysis of samples and any medical examinations required.
- The requirement to report specific accidents, injuries (including fatalities), and illnesses to the labour directorate (MOHRE).
- The experience and qualification requirements for labour inspectors.

It should be noted that although some specific requirements are listed and defined within Ministerial Resolution No 32, many of the requirements are still general in their nature.

Although the federal Labour Law stipulates that all employees (other than those listed in Article 3) are subject to its provisions, in practice employees in the Free Zones, such as the Jebel Ali Free Zone and the Dubai Airport Free Zone etc., are subject to the rules and regulations of the Free Zone concerned. However the federal Labour Law will still apply at an oversight level.

Free Zones and their Legislation

Authority is delegated to individual emirates from federal level for the development and implementation of local laws related to health and safety. Therefore, organisations must also be aware of local legislation (emirate, Free Zone or ports) which may affect their legal health and safety obligations, or local rules. Many Free Zones have violation processes linked to their licensing rules and requirements. Where an organisation is licensed and where it operates can have a significant impact on the health and safety rules governing the operation. Similarly, many of the ports of the

individual emirates also have their own specific health and safety operating processes and procedures in place.

Individual emirates have their own legislative frameworks of varying complexity to control occupational health and safety. The emirates of Abu Dhabi and Dubai were the first to have specific health and safety codes of practice and are the most developed.

Detailed below are some of the differences in individual emirates operations and some detail on selected Free Zone requirements.

Dubai

In addition to the federal laws, Dubai has additional codes of practice, circulars and technical decisions relating to specific environmental and occupational health and safety issues. These are specific and tend to be issued by various authorities and Free Zones, as discussed below, depending on where an organisation operates, rather than being emirate specific. Health and safety regulations are overseen by the Dubai Municipality and any business not adhering to the Regulations are subject to fines or other penalties. Examples of some legislation and Free Zones applied rules are:

- Dubai Code of Construction and Safety Practice which specifies the responsibilities and working conditions for health and safety on construction sites.
- Local order 61 of 1991 is primarily linked to environmental protection, but also contains provisions on the health and safety of employees, including the reporting of incidents and accidents, and the obligation of employers to report.
- The Dubai Municipality Technical Guidelines contain a range of guidance which cover a variety of health and safety subjects, e.g. Rope Access, Emergency Preparedness and Electrical Safety at Work etc.
- The Dubai Technology and Media Free Zone (DTMFZ) is a Free Zone consisting of nine business parks which has a local set of detailed Regulations including; ZA-DC-REG-01 Health, Safety and Environment Regulations, which set higher standards than those adopted at federal and local level.
- Trakhees Ports - Environment, Health and Safety (EHS) is the regulatory arm of Trakhees-Ports, Customs and Free Zone Corporation (PCFC) which controls, regulates and enforces rules and regulations related to all aspects of Environment, Health and Safety. Its jurisdiction is a diverse mix that includes Dubai World Business Units such as DP World, JAFZA, Techno Park, Nakheel, Limitless, Dubai Maritime City (DMC), Dubai Multi Commodities Centre (DMCC) and Istithmar. It

“ Authority is delegated to individual emirates from federal level ”

has a detailed set of regulations, guidelines, forms and procedures again setting higher standards than the base federal or local legislation.

- The Dubai World Trade Centre Authority and its associated Free Zone has a detailed set of health and safety rules and regulations to be followed by all operating within its areas of control.

Abu Dhabi

In December 2006, the Executive Council approved the “Abu Dhabi Emirate EHS Policy”, aimed at achieving excellence in the management and protection of the environment, health and safety. This was to be achieved through partnership between all government and private sectors, and ensuring activities within the Abu Dhabi emirate are undertaken in a responsible, safe and sustainable manner. The Abu Dhabi Emirate Environment, Health and Safety Management System Framework (AD EHSMS) was a government initiative developed to control environmental impacts resulting from workplaces, and to ensure safe and healthy conditions for all workers in the emirate.

In 2009, the Abu Dhabi government issued Ministerial Decree No 42, which brought into force the Abu Dhabi Environmental Health and Safety Management System (EHSMS) for the emirate.

On 2nd February 2010, the Executive Council issued a Decree approving the establishment of Abu Dhabi EHS Center (now the Abu Dhabi Occupational Health and Safety Centre – OSHAD). OSHAD’s aim is to ensure the implementation of the Abu Dhabi Emirate Environment, Health and Safety Management System (now OSHAD SF), through the provision of an integrated regulatory framework to manage all issues related to occupational health and safety, as well as environmental impacts resulting from workplaces. It also seeks to build additional EHS capability within the emirate.

OSHAD, as the competent authority for OSH issues in Abu Dhabi, supervises the implementation of OSHAD SF by government departments, sectors and individual entities. Follow up of the implementation is achieved through the review, approval and monitoring the implementation of OSHAD SF, in addition to investigation of occupational health and safety incidents, audits and inspections. The OSHAD SF system is under continual review with Codes of Practice updated as recently as early 2019. Therefore, employers should regularly review the system for relevant updates.

OSHAD delegates some authority and powers to specific government departments for the issue licenses or ‘no objection’ terms to entities within specific sectors. These are called Sector Regulatory Authorities (SRAs) and include;

industry, building and construction, energy, transport, tourism and culture, health, education, food, waste and commercial activities sector. Within these sectors, there are many entities working in various economic activities (government and private).

Each of the private sector entities is required to:

- develop an EHSMS in accordance with the OSHAD SF Minimum Requirements and Sector Specific Requirements
- complete implementation of the reviewed and approved EHS management systems by the SRA
- inspect, audit and investigate EHS incidents, and monitor entity EHS performance to ensure correct implementation of the management systems
- submit to third party annual audits, which are required after approval of their management system, with the results being reported to the SRA.

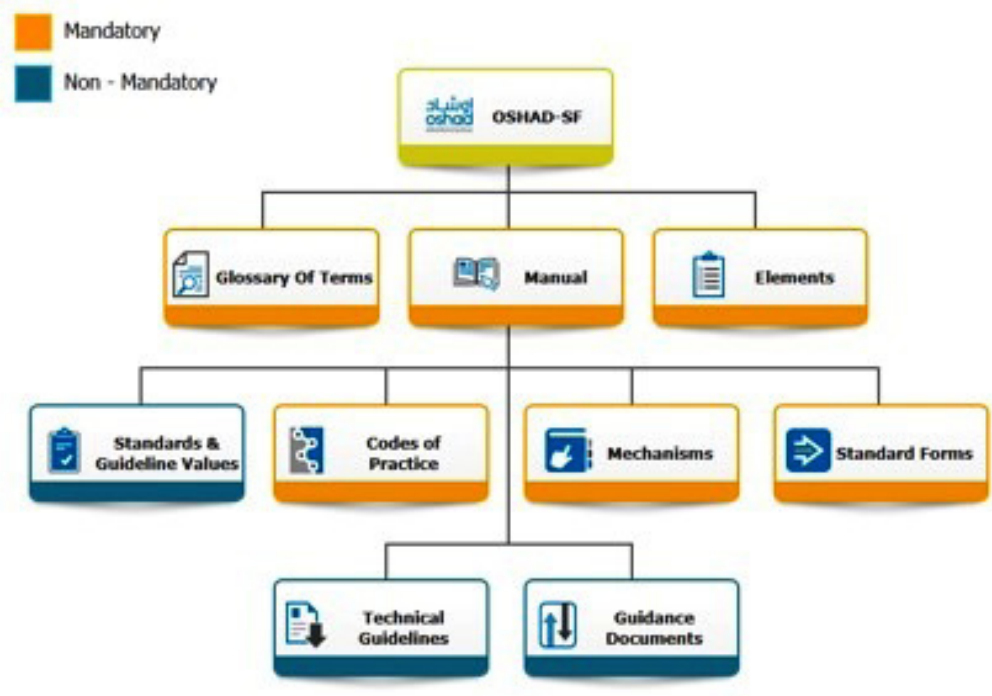
An organisation is officially nominated by a Sector Regulatory Authority dependant on the licenses required to operate and the activities to be carried out. The degree of development and implementation required of OSHAD SF is determined by their risk rating. This is determined by the organisation’s; complexity, number of employees, use of contractors, presence of high risk activities, use of hazardous materials and proximity to sensitive receptors.

The risk rating based on the above analysis will be either:

- **high risk** – in which case a full implementation of OSHAD SF is required, and evidence submitted to the SRF, or
- **medium risk** – in which case compliance must be demonstrated by the organisation to OSHAD SF Mechanism No 5 – OSH Requirements for Medium Risk Entities – which is effectively the implementation of the federal health and safety laws, regulations and resolutions, or
- **low risk** – in which case a minimum level of inspection (once every three years) and accident/incident monitoring is implemented by the SRA.

The risk classifications are reviewed every three years.

The full composition of the OSHAD SF system is shown diagrammatically below:



(Source: OSHAD)

Sharjah

Sharjah generally follows the federal health and safety laws, regulations and resolutions. In June 2015, the Ruler of Sharjah issued Law No (8) of 2015 on the Regulation, Powers and Functions of the Sharjah Prevention and Safety Authority. It has the legal capacity to propose regulations and requirements to ensure prevention of accidents and illnesses and other risks that organisations and their employees may face. It also; recommends regulations for the inspection of facilities, provides training and qualifications for risk management systems to protect public safety, assists other government entities in taking measures to handle accidents that may present a risk to public safety, devises public awareness programmes and campaigns about prevention of occupational health and safety risks, and establishes a database at the emirate level.

Additionally the Hamriyah Free Zone Authority lays down specific environmental, health and safety requirements to be followed in their Engineering, Environmental, Health and Safety Information Pack. This document details building requirements and environmental, health and safety rules, including a series of violations and associated fines and a section on EHS rules, guidelines and EHS checklists.

Ajman

The Ajman emirate tends to follow the federal legislation which is listed on the government website.

Umm al Quwain

The Umm al Quwain emirate also contains a Free Trade Zone with specific rules and regulations. The primary health and safety requirement is to follow the Health, Safety, and Environmental and Quality (HSEQ) Manual which is issued by the Free Trade Zone. It sets out rules and regulations and provides a basic framework for compliance. The authority requires health and safety rules to be developed for people in the workplace and for compliance to be maintained. It conducts HSEQ inspections, requires notification of any accident requiring medical treatment with three days, provides regular HSEQ inspections, and where required issues HSEQ Violation Notices.

Fujairah

The Fujairah emirate tends to follow the federal legislation except in the Free Zones and port. The latter being controlled by the Port of Fujairah Ordinance, and various safety and security circulars.

As can be seen from the above, the legislative landscape throughout the United Arab Emirates is complex and should be studied in detail for the emirate and locale of operations. Additionally, as with many countries, some organisations operate to standards in excess of the local legislation by having health and safety management systems which are certified to international standards, e.g. ILO-OSH, ISO 45001 etc.

“ All employers are compulsorily required to take out insurance policies ”

Federal Rules on Accidents

A work related accident can be suffered by an employee at their place of work, or while travelling to or from their place of work. If the employee suffers a work related accident or contracts an occupational disease, the employer must report the accident immediately to the police and the Ministry of Human Resources and Emiratisation. The information should include the employee's name, profession, address, nationality, a brief description of the incident and its circumstances, and the medical measures or treatment provided.

Upon receiving the information from the employer, the police often perform the initial investigations and take witness statements from the employer and the injured person (if their condition allows them to make a statement). The report will specifically state whether or not the accident was work related, whether it took place intentionally, or as a result of misbehaviour on the part of the employee. If the report concludes that one of the employer's personnel or managers were at fault or negligent, they may be subject to a prosecution in a criminal court for the act or omission if such an act or omission amounts to a crime (see later in the Offences section).

A fine of AED 10,000 can be imposed on organisations who fail to report workplace injuries. Any work related injury which causes an employee to be absent from work for three days or more must be reported to the Ministry of Human Resources and Emiratisation within 24 hours.

Compensation

All employers are compulsorily required to take out insurance policies to cover their full liabilities under common law. In cases of work accidents and occupational diseases, the employer must pay the cost of the employee's treatment in a government or private clinic until the employee recovers, or their disability is diagnosed. An employee cannot demand to be treated in a specific clinic or in a clinic outside the UAE. The treatment includes hospital costs, surgical operations and diagnostic fees in addition to the cost of medication and any rehabilitation equipment required. The employer must also pay any travel expenses needed for the employee's treatment.

If the injury subsequently prevents the employee from performing their duties, the employer must make payments equivalent to their wage during the treatment period or for six months, whichever is less. If the treatment takes longer than six months, then the payment can be reduced by half for an additional six months or until the employee recovers, a disability becomes diagnosed or in the event of the employee's death. The financial payment made by the employer is calculated from the last wage of the employee for those who are paid monthly, weekly, daily or hourly, and

on the basis of the average wage for those who are paid on by piece work.

The employee's family is not entitled to claim compensation from the employer unless the accident caused the death of the employee or their permanent disability. The compensation payable is equivalent to the basic wage of the employee (at the time of the injury or illness) for a period of two months, and is subject to a minimum of AED 18,000 and a maximum of AED 35,000. The family of the deceased are those who are dependents for their livelihood at the time of death, as defined in the legislation.

Employers can extend their worker's compensation cover to include accidents occurring within the UAE territorial limits and outside duty hours in line with the benefits payable under the Labour Law. The main benefits payable are as follows: death, permanent disability (a percentage of death benefits on a specified scale), loss of wages and medical expenses. In addition to the basic cover the employer can purchase additional protection against claims made by the employee under Common/Sharia Law, up to a selected limit of indemnity which generally varies from AED 500,000 to AED 1 million (Employers Liability Insurance).

Where there is a dispute over the injury or compensation, claims are brought before the Ministry of Human Resources and Emiratisation in the first instance which will seek to facilitate a settlement. If no settlement is reached, they will refer the dispute to the courts. In all cases, claims must be brought within one year of the date of the accident or injury. This does not prejudice to the employee's rights to claim compensation against any third parties who may have participated in causing the accident or the disability suffered by the employee.

Note: if it were discovered that the employee had intentionally caused their injury in order to receive compensation or medical leave, the entitlement would be removed and they would be liable to face criminal charges. Additionally any benefit would be lost in specific circumstances, as listed in the Labour Law, including where the employee was under the influence of drugs or alcohol at the time of the accident.

Civil Claims

In addition to their potential rights under the Labour Law, employees can bring a claim against their employer under the UAE Civil Code (Federal Law No 5 of 1987, as amended) where the employee must demonstrate fault on the part of the employer. The Civil Code provides that where someone has suffered harm, they may claim compensation against a negligent employer.

It is also possible for the heirs of a deceased person to file a civil action against the person who caused the death of the

employee under the general provisions of tort if the act was a negligent. Before commencing an action, the supporting documentation such as the statement from the police must be submitted with the Statement of Claim.

A judge can reduce the damages awarded where the victim was also responsible for the harm they suffered (contributory negligence). Claims under the Civil Code are assessed separately to those under the Labour Law.

If an employee of a contractor causes the death of a third party, the Sharia law applied in many Middle Eastern countries allow *Diyah* (or "blood money") to be claimed by the victim's heirs from the individual who caused the fatality (see later). The level of compensation in the UAE is currently up to AED 200,000 per claim. Contracting organisations sometimes purchase additional insurance against this liability.

Health Insurance

The federal aim across the UAE is to introduce transferable employment based health insurance. There are currently two emirates which mandate employers to provide health insurance coverage; Dubai and Abu Dhabi. There are no current laws mandating employer sponsored health insurance in the other emirates. Local regulators have for many years been considering the introduction of a mandatory employee health insurance scheme, for which employers in the United Arab Emirates would be responsible for the premiums.

The Dubai scheme commenced in 2014 and came fully into force in 2016 with small companies (under 100 workers) being captured by the scheme. The law also provides that dependents of sponsors, including domestic workers, must also have been covered for the basic health coverage from June 2016. The law's jurisdiction spreads across the entirety of the emirate, including its development areas and Free Zones, such that virtually all the residents of Dubai, nationals and expatriates alike, are covered. It should be noted that the minimum cover offered differs between residents and other nationals.

A similar scheme exists in Abu Dhabi (Law No 23 on the Health Insurance Scheme), whereby every employer is required to provide health insurance coverage for all their employees/workers and their family members. Expatriates may not be employed, issued residence permits nor have their existing permits renewed, unless they are subscribed into the health insurance scheme. Anyone who violates the provisions of the Law is liable to a fine of between AED 5,000 and AED 20,000.

National System of Safety and Health at Work and Key Organisations

Authorities

The Ministry of Human Resources and Emiratization (MOHRE) was established in 1971 as the Ministry of Labour, and now consists of four main departments (each headed up by an under-secretary). These are:

- human resources (including labour relations, inspection, health and safety etc)
- emiratization (including occupational guidance and training)
- policies and strategies
- communication and international relations.

It aims to achieve seven strategic goals which are to:

1. propose federal laws that regulate business and labour affairs and controlling the implementation of such proposals
2. manage the business market and propose labour policies appropriate for the country
3. organise labour relations with the aim of providing stability, increasing productivity and creating jobs opportunities
4. participate in the formation of the economic and social policy at the national level
5. provide excellence in services to satisfy users' needs according to applicable rules and regulations
6. cater for the organisation and support of labour relations at the international and local levels
7. support and encourage the work of nationals by providing job opportunities.

The strategy of MOHRE is based on the UAE Vision 2021. Through its initiatives the Ministry has sought to achieve the government's strategic goals giving priority to increasing efficiency, flexibility, and productivity in the business market, conforming to international standards and conventions in the field of work, labour organisation and occupational health and safety. The Strategy is based on four pillars:

“The federal aim across the UAE is to introduce transferable employment based health insurance”

- united in prosperity
- united in knowledge
- united in destiny
- united in responsibility.

The MOHRE vision is to have a labour market in the UAE that empowers Emiratis and attracts talent from around the world. It has a mission to regulate the labour market, through legislation, policy making, enforcement and partnerships, to promote the participation of UAE nationals in employment, and attract and retain international talent.

In dealing with the regulation of the broad labour market and processes, MOHRE has a focus on occupational health and safety measures and implements several programmes, including field visits to housing units and workplaces - especially construction sites, workshops and factories. This is intended to drive and raise awareness in the importance of adhering to occupational health and safety measures, and providing guidance to those employees facing work-related injuries and risks.

Research and Social Organisations

Institution of Occupational Safety and Health

The Institution of Occupational Safety and Health (IOSH) has a strong presence within the UAE region with a series of Middle Eastern branches set up to drive communication and improvement of occupational safety and health. It provides a focal point for health and safety professionals and arranges many conferences and meetings in the UAE and wider region.

The IOSH UAE branch has been in existence since 2014 and works to promote occupational health and safety messages and awareness in the UAE. Their specific goals are to:

- promoting health and safety in the UAE
- improve the dialogue and working arrangements with the government
- campaign with universities and schools to raise awareness of occupational health and safety.

The IOSH branch aims at supporting and empowering their members, and non-members, towards achieving chartered membership, providing continued support on career development of local people, with many occupational health and safety professionals associating with professional bodies (IOSH) to share and learn best practices.

Emirates Institute for Health and Safety

The Emirates Institute for Health and Safety (EIHS) based in Abu Dhabi is a commercial organisation and provides training, consultancy, research and audit services in the region. It collaborates with regional and international collaborators, providing research programmes covering all areas of occupational health and safety, business continuity and healthcare management, occupational and industrial health, security services, road and traffic safety.

Dubai Health Authority

The Dubai Health Authority provides research into areas of population and occupational health including issues arising from workplace hazards. Through the 2021 strategy, its mission is to transform Dubai into a leading healthcare destination by fostering innovative and integrated care models and by enhancing community engagement. It aims to achieve this through the following values:

- customer centricity
- efficiency
- engaged and motivated workforce
- accountability and transparency
- innovation
- excellence.

Dubai Health Strategy has been designed to be consistent and compatible with Dubai plan 2021, aimed to become a global leader in the delivery of healthcare, and providing a world-class level of healthcare.

Health Authority Abu Dhabi

The mission of the Health Authority of Abu Dhabi (HAAD) Medical Research Section is to promote world-class research that improves health and quality of life for all people in the emirate of Abu Dhabi, while ensuring ethical research conduct and protection of human subjects. The vision of HAAD's Medical Research Section is "Optimal Health through Research".

The Medical Research Section facilitates the work of the Abu Dhabi Health Research Council, the Abu Dhabi Research Ethics Committee (ADREC), and the Scientific Peer Review Committees (PRCs). The Medical Research Section helps to develop the Abu Dhabi Health Research Strategy, define research ethics policies and standards, create research funding/grant administration procedures, apply evaluation methods, and measure key performance indicators of Abu Dhabi's progress in health research.



Provision of Protection and Prevention Services

The federal Ministerial Resolution No 32, Article 26, states that industrial facilities must employ a safety officer tasked with preventing hazards, and supervising the implementation of control measures supporting the UAE federal health and safety legislation, as follows:

- Facilities with more than 150 employees must have a full time industrial safety officer, who must be a graduate of an industrial high school and with relevant experience in the field of industrial safety.
- Facilities with more than 1000 employees must have a safety officer who is an engineer or qualified technician in industrial safety and has relevant experience.

Additionally, most industries (including construction) state the requirement for an additional safety officer for every 1000 workers employed by the organisation.

The competent labour directorate should ratify the competence of the industrial safety officers who are appointed under the Article. Although research indicates that construction organisations are sometimes classed as 'industrial', this is not always the case and local arrangements should be checked. The Dubai Construction Code of Safety Practice details specific requirements for the appointment of Safety Inspectors, Safety Officers, and Senior Safety Officers dependant on the size of the construction project and the number of employees on site.

It is clear from research that a great many posts exist for health and safety professionals within the UAE. Therefore, the reasonable assumption is that many organisations go beyond what is legally required and are again driven by local emirate/Free Zone regulations and rules, and the requirements of their management systems. One example of this is the Qudorat competence scheme for safety professionals which operates in Abu Dhabi and is administered and monitored by OSHAD. The scheme covers the registration of individual occupational health and safety practitioners and of professional entities providing occupational health and safety services into the emirate. The scheme works by:

- ensuring only those who are qualified and competent provide occupational health and safety services
- encouraging entities and individuals to continually improve their performance to achieve the best results

- providing employment opportunities for specialists in the field of occupational safety and health among the various stakeholders
- providing qualified training providers to help in improving the qualifications and competency of individuals working in the field of safety and occupational health.

The system is based on administrative review and verification of the information and documentation submitted by the applicants.

The Ministry of Human Resources and Emiratization (MOHRE) ensures that recruitment of occupational health and safety officer's across construction, industry and major industrial facilities where over 500 workers are employed is localised. In order to be granted a work permit, the organisation must employ a local Emirati in such a role. This is a strategic decision of MOHRE to promote employment opportunities for locals in the private sector, and to implement Emiratization. If organisations fail to adhere to this rule and do not employ an official emirati occupational and health and safety officer (into companies and contractors with more than 500 employees), then the MOHRE will not provide an operating permit. This was implemented through Ministerial Resolution No 711 of 2016 Concerning Occupational Health and Safety Officers at the Construction and Industrial Sector.

Ministerial Resolution No 37/2 (1982) concerns the provision of health services for medical treatment to workers, and defines the levels of nurses and physicians to be made available by the employers, the requirements for specific employee numbers of 50 and 200 (see Barbour quick fact guide), and the levels of treatment to be provided.

The Resolution also specifies the requirements for location, set up, access to and operation of any clinic provided, and the ability for access to the medical facilities for an employee's family (subject to a cost). Other requirements specified are for signage of the clinic, the provision of medical examinations for workers (including the content and the recording of examinations) and the reporting requirements to the local competent labour inspectorate.

“Industrial facilities must employ a safety officer tasked with preventing hazards”

Co-operation between Employers and Employees

Under the Labour Law all employers are obliged to provide employees with information of any hazards and risks they will be exposed to in the workplace on initial recruitment, together with information on the control measures and protective equipment they will need to use as part of their jobs. There is no legal requirement for employers to consult their workforce on health and safety matters, but they must provide signs and instructions in the workplace to indicate protective measures to be used.

However, many organisations go well beyond this basic minimum legal requirement, as discussed above, and indeed this was one of the major debates around the approval and definition of ISO 45001. Part of the application of the standard is to ensure that communication, consultation and participation of the workforce is effective in all jurisdictions where certified companies and organisations operate.

The UAE does not provide a right to freedom of association, and therefore trade unions and collective bargaining are not currently permitted. Therefore no statutory provisions exist relating to works councils or employee consultation, and any collective industrial action, such as strike action, is an offence as set out in Article 112 of the Labour Law. At a federal level, the Labour Law and the Ministry of Human Resources and Emiratisation are seen as the only protective mechanism needed in law for the protection of workers. The Labour Law does however contain a workforce disputes procedure under which employees may collectively submit a written complaint to the Ministry of Human Resources and Emiratisation, which must appoint a labour committee to investigate the complaint and conciliate between the employees and the employer.

Inspection and Enforcement

Enforcement Authorities

There is no dedicated statutory body in the UAE to solely oversee workplace health and safety. Amongst its many roles, the Ministry of Human Resources and Emiratisation (MOHRE) is the authority charged with enforcing most health and safety laws. At a federal level, it takes responsibility for the enforcement of occupational health and safety through its programme of inspections related to Labour Law compliance. Additionally, each member emirate has its own process that functions in a similar way.

In reality it is often the police who initially investigate major accidents in industrial organisations and on construction sites, and consequently decide whether anyone should be prosecuted. They generally have little or no training for investigating occupational health and safety accidents, and involving the police at the early stages can introduce a criminal aspect from the outset, often resulting in a defensive rather than a co-operative response from employers and those who may be seen as carrying responsibility.

Notwithstanding the above, all complaints and disputes relating to labour matters, including those on health and safety, must first be referred to the Ministry of Human Resources and Emiratisation. If either of the parties involved (employer or employee) is unhappy with the Ministry's decision, and the matter cannot be settled, the dispute may then be referred by the Ministry to the Courts within two weeks from the date in which the complaint was filed, after which either party may revert to the court directly.

Provision of Labour Inspection

The overriding provisions for labour inspection are defined within Title 10 (Labour Inspection) of the federal Labour Law, and are further enhanced in Ministerial Resolution No 32.

The Labour Law details the key provisions of labour inspection through Articles 166 – 180. These detail that labour inspectors operate under the jurisdiction of the Ministry of Human Resources and Emiratisation, have powers granted to them by the Ministry and will carry cards demonstrating this. They are bound by their role not to divulge any confidential industrial information, patent rights or other secrets that come to their knowledge in the course of their duties, even after leaving the service. Any complaints received are to be treated as confidential and not shared with the employer where the source could become known.

The key activities of labour inspectors are:

- to supervise compliance with Labour Law provisions, which include but are not limited to, matters related to the health and safety of workers and the employment of youths and women
- educate employers and workers on technical information and instructions to enable compliance with the law
- notify the competent authorities of any poor management of health and safety and lack of compliance with the provisions
- record violations of the Laws, Regulations and Resolutions.

Employers and their representatives must provide inspectors with the necessary facilities and information for the performance of their duties, and must respond to any summons by appearing personally or sending their representatives to interviews as and when requested.

A labour inspector may take any of the following measures:

- Enter any establishment at any hour of the day or night without prior notice, provided that it is within the organisations working hours.
- Carry out any examination or investigation necessary to verify due compliance with the Law, specifically:
 - interview the employer or the workers, either privately or in the presence of witnesses, about any matters related to legal compliance
 - obtain copies and extracts of all documents required to be kept in accordance legislative requirements
 - ensure that notices and signage are posted at the workplace as required by the Labour Law
 - take a sample of any materials used within the workplace which they believe has a harmful effect on the health and safety of the workers, have them tested to determine the extent of the effect, and notify the employer of the result of the analysis.
- Where the inspection is related to health aspects of work being carried out, the inspector may be accompanied by a specialised physician from the Ministry of Health and Prevention or a physician appointed for the purpose. They can conduct medical examinations of the workers at the facility as well as laboratory tests to confirm the appropriateness of the workplace conditions and their effect on the health of workers.

Occupational health and safety related labour inspection visits are usually of the following types:

- periodic inspection visits (routine inspections of all sectors to enforce the provisions of the labour law)
- inspection of private recruitment agencies
- specific and targeted occupational safety and health visits
- joint inspection campaigns (including with other governmental institutions such as joint visits with the Ministry of Interior for inspecting occupational health and safety standards in the workers' dormitories)

- afternoon inspection visits to detect violations of the prohibition of work between 12:30 and 15:00 in exposed places during the hot months of the summer.

A labour inspector is required to notify the employer of their arrival at the workplace, unless they consider that the inspection would be compromised by the announcement. As a result of the inspection they may require employers to make alterations to the workplace, equipment or tools used, and specify a timeframe for this to be carried out. In addition, in the event of an imminent threat to the health or safety of workers, they may require the immediate adoption of specific measures deemed necessary including the cessation of work.

A labour inspector may request the competent administrative authorities and the police to provide assistance during the investigation, and if the inspection is related to occupational health issue, the inspector may be accompanied by a specialised physician appointed for the purpose.

Should the inspector detect a breach of legislation, they must submit notice of the breach to the competent labour department to enable the necessary action to be taken. The chief labour inspector compiles a monthly report on; labour inspection activities, inspection criteria, establishments inspected, and number and types of violations committed. They also compile an annual report with regards to inspections in the region containing the results and effects of inspection and a commentary.

The Ministry of Human Resources and Emiratization compiles an annual report on overall worker welfare, which includes some information on labour inspection activities. The report details the inspection approach based on their 'Smart Inspection System', which grades businesses in a range from Level 1 (lowest risk of non-compliance) to Level 5 (highest risk of non-compliance). The system claims to enable labour inspectors to proactively target businesses with a history of poor labour compliance.

From the 2017/2018 report, figures state that during 2016 the Ministry inspected 86.1% (target 90%) of all businesses at the highest risk level (22,733 businesses out of a total 26,403). In addition, inspectors visited 9319 out of a total of 13,958 businesses at the second highest risk level (66% against a target of 80%). Level 1 – 3 establishments received 21,467 inspections from a total of 37,955 businesses. Targets were exceeded for levels 1 and 2, but not for level 3 (53% against a target of 75%). Again however, it should be borne in mind that many of these inspections relate to labour related issues other than occupational health and safety. As such, labour inspectors tend to direct most of their resources and activities such as; inspecting contractual working arrangements, the living conditions in the workers' dormitories etc.

“Labour inspectors must be completely impartial”

Labour inspection functions are divided into field and administrative inspections, with only field inspectors conducting inspection visits to workplaces. The labour inspection procedures and practices tend not to be standardised, and can differ from one emirate to another.

Subject to a priority right given to nationals in employment, and in addition to the general conditions related to the appointment of employees, labour inspectors must:

- be completely impartial
- have no direct interest in the establishments they inspect
- pass a test of professional ethics after having completed a period of training of at least three months.

The labour inspector must be competent to carry out any inspection required as follows:

- for industrial security they must be an engineer or a technician experienced in the relevant subjects required
- for matters relating to occupational health they must be a physician or technician specialising in the field of occupational health.

The law stipulates that they must pass a professional examination after completing a period of training of at least three months, and that the Ministry must organise specialist courses for training labour inspectors in different topics. Labour inspectors have qualifications ranging from high school education, who tend to have the titles such as assistant labour inspectors, to university graduates who have either the title such as labour inspector or principal labour inspector, depending on their seniority and years of service. Although labour inspectors are government's officials there is often a high turnover rate.

Improving labour inspection services and creating a modern labour inspection system seem to be among the top priorities of the MOHRE, partially driven by the Abu Dhabi example through OSHAD. Its SF code of practice, although of limited federal legal force, recognises that a preventative approach is likely to be more effective than a punitive one. It focuses on issuing improvement and prohibition notices before a potentially fatal accident occurs.

Workers and employers are generally not involved in the labour inspection activities at any level, including those relating to occupational health and safety.

Offences and Penalties

Title eleven of the Labour Law specifies various penalties and offences pertaining to labour matters including health and safety. Failure to comply with the statutory requirements can have serious consequences for both organisations and individuals. Liability for non-compliance can include; criminal sanctions, fixed compensation, civil compensatory damages, contractual liability and administrative penalties.

Typical penalties to be levied are:

Imprisonment and/or a fine of AED 10,000 for:

- breaching any Law, Regulation or Ministerial Decisions
- preventing or attempting to stop an official (labour inspector) in the implementation of any Law, Regulation or Ministerial Decision from performing their duties, whether through actual or threatened use of force or violence
- disclosure by an official, even after termination of their services, of any commercial secret, patent right, or other information that came to their knowledge in their official capacity.

A fine of AED 50,000 for:

- employing a foreigner subject to the provisions of the Labour Law without obtaining a work permit
- closing down or ceasing an activity completely without the settlement of the insured persons.

The above rises to imprisonment and/or a fine of AED 50,000 for a subsequent offence.

Ministerial Resolution No 851, on the Punishment for Infringing Organisations, establishes a number of penalties for labour offences. Amongst these are a failure to:

- remove/correct a violation
- take measures to protect workers from occupational hazards
- prevent a serious hazard occurring
- report an occupational accident or death.

All of the above are punishable by a fine of AED 3,000 – 10,000 and/or six months imprisonment.

Penalties can be compounded where there are repeat offences, and aggregated where a number of employees are affected, up to a maximum penalty of AED 5,000,000.



As discussed above, inspections are made at construction sites to ensure the UAE law on providing a summer midday work-break is being followed. Failure to comply with the Decree results in fines AED 5,000 per person. These fines can easily rise to a maximum of AED 50,000 if several workers are found in violation of the Decree.

Company officers, including those responsible for health and safety, may be personally exposed to criminal proceedings. Imprisonment obviously only applies to individuals and not organisations and is usually reserved for cases of gross negligence on the part of an individual.

In the cases of a fatality or serious disablement, under Sharia Law there exists a series of fixed payment arrangements to the families of the bereaved or those who are injured.

Typical payment arrangements are:

- **Diya** – this is a penalty against the person who caused the death and not compensation. It is set at AED 200,000 for loss of life, and is only awarded if the victim has in no way contributed to the accident themselves (e.g. deliberately bypassing safety systems or driving a vehicle under the influence of drink or drugs). If the deceased is found to be accountable for their death in any way, then the amount is reduced to AED 100,000. This so called 'blood money' is received upon death but some injuries are considered equal to death such as losing both arms.
- **Arsh** – this is a payment for the loss of an organ, a body part or their functions. Every organ in the human body is designated a set value (in a similar way to workers compensation insurance) and the final level is determined by a medical investigation team dependant on the gravity of the person injuries, up to a maximum of AED 200,000. However, if a person receives an Arsh payment they are not eligible to receive any further financial compensation.

The damages which can be claimed under civil compensation arrangements are often higher than the payments above, and are typically for victim's losses in

terms of the physical, moral (emotional) and financial losses suffered. Several factors are also involved that will increase the amount of compensation the victim receives such as their age, the severity of the injury, their number of dependents etc. Such losses are:

- **Physical losses** – often looked at in a similar way to the Arsh payments above.
- **Moral or emotional damages** – there is no set payment schedule and these are claimed separately dependant on the level of emotional loss, shame or embarrassment caused. These compensation arrangements are usually based on the culture and beliefs of the region and how people may be viewed following an accident.
- **Loss of future earnings** – when a court calculates loss of earnings, a person's salary would be calculated based on their expected retirement age, the level of disability caused (and therefore care needed), plus other factors such as the number of dependants, their ages.

There is usually a three year limitation period in which civil compensation may be claimed. All accident reports/details and medical reports are required as supporting evidence to a claim when filing the case in court. An important point of note is that the victim or their heirs also have to claim for compensation within three years from the date of the accident.

Penal Code

The Penal Code deals with acts or omissions causing serious personal injury or the death of a person. They do not relate specifically to health and safety e.g. they might equally apply to someone causing death by dangerous driving. The Penal Code contains financial and imprisonment penalties, amongst which are those for the 'trespass upon the life of a human being and the safety of his body' – a pertinent selection of these are listed below (particularly where they relate to the failure to perform professional duties):

“There is usually a three year limitation period in which civil compensation may be claimed”

| Offence | Penalty | Penal Code Article |
|---|--|--------------------|
| Unintentional assault causing death | Maximum 10 year's imprisonment | 336 |
| Intentional assault causing permanent disability | Maximum 7 year's imprisonment | 337 |
| Assault causing unintentional permanent disability | Maximum 5 year's imprisonment | 338 |
| Assault which results in an illness or disability resulting in the victim being unable to carry out their 'personal business' for more than 20 days | Unstated length of imprisonment and an unstated level of fine | 339 |
| Assault which results in an illness or disability resulting in the victim being unable to carry out their 'personal business' for up to 20 days | Maximum 1 year's imprisonment and a maximum fine of AED 10,000 | |
| Death of an individual resulting from a person's mistake | Unstated length of imprisonment and/or an unstated level of fine | 342 |
| Death of an individual resulting from failure to perform professional duties, or failure to summon help | Minimum 1 year's imprisonment and an unstated level of fine | |
| More than three deaths resulting from a person's mistake | 2 – 5 years imprisonment and an unstated level of fine | |
| More than three deaths resulting from failure to perform professional duties, or failure to summon help | 3 – 7 years imprisonment and an unstated level of fine | |
| The physical injury to an individual resulting from a person's mistake | Maximum 1 year's imprisonment and a maximum fine of AED 10,000 | 343 |
| The physical injury to an individual resulting from failure to perform professional duties, or failure to summon help | Maximum 2 years imprisonment and/or an unstated fine | |
| Physical injury to more than three people resulting from a person's mistake | Unstated length of imprisonment and an unstated level of fine | |
| Physical injury to more than three people resulting from a failure to perform professional duties | 6 months - 5 years imprisonment and an unstated level of fine | |
| Intentionally committing an act which exposes the life, health, liberty or safety of others to danger | Unstated length of imprisonment and/or an unstated level of fine. Imprisonment in the case of injury without prejudice more severe penalties found in other laws | 348 |

Further References

www.iall-aiit.org/ - International Association of Labour Inspection (IALI).

www.ilo.org/ - International Labour Organisation.

www.ilo.org/public/english/protection/safework/cis/legosh/ - The CIS (International Occupational Safety and Health Information Centre) database of occupational safety and health (OSH) legislative texts for various countries, listed by topic.

www.llrx.com/ - LLRX.com is an independent, one person produced Web journal dedicated to providing legal, library, IT/IS, marketing and administrative professionals with the most up-to-date information on a wide range of Internet research and technology-related issues, applications, resources and tools.

<http://content.next.westlaw.com/> - Practical Law provides legal know-how that gives lawyers a better starting point.

www.nyulawglobal.org/globalex/ - GlobaLex is an electronic legal publication dedicated to international and

foreign law research. Published by the Hauser Global Law School Program at NYU School of Law.

<https://government.ae/#/> - Official portal of the UAE Government.

www.mohre.gov.ae/ - Ministry of Human Resources and Emiratisation.

<https://moj.gov.ae/> - United Arab Emirates Ministry of Justice.


www.ecouncil.ae/ - Website of the General Secretariat of the Executive Council.

www.dubai.ae/ - The official portal of the Dubai government.

www.abudhabi.ae/ - The official portal of the Abu Dhabi government.

www.sharjah.ae/ - The official portal of the Sharjah government.

<http://fujairah.ae/> - The official portal of the Fujairah government.



www.rak.ae/ - The official portal of the Ras Al Khaimah government.

www.ajman.ae/ - The official portal of the Ajman government.

<https://www.uaq.ae/ar/home.html> - The official portal of the Umm Al Quwain government.

www.oshad.ae/ - Abu Dhabi Occupational Safety and Health Center (OSHAD) was established to ensure the implementation of a comprehensive and integrated management system for occupational safety and health.

www.ecouncil.ae - The Official Gazette of the UAE hosted on the Abu Dhabi Executive Council.

<http://ogp.dubai.gov.ae/#home> - The Dubai Official Gazette.

www.haad.ae/haad/ - The Health Authority – Abu Dhabi (HAAD) is the regulative body of the Healthcare Sector in the Emirate of Abu Dhabi.

<http://trakhees.ae/> - Trakhees Ports, Customs and Free Zone Corporation.

www.lexology.com/ - Lexology collaborates with the world's leading lawyers and other thought leaders to deliver tailored updates and analysis to the desktops of business professionals worldwide on a daily basis.

www.clydeco.com/ - Clyde and Co advise businesses that are at the heart of worldwide commerce and trade.

<http://uaelaborlaw.com/> - Al Tamimi & Company, originally established in 1989, is today one of the leading law firms in the Arabian Gulf region.

www.dlapiperrealworld.com/ - Realworld Law, a guide that allows us to share local knowledge about how the law works wherever you invest or operate.

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