

**MINISTERIAL RESOLUTION NO. (663) OF 2022
REGARDING COMPLIANCE WITH EMIRATISATION REGULATIONS IN THE
PRIVATE SECTOR**

Minister of Human Resources and Emiratisation

Having perused:

- Federal Law No. (1) of 1972 on the competencies of the Ministries and Powers of the Ministers and amendments thereof
- Federal Law No. (7) of 1999 promulgating the Pensions and Social Security Law and amendments thereof
- Federal Decree-Law No. 2021 concerning the establishment and regulation of the Emirati Cadres Competitiveness Council
- Federal Decree-Law No. (33) of 2021 on the Regulation of Labor Relations, along with its amendments and executive regulations
- Cabinet Resolution No. (21) of 2020 on the Ministry of Human Resources and Emiratisation Service Fees and Fines and amendments thereof
- Cabinet Resolution No. (1/7m) of 2021 concerning Initiatives and Programs for Emirati Cadres Competitiveness Council “NAFIS” and amendments thereof
- Cabinet Resolution No. (95) of 2022 regarding Regulatory violations and administrative penalties related to Emirati Cadres Competitiveness Council initiatives and programs “NAFIS”
- Ministerial Resolution No. (279) Of 2022 regarding Monitoring Emiratisation rates in the private sector and imposing contributions on non-compliant businesses and amendments thereof

Has Resolved:

Article (1)
Definitions

False Emiratisation: Falsely employing a national by obtaining a work permit and registering that employee with the establishment for a purpose other than the one for which the permit was issued, and the conclusion of employment contracts that

includes formal elements, however it lacks the fundamental elements necessary in proving the real contractual relationship (wages, work, subordination) between the parties to circumvent laws and ministerial decisions concerning national's employment in the private sector, or to exploit government programs or incentives for employment or training, or to achieve the target specified in the Ministry's regulations.

Violating Establishment: An establishment that violates one or more of the controls contained in this resolution, or any decisions related to false Emiratisation or fraud for the purpose of gaining publicity or obtaining government incentives and support programs related to the employment and training of national cadres.

Violating Beneficiary: A citizen who violates one or more of the controls contained in this resolution and related decisions by circumventing the real contractual relationship in order to receive government support programs and incentives related to the employment or training of national cadres.

Article (2)

Guidelines for Posting Employment Opportunities for The Purpose of Emiratisation

In advertising jobs for the purpose of Emiratisation, the following practices are prohibited, regardless of the medium, including the Nafis platform:

1. Posting misleading vacancies that do not represent a genuine employment opportunity or are at an unskilled professional level.
2. Advertisements of employment that indicate the Government's Emiratization Policy and related benefits without prior approval from the Ministry.
3. Provide information on government incentives and support programs offered to nationals in the private sector.

Article (3)

Empowering National Employees

The employer must ensure that the national employee is provided with the workplace and tools necessary for the performance of employment duties. Moreover, a

minimum level of training, qualifications, and empowerment must be provided to the national employee.

Article (4)

Observance of Emiratisation Regulations

1. Having national employees receive less pay than their colleagues performing similar jobs, or workers in similar professions, is considered a violation of the Emiratisation process.
2. The Government supports national employees through a variety of programs and employers are not permitted to reduce their wages as a result.

Article (5)

Recruiting A National Employee - Employer Obligations

Employers are required to comply with the following requirements when hiring nationals:

1. Obtaining a work permit from the Ministry for the national employee.
2. An Employment Contract must be concluded in accordance with Ministry regulations.
3. Payment of the agreed wage in accordance with the wage protection system approved by the Ministry.
4. Register the national employee in the pension and social security system upon receipt of his work permit and ensure that his monthly contributions are made within one month of receiving the permit as required by law.
5. Immediately cancel the work permit of the national employee following the termination of the employment contract.
6. Report any amendments to the employment contract that may affect the eligibility requirements for the "Nafis" program.

Article (6)

Obligations of National Employees

The national employee is required to comply with the obligations stipulated by the Decree-Law regarding the regulation of labor relations and the executive regulations referred to therein, as well as the decisions issued in implementation thereof, and the decisions issued pertaining to Nafis program, upon joining a private sector establishment, in addition to all the obligations set forth in his employment contract. The national employee is also required to inform the Ministry of any practices that violate the provisions of this decision and the preceding decisions.

Article (7)

Fines and Penalties

In the event that any of the provisions of this resolution are violated, establishments and beneficiaries will be subject to all necessary procedures, measures, fines, penalties, and sanctions as prescribed by the Labor Relations Regulation Law, Cabinet decisions, and other applicable legislation.

Article (8)

Publication and Commencement

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

Dr. Abdul Rahman Abdul Manan Al Awar

Minister of Human Resources and Emiratisation

Signature appears

Issued on: 15-12 2022