

Ministerial Resolution No. (543) of 2022

Administrative Suspension of an Establishment's File

His Excellency the Minister of Human Resources & Emiratisation:

Having reviewed:

- The Federal Law No.(1) of 1972 regarding the duties of the Ministers and powers of the Ministers, as amended;
- Federal Decree-Law No. (33) of 2021 endorsing the Regulation of Labor Relations; and its executive regulations Cabinet Resolution No. (1) of 2022 regarding the executive regulation;
- Cabinet Resolution No. (21) of 2020 regarding services fees and administrative fines imposed by the Ministry of Human Resources & Emiratisation, as amended;
- Ministerial Resolution No. (851) of 2001, on ceasing to deal with violating establishments, as amended;
- Ministerial Resolution No. (703) of 2013 on the rules and regulations governing the suspension of an employer's establishments;
- Ministerial Resolution No. (44) of 2022 regarding occupational health and safety and labor accommodation;
- Ministerial Resolution No. (45) of 2022 regarding the formation of the Grievance Committee to consider decisions issued by the Ministry of Human Resources & Emiratization;
- Ministerial Resolution No. (46) of 2022 regarding forms of work permits, job offers and employment contracts
- Ministerial Resolution No. (47) of 2022 regarding the wage protection system as amended;
- Ministerial Resolution No. (279) of 2022 on mechanisms for monitoring Emiratisation rates in the private sector & contributions imposed on non-compliant establishments; and
- Acting in the public interest

Decides as follows:

Article 1

In implementing the provisions of this Regulation, the following words and expressions shall have the meanings assigned against each unless the text stipulates otherwise:

Administrative Suspension of an establishment's File: to cease granting any new work permits to the violating establishment.

Removal of Restrictions: means removal of the violations by the establishment through payment of any fees or fines due to it, as well as fulfillment of its obligations towards the Ministry by completing any procedures required and rectifying its status

Article 2

Notwithstanding any of the administrative suspension cases stipulated in any of the ministerial decisions, the Administrative suspension of an establishment's file according to the Ministry's system occurs when it commits any of the violations outlined below, until the expiry date, or the procedure specified against each violation:

#	Violation	Duration of Administrative Suspension - Action
1	If an establishment commits any of the violations stipulated in the aforementioned Cabinet Resolution No. (21) of 2020	Until the payment of the fine imposed
2	If it fails to provide accommodation for workers, as stipulated in the Ministerial Resolution No. (44) for 2022	Until labor accommodation is provided, in accordance with the provisions of the Ministerial Resolution No. (44) of 2022
3	If it is accused of committing a human trafficking crime	<ul style="list-style-type: none">• Until it is proven that the firm has not committed the crime• For a period of two years from the date of a final judgment in case of conviction
4	If the firm abuses the electronic authorization granted to it to enter the Ministry's systems, or allow others to do so, thus disrupting the work procedures in the Ministry	For a period of six months from the date the violation was proven

Article 3

- 1) An expatriate worker may be employed to perform the same job in any branch of the establishment licensed and owned by the same employer to practice the same activity, without the need to obtain a work permit from the Ministry.
- 2) An expatriate worker may be employed in any of the other establishments (not a branch) owned by the same employer, even if the worker is not registered with it, provided a work permit be obtained from the Ministry in accordance with the regulations in force. Failure to do so will be considered a breach, and the employer will be subject to penalties as per Clause (1) of Article (2) of this Resolution.

Article 4

A complaint may be made filed against the administrative suspension of an establishment based on the procedures stipulated in Ministerial Resolution No. (45) of 2022, referred to above,

Article 5

- 1) The procedure to cease dealing with establishments does not conflict with any other procedure or penalty stipulated in any other laws.
- 2) In cases other than those stipulated in Article (2) of this Resolution, the Undersecretary for Human Resources Affairs may decide to impose administrative suspension on any establishment's file, in the event that it is in breach of any of the provisions of the Federal Decree-Law No. (33) of 2021, executive regulations and implementing decisions thereof, based on a report that confirms the violation, explains its nature, as well as determine the proposed suspension period, and the procedures required for the removal of restrictions.
- 3) The Undersecretary for Human Resources Affairs may decide the administrative suspension of the rest of the owner's establishments, after six months from the date on which the violating establishment has been suspended, based on a report submitted to the Undersecretary for Human Resources Affairs.

The report must also include the notifications sent by the Ministry and received by the owner/owners of the violating establishments during the mentioned period, provided that the suspension shall be lifted only upon payment and removal of the restrictions imposed.

Article 6

The Undersecretary for Human Resources Affairs shall prepare a manual for the procedures and controls required to implement the provisions of this Resolution.

Article 7

Both Ministerial Resolution No. (851) of 2001 as amended, and Ministerial Resolution No. (703) of 2013 shall be repealed, as well as any provision that contravenes with the provisions of this Resolution.

Article 8

This Resolution shall be published in the Official Gazette and shall come into force from the date of its issuance. Those concerned shall implement it, each within its jurisdiction.

**Dr. Abdulrahman Abdulmannan Al Awar,
Ministry of Human Resources & Emiratization**

Issued by Us on November 7, 2022