

# New work permit rules in UAE from 2011 will ease job switch

The resolution says that the new employment permit will only be granted to the worker after the end of his work relationship with his employer

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Abu Dhabi: As part of the ongoing reforms in the labour market, the Labour Ministry will soon introduce new regulations granting foreign workers more freedom to change employers without the six-month work ban or consent of the current employer.

The new rules, which will take effect on January 1, will replace the current formalities of transfer of sponsorship for foreign workers.

## Reforms

A new resolution issued by Saqr Gobash Saeed Gobash, the Minister of Labour, says a new employment permit will only be granted to a worker after the end of his work relationship with his employer without consideration of the legitimate six-month period which is usually calculated after the cancellation of the worker's labour card, but stipulates two must-do conditions:

1. The two contracting parties must have ended their work relationship cordially;
2. The worker should have worked with his employer for at least two years — the duration of the new labour card which will be issued by early January.

The labour market reforms, as stated by President His Highness Shaikh Khalifa Bin Zayed Al Nahyan in his National Day speech, are a challenge the UAE is addressing as part of its human development process.

Shaikh Khalifa said the Government "will press ahead with the process of updating legislation, regulating the labour market, supporting Emiratisation and empowering the private sector, encouraging it to shoulder social responsibilities, to invest in national human resources, to adopt environment protection mechanisms and to meet the needs of society".

The resolution defines two cases in which the worker can obtain the new work permit after the end of the job contract without the agreement of the contracting parties:

1. When the employer fails to honour his legal or contractual obligations;

2. In the event of expiry of a work relationship where the worker is not responsible for it, but there is a complaint filed by the worker against the firm, an inspection report should prove that the firm has been out of business for more than two months. As well, it should determine the worker has reported the same to the ministry.

The resolution says the labour dispute should have been referred by the ministry to the court and it issued a final ruling ordering the employer to pay the worker at least two months salary in compensation for the arbitrary sacking or termination of the contract prematurely, or any other rights.

### **Right to work permit**

The resolution also defines three cases in which the worker shall have the right to get a work permit without fulfilling the condition of working at least two years with the employer:

1. When joining his new job, the worker should be classified in the first, second or third professional class and that his salary should be not less than Dh12,000, Dh7,000 and Dh5,000 if he is in the first, second and third class respectively.
2. Non-compliance of the employer with legal and labour obligations towards the worker or in the event the worker has no role in terminating the work relationship;
3. Transferring the worker to another firm the employer owns it or has stakes in it.

Gobash told the Federal National Council (FNC) on Tuesday the long-term goal of reforming the sponsorship system is to create a flexible labour market that meets development requirements. "Our labour market must be flexible, efficient and committed to Emiratisation policies as top priority."