



# EVALUATING THE RIGHTS OF DOMESTIC WORKERS IN UAE LAW

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## Abstract

*The UAE Labour Law, effective 2022, has come up with new changes as UAE has improved their laws with time to time. The UAE is demonstrating its commitment to fostering a forward-thinking and socially conscious labor market by adopting these suggestions in addition to adhering to global best practices. The UAE's Federal Decree Law No. 33 of 2021, a significant legislative innovation, aims to improve many aspects of workers in addressing modern social expectations.*

*The United Arab Emirates (UAE) has implemented labour market transparency, equality, and workers' rights. Harmonious workplace dynamics are fostered by the establishment of standard employment contracts, the Wage Protection System (WPS), and legislative initiatives to regulate overtime pay. These actions demonstrate a commitment to global best practises. A proactive approach to employee welfare shown in the strengthening of occupational health and safety regulations, providing just compensation for work-related fatalities, and improving maternity leave policy. A fair and transparent labour market is facilitated by formalising domestic worker recruiting contracts, increasing public understanding of labour laws, and enhancing enforcement strategies. Interestingly, the UAE's emphasis on helping migrant laborers, especially those engaged in informal domestic work, demonstrates a broad dedication to the welfare of its diversified labour population. All things considered, these results demonstrate how committed the UAE is to creating fair and reasonable work environments via methodical advancements, regulatory structures, and assistance program.*

**Keywords:** Domestic workers, UAE citizens, UAE Labour Law, Workers Rights,

## INTRODUCTION

A domestic worker is known as a natural person who performs household services related to the wage through supervision. Guidance and direction of their employer<sup>1</sup>. Early in the 1970s, the United Arab Emirates (UAE) raised a point among the number of migrant workers as a result of rising petroleum output, and it has ensured the need for both skilled and unskilled labor. The service industry saw an increase in female labor prospects as living standards for UAE citizens grew. In this way, the Organisation of Petroleum Exporting Countries (OPEC) raised oil prices, forcing oil-importing nations to send migrant laborers to the Gulf, Saudi Arabia being the main destination. The United Arab Emirates is a close second, with more than 75% of its people classed as migrant workers. Currently, despite having to leave their families behind, domestic workers mostly move to the UAE from nations like Sri Lanka, Indonesia, and the Philippines<sup>2</sup>. However, their migration was driven from different aspects of social and economic reasons.

Federal Law No. 9 of 2022, released by MoHRE on October 5, governs domestic worker employment and defines rights and responsibilities for different parties engaged. "The law establishes a comprehensive framework to strengthen and regulate labor relations for the recruitment and employment of the domestic workers in the UAE and defines the responsibilities of the parties to the relationship in a way that safeguards their rights and duties," the Ministry of Human Resources and Employment said. The Ministry said that the Law explicitly "stipulates an appropriate work

<sup>1</sup> The Federal Reserve. "Access FedLine Web®." No date. <https://www.frb.services.org/Electronic-Access/AccessFedLine.html> (accessed December 5, 2023).

<sup>2</sup> Halabi, Romina. "Contract enslavement of female migrant domestic workers in Saudi Arabia and the United Arab Emirates." *Human Rights & Human Welfare* 8, no. 1 (2008): 31.



environment for the domestic workers in accordance with the national legislation and international agreements in force in the UAE<sup>3</sup>."

The study evaluates the current domestic labor laws in the UAE, assessing their protection of workers' rights, identifying implementation gaps, and suggesting areas for reform.

### **Domestic Labor Laws in the UAE**

In article (4), in compliance with the terms of this Decree-Law's Implementing Regulation and the Ministry's decisions pertaining to it, domestic workers are not permitted to be recruited or engaged on a temporary basis without a license from the Ministry. 2. This Decree Law, implementing regulations, and relevant legislation in the UAE must be followed when hiring or employing domestic workers, along with licensing requirements for each occupation 3. It is against the Law to hire or recruit domestic workers who are younger than eighteen. 4. Employers and recruiters of domestic workers must avoid unfair treatment based on race, color, gender, nationality, ethnic origin, religion, handicap, sexual harassment, forced labor, or human trafficking, as these actions hinder equal employment opportunities 5. Without previous authorization, the Ministry forbids using domestic workers for any duties not covered by this decree-law. 6. The Minister is set to issue a decree regulating recruitment agencies, outlining requirements for hiring domestic workers, guidelines, protocols, declarations, and documentation<sup>4</sup>.

### ***The legal framework governing domestic labor***

*Contract:* Temporary domestic help can be hired legally by the relevant recruiting office, but their duties as domestic workers remain with the individual or family they serve<sup>5</sup>. Temporary domestic workers must live at a designated work location, with the recipient and recruiting office sharing responsibility for enforcing the legislation<sup>6</sup>. For the temporary employee they should sign a contract based on the integrated standard required by the Ministry of Human Resources and Emiratization. The contract is provided in two languages as this has included Arabic and another foreign language; however, the duration differs depending on the sponsoring family member's visa, with the option for extension<sup>7</sup>.

*Working Hours:* In UAE, for domestic workers, Twelve hours at most per day is allowed for the workers, and at least eight of the minimum twelve hours of rest that domestic workers were entitled to each day should be constant<sup>8</sup>.

*Rest Period:* Employees who work on their day off were entitled to an additional day off or monetary compensation in place of the missed day off<sup>9</sup>. The domestic workers were not taken more than two days off from work in two weeks<sup>10</sup>.

<sup>3</sup> Gulf News. "New UAE Domestic Worker Law Comes into Effect December 15." Gulf News, 14 Dec. 2022. <https://www.proquest.com/newspapers/new-uae-domestic-worker-law-comes-into-effect/docview/2754262128/se-2>.

<sup>4</sup> Federal decree-law no.9 of 2022 concerning domestic workers. Available at: <https://u.ae/-/media/Mohre-resolutions/Federal-DecreeLaw-No-9-of-2022-Concerning-Domestic-Workers-1.ashx> (Accessed: 05 December 2023).

<sup>5</sup> Federal Decree-Law No. 9/2022, article 14

<sup>6</sup> Cabinet Resolution 106/2022

<sup>7</sup> Federal Decree-Law No. 9/2022, article 7

<sup>8</sup> Cabinet Resolution 106/2022, article 8

<sup>9</sup> Federal Decree-Law No. 9/2022, article 9(1)

<sup>10</sup> Cabinet Resolution 106/2022, article 8



*Payment of Wages:* Annual leave was paid after one year of service, with two days of leave per month until 12 months if tenure was over six months but less than a year<sup>11</sup>. The employer may decide the annual leave's start date. However, the employee's annual leave was rolled over to the next year or must be paid in cash if the nature of their business compels them to work throughout all or part of it<sup>12</sup>. Also, in sick leave, domestic workers were entitled to thirty days of paid sick leave annually; the first fifteen days are paid at full rate, and the latter fifteen days are paid at half rate, contingent upon submitting a medical certificate<sup>13</sup>.

### ***Evolution and historical background of domestic labor laws in the UAE***

Before the UAE's formation in 1971, a small portion of the Arabian GCC Peninsula was inhabited by a mix of Arab tribes, including nomadic Bedouins from India and Iran. The population of the area was believed to be no more than 80,000 people in the early 1900s<sup>14</sup>. The population grew progressively until the oil discovery era, when a large influx of migrant laborers, including domestic workers, caused a surge in the local population<sup>15</sup>. From the year 2000 till 2009, the GDP of the UAE grew with an average annual rate of 6.62 percent, which was fueled through an increase in oil prices and foreign investment that was accompanied for the growth that was systematically violated in terms of human rights of the migrant workers<sup>16</sup>.

### ***2007 Labor Law Amendment:***

In 2007, the UAE government revised Federal Law No. 8 of 1980 to include domestic workers' rights, including healthcare access, yearly leave, and weekly days off<sup>17</sup>.

Article (181) states that anyone who violates current legislation, prevents or attempts to prevent officials from fulfilling their duties, or discloses work secrets, industrial inventions, or other labor methods they became aware of may face imprisonment and a fine of at least AED 10,000, or both, despite potential harsher punishments in other legislation. Article (182) specifies that employers engaged in labor violations will face a penalty of up to AED 5,000,000 (five million United Arab Emirates Dirhams) multiple times; also, in Article No. (181 "Bis.1") declared the penalties for hiring foreign nationals without a work permit and closing a business without resolving sponsorship issues. Sponsors reporting their sponsored person's escape are entitled to damages of AED 5,000. Employers who hire foreign nationals without sponsorship or authorization face penalties of AED 50,000. Employers who hire or provide sanctuary to foreign nationals in violation face a minimum two-month jail term and a fine of AED 100,000. Employers who can prove they did not know the offense are released from their penalty. The Decretal Law will become operative on the day it is published in the Official Gazette<sup>18</sup>.

<sup>11</sup> Federal Decree-Law No. 9/2022, article 10(1)

<sup>12</sup> Federal Decree-Law No. 9/2022, article 10(2)

<sup>13</sup> Federal Decree-Law No. 9/2022, article 10(6)

<sup>14</sup> Heard-Bey, Frauke. "The tribal society of the UAE and its traditional economy." *United Arab Emirates: a new perspective* (2001): 98-116.

<sup>15</sup> Khalaf, Sulayman N. "Dubai camel market transnational workers: an ethnographic portrait." *City & Society* 22, no. 1 (2010): 97-118.

<sup>16</sup> Sonmez, Sevil, Yorghos Apostolopoulos, Diane Tran, and Shantyana Rentrop. "Human rights and health disparities for migrant workers in the UAE." *Health & Hum. Rts.* 13 (2011): 17.

<sup>17</sup> A. Barnett, Michael Malcolm and H. Toledo. "Shooting the goose that lays the golden egg: the case of UAE employment policy." *Journal of Economic Studies*, 42 (2015): 285-302.

<sup>18</sup> Decretal Federal Law 8/2007, On the Amendment of Some Provisions of the Federal Law No. 8/1980 Regarding the Regulation of Labor Relationships (Year of Publication), § Section Number if Available.



### **2017 Domestic Workers Law:**

The United Arab Emirates enacted the Domestic Workers Legislation (Federal Law No. 10 of 2017), a legislation that is specifically devoted to domestic workers, in 2017<sup>19</sup>. This legislation sought to provide domestic workers complete protection by defining their rights and defining the duties of employers. It included topics including employment contracts, accommodations, rest times, and working hours. The hiring and employment of workers whose professions are listed in the accompanying schedule, as well as associated parties, shall be subject to this Law. The professions included in the were subject to change at the Council of Ministers' discretion, depending on the Minister's presentation. 2. Unless otherwise mandated by the laws of the foreign nation, the parties to the agreement reached herein should obey its requirements whenever the worker travels beyond the state with the employer or his family<sup>20</sup>.

A national with good character and conduct granted a license by Law or executive regulation is the only natural or legal person allowed to work as a recruitment or temporary employment middleman. A licensed institution's management must be national with a good reputation, provide assurances, and meet all other conditions set by Law, Executive Regulation, and Ministry orders. (2). Worker hiring or employment in UAE requires compliance with Law, regulations, and licensing requirements, and underage workers cannot be employed. (3). The rules for hiring and temporary positions include avoiding discrimination based on race, color, sex, religion, political beliefs, national origin, socioeconomic origin, sexual harassment, and avoiding forced labor or human trafficking according to state laws. (4). Without the approval of the relevant authorities, workers may not be employed in any works covered by this agreement. (5). The Minister will issue an order outlining the procedures for recruiting offices, the conditions employers must meet, and the rules, protocols, and forms they must follow<sup>21</sup>.

(1) Employees are entitled to 30 days of paid leave annually, with two days per month for over six months but less than a year. Employers can set the start time and split it into two periods. Employees must pay their salary plus leave allowance if necessary. Employment is limited to once every two years (2). All official and contractual holidays, as well as any additional sick absences, if they fall within the annual leave period, must be included when determining the amount of annual leave granted to the worker. (3) The worker can combine and take all accumulated yearly breaks for over two years if their employment contract is extended according to Article (7) conditions. (4) Employer pays worker return ticket every two years or cash equivalent of leave wages if the worker chooses to continue working and forgo leave (5). A worker is entitled to monetary compensation for days of leave if their employment contract is terminated before yearly leave, with the wage determined at leave accrual<sup>22</sup>.

### **International Standards and Agreements:**

UAE aims to align domestic labor regulations with global norms, protecting migrant workers' rights through ILO conventions and agreements with labor-sending nations. The political and economic reasons against the inclusion of trade agreements and international labour standards, both of which are beneficial in enforcing minimum standards<sup>23</sup>. The International Labour Office (ILO) establishes international labor standards through conventions and recommendations. These standards aim to protect against low salaries and unfavorable working conditions, preventing a nation from gaining a

<sup>19</sup> J. Murray. "Work Choices and the radical revision of the public realm of Australian statutory labour law.." *Industrial Law Journal*, 35 (2006): 343-366.

<sup>20</sup> Federal Law No. (15) of 2017, Article. (2)

<sup>21</sup> Federal Law No. (15) OF 2017 Recruitment and Employment Offices Article (3)

<sup>22</sup> Federal Law No. (15) OF 2017 Recruitment and Employment Offices Article (7)

<sup>23</sup> C. Scherrer. "The economic and political arguments for and against social clauses." *Intereconomics*, 31 (1996): 9-20



competitive edge. Humanitarian concerns and social justice influence them and apply to workers in general and migrant workers. The protection of migrant workers' social security has been addressed in ILO instruments mainly from the perspective of equality of treatment but also from the perspective of upholding rights that have been acquired and rights that are being acquired, such as paying benefits to eligible foreign residents<sup>24</sup>. The ILO Conventions on Migrant Workers outline various aspects of non-natives' employment, including contract terms, information sharing, recruiting, medical assessment, customs exemptions, adjustment assistance, vocational training, job stability, and cultural preservation. The ILO's supervisory mechanism facilitates communication between the organization and government, often activated by labor unions. The UN General Assembly is developing a new document protecting migrant workers and their families<sup>25</sup>. International labor standards increase economic efficiency, benefitting workers in wealthy countries like the UAE, as well as increasing salaries, employment, and productivity in emerging nations. Rapidly globalising cities like Dubai and Abu Dhabi, where corporate employment practices collide with local employment structures and state legal frameworks, attract and absorb skilled foreign workers<sup>26</sup>. Since ineffective domestic legislation and enforcement practices support bonded labor and international human rights breaches, there is a need for more international attention and pressure to enhance the rights of migrant workers in the United Arab Emirates<sup>27</sup>. The UAE's laws on pesticide safety are compared to global best practices, with the country using five to 10 times more pesticides than Europe and the US in the year of 2013. The UAE's 60% expatriate workers, unskilled migrants from less developed nations, face increased occupational exposure due to a lack of job-specific training and understanding of chemical handling. The UAE Ministry of Labour only specifies general federal occupational health standards and residence visa screening requirements<sup>28</sup>.

### ***Social Work Regulation in the UAE: A Model Aligned with the United States***

The United Arab Emirates is implementing licensing as the primary regulatory tool for social work, similar to the US, to nationalize and professionalize its practice.

### **Benefits of the Current UAE Regulation Process:**

Employer pays wages as specified in employment agreement, with WPS system transferring to authorized UAE banks or financial institutions<sup>29</sup>. The UAE Labour Law does not specify a minimum salary, so wage payments may be made in Emirati Dirham or another agreed-upon currency<sup>30</sup>. The UAE's legislation mandates adequate pay to meet employee needs, with a standard workday of eight hours and a 48-hour workweek, and allows employees to prolong shifts to nine hours<sup>31</sup>. Ramadan shortened regular working hours by two hours, and overtime pay was at least 25% of regular pay. Executive and administrative staff were exempt from regulations though Fridays were designated

<sup>24</sup> W. Böhning. "The protection of migrant workers and international labour standards." *International Migration*, 26 (1988): 133-146

<sup>25</sup> Ibid 24

<sup>26</sup> Michael C. Ewers and R. Dicce. "Expatriate labour markets in rapidly globalising cities: reproducing the migrant division of labour in Abu Dhabi and Dubai." *Journal of Ethnic and Migration Studies*, 42 (2016): 2448 - 2467.

<sup>27</sup> David Keane and N. Mcgeehan. "Enforcing Migrant Workers' Rights in the United Arab Emirates." *International Journal on Minority and Group Rights*, 15 (2008): 81-115.

<sup>28</sup> Hamda Al Dhaheri, T. Loney, T. Aw, A. Adem, B. Ádám, A. Elias, M. Grivna and I. Blair. "772 Gap analysis on pesticides control and occupational health legislation in the united arab emirates." *Injury Prevention*, 22 (2016): A276 - A276.

<sup>29</sup> M. Bayzid, A. Alshamsi, Salah Albeshr, Aaron Smith, Shamma Al Mulla, Meshal Almutairi and Haitham Nobanee. "Overview of Financial Institutions in the United Arab Emirates." *Regulation of Financial Institutions eJournal* (2020).

<sup>30</sup> Prospera Tadam, Beverly A. Wagner and Vivienne Mitchell. "Social Work Regulation in the United Arab Emirates." *Research on Social Work Practice*, 33 (2022): 29 - 40

<sup>31</sup> S. Sönmez, Y. Apostolopoulos, Diane H. Tran and Shantyana Rentrope. "Human rights and health disparities for migrant workers in the UAE." *Health and human rights*, 13 2 (2011): E17-35.





days off, and employees could request a paid rest day or base pay.<sup>32</sup> Employers must provide treatment, inform parties, and accurately record occupational illnesses or injuries. If the illness prevents the employee from performing their job, employers must provide allowances. Compensation for permanent incapacitation depends on Schedule 2 percentages and impairment calculations. If the worker dies, surviving family members receive 24 months of compensation, not exceeding 35 thousand Dirhams. Compensation cannot exceed 35 thousand Dirhams if the worker intentionally hurt themselves or violated safety regulations<sup>33</sup>.

The implementation of the new labour legislation in the UAE, Federal Decree-legislation No. 33 of 2021, which will replace Federal Law No. 8 of 1980, brings in extensive regulations regarding compensation for work-related accidents and occupational disorders. Article (37), which will become effective on February 2, 2022, delineates the criteria and processes for receiving compensation<sup>34</sup>. The Cabinet will set the specific guidelines for implementation. Clause 3 of this article outlines the specific compensation range for a worker's family in the case of the worker's death caused by a work accident or occupational illness. The UAE's compensation system, based on a worker's last basic salary over 24 months, ranges from Dh18,000 to Dh200,000. However, certain situations, like intentional self-harm or drug-related impairment, may invalidate a claim<sup>35</sup>.

Modifications to women's rights to maternity leave in the private sector have resulted in the adoption of the new UAE Labour Law (Federal Decree Law No. 33 of 2021). The new Law increases maternity leave duration from 45 days to 60 days, including 15 paid leave days after the first 45 days of full pay. In accordance with Article (30), a female employee who has used up her maternity leave may remain unpaid absent from work for a maximum of 45 days if her pregnancy or delivery-related health problems prohibit her from going back to work, as long as a medical certificate is shown<sup>36</sup>. Additionally, a female employee giving birth to a sick kid or a child with special needs is entitled to an extra 30 days of paid leave under Article 30 (4); UAE aims to improve maternity benefits and cater to working mothers' diverse needs by reducing nursing breaks from 18 months to six months, allowing one-hour breaks<sup>37</sup>.

### **Rights of Domestic Workers in UAE Law**

The UAE government has strengthened domestic labor laws, increasing fines and jail sentences for violations of working conditions and regulations<sup>38</sup>. A comprehensive legal framework is being drafted to regulate employers and recruiters, ensuring contractual responsibilities are fulfilled.

Those who offer false information or phony papers to hire domestic workers face fines ranging from Dh20,000 to Dh100,000 and maybe six months in jail<sup>39</sup>. There was a minimum punishment of Dh50,000 and a maximum fine of Dh200,000 for those who were engaged with unlicensed workers, recruited personnel without offering a job, or utilise licenses for domestic workers for reasons other than those for which they were given. Those that shut down recruiting agency activities without paying domestic

<sup>32</sup> UAE Labor Law." No date. UAE Labor Law. Available at: <https://www.uaelaborlaw.com/>. Accessed December 6, 2023.

<sup>33</sup> Ibid 30

<sup>34</sup> Husain, Zainab. 2022. New UAE labour law: What are my rights if I get injured at work? Gulf News, Jan 20, 2022. <https://www.proquest.com/newspapers/new-uae-labour-law-what-are-my-rights-if-i-get/docview/2621307920/se-2> (accessed December 7, 2023).

<sup>35</sup> Ibid 32

<sup>36</sup> Tabrez, Huda. 2023. New UAE labour law: How your maternity leave and entitlements have changed. Gulf News, Aug 12, 2023.

<sup>37</sup> Ibid 34

<sup>38</sup> N. Crossley. "19. United Arab Emirates." (2016): 531-544.

<sup>39</sup> Amir, S.A. "New UAE domestic worker law comes into effect." The National, December 15, 2022. <https://www.thenationalnews.com/uae/government/2022/12/15/new-uae-domestic-worker-law-comes-into-effect/> (Accessed December 6, 2023).



workers' salaries will also be penalised<sup>40</sup>. Fines of up to Dh200,000 are imposed on those who hire workers under the age of eighteen, help workers flee, or provide sanctuary to fleeing workers with the intention of using them for illicit purposes. If anyone tried to hire someone without permission, either full-time or temporarily, and then misused the login credentials for the Ministry's web portal, however, the risk fines of up to Dh1 million and a year in prison. Up to a maximum of Dh10m, fines associated with hiring unlicensed workers would escalate dependent on the number of workers<sup>41</sup>. International agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Decent Work for Domestic Workers Convention, are in line with the legal protections afforded to female domestic workers<sup>42</sup>. Sharia rarely impacts disputes between employers and domestic workers in the UAE and Saudi Arabia. Legal pluralism allows for various normative instruments, determining power dynamics rather than Islam. Sharia law can either protect or oppress domestic workers, classifying them as employees or slaves<sup>43</sup>. The international agreements' protection of female domestic workers is consistent with their human right to work. According to the study's findings, migrant domestic workers should have legal protections, especially for women who work in domestic settings where they are more exposed to human rights abuses, including physical or sexual abuse. International agreements like the Protection Convention for migrant workers and ILO Convention No. 189 of 2011 prioritize human rights in establishing legal safeguards for domestic workers, both in home and receiving countries<sup>44</sup>.

The enforcement of the new labor legislation in the UAE, Federal Decree-legislation No. 33 of 2021 on the regulation of Labour Relations, indicates a significant change in employment restrictions. Effective as of February 2, 2022, this Act Highlights Article 4, which underscores the utmost significance of guaranteeing workplace equality and non-discrimination<sup>45</sup>. The item explicitly forbids any discrimination in the business sector, emphasising a dedication to providing equal opportunities and rights, regardless of race, color, sex, religion, nationality, ethnic origin, or handicap. Clause 4 of the article explicitly focuses on gender equality, requiring that women be paid the same as men for doing the same labor or employment of comparable worth. The UAE is enhancing its commitment to a fair and inclusive work environment by implementing processes, regulations, and standards for evaluating equal-value work based on the Minister's recommendation<sup>46</sup>.

### ***Case of Female Domestic Worker***

The case evaluates the perspectives of their working circumstances, pay, and difficulties in which the UAE portrays foreign female domestic servants' working conditions as rigorous and demanding. According to the case, an average workday starts early in the morning and ends late at night, with a two-hour break in the afternoon. These employees do a wide range of duties, such as cooking, cleaning, and taking care of children, older people, and pets. Most employees said that they worked 11 to 20 hours a day, which is an exhausting schedule made worse by the lack of a weekly day off<sup>47</sup>.

While pay for foreign female domestic workers varies around the United Arab Emirates, it typically ranges from Dhs500 to Dhs700 per month. The lack of a weekly day off for domestic workers is one

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<sup>40</sup> Ibid 39

<sup>41</sup> Ibid 32

<sup>42</sup> Lalu Husni and A. Suryani. "Legal Protection for Woman Domestic Workers Based on the International Convention." *Journal of Legal, Ethical and Regulatory Issues*, 21 (2018): 1.

<sup>43</sup> M. Romero. "Reflections on Globalized Care Chains and Migrant Women Workers." *Critical Sociology*, 44 (2018): 1179 - 1189.

<sup>44</sup> H. AnySuryani. "Legal Protection for Domestic Workers of Women Under the International Convention on Human Rights." *Journal of Legal, Ethical and Regulatory Issues*, 21 (2018).

<sup>45</sup> Tabrez, Huda. 2022. New UAE labour law: Women should get equal pay for equal work. *Gulf News*, Jan 19, 2022. <https://www.proquest.com/newspapers/new-uae-labour-law-women-should-get-equal-pay/docview/2621026868/se-2> (accessed December 7, 2023).

<sup>46</sup> Ibid 37

<sup>47</sup> Ibid 45



feature that differs from labor standards in other sectors. According to the case, employers' attempts to keep tabs on domestic workers and keep them from participating in activities outside the house are the major reasons for this restriction of time off. The case also explores how international female domestic workers see their jobs. However, some people accept that this is their only option, while others find the task emotionally and physically taxing. Positive reinforcement contributes to a more positive perspective of the job, underscoring the significance of employer attitudes<sup>48</sup>.

The difficult subject of abuse experienced by foreign female domestic workers is touched upon in the section on advantages and hazards. Reports of physical, verbal, and sexual abuse underscore the vulnerability that these workers experience. In order to provide a thorough grasp of the larger environment in which these domestic workers function, the study offers a detailed examination of the benefits and drawbacks of working circumstances. The legal and institutional framework that controls the presence of foreign women employed as domestic helpers in the United Arab Emirates. The contractual nature of their employment is discussed, emphasising the lack of legally enforceable contracts and the difficulties these workers have in resolving disputes<sup>49</sup>.

Foreign female domestic workers' recruitment contracts are not official and cannot be adopted by UAE officials or migration officers. They require internal control and a unique bilateral agreement, which is not currently in place for international female domestic workers in the UAE<sup>50</sup>.

The Kafala system in the United Arab Emirates has led to foreign female domestic servants being legally under the employer's authority<sup>51</sup>. The employer is responsible for the domestic helpers they engage, and both parties have the right to report issues or request adjustments within the first three or four months of the contract. The Minister of Labour and Social Affairs, Mr. Mattar Attayer, supports "placing foreign women as domestic helpers under the Ministry of Labour, but raises concerns about day-offs due to strict Islamic culture"<sup>52</sup>.

### **Challenges in Implementation**

Domestic labor laws face challenges in enforcement due to the informal nature, undervaluation, and vulnerability of workers. Confident employer-employee dynamics and power imbalances in private residences make it difficult for workers to assert their rights without fear of retaliation. Low-wage migrant workers in the UAE experience a significant mental shift, leading to suicidal ideation, possibly due to repressive socio-environmental conditions<sup>53</sup>.

### ***Challenges and Dynamics of Temporary Labor Migration: A Case Study of Bangladeshi Workers in the UAE***

In one of the cases of Bangladeshi migrants in the UAE were influenced by their class status and the global places they inhabit, and they have also experienced instability, vulnerability, and precarity. The case analyse the political-economic of temporary labor migration, focusing on Bangladeshi workers in Gulf Coordinating Council nations, highlighting precarity, vulnerability, and insecurity, and the social and cultural influences on these experiences. The transitory migrant workers who have moved between different settings and rely on their homes and families for belonging. The term "global" refers to the global and local interactions of migrants, particularly in the United Arab

<sup>48</sup> Sabban, Rima. "United Arab Emirates: Migrant women in the United Arab Emirates. The case of female domestic workers." Gender Promotion Program (2002).

<sup>49</sup> Ibid 37

<sup>50</sup> Sabban, Rima. "United Arab Emirates: Migrant women in the United Arab Emirates. The case of female domestic workers." Gender Promotion Program (2002).

<sup>51</sup> M. Hvidt. "Exploring the Nexus between Highly-Skilled Migrants, the Kafala System, and Development in the UAE." Journal of Arabian Studies, 9 (2019): 75 - 91.

<sup>52</sup> Malaeb, Hanan N. "The "Kafala" system and human rights: time for a decision." Arab Law Quarterly 29, no. 4 (2015): 307-342.

<sup>53</sup> L. Reber. "'It's better I'm dead': oppression and suicidal ideation." International Journal of Migration, Health and Social Care (2021)





Emirates, and has highlighted the global-local interaction. Implementing labor law can be challenging due to a lack of knowledge and instruction among domestic workers and employers. This can hinder their ability to advocate for fair treatment and lead to unintentional infractions<sup>54</sup>. Unequal enforcement and lack of standard contracts can also hinder accountability for labor law violations. Migrant domestic workers face intersectional challenges, including language barriers, cultural disparities, and reliance on middlemen, making it difficult for them to navigate legal systems<sup>55</sup>. The UAE's labor quotas lead to inefficiencies and increased product costs, but a proposed policy alternative could achieve employment goals while minimizing efficiency losses<sup>56</sup>. Both the UAE and Russia use inventive legislative mechanisms to govern labor relations, with a particular emphasis on expeditious reactions and safeguarding national security, all the while upholding national interests<sup>57</sup>. The enforcement of workers' rights relies on the international arena and national legal systems, with trade unions and collective bargaining playing a vital part in this process<sup>58</sup>.

### Comparative Analysis with International Standards

The UAE has a prosperous class of workers who excelled in commerce, trade, and administration, and had strong connections with their counterparts in the area, even prior to the oil discovery<sup>59</sup>. The UAE transitioned from a traditional to a modern global economy in under 50 years despite demographic imbalances. The government implemented diversification measures, including federally supported public works and infrastructure development, to ensure economic prosperity post-oil earnings cessation. The UAE, despite facing economic challenges and wealth inequality, has become a popular destination for film projects, hosting events like sports competitions and art exhibitions. Its foreign investment-friendly policies and free-zone zones have attracted multinational corporations to establish regional hubs, showcasing its openness and success<sup>60</sup>.

The UAE is implementing a comprehensive licensing procedure to improve the quality of social work services. However, this move was observed as a major step towards a standardized, high-quality assurance system, promoting a responsible and competent environment<sup>61</sup>. The UAE's approach aims to enhance service quality, accountability, welfare, and professionalization in line with international best practices. Also, when observing the alignment of UAE law with global practices, both UAE and Russia control labor relations using creative legislative means, emphasising timely responses and national security while safeguarding national interests<sup>62</sup>. It has also been observed that when considering the Law that applies to foreign contracts, courts have the option to adhere to international norms, such as the Hague Principles, to the UAE Civil Code, which codifies private

<sup>54</sup> H. Khondker. "Class, identity, and insecurity: Bangladeshi temporary migrants in the United Arab Emirates." *Current Sociology*, 66 (2018): 257 - 272.

<sup>55</sup> Dr. Ansari P A and Prof. Anisur Rahman. "Covid 19 And Its Implications For Gulf Migrants: Some Reflections From Kerala." *Journal of Psychology and Political Science* (2021).

<sup>56</sup> A. Barnett, Michael Malcolm and H. Toledo. "Shooting the goose that lays the golden egg: the case of UAE employment policy." *Journal of Economic Studies*, 42 (2015): 285-302

<sup>57</sup> E. Abdullaev. "TRADITIONS AND INNOVATIONS IN LEGISLATIVE REGULATION OF LABOR RELATIONS WITH THE PARTICIPATION OF A FOREIGN ELEMENT IN THE RUSSIAN FEDERATION AND THE UAE." *Scientific Review. Series 1. Economics and Law* (2022).

<sup>58</sup> Tareq Na'el Al Tawil, Muath M. Eleswed and Walaaeldeen Ibraheem. "From the industrial revolution to globalisation and integrative labour markets." *International Journal of Environment, Workplace and Employment* (2019).

<sup>59</sup> P. Ignatiev. "THE UNITED ARAB EMIRATES: WHAT IS BEHIND ECONOMIC MIRACLE?." (2020): 4-16.

<sup>60</sup> Daleure, Georgia, and Georgia Daleure. "UAE goes global." *Emiratization in the UAE Labor Market: Opportunities and Challenges* (2017): 7-26.

<sup>61</sup> Prospera Tadam, Beverly A. Wagner and Vivienne Mitchell. "Social Work Regulation in the United Arab Emirates." *Research on Social Work Practice*, 33 (2022): 29 - 40.

<sup>62</sup> E. Abdullaev. "TRADITIONS AND INNOVATIONS IN LEGISLATIVE REGULATION OF LABOR RELATIONS WITH THE PARTICIPATION OF A FOREIGN ELEMENT IN THE RUSSIAN FEDERATION AND THE UAE." *Scientific Review. Series 1. Economics and Law* (2022).



International Law<sup>63</sup>. The global adoption of harmonisation tools in Private Law (HPI) has been receiving increasing attention, with ongoing attempts dating back to the mid-20th century, despite the presence of the Convention on the Law Applicable to Contracts. The term "Contractual Obligation of 1980" refers to the Rome Convention of 1980. This rule only applied to individuals who were part of the European Union as it was later replaced by the Rome I Regulation, also known as the Regulations on the Law Applicable to Contractual Obligations 2008<sup>64</sup>. The Hague Principles 2015 was governed through choice laws in Indonesian international private Law. It explores their distinctiveness, originality, and criticisms and their influence on national and regional regulation of choice laws<sup>65</sup>. The Global Strategy on Human Resources for Health, known as The Workforce 2030, seeks to increase public awareness of the criticality of strengthening the health workforce, specifically in the Eastern Mediterranean Region<sup>66</sup>.

The World Health Organisation (WHO) has put out a precise plan of action for the development of the health workforce in the Eastern Mediterranean Region (EMR). The area is now seeing significant difficulties in terms of the capacity and composition of its health workforce. There is a general scarcity of skilled professionals, resulting in suboptimal and uneven overall output and availability in the region. In order to tackle this issue in the EMR, the WHO has issued policy guidelines that prioritise the creation and execution of information-driven strategic plans to enhance the accessibility, quality, and effectiveness of healthcare services<sup>67</sup>. These guidelines also aim to reinforce governance and regulations, as well as allocate resources to meet both present and future demands. Group 1 comprises Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE). The organisation has significant challenges stemming from a scarcity of domestic healthcare professionals, heavy dependence on foreign staff, restricted professional output capability, and a frequent turnover of expatriate personnel<sup>68</sup>. A thorough analysis of the healthcare workforces of the workers in other emirates was necessary since healthcare regulators impacted the UAE's health system. In the UAE, professional employment accelerated, and inter-emirate differences in the healthcare workforce can be eliminated by standardising licensing procedures across regulators. A nurse who has a license to practice in the United Arab Emirates must transfer their license to the United Arab Emirates, which has its own healthcare regulatory body. However, this procedure has proved costly and time-consuming<sup>69</sup>.

### Recommendations

- The United Arab Emirates is implementing uniform employment contracts to promote transparency and equity in the labor market. These contracts define employment parameters, reduce conflicts, and ensure workers are aware of their rights and responsibilities. This aligns with global best practices, fostering a harmonious workplace and protecting workers' rights.
- The Wage Protection System (WPS) in the UAE ensures timely and safe payment transfers for workers, preventing non-payment issues and protecting financial security. It promotes transparency, accountability, and a culture of financial responsibility, strengthening employment relationships and fostering a fair payment procedure.

<sup>63</sup> Bälz Kilian. "Part 2 National and Regional Reports, Part 2.2 Asia: Coordinated by Yuko Nishitani and Bélig Elbalti, 39 United Arab Emirates: Emirati Perspectives on the Hague Principles." (2021).

<sup>64</sup> Council Regulation (EC) 593/08 of 17 Juni 2008 on the Law Applicable to Contractual Obligations [2008] OJL 177/6

<sup>65</sup> Penasthika, Priskila. "Pilihan Hukum dalam (The Hague Principles 2015)." Available at SSRN 3816053 (2021).

<sup>66</sup> World Health Organization. Framework for action for health workforce development. 2017. [http://www.emro.who.int/images/stories/hrh/Strategic\\_framework\\_for\\_health\\_workforce\\_development\\_MAY\\_2017\\_3.pdf](http://www.emro.who.int/images/stories/hrh/Strategic_framework_for_health_workforce_development_MAY_2017_3.pdf). Accessed 20 Nov 2017.

<sup>67</sup> World Health Organization. "Global strategy on human resources for health: workforce 2030." (2016).

<sup>68</sup> Ibid 54

<sup>69</sup> Paulo, Marília Silva, Tom Loney, and Luís Velez Lapão. "How do we strengthen the health workforce in a rapidly developing high-income country? A case study of Abu Dhabi's health system in the United Arab Emirates." *Human resources for health* 17 (2019): 1-8.



- UAE mandates explicit regulation on overtime remuneration, particularly for security, hospitality, food service, and artisanal sectors, to ensure fair compensation, worker welfare, and a conducive work environment. The UAE should improve occupational health and safety regulations, enforce reporting of injuries, and provide compensation for accidents, fostering a responsible work culture.
- The UAE ensures fair compensation and impartiality for workers' families in work-related fatalities, with regular salary adjustments and culturally and economically appropriate support. The UAE is enhancing its maternity leave rules, extending it to 60 days and providing 15 paid days after 45 days, aiming to create a more inclusive work environment for employed mothers. Formalizing UAE domestic worker recruitment contracts fosters transparency, fairness, and accountability, reducing disputes and promoting a collaborative work environment in the local labor market.
- The UAE is promoting an equitable and open labor market by raising public awareness about labor legislation, fostering a culture of adherence, and promoting a fair work environment.
- The UAE aims to enhance labor law enforcement by implementing stricter penalties and a methodical inspection protocol, fostering a compliance-oriented culture and protecting workers' rights.
- The UAE is focusing on creating a supportive work environment for migrant workers, particularly those in informal domestic labor. This includes addressing mental health issues, providing counseling, awareness programs, and resources. Ensuring legal entitlements and promoting compliance through strict penalties and inspections is also being implemented. This demonstrates the UAE's commitment to a progressive labor market.

### CONCLUSION

The labor laws of the United Arab Emirates are being enhanced and refined, representing a comprehensive and forward-thinking measure towards developing a workplace that is amicable, transparent, and fair. The safeguarding of workers' rights primarily relies on initiatives such as the implementation of standardized employment agreements, rigorous compliance with the Wage Protection System, and the reinforcement of maternity leave policies. The emphasis on detecting and addressing mental health problems among migrant workers demonstrates a commitment to the well-being of the labor force, especially in the setting of informal domestic employment. Furthermore, the establishment of written contracts for the recruitment of domestic workers and the need for regular assessments of compensation in the unfortunate event of a worker's death demonstrate a commitment to adaptability and fairness. The UAE is promoting worker rights and dignity through education, enforcement of penalties, and regular inspections. This approach enhances labor market empowerment, addressing issues faced by migrant and domestic workers, demonstrating a progressive and socially aware labor market.