

LEXIS MIDDLE EAST HR ALERT

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May 2024

TRENDSETTER OFF-CHANNEL COMMUNICATION

Legal risk of use of off-channel social messaging for business purposes

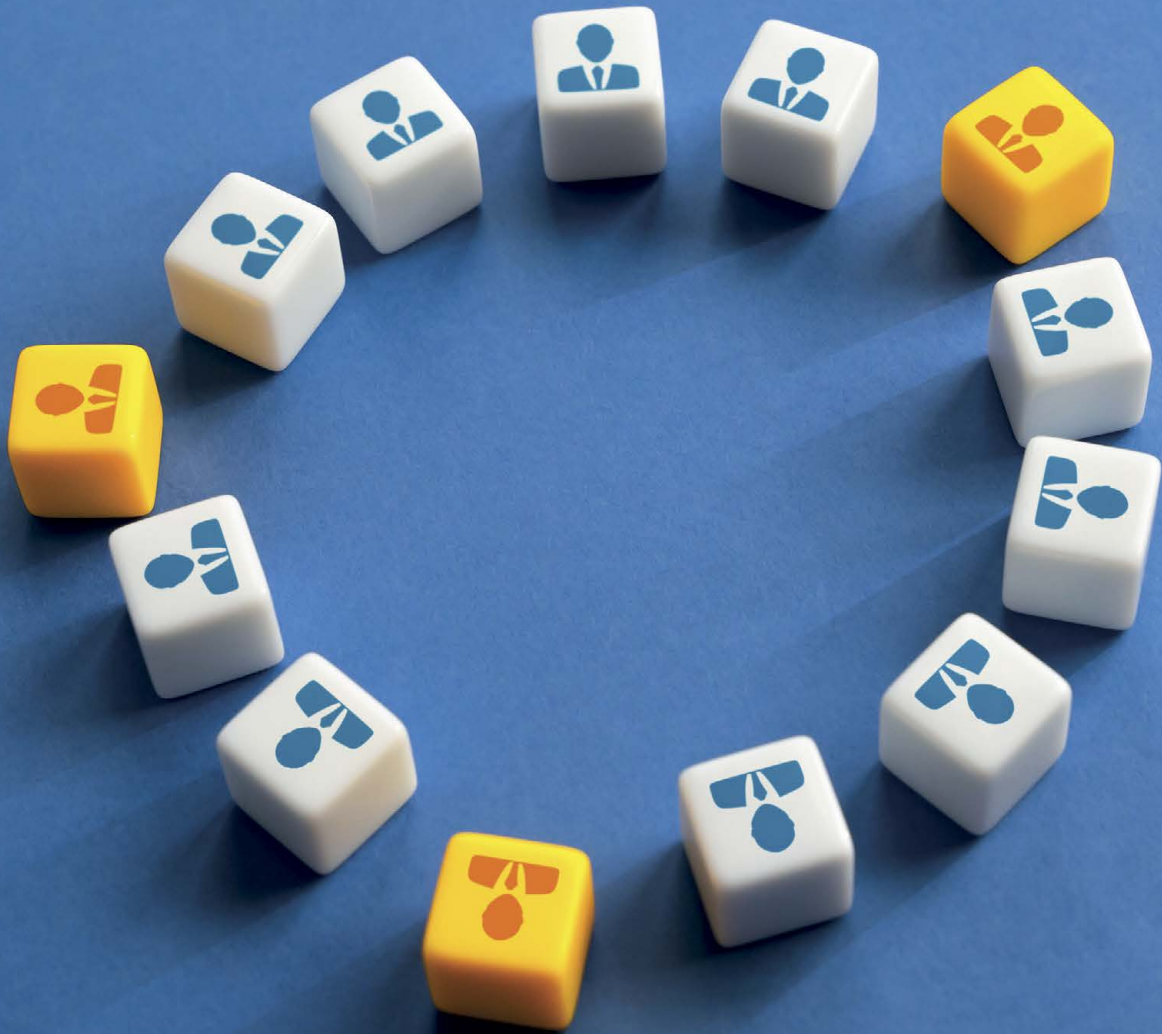
PROFESSIONAL SERVICES

Mpho Netshiombo of KPMG Bahrain

POLICY POINTER

Adverse Weather

ROUND-UP OF LEGAL AND BUSINESS DEVELOPMENTS IMPACTING HR IN THE MIDDLE EAST



TEMPORARY POSITIONS

Using Saudi's Ajeer platform to manage temporary workers



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LEXIS MIDDLE EAST HR ALERT

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CHANGING TIMES

Think of the GCC region and the first thing that comes to mind - is sun and extreme heat - which is why countries across the region have mandatory health and safety regulations on the risk to outside workers of heat exposure in the summer months.

However, with global warming, the times are definitely changing and employers in this region are now also having to think about rain and whether they should have an adverse weather policy in place to cover these eventualities - a topic we cover in this issue. However, this is not the only change employers are now having to consider. As well as making life easier, technology can also create new risks and problems for employers. A good example of this is the growing use of off-channel communication in business. Messaging via applications like WhatsApp and LinkedIn in a business context have become particularly prevalent in this region - where as we have seen from the court cases we report, it is now frequently used in all sorts of circumstances including when negotiating contracts and even when terminating employees. That has brought with it a whole host of both practical and legal risks which we also discuss in this issue.

In today's fast changing world flexibility is particularly important. In an employment context that often means using temporary staff.

Therefore, in this issue we have also decided to take a look at how the temp market is regulated in Saudi Arabia.

There the Ajeer platform can be used by both employers and potential employees looking for work or wishing to hire on a temporary basis. However, employers who wish to hire or second employees on a temporary basis also need to be aware of the 11 different permit types which apply to different types of temporary staff there, and the very specific conditions which apply to each of these different types of temp worker.

Claire Melvin - Editor

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TEMPORARY POSITIONS

Sara Khoja, Sarit Thomas and Faisal Alassiri of Clyde & Co explain how services on the Ajeer Platform can help Saudi employers better and more compliantly manage temporary workers.

“The Saudi Government’s Ajeer platform (the name of which is derived from the Arabic for loan or rent) is playing an important role in ensuring transparency, efficiency, and compliance when it comes to temporary employment in Saudi Arabia,” states Sara Khoja.

“This platform enables employers to connect with employees who are looking for temporary work or temporary workers in three main situations.”

“These are where an employee is being seconded to work for another entity temporarily; if an individual is looking for short-term work and is a temporary employer or where a manpower supplier or employment agency is providing workers to clients and end users.”

“Accessing this platform is very straight forward,” Sarit Thomas continues.



Sara Khoja
Partner
Clyde & Co



Sarit Thomas
Knowledge Lawyer
Clyde & Co

“Although, both employers and potential employees need to create a Ajeer account before they can use the service.”

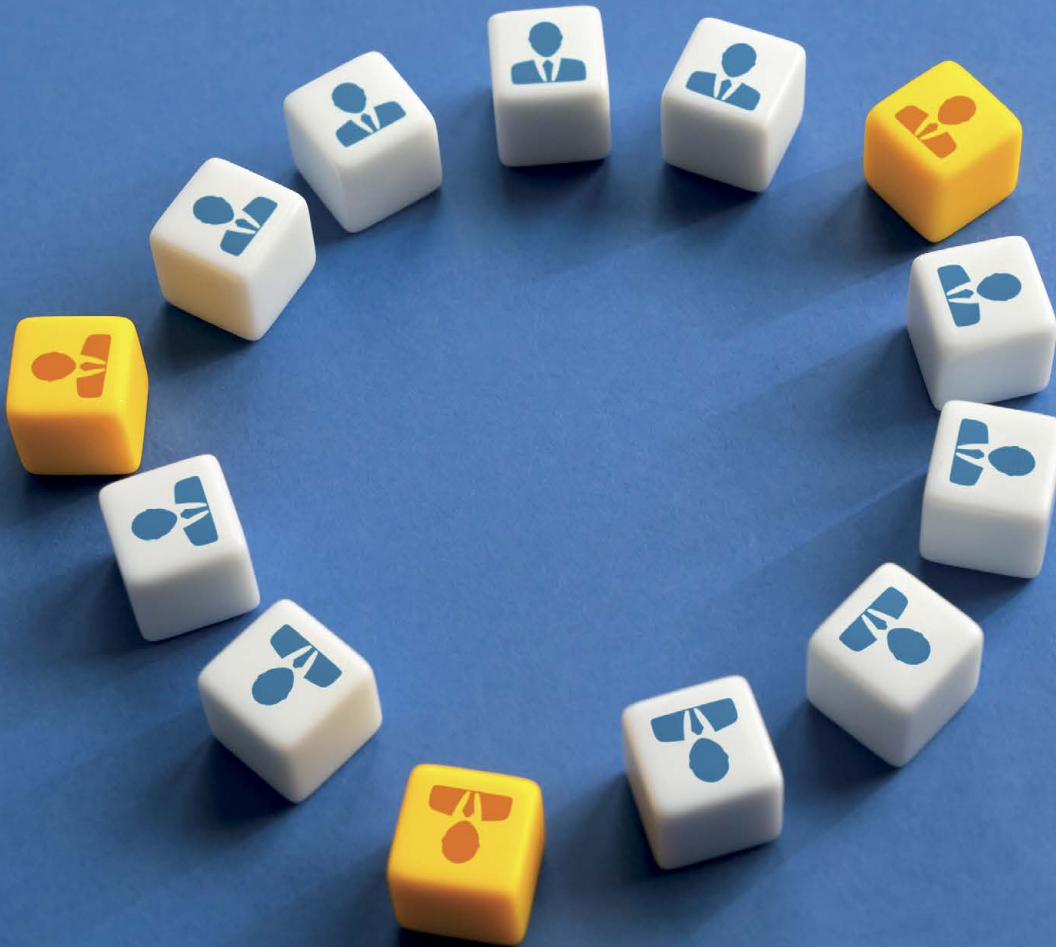
“However, as the Ajeer portal is linked to the Qiwa portal (which offers various services to Saudi business owners, employees and service providers) existing Qiwa users, who want to access to Ajeer can do so using the same username and password they use on Qiwa,” Faisal Alassiri adds.

“Since the Ajeer platform was launched the previous practice which was technically illegal but not then strictly enforced of working under different employers without changing sponsorship, has been cracked down on and there is now a far more regulated temporary employment market in Saudi Arabia.”

USING THE PLATFORM

“Once registered on the platform employees can upload their CVs, which are then visible to potential employers looking for temporary staff,” states Sara Khoja.

“Employers can also post temporary



© Getty images/Stockphoto

job adverts stating the location and specific job requirements there or they can directly approach suitable candidates through the platform.”

“Once an employee accepts a request, an Ajeer permit is issued, which is contingent on compliance with the stipulated requirements,” Sarit Thomas explains.

PERMIT TYPES

“There are 11 different permit types available on this platform,” Faisal Alassiri adds.

“Each of these has different conditions and applies to different types of temporary workers and activities.”

AJEER FOR CONTRACTING PERMIT

“The Ajeer for contracting permit enables establishments to legally transfer workers to other entities,” states Sara Khoja.

“This permit can be used by establishments which provide either construction and building services; maintenance and operation services contracting; cleaning and subsistence contracting; or consulting and business services. It can also be used by institutes,

RELEVANT LEGISLATION

Article 5 of Saudi Arabia Cabinet Decision No. 497/1436

The seasonal work visa is the visa issued for entrance to KSA for a temporary period of time and for specific work related to the pilgrimage season. However, the holder of this visa shall not be authorised to practice pilgrimage.

(Source: Lexis Middle East Law)

and colleges.”

“Those using this form of permit must also have a Nitaqat rating of low green.”

“Red rated entities cannot obtain this permit.”

“It is also worth noting that those who wish to obtain this type of permit can either do so using the free package which allows up to ten permits a month to be issued for a one month period,” Sarit Thomas explains.

“Alternatively they can use the Excellent Package which costs 20 Riyals per employee which enables them to have an unrestricted number of permits lasting up to six months, and also have a number of permits issued at the same time.”

AJEER SECONDMENT PERMIT

“Another alternative is the Ajeer Secondment Permit,” states Faisal Alassiri.

“This enables entities which have surplus workers to lend those workers’ services to others, with conditions on employee tenure in Saudi Arabia.”

“In this case it should be noted that employees who have been in Saudi Arabia for less than six months are not eligible for the secondment permit.”

ISNAD PERMIT

“However, where a Saudi national is being seconded between manpower agencies and other establishments the Isnad permit will document the contractual relationships,” Sara Khoja continues.

“This is available if the establishment has a license to practice the activity of Isnad of Saudi nationals, acts as an intermediary in the employment of Saudi nationals and provides temporary labour services.”

SECURITY GUARDS AND CROWD MANAGEMENT

“There are also special permits for specific types of occupations including security guards where salary and licensing requirements apply and for employment for entertainment seasons which focuses on crowd management roles,” Faisal Alassiri explains.

“The Security Guard Permit cannot be issued to non-Saudi nationals and the contract period should not be less than three months.”

“The service provider for security guard establishments and private employment offices must also have a license for providing the following services - private civil security guards; transportation of cash, precious metals, and documents of value; bodyguard services; other Special Security and Protection Services; investigative activities; providing protection services for buildings; and private Guard Services.”

“In addition, it is also necessary to comply with the Wage Protection Programme and pay these security staff a minimum salary of 4500 Riyals,” Sarit Thomas adds. “The registered salary rate also impacts the number of points used when calculating Nitiqat - calculated as 0.5 points if the salary is between 4500-5499 Riyals and 1 point if 5500 Riyals or above.”

TEMPORARY EMPLOYMENT OF VISITORS

“Other types of permit include one which allows establishments to benefit from the services of Syrian visitors, and there is also a temporary permit for visitors,” Sara Khoja adds. “In both cases the employer must have a Low green Nitiqat rating or above and the visitor must be between 18-60 years old, and in the case of the Syrian scheme have a visitors’ visa.”

EMPLOYMENT DISPUTE PERMITS

“The Permit for Disputes with Employers also allows

for the use of employee services during employment disputes,” Sarit Thomas explains.

“In this case the worker must have an ongoing Employment dispute in either the Court of First Instance for the Settlement of Labour Disputes or the Supreme Court under the main classification of collective or individual issue and all subcategories except for domestic worker claims, Labour Law violation claims, mortality claims or final exit claims.”

AJEER SHARING PERMIT

“The Ajeer Sharing Permit also allows workers’ participation in electronic platforms, such as delivery or maintenance services,” Faisal Alassiri states.

“This can only be used by new or existing establishments which have commercial register activities that comply with the service being provided through the participatory electronic platform in line with the requirements of the relevant licensed authorities.”



Faisal Alassiri
Partner
Clyde & Co

SEASONAL HAJ PERMIT

“In addition, it is possible to apply for seasonal permits for the Haj season but these only apply to establishments in Makkah, Madinah, and Jeddah,” Sarit Thomas explains.

“In the case of this permit Saudi employees must be 18 years or over and expat employees, must be a resident and the employee of another establishment which has given their approval for them to do this work.”

COMPANION SERVICES

“Another available permit is the Ajeer permit for companions,” Khoja states.

“This permit is issued specifically for the education and health sectors and the employer must have a Nitiqat rating of low green and above.”

“In addition, in this case it is necessary that the Companion and main expatriate have valid residency, the Companion must also be at least 18 years old and have any required necessary professional accreditation.”

“In addition, the main expatriate must be either the Companion’s spouse, or muhram (i.e. a male relative, who will typically be their father, son, or husband),” explains Alassiri.

PENALTIES

“When the Ajeer system was first rolled out there were some transitional exemptions which initially applied at first to those who did not comply,” states Sarit Thomas.

“However, these transitional exemptions have now ended and therefore, engaging in temporary work without the necessary Ajeer authorisation is now treated as a serious violation, for which penalties of 10,000 Riyals per violation can be levied.”

TREND SETTER

DENTONS & 11KBW – TECHNOLOGY

Off-Channel Communications

Shiraz Sethi Regional Head of Employment at Dentons and barristers Amy Rogers KC and Tom Ogg of 11KBW explain the legal risks to employers of off-channel social messaging.

Use of business and messaging apps has become increasingly prevalent in a business context particularly in the Middle East and is not without legal risks. These off-channel social messaging accounts are easy to sign up to, and in most cases free. However, problems arise because these are personal accounts, administered by individuals, and not their employers. The first problem is what will happen to these messages when an employee leaves the business? How can an employer ensure messages on these accounts between their clients and their employees will be retained, which could be particularly important, if there is a later dispute between the client and the employer? Unfortunately, there is no straightforward solution. Contractual clauses and policies are critical, but will an employee actually comply with them if there is a dispute between the employee and the employer? There are some technological solutions, but these come at a cost.

As a result, some businesses, particularly those in highly regulated areas such as the financial services sector have started simply banning the use of ‘off-channel’ communications between clients and their employees. Regulators in financial services have also taken specific action on this. For example, in 2022 US financial regulators imposed fines on banks totalling some USD 549 million for the use of ‘off-channel communications’ by their staff. Regulators in other jurisdictions are also now increasingly considering how communications are conducted, recorded and retained. However, simply banning such communications will not work if, in practice, as is often the case in the Middle East, clients demand to communicate this way and so this would mean cutting off core communication channels with them – so solutions are required. Courts in the Middle East are also increasingly taking notice of the prevalence of ‘off-channel communications’ in business matters. In fact, the ADGM Courts have even made specific provision for the service of claim forms by WhatsApp (see rule 16B of the ADGM Court Procedure Rules). In Court proceedings, these ‘off channel’ communications can also be more than just another source of evidence. Judges know these messages may also contain the kind of unguarded comments which can make or break a case – largely because of the informality of these messages, and the perception by users that these messages are private. For

example, on 22 September 2023 in *Lal and Hennessy v Benton* (DIFC Case No. 005/2021) the DIFC Court of First Instance gave judgment in a claim for around USD 425,000 which was brought by the former management of a company that had been partially sold. The money was said to be owed under settlement agreements. The defendant argued the claimants had created an undisclosed conflict of interest by pursuing a management buy-out or MBO, and this had entitled them to the sums claimed. WhatsApp evidence played a big part in the Court’s conclusions. The Court noted that ‘[t]hroughout the trial reference was made to WhatsApp messages’, and pointed to one WhatsApp message which it felt ‘bears to be set out in full because it neatly illustrates the conflict of loyalties created by an attempted MBO where there has been no full disclosure to the exiting Co-Shareholders’. As a result, the claimants’ claim failed, and the defendant’s counterclaim succeeded in the sum of USD 2.6m. This case neatly shows the way an ostensibly straightforward commercial claim can unravel once ‘unguarded’ off-channel communications are put before the Court as evidence. Similarly, in *Al-Khateeb v Nexus Financial Services WLL* QICDRC Case No. 29/20223. [2023] QIC (F) 29, a case brought in the Qatar Financial Centre Courts, the claimant brought a claim for mis-selling of an investment. He relied on his alleged naivety and inexperience in investing. However, the Court rejected that position because of messages that showed that, amongst other things, he had been willing and interested in investing in cryptocurrencies. More generally, when off-channel messages have been deleted, or individuals use ‘disappearing messages’ or auto-deletion settings, the Courts can also draw inferences from the fact the material was deleted and may be sceptical about explanations for ‘missing’ evidence. They may wonder why any business or employee would want to delete legitimate communications between colleagues or with customers or suppliers. However these issues are managed by businesses, these trends are set to stay. The Courts will continue to be interested in and focussed on the content of unguarded off-channel communications sent by the litigants who appear before them. Therefore, it can be helpful for businesses to have policies on this issue and to be aware of how these messages can be used in litigation.



Amy Rogers KC
Barrister
11KBW



Thomas Ogg
Barrister
I1KBW




Shiraz Sethi
Regional Head of
Employment
Dentons

NEWS ROUND-UP


COVERING RECENT KEY DEVELOPMENTS – REGION-WIDE

UAE

FAMILY RESIDENCE


 The UAE's Digital Government has confirmed that having a specific type of profession or job is no longer a requirement for an expatriate in the UAE who wishes to obtain residence visas for their family. Foreigners who live in the UAE can obtain a residence visa for their family members to live with them as long as they have a valid residence visa, and the resident head of the family meets certain conditions. These include having a minimum salary of 4,000 AED a month or 3,000 AED if they have a housing allowance. In addition, all family members over 18 will also need to have had a medical fitness examination. These are carried out by the state at an approved health centre.

JUVENILE WORKERS

 The UAE's Human Resources and Emiratisation Ministry (MOHRE) has stated that private sector companies which are applying for work permits for juveniles who are going to work with them during holiday periods do not need insurance or a bank guarantee for them.

In addition, these companies do not need to have an electronic quota (the prescribed quota for work permits issued electronically through the Tas'heel system) in order to obtain a juvenile work permit. However, the Ministry has also stressed that the employment of children under 15 is banned under UAE law. Although citizen and resident students who are aged 15 or over can work and receive training in approved establishments, if they have a contract which explains the nature of their work.

PENSION CONFIRMATION

 The UAE General Authority for Pensions and Social Security has stated that the pension laws do not allow insured individuals to choose between receiving a pension or a reward. The type of benefit is determined based on the

individual's service period in the insurance programme. The authority also stated that having voluntarily resigned would not stop an insured employee from being legally considered as being retired, as age is only a requirement for pension disbursement, not an entitlement. Once an individual is eligible, they become classed as a retiree and can get their pension when they reach the right age. A pension is due when the insured person's service ends on reaching retirement age or after they have been in the scheme for at least 15 years. Those who cannot work because of death, disability, or because they are unfit for work, are entitled to benefits. However, when claiming total disability or being unfit for work this must be confirmed by a medical committee. The law also does not specify that the death or disability must result from a work-related injury in order to be eligible.

DIFC

IMMIGRATION RULE CHANGE

 The DIFC has implemented new services which are designed to simplify and improve immigration application procedures there.

However, the maximum validity period for a employment permit in the DIFC has now been reduced from three to two years. As a result of the changes to procedure, employees on a standard employment residence permit who have been outside the UAE for more than six months for valid reasons, for example medical or educational reasons, can get their employer to submit an online application for a re-entry certificate for them, if their residence permit has not yet expired.

Another change introduced is that foreign nationals can also now use an express option to obtain a DIFC access card so they are able to enter offices in the DIFC.


The processing time for those who use this option is reduced from three to one business day from the application date. However, this option costs 1,370 AED, rather than the usual 1,140 AED.

SAUDI ARABIA

BRANCH INFORMATION

 The Saudi Human Resources and Social Development Ministry has urged all private sector businesses to update their branch location information using the Establishment Location Management service on the Qiwa platform. The Establishment Location Management service enables businesses to electronically link individual employees to their actual work locations. Businesses which have 20 or less workers must do this for all their workers by 30 May 2024. However, the deadline for those who have between 21 and 49 workers is 30 June 2024, and is 30 July 2024 for those with 50 or more workers.

WHISTLEBLOWER PROTECTION

 Saudi Arabia's Attorney General and the Council of Public Prosecutions' Chairman have approved the establishment of a Centre for the Protection of Whistleblowers, Witnesses, Experts and Victims in line with Article 4 of Saudi Arabia Cabinet Decision No. 629/1445. The aim of the Centre will be to provide legal protection to individuals who are at risk of harm because they are providing information on crimes, including whistleblowers.

These individuals will be given security protection, and their personal data and everything that indicates their identity will be concealed. They can also be transferred from their place of work either temporarily or permanently. In addition, they may also be given help in finding alternative work, and legal, psychological and social support, along with security protection, a residence and financial help.

FRIENDLY SETTLEMENTS


 Saudi's Human Resources and Social Development Ministry has announced details of its electronic Friendly Settlement of Labour Disputes service. The Ministry has fully automated friendly settlement services on its

website. Cases can be electronically submitted and reviewed.

The system also allows claimants and defendants to view case details before the hearing and can facilitate remote reconciliation sessions.

.This system uses mediation. If it is successful, both parties reach an agreement. If not, the case is then referred to the labour courts within 21 days of the first session.

INSURANCE SALES

 The Saudi Insurance Authority and Human Resources and Social Development Ministry have announced their decision to nationalise all insurance product sales jobs there.

This decision also states employees who are not involved in sales will not be able to receive any commission related to sales.

KUWAIT

RECRUITMENT PROCEDURES

 The committee overseeing labour market regulation in Kuwait is understood to have almost completed work on new procedures for recruiting foreign workers.

It is believed the committee has been focusing on creating new recruitment mechanisms for key professions including those who work in medical, educational, engineering, legal, accounting, and financial roles.

The new approaches would be applied uniformly to recruiters of all nationalities and implementation may start soon. The committee overseeing the change includes the Public Authority for Manpower (PAM), relevant governmental and private entities, such as the Ministry of Interior, the Ministry of Higher Education, the Kuwait University, and specialist professional associations.

The changes are believed to include proposals to withhold the issue of new work permits until after the endorsement, validation, and equivalence of academic credentials by official bodies and Kuwaiti embassies overseas has been completed. The committee is also considering additional accredited professional

experience certificates for each profession, which would cover a period of between three and five years depending on the role.

In the future applicants may also have to present a professional practice certificate approved by relevant authorities and pass a professional practice test.

EMPLOYING NATIONALS

 The Public Authority for Manpower, in Kuwait and the National Manpower Affairs Sector are preparing to apply new regulations on the hire of nationals in government contracts there.


The regulations which are found in Kuwait Cabinet Decision No. 11179/2023 came into force in May 2024. They enable the Kuwaitisation Unit to determine the proportions of national labour required for each government contract based on their nature and the available positions.

The Unit will also oversee the recruitment process and announce job vacancies, there will also be provisions for accommodating applicants with disabilities.

Under the regulations, the relevant authorities must provide contractors with information on accepted candidates. These candidates must then complete recruitment procedures within 30 days of notification or the start of the government contract, whichever is earlier.

QATAR

CONTRACT VALIDATION

 The Qatari authorities have implemented a new procedure for authenticating employment contracts there. They have also updated the Ministry of Labour (MOL) portal to reflect the change.

The new process aims to simplify and speed up employment contract registration processes and has replaced the need for physical signatures with the digital verification.

Foreign nationals who have a residence permit must register on the National Authentication System (NAS) which is used to verify their digital identity in order to authenticate their employment contract. Qatar introduced an E-Contract System in November

IN BRIEF

Saudi Arabia: The Shoura Council has asked the General Authority for Small and Medium Enterprises to consider assisting government employees who want to become entrepreneurs, including by offering them entrepreneurial leave...

Saudi Arabia: From May 2024, there will be a new disbursement date at the start of the month for pensions and insurance claims from the General Organisation for Social Insurance (GOSI) for retirees and beneficiaries under the Civil Service Pension Law and Military Pension Law...

Qatar: The Council of Ministers has approved amendments to Qatar Law No. 21/2015 which are the Regulations on entry, exit and residence of expatriates...

Saudi Arabia: Saudi has approved the unified system for international land transport between GCC states which includes rules on driver breaks and health and safety...

Kuwait: Kuwait has announced the incentive bonus in the oil sector distributed by the end of June 2025 will be capped at a maximum of three and a half months salary...

Saudi Arabia: The Code of Law Practice in Saudi Arabia has been amended to address situations where lawyers are engaged in two professions...

Bahrain: Bahrain's Labour Market Regulatory Authority has announced domestic worker recruitment fees are to be capped...

Saudi Arabia: The Assistant Under-secretary for Livestock and Fisheries at the Environment Ministry, Water, and Agriculture has announced the Ministry is to start issuing professional licenses for veterinarians...

Kuwait: Authorities have shut down 11 establishments for violating industrial laws because of offences including those involving workers' accommodation...

DIFC: National Bonds (Sukuk), the Sharia-compliant savings and investment company in the UAE, has been included as one of the investment options which is available under the DIFC Employee Workplace Savings (DEWS) scheme...

Oman: The Financial Services Authority's (FSA) has issued a decision on emergency medical treatment for foreign visitors to Oman...

2023, but it was not clear then if this was to be an additional step before physically signing a contract. As a result of these changes, it is now clear it is only necessary to digitally sign these contracts.

IMMIGRATION FOCUS

RECENT GCC IMMIGRATION AND VISA CHANGES

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UAE

GOLDEN VISA – DEGREE REQUIREMENTS

 The UAE General Directorate of Residency and Foreigners Affairs (GDRFA) and the Federal Authority for Identity, Citizenship and Port (ICP) have provided clarification on the documentation requirements when submitting Golden Visa applications under the 'Highly Skilled Professional' category.

GDRFA and ICP now require all eligible applicants to submit their 'Equivalency Certificate' as well as their legalised degree certificate. Failure to do this could lead to their application being refused.

This requirement has come in with immediate effect and is mandatory for all eligible applicants who fall under the 'Highly Skilled Professional' category. These individuals must now submit their degree 'Equivalency Certificate' from the Ministry of Education (MoE) in the UAE, as additional documentation along with their Golden Visa application. It is important to note this requirement applies to all eligible applicants regardless of their nationality or the type of educational certificate they have obtained.

In addition, eligible applicants must also continue to follow the original procedure for legalising their educational certificate at the UAE embassy in the country where their educational certificate was issued.

Once they have done this, they should then legalise their educational certificate at the Ministry of Foreign Affairs (MoFA) in the UAE and obtain the 'Equivalency Certificate' from the MoE.

However, applicants who have successfully completed a Bachelor's or Master's degree at an education institution within the UAE are eligible for an exemption from this new requirement but in order to be exempt from this an eligible applicants will also need to ensure their Bachelor's or Master's degree

certificate has been legalised at both the UAE Knowledge and Human Development Authority (KHDA) and MoFA.

It is also important to note that the process for equalising a legalised degree certificate can take several months to complete so applicants for this type of Golden visa will need to factor in this increase in overall processing time into their plans.

In addition, it may also be necessary for them to legalise some additional documents such as transcripts and high school certificates, as well as the degree itself.

This could mean it might be necessary for a company who has an employee who wishes to apply for a 'Highly Skilled Professional' Golden Visa as a contingency to also renew that employee's Employment Residence Permits (ERP) in case the Golden Visa is not issued before these Permits expire.

The individual can then subsequently file their Golden Visa application once the equalisation process for their qualifications has been completed.

SAUDI ARABIA

SAUDISATION RATIOS AND THE CONSULTING SERVICES PROFESSIONS

 The Saudi Ministry of Human Resources and Social Development has now announced that the second phase of its Saudisation in consulting services professions has been begun. This phase covers 40% of the professions classed as consulting services. There is a particular focus in this phase on professions in the financial consulting specialists, engineering, architectural professionals, health, and senior management consulting roles.

The Saudisation ratio for consulting professions has increased from 35% to 40%. Other roles included at this stage include business consulting specialists, cyber security consulting specialists, project management managers, project management engineers, and project management specialists. This initiative is part of the Ministry's ongoing activities



to create more dynamic and productive employment opportunities for Saudi Arabian citizens across the country.

The Ministry has also made it clear that they are committed to monitoring and implementing the second phase of Saudisation in these professions and will do this with help from the Ministry of Finance, the Local Content and Government Procurement Authority, the Expenditure and Project Efficiency Authority (EXPRO), and the Human Resources Development Fund (HADAF) in order to ensure there is also alignment with sector requirements and labour market demands.

In addition, the Ministry is offering a comprehensive package of incentives to private sector businesses looking to employ Saudi nationals.

These include support with recruitment processes, training, qualification, career development, and priority access to nationalisation support programmes which are facilitated through HADAF.

The Ministry has issued a guide which provides confirmation on the specifics of profession localisation decisions and the way they are implemented which can help employers looking to find out more about how the initiative might impact roles in their particular businesses.

It is important that establishments closely adhere to Saudisation regulations as there are statutory penalties which apply in cases of non-compliance.

QATAR

NEW FIVE-YEAR RESIDENCE PERMIT FOR CERTAIN CATEGORIES

 The Qatari Government has announced the introduction of a new five-year Residence Permit programme (which is also being called the *Mustaqel Visa*) will be available for talented individuals and entrepreneurs. The new visa is expected to be available in the next few months.

The *Mustaqel visa* initiative, is being led by Jusour, a private joint stock manpower solutions company wholly owned by the Qatari government. It is hoped the initiative will help develop the Qatari labour market.

It is currently expected that a wide range of international entrepreneurs, exceptional talent and other specific professionals will be eligible to apply for this new five-year visa.

In order to be eligible to apply under the Exceptional Talents category, the applicant must have an endorsement from a relevant government authority in Qatar, affirming their status as a talented individual within one of the 13 approved areas.

These areas including sport, education, entertainment, cultural talent, scientific research, development and innovation.

In addition, the individual should already have a job offer from an entity in Qatar or financial means to sustain themselves for three months until their immigration process has been finalised. This means they will need to have 36,500 Riyals or more.

In order to successfully apply under the Entrepreneur category, the applicant will need to have obtained approval from any of the seven authorised Business Incubators in Qatar.

These include the Qatar Science and Technology Park (QSTP), the Qatar University Business Incubation programme, Media City or the Qatar Fintech Hub (QFH). In addition, their project value must be 250,000 Riyals or more.

It should also be noted that all applicants under both these categories must have registered an account on the *Mustaqel* website and have selected the relevant category there. They also have to provide the specific documents which are required for the relevant category.

Additional documents can also be required depending on the category selected and the location they are applying from, such as a Qatar residence permit, an employment contract or non-objection certificate from a local sponsor, work experience letter or proof, as well as other required documentation.

The Government will charge 4,000 Riyals for a five-year Residence Permit under the Exceptional Talents category and 5,000 Riyals for this Permit under the Entrepreneur category.

There is expected to be additional information on this new residence permit available closer to its launch date.

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Vialto Partners is your ally in mobility, tax and immigration solutions. We are here to assist your business in the movement of people into and across the Middle East, from offering different ways to support visa processing, to strategic mobility advice. We spark meaningful change for your business—and your people.

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VIALTO
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Localisation Trends

Key findings from a recent survey by Vialto Partners and Lexis Middle East on localisation policies in the GCC.

In recent years there has been a noticeable trend for GCC countries to implement localisation policies which has had a profound impact on various areas of the workforce, including recruitment, training, and internal promotions.

In early 2024 Vialto Partners and LexisNexis carried out a comprehensive corporate survey on the challenges and impact of these policies on businesses operating within the GCC region.

78% of businesses who participated in the survey were able to meet their localisation quotas and felt the changes implemented by the authorities to be positive, as they had led to more opportunities for GCC employees within their organisations.

22% of businesses faced difficulties meeting these quotas and found the requirements to be challenging, impractical and unrealistic, which was also exacerbated by a lack of local specialised talent.

89% of businesses found the policies had contributed to their organisations creating new internal programmes and employing staff internally to meet these requirements.

In addition, 78% of businesses found that meeting these requirements had contributed to an increase in labour and operational costs, whilst 22% had not experienced an increase in labour or operational costs.

Overall, employers found these policies to be challenging but reasonable within the GCC region, as they encouraged businesses to work closely with local authorities and communities to attract and retain local talent.

Some employers surveyed had been successful in meeting, or even exceeding localisation quotas by implementing a

comprehensive plan which included targeting roles to be filled by local employees versus foreign nationals, and by employing skilled professions who were experts in managing localisation policies.

This shows how important it is for businesses to adapt and tailor their operational objectives to align with localisation initiatives, through meticulous and strategic planning.

Other employers found meeting localisation quotas difficult and even unattainable, as it limited their ability to employ foreign skilled workers, in lieu of local talent who did not possess the necessary skills to meet their business needs.

For example, some employers surveyed noted that due to the restrictions imposed by localisation policies in Saudi and Kuwait, they were restricted from recruiting talent internationally, which in turn, created a skilled worker shortage and prevented these companies from being able to compete in local economies or bid for government contracts and projects.

Other employers found the rules and regulations published by GCC authorities to be fluid, unclear and difficult to ascertain, as the rules were constantly changing.

This was also accompanied by tight deadlines for implementation, thus businesses felt under pressure to meet these regulatory provisions, as they did not want to be penalised financially or risk reputational damages.

Businesses were worried about potential penalties such as the inability to renew or hire new employees due to suspensions from using their company's portal or the potential downgrading of their registration category, which would

lead to increased government hiring fees, limited work permit quotas and loss of revenue.

Despite these challenges, there are initiatives which GCC authorities have introduced to help businesses target and retain local talent, whilst also incentivising them.

For example, the 'Skills Accelerator' programme in Saudi Arabia provides training vouchers to Saudi nationals working in the private sector, and the Emirati salary support scheme in the UAE provides support to Emirati nationals seeking employment in the private sector through training programmes.

In addition, with the introduction of the Regional Headquarters (RHQ) programme in Saudi, companies have been encouraged to set up their regional operations in Saudi Arabia and in return these companies gain an array of benefits such as an exemption from Saudisation requirements for 10 years.

The expansion of localisation policies within the GCC region has sparked significant transformations in the workforce dynamics, recruitment strategies, and operational frameworks of businesses. The findings underscore a mixed landscape, where the majority of businesses have been able to meet localisation quotas, albeit with increased operational costs. Yet, the overwhelming sentiment is one of positivity, with localisation initiatives driving internal programmes and fostering greater opportunities for GCC employees. It is vital for businesses to stay alert and keep up to date with the latest rules and regulations on localisation.

In this way, businesses can proactively prepare for the future, whilst also effectively navigating the ever-changing landscape of localisation.

LAW CHANGES

NEW AND PROPOSED MENA LAWS

INSIDER TRADING CONTROLS

Reeda Halawi of Sultan Al-Abdulla & Partners looks at new rules on insider trading brought in as a result of Qatar Financial Markets Authority Decision No. 2/2024.

The Qatar Financial Markets Authority (QFMA) has issued a Decision, Qatar Financial Markets Authority Decision No. 2/2024

On Issuing the Insider Trading Controls designed to support Qatar Law No. 8/2012 (the Qatar Financial Markets Authority law) whose aims include maintaining confidence in the system for dealing in financial markets; protecting security owners and dealers when applying disclosure in a manner that achieves justice and transparency; and preventing conflicts of interest and exploitation of issuing entities' private information when they are offering their securities to the public or wish to list their securities in one of the QFMA licensed financial markets.

In this context an insider includes any person who by virtue of their position has obtained access to personal data or core information related to a company or their customers, which was not publicly available. The Decision lists a number of potential different types of people who could be relevant in this context but stresses that relevant individuals include but are not limited to those in this list.

Of particular note from an HR perspective is that on this list are 'members of the board of directors, members of the executive board, employees of the company or any of the company's group as well as their spouses and their minor children, and any other persons who could in any way access such information, whether through an agreement or through their profession, or any person who accessed such information in any means prior to making it available to the public.'

Qatar Financial Markets Authority Decision No. 2/2024 explains that 'insider information' is that which entails any data or core information that could potentially affect the value of securities' issued by a listing company, or impact the listing of those securities, if it was disclosed. As a



UAE - HEALTH PROFESSIONS



Ministerial Decision No. 40/2024 Concerning the National Standards for Home Health Care Services has been issued.

The law covers all healthcare facilities licensed by the health authorities to provide home healthcare services and Healthcare Professionals who are licensed to provide home healthcare services in the UAE. Part 2 of the attachment to this law covers the minimum professional requirements for professionals working in this sector. Part 4 of the attachment also has details of the duties of these professionals.

result, companies whose securities are to be listed on the Qatari Financial Markets must have implemented rules, guidelines and procedures which should be rolled out and fully understood by the listed individuals' including relevant employees and are designed to prevent the misuse of data and fundamental information. Those rules, guidelines and procedures should also regulate the use of this information by those who have access to it.

Under this Decision those classed as insiders have to keep relevant data and

information accessed through their work, position, or professional or personal relationships confidential. They are also not allowed to trade in securities if they are aware of information obtained by them through their work, position or professional or personal relationships, or provide some advice on that to a third party who does not have access to the information. They must also disclose to the listing company – through its internal reporting system – any transaction or work they have previously done in

QATAR - VISAS



Qatar Cabinet Decision No. 3/2024 On Granting Residence Permits Without a Recruiter to Some Categories has been issued. This law enables the Ministry of Interior to issue visas and grant residence permits to individuals in some categories who do not have a recruiter. The categories are Entrepreneurs subject to provisions of the laws governing the establishment of businesses and companies in Qatar and certain talented persons in fields including technology, science, creativity, sports, culture or the arts.

KUWAIT - PERMITS



Kuwait Ministerial Decision No. 3/2024 which covers mechanisms for granting work permits and the transfer of workers has been issued. The law also lists details of the relevant fees and types of businesses and organisations which are exempt from paying additional fees under Article 1, which include foreign investors approved by the Direct Investment Promotion Authority, private schools and universities.

SAUDI ARABIA - HEALTH AND SAFETY



Saudi Arabia Cabinet Decision No. 793/1445 has been issued on the approval of Saudi Arabia's accession to the International Labour Organization Convention (187). This Convention is designed to provide a coherent and systematic approach to health and safety. Member countries which ratify this Convention must develop a national policy on OSH in consultation with employer and employee representative organisations. They are also expected to strive for continuous improvement in OSH to prevent injuries, diseases, and deaths.

relation to the securities or securities of the parent company, no less than three days from starting to work for the company; and follow trading ban period requirements in the regulations, rules and decisions issued by the QFMA. In addition, the companies must provide the QFMA with a regularly updated list of insiders who access this information, as well as details of their relatives and the names of any companies they own.

The relevant markets have to publish these lists on their online platform; and make sure that insiders comply with the applicable rules, regulations and guidelines. The markets also have to disclose all trades carried out by these insiders on the online platform of these markets. Article 35 of Qatar Law No. 8/2012 provides details of the penalties which apply if the requirements in this Decision are not followed.

BAHRAIN - PAY



The Services Committee of Bahrain's House of Representatives has stated it is going to discuss a draft law which would lead to low paid workers who earn less than 700 Dinars being exempt from paying unemployment insurance fees. If the law was approved, workers who fell below this threshold would be exempt from making the 1% unemployment insurance fee contribution. It has been argued this would not affect the insurance fund which has a significant surplus.



CASE FOCUS

Case NoMustak v Mubrag, DIFC Case No. 233/2023
issued on 11 December 2023

Jurisdiction DIFC Small Claims Tribunal

Court DIFC Small Claims Tribunal

Recommended by Ayesha Karim

WHAT IS IT ABOUT?

Ms Mustak was an employee who filed a claim for her end of service gratuity of AED 150,000 against Mubrag who she claimed was her employer. They were a company registered in the DIFC.

According to the employee under an offer letter dated 1 October 2012 she had worked as a Public Relations Officer for them and different subsidiaries and branches of the business from October 2012 until her termination in December 2022.

She stated her employment had been terminated by a letter dated 29 December 2022 which had given her two days' notice. She had received no end of service benefits from Mubrag.

Ms Mustak also stated during her employment she had regularly received her salary and had been provided with health insurance. In addition, she had a DIFC staff access card and PRO pass which had been issued by the DIFC authorities.

Mubrag challenged DIFC Court's jurisdiction to hear the claim and argued Ms Mustak was a freelancer who had worked at other branches and was not an employee. Therefore, she would not have been entitled to receive any End of Service Benefits. The company also stated that Ms Mustak who was a UAE national did not have an employment contract, work permit or labour card from them in the DIFC. In addition, she did not have an office space or come in there on a daily basis so she could not be classed as an employee. The company conceded they had been providing

her with health insurance but claimed this was only because they had sympathised with her because of a medical condition she had. They confirmed they had been paying her salary but stated that was as a freelancer only and that the salary was also received from different branches. The company was of the opinion that as she was a UAE national, she must have an employment contract and not an Offer Letter in order to be registered with the General Pension and Social Security Authority (GPSSA) and be eligible for any benefits upon termination.

WHAT WAS DECIDED?

The earlier jurisdictional hearing had already decided Mustak was an employee and the DIFC Courts had jurisdiction. The court decided the dispute was governed by the Offer Letter and DIFC Law No. 2/2019 as amended by DIFC Law No. 4/2021. According to the Offer Letter the employee was eligible for health insurance and was provided by the Defendant with insurance coverage. Under DIFC Law No. 2/2019 an employer is required to maintain health insurance for their employees.

The Court also found there was nothing to show she had been terminated for cause and therefore the employer was in breach of DIFC Law No. 2/2019 for failing to provide the minimum notice period. As she was a UAE national, under Article 65(1) of DIFC Law No. 2/2019 the employer was required to register UAE and GCC national employees with the GPSSA and make the necessary pension contributions in line with Federal Law. As the employer had not done this, they were in breach of both the DIFC Employment Law and Federal law. The Court awarded the employee an amount equivalent to what she would have been entitled to if she had been registered.

As the employer was a private sector company their contribution was 12.5% of the salary (2.5% to be paid by the government and 5% by the employee). The employee had worked for them for 10 years and two months. Therefore, the Employer's contribution was calculated as AED 1,500 per month x 122 months = AED 183,000. However, the Court was bound by the claim within the Claim Form in which the Employee had only claimed AED 150,000 so could not rule on more than that. They were also required to pay AED 2,999.99.

WHY WAS THIS IMPORTANT?

In these days when remote working is common - and staff often do not have fixed office space or come into the office every day, it is important to note that these arguments did not help the employer prove the employee was merely a freelancer or was employed by another branch, so the court lacked jurisdiction. This case also confirmed the position on registration with GPSSA and entitlement to a pension of UAE and GCC employees. The fact the employee had only ever had an offer letter and not a contract employment had not meant the employer was exempt from registering her with GPSSA and in the end had to pay the pensions contributions they should have paid.

Case NoSi Yuan Wu v MEpay Technology, ADGM Case No. 0001/2024 issued on 23 January 2024

Jurisdiction ADGM

Court ADGM Court of First Instance

Recommended by Ingmires.

WHAT IS IT ABOUT?

A claim was made for remuneration by a woman who had been employed as an SEO in one company but was then asked to also be SEO in another associated company.

Ms Wu was employed by WebAdSpace FZ LLC, a Dubai-based company under a written contract of employment which was dated 22 August 2021, as Commercial Director of MENA. While employed by WebAdSpace, she was asked to be SEO of an associate company called MEpay. There had been discussions that she might transfer to MEpay.

However, in the end, although she had carried out some work related to the setup of MEpay, the work with it had ended and she had not transferred to them in the end. Instead, she had continued in her role with WebAdSpace.

Ms Wu argued she was entitled to additional remuneration for the role with MEpay and claimed AED 2,700,000 from them.

She alleged there had been oral promises that she would be paid an additional salary for the other role by her line manager. However, here was nothing in writing about this.

In addition, in the past she had from time to time also carried out additional roles for other group companies, but she had not been paid additional remuneration for this.

MEpay stated her employment with WebAdSpace had covered the work she had done for MEpay and claimed that she was not entitled to any additional remuneration.

In addition, there was no evidence payment terms had ever been agreed between the parties and her salary had not been reduced when she had returned to only working for WebAdSpace.

The central issue was whether MEpay had employed Ms Wu and if she was entitled to the additional remuneration she claimed for her work for them.

WHAT WAS DECIDED?

The court dismissed Ms Wu's claim as there was no written agreement for additional salary for her work with MEpay. In addition, there was nothing in writing to support the claimed oral agreement that she was employed by MEpay and entitled to this remuneration.

The court also found it strange there was no proof of any particular occasions, discussions or places where these matters had been discussed, her requests for additional remuneration were made or agreed.

In addition, she had not followed up with any written requests for what she claimed had been included in the oral agreement.

The Court was satisfied the work she had carried out for MEpay was covered by her employment with WebAdSpace.

There had been discussions about a proposed transfer of her employment from WebAdSpace to MEpay but during these discussions, there was evidence to suggest she had agreed to a transfer on the basis she received the same salary she received from WebAdSpace.

There was no express agreement between the parties about the additional salary and could be no implied agreement as there was an uncertainty on the terms. There was also inconsistency between an implied contract with MEpay and a proposed transfer of employment between the companies.

WHY WAS THIS IMPORTANT?

This case shows the importance of having employment contracts evidenced in writing and signed by both parties in line with Article 5 of ADGM Employment Regulations 2019.

In addition, contracts should always be updated when circumstances change.

It is important to note that where there is oral evidence the court will also consider if there was any other supporting written evidence of specifics, such as where those discussions took place, what was agreed during them or follow up written claims about the oral agreement.

HR PROFILE

HEAD OF PPC – PROFESSIONAL SERVICES



Recruitment in an Evolving Market

Mpho Netshiombo Head of People, Performance and Culture (PPC) at KPMG in Bahrain discusses the evolving landscape of Talent, Development, Management and Engagement amidst legal and market shifts.

YOUR BACKGROUND

My journey towards my current role has been a 23-year roller-coaster ride across multinational corporations in South Africa and Bahrain.

Over the years, I have managed to align my expertise and passion in developing effective People strategies and Talent Management practices with the organisation's impact. My professional journey, rooted in management consulting, was what revealed my passion for people management, leading me to spearhead transformative projects globally.

My consulting work laid the foundation for my client-centric approach, and this coupled with my adaptability, effectively drove my career forward.

YOUR CURRENT ROLE

In my current role as the Head of PPC for KPMG in Bahrain, I collaborate with a team which is dedicated to nurturing a multicultural community of professionals. We pride ourselves on our diverse and inclusive environment, which boasts a workforce made up of over 18 nationalities.

Nationalisation within the firm is not just 'lip-service' or a PR gimmick, we have extremely talented and experienced Bahraini professionals holding significant leadership roles. Our focus remains on client success, underpinned by our nuanced understanding of both industry leading practices globally and culturally nuanced practices locally.

Leading the PPC function, I work with our business leaders to align our People strategy with our organisational goals.

Understanding talent dynamics, fostering employee engagement, and ensuring compliance with the applicable regulations and laws is an integral aspect of my role.

Our commitment to employee well-being is evident through internal initiatives like our People Engagement surveys and our bespoke employee recognition programmes.

THE WAR FOR TALENT

Within the dynamic landscape in the marketplace, the 'war for talent' is a real challenge. This manifests itself into a multitude of challenges, right from prioritising employee well-being to navigating through retention and talent acquisition in a post-pandemic era.



We are leveraging AI and a range of digital solutions to help streamline processes and are even exploring unconventional recruitment approaches in order to attract, recruit and retain top talent.

Bahrain's allure as a safe and expat-friendly destination further enhances our recruitment efforts.

TALENT DEVELOPMENT

Our dedication to talent development is ingrained in our DNA. While initiatives like the Jassim Fakhro Fund for Professional Development underscore our commitment to empowering Bahraini youth, it also helps in developing the national talent pool within the Kingdom.

OTHER FACTORS

In addition, we are closely monitoring developments such as the introduction of Corporate Income Tax, which may expand our radar in relation to the skills and competencies we intend to attract.

As one of the largest professional services firms in the Kingdom, we at KPMG are constantly striving to build and nurture a talent pool that can support our clients in relation to Audit, Tax and Advisory related services.

We work towards nurturing and developing our teams so they have a specialist sector focus and can cater to the needs of our clients including those within the Financial Services, Energy and Natural Resources (Oil and Gas included), Digital and Technology and Family owned and managed business sectors.

At KPMG in Bahrain, we are also committed to

PRACTITIONER PERSPECTIVE



Name Shouq Al Majali
Associate,
Al Tamimi & Company

Shouq Al Majali and Rad El Treki of Al Tamimi & Company explain recent changes to the End of Service Gratuity regime in Bahrain.

Bahrain Decision No. 109/2023 On the Issuance of the Regulation of the End-of-Service Gratuity for Non-Bahrainis Working in the Private Sector brought in a new of service gratuity regime from 1 March 2024.

the required data on wages for all insured workers, including non-Bahraini employees, to the SIO.

Employers had to register and submit their non-Bahraini employees' salary data through the SIO portal before 1 April 2024.

The data submitted must incorporate all components of remuneration, including basic salary, commissions, bonuses, and applicable allowances (such as housing, car or telephone allowances).

Employers must also update employee data if there are any remuneration changes.



Rad El Treki
Partner
Al Tamimi & Company

SOCIAL INSURANCE ORGANISATION (SIO) PAYMENTS

This requires private sector employees in Bahrain to make payments into the Social Insurance Organisation (SIO) on a monthly basis for all relevant non-Bahraini employees.

CONTRIBUTION CALCULATIONS

Monthly contributions equal 4.2% of the employee's monthly salary for the first three years of service, and then 8.4% of the employee's monthly salary for subsequent years until the end of their employment. Any employee who has more than three years of service as of 1 March 2024 automatically had their contribution level set at 8.4%.

TERMINATION OR RESIGNATION

If the employee resigns or their employment is terminated, they then apply to the SIO for their end of service entitlements.

Employees are also required to submit an application to the SIO to request their End of Service Gratuity upon their termination.

CONTRIBUTION PAYMENTS

The end of service gratuity monthly contributions must be paid within the first 15 days of each month. If there is any payment delay interest will accrue at 5% of the contributions which have been delayed.

PENALTIES

Failure to pay monthly contributions will also result in a penalty equal to 20% of the unpaid contributions during the unpaid period.

If an employer has failed to comply with Bahrain Decision No. 109/2023, they may be subject to a penalty of 100-500 Dinars, which shall be doubled if the offence is repeated.

ACCRUALS BEFORE AND AFTER 1 MARCH 2024

End of service benefits accrued by an employee after 1 March 2024 will be paid by SIO, not the employer, at the end of the employee's service period.

Employers are still responsible for directly paying any end of service gratuity to these employees which accrued before 1 March 2024.

Under the previous system employers paid this benefit directly to the relevant employee on termination or resignation but there was no requirement for them to make sure they had the necessary funds in place to do this, although many employers did set aside money, so they were able to do it.

The payments are made by employers via the Bahrain Social Insurance Organization (SIO) portal.

DATA ISSUES

In addition, if they provide false or inaccurate information sanctions can be imposed. If an employer has not submitted the required data within by the deadline contributions are calculated on the same wage basis used for the employee contributions for work injuries.

SECONDMENTS

Under Bahrain Decision No. 109/2023 employers continue to bear the cost of the employees' end of service contributions if there is a temporary secondment to another establishment owned by another employer.

REGISTRATION REQUIREMENTS

Employers were given a grace period of one month to submit

navigating these challenges while remaining steadfast in our mission to empower our people and drive client success.

We also strongly believe in our role as a responsible stakeholder in the community we live and operate

within, and we understand our role in developing the next generation of future leaders.

We currently work with a team with over 400 professionals led by ten Partners and are on a steady growth trend.

MOVES AND CHANGES

A ROUND-UP OF BUSINESS NEWS, APPOINTMENTS AND PROMOTIONS

ON FIRM FOUNDATIONS

Hamad Saleh Al Mohanna has been appointed the Chief Human Resources Officer at Hyundai Al Rashid Construction Company. Al Mohanna has over 25 years of experience including HR policy design and implementation, annual HR planning and budgeting, organisation management, talent management and retention, as well as work in payroll management. He has also worked on grading and salary structures, learning and development and employee welfare initiatives. He previously worked as a freelance HR consultant and adviser. He has also spent time working with Hassan Misfer Al-Zahrani & Partners Group, McDermott Arabia, Advanced Petrochemical Co, Saudi Chevron Phillips, Saudi Polyolefins, and Saudi Methanol Co. Hyundai Al Rashid Construction Company is an engineering and construction company which is headquartered in Al Khobar in Saudi Arabia.

IN THE CITY

Kieran Scott has become the Vice President of Human Resources over at Expo City Dubai. Expo City Dubai is a sustainable mini city between Dubai and Abu Dhabi which has built on the legacy of Expo 2020. Scott has over 25 years of HR leadership experience which includes time in the oil and gas, engineering, consulting, real estate, construction, and media sectors. He was Executive Director of Human Resources at the UAE's real estate developer Nakheel for five years and has also worked at Red Blue Blur Ideas (RDBi) as a HRD consultant, and at businesses including Acino Pharma, KCA Deutag oil and gas company, Habtoor Leighton Engineering Group, Virgin Media, and AT&T.

GROUPING TOGETHER

Brunswick Group, which has offices in Abu Dhabi, Dubai, and Riyadh, has appointed Fabiola Williams as Partner and Group Head of Talent and HR from 10 May 2024. In her new role Fabiola will work closely with Chief People Officer Meaghan Ramsey and the global people team to advance the firm's people-related objectives. Her previous roles have included time as Chief People Officer at the designer outlet company McArthur Glen where she revitalised the HR functions and led business



transformation. She has also held senior HR roles at White Stuff, the Department for Work and Pensions, Coty, the Body Shop International, and L'Oréal.

CAPITAL IDEA

Richard Berke has been appointed the Global Head of HR at Quilvest Capital Partners. Berke has over two decades of HR leadership and recruitment experience. He previously worked at both the private markets investment firm Pantheon Ventures and at Insight Investment where he was Head of Resourcing. In his new role he will be based in London but will lead the HR department, and HR strategy and operations, including the Dubai office,



WHAT'S IT SIGNIFY

Reem Alghasim has become the Head of Human Resources at Signify in Saudi Arabia. Signify was previous known as Philips Lighting. Reem has over 10 years of HR expertise which has included workforce planning, labour and

employment law, personnel management, strategic HR, human capital work, talent management and retention, recruitment, and employee relations work. In the past she worked at Schneider Electric in Riyadh, but has also spent time working with Airbus, Renault Trucks, OVHcloud, Bedard Resources, and Pride Canada Holding Inc.

FLYING HIGH

The Bahraini aviation company Gulf Air Group (GFG) has appointed Suhaila Al-Sadiq as their new Chief People Officer. Suhaila has over a decade of experience in Human Resources. The group is a shareholder of Gulf Air (Bahrain's national carrier), Bahrain Airport Company which operates and manages Bahrain International Airport), and other aviation assets. Previously she was the HR Manager at Foulath Group, where she led the operations of its subsidiaries including Bahrain Steel and SULB. While there she changed the HR function from an administrative to a more strategic role. In her new role she will be responsible for nurturing leadership, improving productivity, and optimising efficiency within the group's subsidiaries.

OTHER CHANGES

Ramco Systems: The global enterprise solutions provider Ramco Systems has announced the launch of a platform-based payroll software system called Ramco Payce in the UAE. The system leverages technology including serverless in-memory computing, data analytics, artificial intelligence, and machine learning.

PwC's Academy: PwC's Academy and the Applied College of Imam Mohammad Ibn Saud Islamic University (IMSIU) have signed an MoU which will see the PwC Academy helping IMSIU students to gain globally recognised qualifications in areas including HR, accounting, finance and digital. The students will also benefit from career readiness sessions on a range of subjects and learn about potential career pathways following graduation from industry experts.

SEND US YOUR NEWS

If you have news of an appointment or promotion within the legal or financial professions you would like to see reported in Lexis Middle East Law, please send details to: bonolo.malevu@lexisnexis.co.za



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Adverse Weather



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On 16 April 2024 the UAE was hit by the most severe rain storm in 75 years. The storms also affected Oman, Qatar, and Bahrain and at least 20 people died across the region. The government ordered schools and the public sector to work remotely for a specific period. Vehicles were submerged, roads were impassible, homes and business premises were flooded and damaged. Similar but less severe storms had also been seen earlier in the year in the region. With global warming making the risk of adverse weather more likely, even in the Gulf, in the future, should businesses and organisations have a special policy on this subject?

FLEXIBLE WORKING

Unlike schools and public sector bodies which were ordered to work remotely, both during the April 2024 storms and in similar circumstances, including when there have been severe fogs, MOHRE simply called for private sector employers to be flexible about work arrangements during such weather. They have not mandated that flexible working must apply. Since COVID 19, remote working has been made a lot simpler for most office-based workers. Clearly, when there are adverse weather conditions

employees who have the ability to work from home should be permitted to resume work remotely as a matter of policy. Companies which currently have flexible week work policies can also easily implement a standalone adverse weather policy. For example, if remote working days are fixed, i.e. every Friday or Wednesday, employers could either have a policy that required employees to switch the fixed flexible workday with the day affected by bad weather or allow employees an additional day to work remotely that particular week.

OUTSIDE WORKING

However, MOHRE also emphasised the need for caution at outdoor work sites, especially at sites where work could not be stopped. It highlighted the importance of ensuring the health and safety of workers, and that all health and safety requirements should continue to be met not just at their workplace but also during their travel to and from these sites or meetings. The Omani Labour Ministry provided more specific advice. Business owners were advised to regularly check official weather updates and inform workers of potential issues. They were also specifically asked to secure light tools and equipment outdoors and ensure any lifting and crane equipment was safe. Hazardous materials, including chemicals, were also to be securely stored in designated areas to prevent leakage or damage. The Labour Ministry also recommended that workers stay in buildings during storms and avoid any low-lying areas.

It was also suggested that driving vehicles and business trips were to be postponed unless necessary. All excavation work should stop, and workers should

stay away from high places, work platforms, and scaffolding. Workers were also to be warned not to take risks and cross valleys. It was advised that employers or their representatives share the emergency numbers of the relevant authorities with workers in case of emergencies. Employers were expected to prioritise employees' safety and well-being during adverse weather conditions.

Where employees are unable to work because of weather conditions employers might decide to permit them to either commence work later in the day or work different hours outside (as is required in the summer months because of health risks from heat). Another alternative might be to put in place an established compensation structure which would apply when outside work was not possible. Salary deductions would not be acceptable if an employee could not work because of risks from bad weather as this is beyond the employees' control so they should not be penalised.

It will be a matter of internal policy to decide whether any day off will be deducted from an employee's holiday entitlement or provided in addition to that entitlement and proper record keeping in respect of absence becomes more vital.

ISSUES WITH FAMILY

It is also possible that the weather might affect employees in different ways. For example, employees with school-age children might find schools are still closed even though their workplace is open and safe. These are important factors for employers to take into account when determining policies and to ensure that no one group is unfairly disadvantaged inadvertently over any other.



Contributor
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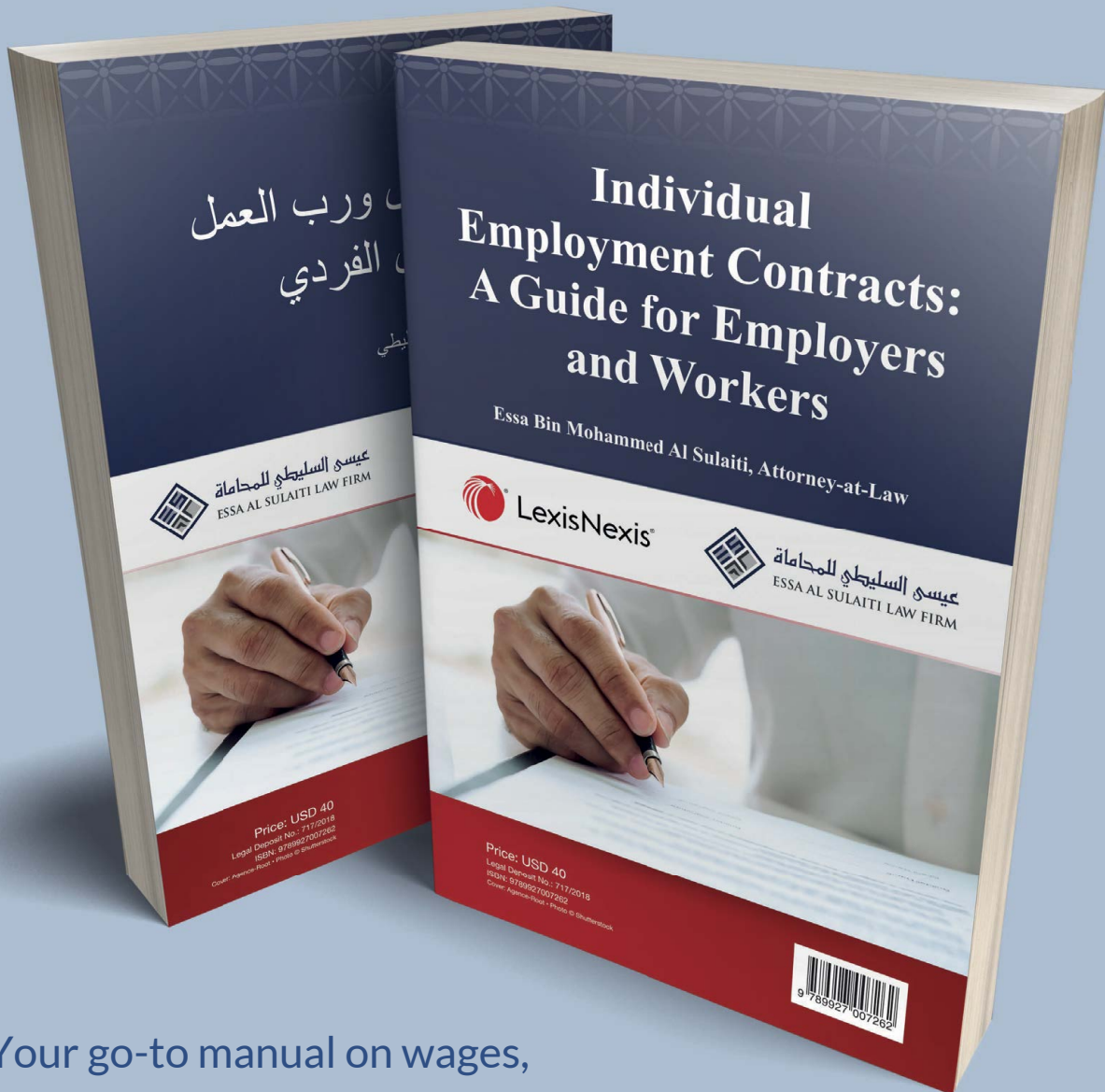
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