LEXIS MIDDLE EAST
HR ALERT
ليكسيس الشرق الأوسط لشؤون الموظفين
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TRENDSETTER WORKERS' HOUSING
The focus following the Mangaf fire in Kuwait

CULTURE IN RECRUITMENT
Ryan Jackson of Culture First Recruitment

POLICY POINTERS
Smokeless Zones

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

PROTECTING PAY CHEQUES

Wage and salary protection reforms in Saudi Arabia and Qatar

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EMPLOYEE PROTECTION

Back in 2010 when the World Cup was awarded to Qatar a number of international newspapers ran critical follow-up articles about the working conditions of migrant workers there and in other GCC states. As a result, the authorities in Qatar undertook a number of specific initiatives to ensure migrant workers were better protected and international best practice in this area was taken into account. We have also seen other GCC states put reforms designed to support employee protection high on the agenda in recent years. One of the particular areas of concern across the GCC has been the impact of non-payment, underpayment or late pay of employees. As a result a number of states including the UAE have put mandatory systems in place which require salary payments to be made via an authorised system so these risks can be reduced. In this issue we look at recent initiatives and reforms in Saudi Arabia and Qatar on pay - including a new wage protection scheme and the way in which work on the minimum wage is being linked to the wage protection system Qatar. It is interesting too that GCC states are taking steps to follow international best practice in other employment areas, as new maternity and paternity leave requirements came into force in Oman this month, and the Implementing Regulations of the Law of Rights of Persons with Disabilities (Saudi Arabia Administrative Decision No. 26/1445) have been recently issued in Saudi Arabia, strengthening and protecting the employment rights of disabled people there. However, it is not just pay and rights that matter it is also the living and working conditions of employees - an area of growing concern for the authorities in Kuwait - as we explain in this issue. This is an area where it is important that employers review the existing law in the jurisdictions they operate in and also (as the authorities are likely to do when they consider reforms) check if there are any additional lessons to be learnt from international best practice.

Claire Melvin - Editor

CONTENTS

PROTECTING PAY CHEQUES

Saudi Arabia and Qatar have been looking at changing their existing wage and salary protection regimes recently. Joshua Decker of Vaishvik Law International Ltd explains how the reforms will work and compares both systems.

"In 2009 the first wage protection system in the GCC was established," states Joshua Decker. "The UAE recognised the need for a robust wage protection system following concerns about wage disputes and delayed payments of salary which was an issue in particular for more vulnerable workers. Once they had put a protection system in place, Saudi Arabia followed suit with its own system in 2013, then Qatar in 2015. Interestingly, the proportion of workers who were paid in cash in Qatar dropped from 12% in 2017 to 8% in 2018 after this system was introduced there, showing the tangible impact these regimes can have."

"However, recently both Qatar and Saudi Arabia have recognised a need to refine and enhance the way their wage protection regimes operate," Decker adds.

SAUDI REFORMS

"As part of their reforms, a Saudi Arabian Wage Protection System is to be fully implemented for domestic workers by January 2026," states Decker. "As a result of this change salary payments for these workers will have to be made via the Musaned platform. This platform not only facilitates salary transfers but also serves as a database for employment contracts and payment histories, providing a solid foundation for resolving disputes."

Joshua Decker
Senior Counsel
Vaishvik Law
International Ltd

"The Musaned platform has been optionally available since April 2022, but it will be mandatory from July 2024 for new domestic workers and will then be gradually expanded until it covers all domestic workers in Saudi. Existing domestic workers will transfer to the new system in stages which will depend on the number of domestic workers the employer has."

"For example, the system will be implemented for employers with more than four domestic workers starting from 1 January 2025," Decker continues. "It will then begin for employers with three or more workers on 1 July 2025 and on 1 October 2025 for those with two or more workers."

"In Saudi Arabia, if a domestic worker's pay was delayed or subject to unjustified deductions the worker, their representative or the head of the competent Labour Office was able to submit a request to the Commission for the Settlement of Labour Disputes to order the employer to return any wrongful-

RELEVANT LEGISLATION

Article 3 of Qatar Ministerial Decision 25/2020

Employers shall amend the wages of their workers and helpers in conformity with the minimum wage stipulated in this Decision, in case they are less than the determined minimum wage, without prejudice to any agreement providing for a higher wage.

(Source: Lexis Middle East Law Online)

RELEVANT NEWS

Domestic Workers' Salaries Via Digital Wallet
The Musaned Program has confirmed that it will be mandatory starting from the beginning of July 2024 to transfer some domestic workers' salaries via digital wallets. Only the employer will be able to transfer the worker's salary, as the worker's data will be available to them. More than two million contracts were processed through the Musaned Platform in 2023.

deductions or pay their outstanding wages," Decker explains. "Employers can be issued a fine of not more than twice the amount deducted from the worker's wage or twice the outstanding wages."

"However, the existing system does not prevent unfair deductions and non-payment as the workers currently have to pro-actively file the case themselves, and not all workers will have the necessary mobile technology, such as access to computers and smart-phones which will enable them to review their pay data."

NEW SAUDI PENALTIES

"In Saudi Arabia, violations of the regulations for domestic workers can result in fines ranging from 2,000 to 5,000 riyals, with the possibility of being barred from recruitment services for up to three years or even permanently for repeated offences," Decker warns. "The penalty increases with each violation and is multiplied by the number of infractions."

QATAR REFORMS

"The Qatari wage protection system is a well-established one that works in tandem with Qatar's minimum wage regulations which were introduced in 2020 (see Qatar Law No. 17/2020 and Qatar Ministerial Decision No. 25/2020)," Decker continues. "Qatar's system requires employers to pay wages through Qatari banks within seven days of their due date, and the minimum wage is currently set at QAR 1,000 per month, plus allowances for food and accommodation."

"In June there were reports that the Qatari Council had approved two draft decisions which are likely to strengthen the regulatory regime in this area. The first decision will amend Qatar Cabinet Decision No. 33/2020 On the Formation of the Minimum Wage Committee and Determining of the System and Remuneration, a law which covers the work of the committee which currently meets every three months to review current minimum wage levels. It has also been reported that the Qatari Council is amending some of the provisions of Qatar Law No. 15/2011, the Qatari law on human trafficking."

CURRENT QATARI PENALTIES

"In Qatar, there are a range of specific provisions which enable workers to file complaints through multiple channels, including a dedicated hotline, SMS messaging, and email," Decker states. "In addition, Qatar's system incorporates advanced features like automated flagging of potential violations and there is an inspection unit to monitor companies. Employers can face fines between QAR 2,000 and QAR 10,000 for non-compliance with the Wage Protection System (WPS), and the potential withdrawal of work permit privileges. In extreme cases, violators may even face up to one year in prison."

OTHER WAGE PROTECTION SYSTEMS

"These systems, including those used for other types of workers in Saudi and Qatar are using digital banks and mobile connectively to enable workers to access their salary information and report discrepancies more easily," Decker states. "In addition as the technology evolves, it will become easier for the regulatory bodies there to oversee the labour market more effectively. For example, Saudi Arabia's Mudad e-system monitors payroll violations by employers of non-domestic workers there, provides real-time salary information and streamlines administrative processes, and was designed in particular to make life easier for small and medium-sized enterprises."

"It creates a direct link with banks and the General Organisation for Social Insurance (GOSI), enabling prompt updates of wage protection information at the Ministry of Human Resource and Social Development. However, as doing overtime is a standard practice for employees in Saudi, and employers have a degree of flexibility on when they report overtime to the Wage Protection system there, the information the system has on the latest amounts owed to employees may not be up to date," Decker states. "This contrasts with the position in Qatar where record keeping requirements are very stringent. Finally, in Qatar, it is worth noting the unique payroll protection challenges faced by workers on 'freelance' visas."

"Although this visa option provides flexibility for workers and enables them to easily move between jobs, it also circumvents many of the protections offered by the Wage Protection System," Decker adds.

"This is because these freelance visa holders are considered self-employed and not tied to a single employer. Therefore, there is no clear mechanism to ensure they receive the minimum wage or that agreed wages are paid consistently. This is a potential loophole which could undermine the effectiveness of the WPS for a growing segment of the workforce."

"However, what we can see from the way these systems have been evolving is the authorities want to expand and change these regimes to meet the evolving needs of the labour markets there," Decker continues.

"So we may in the future see these systems develop further to better support gig economy workers, freelancers and those on remote employment arrangements to ensure all workers, regardless of their visa or employment status, have adequate protection."

TREND SETTER

SLC – WORKERS' HOUSING

Smoke and Mirrors: Gulf Workers' Housing Reality

Shreyansh Singh, Associate Partner at Shree Legal Consultancy, examines the Mangaf fire tragedy and the spotlight it shone on substandard living conditions for foreign workers, as well as the urgent need for stricter regulations.

The tragic fire incident in Mangaf, Kuwait, resulting in the deaths of at least 49 individuals and numerous injuries brought to light the pressing issue of inadequate living conditions for foreign workers in the region. In response, Kuwaiti authorities have launched a campaign to address violations involving workers' accommodation and ensure compliance with fire safety regulations. For example, Kuwait Municipality has issued 11 warnings for building violations in Jahra Governorate. This was part of the 'A Lifetime House Without Violations' campaign, which was launched to ensure compliance with housing regulations, raise awareness about complying with building codes, and monitor encroachments on state property in the Al-Mutlaa area. While Kuwait has laws in place to protect the rights of foreign workers, in the past enforcement has sometimes been lax, particularly when it comes to foreign workers' accommodation. The outcry created by this fire may see this changing as authorities face increased pressure to take action. The incident has highlighted the urgent need for stricter enforcement of existing regulations and comprehensive reforms to safeguard the well-being and safety of foreign workers. Kuwait has several relevant laws and regulations on workers' accommodation and fire safety.

Kuwait Ministerial Decision No. 206/2009 outlines specific requirements for fire safety measures, such as fire alarms, sprinkler systems, and emergency exits, as well as guidelines on building materials and construction methods to ensure fire resistance. These requirements may also apply to workers' accommodation, although enforcement has been questioned. Kuwait Law No. 6/2010 on Labour in the Private Sector also covers provisions on inspections of workplaces and workers' accommodation by the Ministry of Social Affairs and Labour.

However, there are no specific rules on the maximum number of workers who can live in a property, leading to concerns about overcrowding. Kuwait Law No. 28/1969 on Work in the Petroleum Sector also requires the provision of adequate housing for workers in the petroleum sector, but the definition of 'adequate' in this context remains unclear.

In addition, Kuwait Ministerial Decision No. 199/2010 states employers who fail to offer suitable housing must compensate workers with an allowance.

While these laws and regulations exist, effective enforcement and strict penalties for violations are crucial. Authorities can impose fines ranging from KD 5 to 50,000 and refer cases to the judiciary. However, critics argue that these penalties are often not applied consistently or with sufficient severity to deter violations. In addition, expatiates found living in illegal housing risk deportation, highlighting the importance of employers providing suitable accommodation for their employees.

Employers wishing to follow best practices may want to look to the standards set by countries like Singapore, which has implemented strict regulations and regular inspections of workers' dormitories, covering areas such as living space per occupant, fire safety measures, and hygiene standards. Singapore's strict enforcement and heavy penalties for violations have been credited with improving living conditions for foreign workers there.

Kuwait also follows international conventions protecting workers' rights, including the International Labour Organisation (ILO) Conventions, the Universal Declaration of Human Rights (UDHR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Mangaf fire tragedy has exposed the pressing need for comprehensive reforms and stricter enforcement of existing laws and regulations to ensure safe and dignified living conditions for foreign workers in Kuwait and the broader Gulf region. By implementing more stringent regulations, conducting regular inspections, imposing severe penalties for violations, and adhering to international standards, Kuwait can set an example to other nations by prioritising the well-being and safety of its foreign workforce. This incident should serve as a catalyst for meaningful change, fostering a culture of accountability and respect for the rights of all workers.

NEWS ROUND-UP

COVERING RECENT KEY DEVELOPMENTS – REGION-WIDE

UAE

MANPOWER SERVICES VAT CLARIFICATION

The UAE Federal Tax Authority (FTA) has released a Public Clarification (VATP038) on the difference between manpower services and visa facilitation services. The Clarification explains that 'manpower services' primarily involve recruiting and assigning personnel who operate under the supervision and authority of a different organisation. However, 'facilitation services' involve providing assistance in obtaining employment visas but without making employees available for work to another organisation. In this case the facilitator's obligations are limited to incurring the costs relating to obtaining the employment visa. In order to qualify as a visa facilitation service rather than a manpower service, the employment visa holder (the facilitator) and the customer must be part of the same corporate group but not be within the same VAT group. In addition, the facilitator should not engage in providing manpower and they must not bear any employment obligations. The employees must also work solely for, and be controlled by, the customer. While both these types of services are subject to UAE VAT, the taxable amount differs. In the case of manpower services providers, the taxable amount includes the total consideration including the remuneration, benefits, and recharged costs. In the case of visa facilitation services, the taxable amount will be made up of any fees charged for visa processing (such as typing fees, medical tests and the costs of issuing employee Emirates IDs). However, employee salaries and benefits, which the customer is responsible for, would not be included in the taxable amount.

FIRST SAVING FUNDS

The UAE Ministry of Human Resources and Emiratisation (MOHRE) and the Securities and Commodities Authority (SCA) have accredited the first two saving system funds - Lunate Capital and Daman Investment which will operate under the optional alternative end-of-service benefits system, called the 'Savings System'. The Savings System offers an alternative to the traditional approach to end-of-service gratuities as it allows employees to invest their end-of-service benefits in a savings fund, potentially generating higher returns than they would achieve otherwise, while also ensuring capital protection and adherence to Islamic Sharia principles. As a result,Lunate Capital and Daman Investment will now be able to launch two savings funds for end-of-service benefits, and will be able to offer alternatives for capital protection and compliance with Islamic Sharia principles. These two companies can now sign agreements with employers and accept voluntary subscriptions, subject to strict standards and obligations which will be imposed by the funds. MOHRE has also stated that businesses can now submit applications to register their employees in this system by directly contacting these two accredited savings funds.

NEW MOHRE VIDEO CALL SERVICE

The UAE Ministry of Human Resources and Emiratisation (MOHRE) has introduced a new video call service which will allows residents to report labour complaints and reach out to them directly. The 'instant video call' option will allow both employees and employers to enquire about MOHRE services and receive necessary support. The video call service will be available during MOHRE's official working hours: 7.30 am to 3 pm, Monday to Thursday, and 7.30 am to 12 pm on Friday.

IVF CENTRE STAFFING

Following on from the issue of Ministerial Decision No. 117/2024 On Specialisations, Numbers, Qualifications, and Experience to Be Fulfilled by the Health, Technical, and Administrative Staff Qualified to Work in Medically-Assisted Reproduction Centres new staffing requirements have been mandated for medically-assisted reproduction centres and new staffing rules have been brought in for UAE IVF centres . Clinics of this type in the UAE will now need to employ specialist physicians, embryologists, lab technicians, genetic counsellors, psychologists, nurses, and administrative staff who meet specific qualification and experience criteria. An Annex to the Law provides details of the minimum numbers of medical staff of each type (including Genetic Counsellors, Laboratory Technicians (in the field of Andrology) and Embryology Technicians. It is also necessary to have a Medical Director who is a licensed Consultant Physician in venerology and fertilisation, or in venerology, endocrinology and fertilisation, and has at least ten years' experience in fertility medicine. In addition, it is mandatory to employ a range of specific non-clinical staff, including a warehouse administrator and guard for the premises. The new rules apply immediately to new clinics, licensed after the enforcement date. In addition, the qualification and experience requirements will apply to centres which were licensed prior to the enforcement date for new recruitment and employment of technical and health staff which occur after the enforcement date of this law. It is worth noting that Federal Law No. 7/2019 On Medically Assisted Reproduction also includes additional requirements for those working in this sector.

SAUDI ARABIA

RETIREMENT AGE CHANGE

The Saudi General Organisation for Social Insurance (GOSI) has clarified that the new Social Insurance Law (Saudi Arabia Cabinet Decision No. 1022/1445) which has been approved by the Council of Ministers, will apply exclusively to new civil employees joining the public and private sectors who have not had prior contribution periods under the Civil Retirement Law (Saudi

Arabia Cabinet Decision No. 939/1393) or the Social Insurance Law (Saudi Arabia Cabinet Decision No. 199/1421). The amended law states there will be a gradual increase in retirement age while maintaining benefits for current GOSI subscribers. Saudi Arabia Cabinet Decision No. 939/1393 and Saudi Arabia Cabinet Decision No. 199/1421 will remain in effect for current subscribers, although there will be exceptions for certain categories of individual on the statutory retirement age and legal pension entitlement period. These categories will include subscribers who have contribution periods of less than 20 years and whose ages are less than 50 Hijri years on the date these amendments take effect. The statutory retirement age for individuals affected by the amendments will range between 58 and 65 years of age.

There will be a gradual increase, starting with an addition of four months being added to the current statutory retirement age, based on the contributor's age at the date the amendments come into effect. The new law and the provisions related to statutory retirement age and required contribution periods for pension eligibility will take effect on 3 July 2024.

OMAN

MATERNITY LEAVE

From 19 July 2024 under Oman Sultani Decree No. 52/2023 on the Issuance of the Social Protection Law Oman has introduced an entitlement to 98 days maternity leave and seven days of paternity leave. The Social Protection Fund will provide maternity leave insurance for both Omani and non-Omani employees across the sectors in Oman. Women will be entitled to take up to 14 days of their maternity leave before the birth. Men will be entitled to seven days paternity leave, if the child is born and alive, but this leave must be taken within 98 days of the child's birth. These leave periods are included within the employee's actual service period. Employers are prohibited from requiring women to return to work during their maternity leave. The provisions do not apply to self-employed Omanis, part-time employees, Omanis working in GCC countries, or those employed abroad.

QATAR

HOUSING ALLOWANCES

The Education and Higher Education Ministry has requested non-Qatari female school employees, who do not receive a housing allowance or government housing from any entity, to submit a housing allowance application form with supporting documents attached. The housing allowance for non-Qatari married administrators is 4,000 riyals and 2,500 riyals for those who are single.

KUWAIT

FILIPINO WORKER BAN LIFTED

Following a bilateral meeting on 23 June 2024, Kuwait and the Philippines have reached an agreement to resume the recruitment of Filipino domestic workers in Kuwait. The issuing of work and entry visas for Filipino workers entering Kuwait had been halted due to an alleged failure to comply with the provisions of a bilateral labour agreement.

The ban was imposed by the Kuwaiti Government on the issue of visit and work visas to Filipino nationals. Recruitment of domestic workers who have previous work experience abroad will be permitted. The ban will be lifted, allowing for the resumption of recruitment. In addition, a joint technical working committee will be established with representatives from the two countries to address employment-related issues and uphold the 2018 Domestic Workers' Employment Agreement.

PENSION INCREASES

The Kuwaiti General Organisation for Social Insurance (GOSI) has announced pension payments will be raised by 7.5 Dinars from August 2024. According to GOSI, the increase will be applied to all Kuwaiti pensioners and beneficiaries in accordance with their respective entitlement percentages. Payment of the increase will be handled automatically by GOSI, and pensions recipients will not need to visit their offices in order to obtain it.

IN BRIEF

Qatar: The Qatar Shura Council has approved a draft law on the Qatarisation of jobs in the private sector, after reviewing a report by the Financial and Economic Affairs Committee...

ADGM: Employers in Al Reem Island have been warned they have until 31 December 2024 to transfer their employees to requirements under the ADGM Employment Regulations rather than Federal Decree-Law No. 33/2021...

Kuwait: The Kuwaiti Cabinet has endorsed a draft law on voluntary work in GCC Member states...

Qatar: The Qatari Interior Ministry has advised delivery companies not to operate their motorcycles during summer afternoons...

Saudi Arabia: The summer ban on working outside in the sun from 12pm to 3pm will run until 15 September 2024...

Qatar: The Shura Council has been reviewing a Committee Report on changes to departure procedures for domestic workers...

Qatar: The Qatari Interior Ministry has launched an electronic Travel Permit service through the Metrash2 app, which will allow citizens to return to Qatar if their passport or ID card expires, is lost or damaged while they are abroad...

UAE: The second phase of the UAE Work Bundle initiative which is designed to reduce the administrative burdens of onboarding employees and reduce processing time to five days has been extended to all the Emirates...

Dubai: Dubai Land Department has begun enrolling for UAE citizens on the Dubai Real Estate Broker Programme which helps nationals train and obtain a real estate broker license...

Saudi Arabia: Applicants in the UK wishing to obtain work or temporary work visas for Saudi Arabia will now have to appear in person at the Tasheer Saudi Visa Centre in London and provide biometric data as well as the standard application documentation...

TURKEY

MINIMUM WAGE CHANGE

Turkey has ruled out raising the minimum wage there mid-year, despite the country currently facing inflation of 75%. The Labour Minister has dismissed calls for an interim minimum wage increase, and has stated sustainable prosperity needs to be prioritised over temporary relief. Discussions on salary increases there have now been postponed until December 2024.

IMMIGRATION FOCUS

RECENT GCC IMMIGRATION AND VISA CHANGES

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QATAR

NEW TRAFFIC FINE REQUIREMENT

The Qatari Interior Ministry has announced a new regulation which will require all residents and visitors to settle any outstanding traffic fines before they will be allowed to exit the country. The new rule will come into effect on 1 September 2024. According to the Ministry's statement, from that date, anyone who attempts to leave Qatar by land, air, or sea will be prohibited from doing so until they have paid any pending fines for traffic offences.

Travellers will need to check they have no unsettled fines and pay any outstanding amount through the Metrash2 app, the Ministry's website, traffic police sections, or at unified service centres. In order to encourage prompt payment ahead of the change, the Interior Ministry is offering a 50% discount on all traffic fines issued within the last three years from 1 June 2024 to 31 August 2024.

The announcement has raised concerns from some expatriate residents about potential delays they might experience when trying to travel home if they are unaware of pending violations. Travel experts are advising people to confirm their traffic fine status well in advance of any planned trips out of Qatar after 1 September 2024.

EMPLOYMENT CONTRACT E-AUTHENTICATION

The Qatari Labour Ministry has announced changes to their employment contract registration and authentication procedures, which aim to streamline the process.

These changes will enable employees to electronically review and endorse their contracts, and which removes the previous requirement for physical signatures. The new system will enable employees to access and validate their contract details through the National Authentication System (NAS). NAS provides secure digital identification for residence permit holders accessing e-government services.

Rather than having to sign hard copies, workers who hold a Qatari residence permit will now be able to create an NAS account and use it to authenticate their digital signature securely. Previously, employment contracts had to be printed, manually reviewed by employees, and physically signed by both the worker and their employer 's representative. This new electronic process is expected to significantly reduce processing times. Employers have been advised to inform their employees about creating NAS accounts at www.nas.gov.qa in order to facilitate the digital authentication of contracts moving forward. Detailed guidelines on the revised procedures are to be issued to companies.

The change is part of Qatar's broader digitalisation initiatives which are being rolled out across a range of sectors and services.

While there may initially be some delays during the transition phase, the authorities expect in the long term the new system will ultimately enhance the overall efficiency of employment contract processing and authentication in Qatar.

NEW SIMPLIFIED PROCESS FOR CHANGING JOBS

In addition, the Qatari Labour Ministry has also introduced a simplified process for employees who wish to transfer their sponsorship between employers within Qatar. The new procedure aims to accelerate and streamline the transfer process.

Previously, employees had to submit a signed application form along with the new employer in order to initiate a sponsorship transfer. The employee would then log into the Ministry's portal, upload documents such as the signed form, and provide details for drafting a new employment contract at the final approval stage.

With the new process the application form is no longer required if the transfer

request originates from the new employer's login on the Ministry portal. The new employer can then directly submit the transfer request and provide the employee's contract details upfront.

Once the employer initiates the transfer, the employee must log into their National Authentication System (NAS) account, review the salary and contract terms, and approve the transfer conditions digitally.

Although the aim of the change is to expedite transfers, the Ministry has warned that employers could experience some delays initially as the new system is implemented. The changes are part of the Ministry's ongoing efforts to enhance processes and procedures involving employment and immigration matters in Qatar.

Travel advisors are also recommending employees verify their transfer status well in advance of any planned departures from Qatar to avoid potential issues after having changed their sponsor.

UAE

'BLUE RESIDENCY' FOR ENVIRONMENTAL CHAMPIONS

The UAE authorities have unveiled a new ten-year residency visa which aims to attract and retain top talent in the field of environmental protection and sustainability.

Dubbed the 'Blue Residency', this new long-term visa will be granted to individuals who have made exceptional contributions to environmental advocacy and action. The initiative was announced during a Cabinet meeting chaired by the Vice President and Prime Minister of the UAE.

The country's commitment to linking economic development with environmental sustainability as part of its vision for the future was stressed

Eligible candidates for the new ten-year residency will include members of major environmental organisations, award-winning activists, researchers, and other distinguished figures who have been recognised for their efforts including on climate action, conservation, and renewable energy.

Both UAE-based advocates and those from abroad will be able to apply.

The Blue Residency is the latest addition to the UAE's range of long-term visas, following the successful introduction of the Golden Visa for investors and professionals in 2019.

This move coincides with the UAE declaring 2024 as the 'Year of Sustainability' and builds on previous green economy initiatives in the country. It underscores UAE's ambitions to be a global hub for sustainable development and environmental leadership. By attracting top minds, it is hoped the Blue Residency will help drive innovation, investment and progress towards a more eco-friendly future.

Applications will be accepted through the Federal Authority for Identity, Citizenship, Customs and Port Security. Authorities will also be able to directly nominate qualified candidates.

Full details of the eligibility criteria and the application process are expected to be released shortly.

EMIRATISATION PENALTIES

Private companies are now facing strict penalties if they fail to meet the latest Emiratisation targets set by Ministerial Decision No. 279/2022.

Mainland establishments have been reminded they must achieve a 6% Emiratisation rate by the end of 2024, and at least 5% of their skilled workforce had to be Emirati nationals by 30 June 2024. Companies must ensure they have achieved the required Emiratisation rates every six months, and there is a 10% Emiratisation target which must be met by the end of 2026 for companies which operate in the UAE Mainland and employ 50 or more workers.

Those that fall short of their Emiratisation rates will have to make bi-annual contributions.

Companies that fail to comply with these requirements are being warned they will face having to pay monthly contributions of AED 8,000 for each unfilled Emirati post, up to a total AED 96,000 annually.

The contribution amounts which will apply to companies which violate the Emiratisation requirements will be calculated and enforced starting from 1 July 2024.

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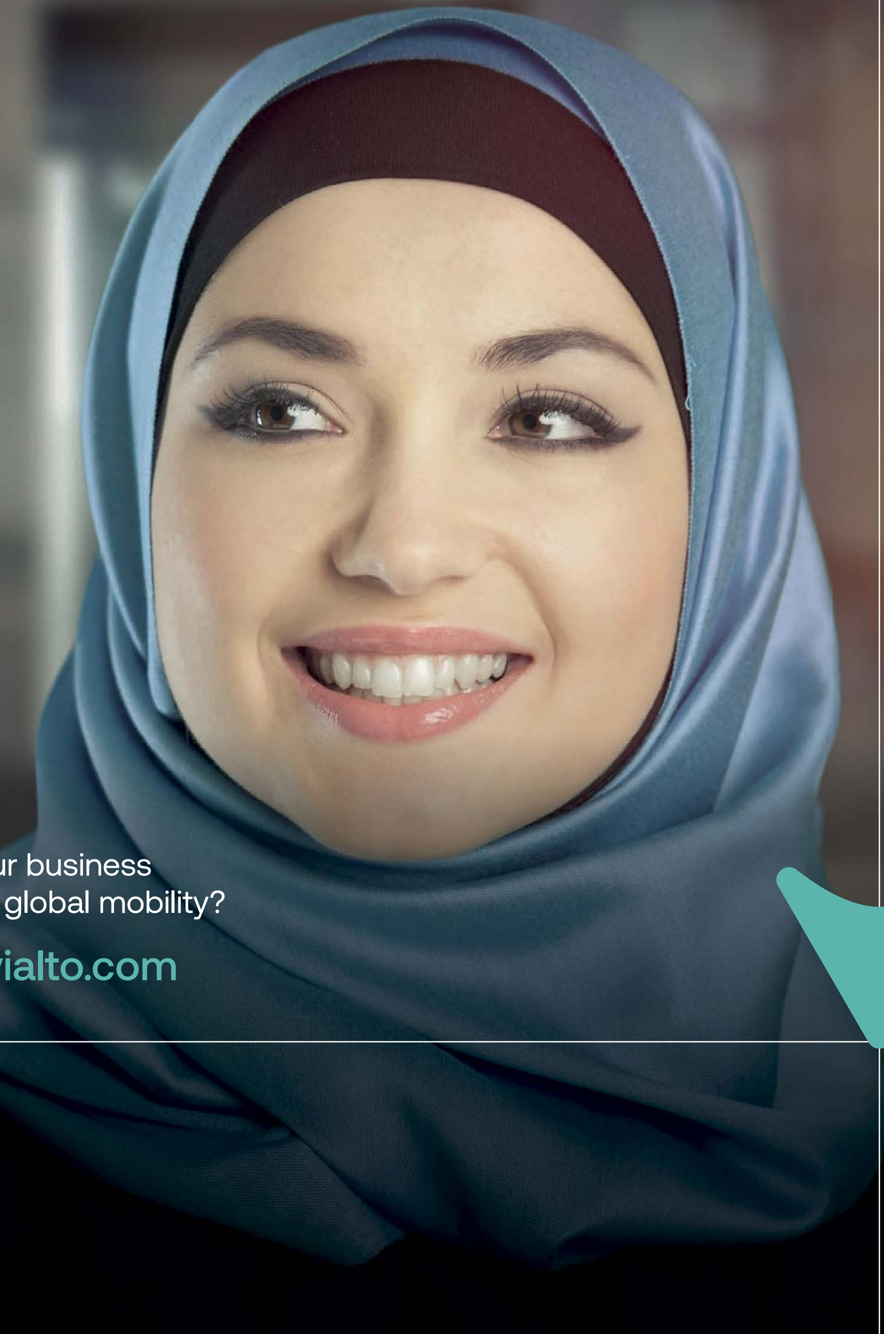

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Turning Qatar's Challenges into Opportunities

Antoine Salloum, an experienced professional in Qatar's immigration sector, provides an insider's view on navigating the constantly changing immigration landscape.

YOUR BACKGROUND

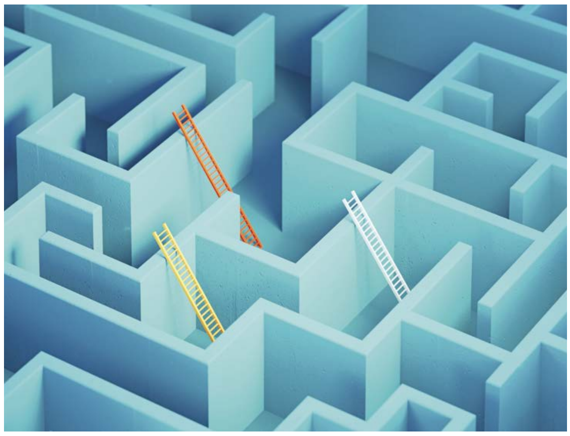
I'm Lebanese and have a Bachelor's in IT. I moved to Qatar in 2010 and initially worked in the Telecommunications Industry. My Immigration career began in 2013 as a Client Relations Manager for an immigration service provider where I was responsible for managing the delivery of Immigration services and advice for multinational companies, as well as providing companies with support on entity set up and corporate related matters. I was promoted to Head of Client Services then Client Servicing Director, which meant I managed the Client Relations Manager team and provided guidance to the Operations and Sales team.

YOUR CURRENT ROLE

I currently oversee Vialto's Qatar office and lead a team of Immigration professionals who deliver services to clients. I provide strategic advice to HR and business stakeholders, particularly on the impact of immigration changes to visa and residence requirements or processes being introduced in Qatar. I have over ten years' experience of Qatar's immigration regime and deep knowledge and expertise of immigration processes and requirements. Experience in previous roles of team management and ensuring client satisfaction are also very relevant to my current role. My exposure to corporate matters and business operations, enables me to provide our clients with a holistic view when helping to strategise their Mobility programmes and identify where they may need assistance that goes beyond core immigration advice.

In the past I have had the privilege of working with Global Mobility and HR professionals in a number of multinational companies, in different sectors including IT, defence, education, health, consultancy and Oil and Gas. I am proud to have been part of partnerships with clients which have helped them grow and manage their mobility and immigration programmes.

Over the years I have also been able to connect with Government officials and provide feedback on the adoption of changes in processes or requirements. I find it is important to keep up with immigration changes in Qatar and the wider region, as they can impact how businesses operate, hire or retain their expatriate workforce.



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As a trusted advisor, I take pride in guiding clients through the complexities of immigration, ensuring they have peace of mind and successful relocation or hiring processes. Myself and my team work closely with government authorities so we can anticipate or understand changes in processes or requirements and work with clients on managing any impact that could have on their business or employees.

Consulting with our clients as early as possible on any immigration changes means, for example, we can plan managing the work visa or residence process.

I also find continuous professional development and training are essential to maintaining expertise in this ever-evolving field and delivering high-quality services.

The introduction of the Five-Year Residency programme in Qatar is a significant step in offering highly skilled professionals and entrepreneurs longer-term status in the country, something which has not been available until now.

This option aims to attract and retain top-tier talent and should have a positive impact for employers and employees alike.

The Qatari Government is also working towards more digitisation which has and will continue to simplify processes for companies and investors looking to enter the Qatari market, and established companies and residents here.

LAW CHANGES

NEW AND PROPOSED MENA LAWS

EARLY RETIREMENT

Sarit Thomas and Emma Higham of Clyde & Co analyse Qatar Cabinet Decision No. 11/2024 on early retirement eligibility under the new Social Insurance Law.

Qatar Cabinet Decision No. 11/2024 On Determining Conditions for Early Retirement, officially published in the Official Gazette in June, outlines the conditions for early retirement eligibility under Qatar Law No. 1/2022, also known as the Social Insurance Law. This decision marks a significant update from the previous Qatar Cabinet Decision No. 24/2002, which governed retirement and pensions before it was repealed and replaced. Qatar Law No. 1/2022 governs Qataris employed in the public and private sectors, encompassing those under the Labour Law and employees in entities with their own staff regulations. However, it excludes military personnel under separate retirement laws and individuals under specialised schemes providing enhanced benefits. According to Article 24 of Qatar Law No. 1/2022, individuals become eligible for pension benefits upon termination of service due to resignation, dismissal for disciplinary reasons or moral offences, and other unspecified grounds. Qatar Cabinet Decision No. 11/2024 provides detailed conditions in its schedule to ensure clarity and fairness in determining eligibility. One key provision exempts employees terminated under Article 24(5) and (6) of Qatar Law No. 1/2022 from the minimum retirement age requirement, allowing them to retire early. However, individuals commencing service after the enactment of the law must attain a minimum age of 50 years and contribute for at least 25 years to qualify for early retirement benefits. Qatar Cabinet Decision No. 11/2024 categorises eligibility conditions based on birth year bands, with criteria progressively adjusting for subsequent birth years, aligning with increased age and service periods. For example, those born in 1983 or earlier require a minimum retirement age of 42, with 17 years of contribution and 12 years of actual service. In contrast, those born in 1987 and beyond are eligible for early retirement if they are at least 50 years old, have a minimum of 25 years of subscription contributions, and a minimum of 20 years of service. Transitional provisions have been outlined by the Director of the Legal Affairs Department at GRSIA, through press releases. Individuals formerly covered under Qatar Law No. 24/2002, who ceased their service due to resignation, disciplinary action, or other causes under Qatar Law No. 1/2022, may be eligible for pension benefits, subject to conditions imposed by the Council of Ministers. Furthermore, Article 31 of Qatar Law No. 1/2022 stipulates that pensioners or beneficiaries with a service period exceeding 30 years are entitled to a gratuity for the additional years served, funded appropriately.

Qatar Cabinet Decision No. 11/2024, effective from 20 May 2024, aims to streamline retirement benefits, ensuring comprehensive coverage and equitable treatment within Qatar's diverse workforce landscape. By aligning early retirement criteria with demographic-specific conditions, Qatar endeavours to promote financial security, stimulate

TURKEY - WORK

The Regulation on the Procedures and Principles Regarding Short-Term Working and Short-Term Working Allowance has repealed the 2011 Regulations on this subject. Where short term working began before 1 March 2024 the provisions under the previous Regulations will continue to apply. Sectoral crises, regional epidemics and general epidemics are now included as reasons for short-term working. Employers must submit a list of the insured individuals who will be subjected to short-time working, including information on the short-time working period and its duration. If an employer makes more than one short-time working request on different dates with the same justification, the three-month period stipulated in the maximum short-time working period will be calculated from first request's commencement date.

UAE - EMPLOYERS

Ministerial Decision No. 318/2024, On the Mechanisms for Dealing with Establishments That Have Registered Workers and Do Not Actually Practise the Licensed Activity has been issued. It covers the mechanisms for dealing with employers which have no real employment relationship with the workers who are registered with them and do not actually practice their licensed activity. The Ministry of Human Resources and Emiratisation (MOHRE) will use its inspection system and other mechanisms to identify employers of this type. Penalties will include suspending work permits, imposing fines under Cabinet Decision No. 21/2020, and reclassification of the facility as a third category company. The Ministry will also stop offering services to violating companies apart from those involving the cancellation of work permits or valid registration of absconding employees.

KUWAIT - PENSION

Kuwait Decision No. 6/ 2023 On the Minimum Retirement Pension has been amended by Kuwait Decision No. 2/2024. A change has been made to Article 5 of Kuwait Decision No. 6/ 2023 which now states the amount of the raise will be determined by adding all raises prescribed according to the Social Insurance Law or the Law of Military Personnel Pensions and Retirement Benefits. provisions, as well as all raises, regardless of their grounds, their title and the party that shall settle them excluding raises prescribed in Article 9 of Kuwait Law no. 25/ 2001. If a pension has been previously increased to the minimum amount, the raise amount will not apply and then payable pensions, shares or raises will be added. If the total is less than the prescribed minimum pension, it will be increased to reach that rate. In all cases, the raise amount will be added to the retirement pension that was due first.

QATAR - VISAS

Qatar Cabinet Decision No. 12/2024 On the establishment of the permanent committee for managing visitor entry to the State of Qatar (Hayya Platform) has been issued. The platform was originally established to help facilitate the issuing of visas for the World Cup, but since then its use has been expanded to other purposes. The Committee will manage visitor entry to Qatar via the Hayya Platform. The committee will be chaired by the Interior Ministry, and have members from other bodies. Its responsibilities will include proposing exceptional entry procedures, executing visitor entry, setting standards, unifying visa applications through Hayya, ensuring legal compliance, and overseeing platform's operation and development.

continued workforce participation, and uphold fairness across its employment sectors. The enactment of Qatar Cabinet Decision No. 11/2024 signifies Qatar's commitment to modernising and enhancing its social insurance policies, adapting to evolving workforce dynamics, and safeguarding the welfare of its citizens and residents. These legislative updates not only clarify and enhance fairness in retirement benefits but also contribute to economic stability and societal well-being, reflecting Qatar's proactive approach toward sustainable social development. As Qatar continues to refine its legal and regulatory frameworks, decisions like Qatar Cabinet Decision No. 11/2024 will play a pivotal role in shaping a robust social insurance system that meets the needs of a dynamic and inclusive society, and ensures that individuals can retire with dignity and security. The implementation of these new regulations is expected to have a significant impact on Qatar's workforce, particularly in terms of retirement planning and financial preparedness.

GCC-INSURANCE

On 28 June 2024 Cabinet Decision No. 64/2024 was published in the UAE Official Gazette. This law involves the Implementing Rules for Applying the Provisions of the Insurance Protection Extension system for GCC Citizens working outside their own country in any of other GCC Countries. The employer's share will be equal to 15% of the contribution account salary for GCC citizens working in the private sector in the UAE, or calculated according to the share applicable in those countries, whichever is less.

CASE FOCUS

Case No ....Noah v Nicole, DIFC Case No. 039/2024 issued on 28 May 2025
Jurisdiction .... DIFC
Court .... DIFC Small Claims Tribunal
Recommended by .... Ayesha Karim

WHAT IS IT ABOUT?

This case revolved around an employment dispute between an Employee (Noah) who was a hair stylist, and their Employer, Nicole which was a company registered in the DIFC. The Employee filed a claim against the Employer seeking payment of pending salary and penalties for late payment.

They had been employed as a hair stylist under an Employment Contract dated 2 October 2023 with an agreed monthly salary of AED 10,000 in addition to commission. They had signed their Employment Contract at the beginning of October 2023, when the Employer's salon was still under construction. However, in November 2023, when they asked to be paid their salary for October, the Employer had stated as the salon was under construction, no salary was payable. Instead they paid the Employee AED 10,000 as a loan.

On 1 December 2023, the Employee was paid AED 8,000 for the month of November, and AED 2,000 was deducted from their salary as a repayment for the loan given in November.

On 5 January 2024, the Employee was paid AED 3,000 for the month of December but was informed their employment had been terminated. The Employee filed a claim with the DIFC Courts' Small Claims Tribunal (SCT) for AED 21,370.75. This included a claim for payment of pending salary from November 2023 to 5 January 2024 of AED 15,264 and the daily penalty under Article 19(1) of DIFC Law No. 2/2019 from 20 January 2024 for late payment of dues on termination, until payment of all outstanding amounts.

The Employee argued after they had signed the employment contract on 2 October 2023, although the salon had not yet opened they had performed tasks which had been assigned by their Employer. These had included cleaning the premises, interviewing potential staff, and providing product recommendations for the salon.

However, the Employer had argued that since the salon had been under construction there had been nothing for the Employee to do in October. Therefore the AED 10,000 given to them in November had not been their October salary but merely a loan.

The Employer had also deducted amounts they had paid for the Employee's visa, as their employment had been terminated early.

WHAT WAS DECIDED?

The Court held that Article 57 of DIFC Law No. 2/2019 specifically prohibited recouping visa and permit costs incurred by the Employer in sponsoring the Employee, and any clause agreed between the parties in the Employment Contract which was contrary to Article 57 of DIFC Law No. 2/2019 would be considered void.

In addition, the Court held that since the Employee had signed an Employment Contract and was available and ready to carry out their duties under the terms of that Employment Contract, and there was no prior agreement between the parties, either verbally or in writing, that the Employer would not pay the Employee's monthly salary before the salon opened for business, the Employer was liable to pay the full salary for the months of October, November, and December

2023 (minus the amounts which had already been paid), and the salary for the first five days of January 2024, amounting to AED 10,666.66.

A late payment penalty of AED 1,846.16 was also found to be due to the Employee, as the Employer had failed to pay the Employee's remuneration on time, which was calculated in line with Article 19 of DIFC Law No. 2/2019. In addition, as the Employee had succeeded in their claim, the Employer was ordered to pay the Employee's court fee of AED 367.50 and cancel their employment visa.

WHY IS IT IMPORTANT?

This case is important as it clarifies that once an Employee is employed, their Employer must pay them according to the terms of their employment contract and the applicable law, even if the Employer does not actually give the Employee any tasks to do for a period during their employment.

It does not matter that their place of work has not yet opened and is still under construction.

This shows that where an Employee is being recruited for a new business or branch that is yet to open it is particularly important to consider the commencement date on the Employee's contract.

If construction or other delays are known about or anticipated the employment contract start date should either take that into account or the Employer should be considering if there is any alternative work the Employee could do at this time.

As in this case, some Employers put provisions in their Employment Contracts which allow them to deduct onboarding costs if an Employee leaves their employment before a particular point in time. However, this case highlights the prohibition on recouping visa and permit costs from Employees, as per Article 57 of the DIFC Law No. 2/2019.

Even if there is a clause in the Employment Contract which allows an Employer to deduct visa costs from their Employee's remuneration or have those costs refunded if the Employee leaves their employment early in the DIFC this will be void and unenforceable. This case also reiterates as has been seen in previous DIFC cases the importance of timely payment of dues on termination to employees as penalties can be applied when this does not happen.

Case No ....**Noel v Natalia, DIFC Case No. 055/2024 issued on 18 April 2024**
Jurisdiction .... **DIFC**
Court .... **DIFC Small Claims Tribunal**
Recommended by ....**Dhana Pillai, Cygal Attorneys Ltd**

WHAT IS IT ABOUT?

An Employee Noel alleged that a DIFC registered company had terminated their employment unfairly and failed to fulfil obligations in their Offer Letter. The Employee had begun working with the company on 3 July 2023, under an Offer Letter that specified Dubai was their primary work location but allowed for remote working. They stated they had undertaken their job without incident and had received no negative feedback from their Employer. However, despite this their employment had been abruptly terminated on 4 August 2023. The Employee had also claimed the company had failed to provide a written employment contract within the seven-day period specified by DIFC Law No. 2/2019.

In addition, the full amount agreed on termination which was detailed in the Offer Letter had not been paid to them. The company argued the employment relied on the Employee obtaining the necessary visa, which had not been obtained at the time of termination.

As a result it was stated the Offer Letter had been withdrawn. However, after repeated requests they had paid a third of Noel's salary as 'a show of good faith'. They argued Noel's remote work arrangement was illegal because their Human Resources department had been unaware of Noel's employment until they demanded payment of salary after one month of employment. It was also stated Noel had not followed the necessary processes for obtaining an employment contract or returned confidential information after termination. The key issues were whether Noel was an Employee and if they were entitled to salary, and penalties under Article 19 of DIFC Law No. 2/2019. Compensation for loss of opportunity was also considered.

WHAT WAS DECIDED?

Noel was deemed to be an Employee and the Employer was ordered to pay AED 70,000 - AED 30,000 for unpaid salary from 3 July to 4 August 2023, and AED 40,000 as penalties under Article 19 of DIFC Law No. 2/2019 for delayed payment. They had breached Article 14 of DIFC Law No. 2/2019 for failing to issue an employment contract within the deadline. However, the claim for compensation for loss of opportunity was dismissed due to a lack of evidence. The court also dismissed Natalia's counter-claim on return of confidential information due to insufficient evidence. In addition, Natalia was directed to cover the DIFC Courts' filing fee of AED 1,400.

WHY WAS IT IMPORTANT?

This case highlights the importance of adhering to requirements in DIFC Employment law, including on deadlines in areas such as timely payment of salary and provision of written employment contracts within a specific time. It also reinforces the enforceability of employment terms which have been documented through electronic communications, such as in this case Noel's correspondence on LinkedIn with Natalia's Chief Product Officer.

It also shows the DIFC Courts' approach to awarding damages.

For example where compensation is requested for loss of opportunity the court will be looking for specific evidence of the amount claimed, such as evidence of an offer from another Employer which was refused because the position they were dismissed from was taken.

HR PROFILE

CHIEF EXECUTIVE OFFICER – RECRUITMENT

Embracing Culture In Recruitment

Ryan Jackson, founder and CEO of Culture First Recruitment, shares his journey and insights on addressing talent shortages and evolving workforce dynamics in the UAE through a culture-centric approach.

YOUR BACKGROUND

I am a serial entrepreneur, author, and business mentor. I was born in the UK where I founded and grew a company called Parking Solutions into a multi-million Pound business, which won win industry awards for our amazing culture. Initially, when working in the parking industry in the UK, it was an industry that had developed a negative public perception. My business was doing well but I felt something was missing. After a year of soul searching I realised the problem was that my personal values did not align with the business's values. I began looking for ways I could better align the business's values to my own. I also started to recruit and nurture employees who also shared those values. The results were remarkable. I fell back in love with the business and our company's performance improved dramatically. After successfully exiting the business, I moved to Bali and then Dubai where I have been for over a year now. I decided to start a recruitment consultancy, called Culture First Recruitment. My aim is to replicate the same success I had in the parking sector through using a culture-centric approach. I've realised the power of cultivating a winning culture where values are aligned with a team. It is an area many businesses and business leaders ignore. Instead they focus on metrics and shareholder value but ignore the positive impact culture can have on a business.

YOUR CURRENT ROLE

With Culture First Recruitment our aim is to put cultural alignment centre stage in the recruitment process. We believe companies can thrive by embracing the power of their shared culture. Dubai is a very diverse place where it is important for employers to embrace diversity. We believe in prioritising cultural fit in the recruitment process. As the founder and CEO of Culture First, I oversee various aspects of the company's operations to ensure its success and growth. That includes strategic planning, team management, client relations and business development. It means having to stay up to date on technology change and innovation, legal developments, marketing and my own personal development too. Our firm specialises in a number of quite diverse sectors - including the tech, creative, crypto, FX and legal sectors.

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TALENT SHORTAGES

The recruitment industry in the GCC is facing many challenges due to economic factors, and technological advancements. We have noticed a real shortage of talent and a changing workforce dynamic in the EMEA region which our company can help address. One of the reasons for this talent shortage in the UAE is that rapid economic growth is outpacing local talent development. There is also a skills misalignment, particularly in sectors such as the technology, finance and healthcare sectors. Technological change and developments such as increasing use of artificial intelligence, and changes in the types of skills being requested in particular industries, also have an impact. When you are competing with other businesses who are advertising similar roles, with similar compensation packages and benefits you need to differentiate yourself. That is where culture can come in. Recruiters can also pay a role in helping to bridge the skills gap and talent shortage. For example, we can share knowledge with employers and work with businesses and talent pools to address the skills shortages.

In addition, in the UAE there are Emiratisation initiatives which require certain ratios of Emirati staff. Fluctuations in expatriate numbers are also leading to increased competition for skilled workers. Private companies in the UAE with 50 or more employees will have to have 6% of their total workforce made up of Emiratis by 30 December 2024 and 10% by the end of 2026. Smaller businesses with 20 to 49 employees

PRACTITIONER PERSPECTIVE

Shayan Sultan
Partner
Fragomen

Shayan Sultan of Fragomen explains changes in the pipeline in Bahrain which will impact the costs that can be charged by agencies recruiting domestic workers there.

In Bahrain, the Shura Council recently unanimously passed amendments to Bahrain Law No. 16/2006 which will introduce specific caps and limits on the fees and levies charged by recruitment agencies in order to recruit and place domestic workers with employers there. In the past, labour costs for domestic workers in Bahrain have tended to be higher than the rates in most of the other GCC countries. In addition, there has been a significant rise in the recruitment costs for domestic workers there as a result of uncontrolled practices in the sector in Bahrain and levies which were being charged by the agencies for the sourcing and recruitment of these types of workers.

This led to increasing calls for regulation of the cost associated with recruiting domestic workers there. However, although it has been agreed these caps should be put in place, the specific fee caps or limits which should apply to domestic worker recruitment agencies are not yet in place. The Labour Market Regulatory Authority (LMRA) has been tasked with formulating specific policies and rules on this area.

Agency costs for recruiting domestic workers tend to be based on a number of different factors, including hiring costs in the home country, the cost of arranging travel, as well as flight costs, immediate accommodation costs and other expenses. Agencies also tend to be responsible for sourcing, vetting and facilitating the domestic workers' travel to Bahrain.

At present, the caps which are to be imposed on fees charged by recruitment agencies for recruiting domestic workers in Bahrain are expected to be determined by looking at their scope of work. It is also expected the LMRA will take steps to ensure the actual fees charged by these agencies remain in check.

There is also currently no information on the potential penalties which might apply for non-compliance with these requirements.

It is expected the LMRA may conduct in-depth research and carry out benchmarking before developing the recommendations and that they will set these appropriate specific caps and limits based on the foreign domestic workers' respective countries of origin.

It will be important to focus on the worker's country of origin in order to take into account existing contractual and bilateral agreements Bahrain and the source country may already have, as some but not all source countries do not currently have defined bilateral relations with Bahrain.

It is also likely that the LMRA will recommend best practices or issue new policy guidelines on the recruitment of domestic workers from foreign countries and there may also be potential immigration procedural changes.

The LMRA is also expected to work closely with embassies and representatives of the relevant countries on this task.

At present no specific dates have been published for when and how these new amendments will be implemented.

It should also be noted that the LMRA already has mechanisms in place, for example, carrying out labour inspections in work locations in order to enforce other labour regulations, and these types of approaches are also likely to be used to implement aspects of these new regulations.

This will be the first time domestic worker recruitment agency charges have been regulated in Bahrain, and it is expected average costs will be likely to decrease as a result.

Some recruitment agencies may also have to change their operating model if the immigration processes for this category of workers change. For example, there may be new documentary requirements required to prove the new recruitment cost caps have been complied with.

must hire at least one Emirati in a skilled position by the end of this year and another by next year. However, increasing the diversity of your workforce is not just about meeting quotas you also need to make sure individuals feel valued and respected. They also need to be able to communicate openly and share ideas without a backlash.

Cultural sensitivity training can help. It provides people with an understanding and appreciation of the nuances that shape people's behaviours, beliefs, and values. It also gives employees the tools they need to challenge their own biases. Providing language support, such as translation services and offering language training programmes can also bridge gaps - and creates an inclusive workplace where everyone feels valued and understood. I also encourage employers to celebrate and honour their team members' cultural festivals as this lets team members come together and connect on a deeper level when they share traditions and customs.

In addition, if you are thinking about team building activities in somewhere like Dubai, one good option is cooking classes where people learn about recipes from around the world. These are fun, bring people together across cultures and allow team members to work on a common goal of producing a delicious meal.

I also encourage employers who are looking to build strong diverse workforces to make sure there are clear effective channels of communication where staff can openly express themselves despite different backgrounds and languages. Retention becomes easier when people feel valued.

MOVES AND CHANGES

A ROUND-UP OF BUSINESS NEWS, APPOINTMENTS AND PROMOTIONS

FACILITATING CHANGE

Global Facilities Services Business DOCS has appointed Ryme Dembri as their new Chief Human Resources Officer for the Asia-Pacific and Middle East region. Ryme who has a Master's degree in human resource management from the University of Paris I: Panthéon-Sorbonne began her career in human resources back in 1999 with Softmatic AG in Germany, before spending time as a consultant in HR leadership and change management with PwC. Her other previous employers have included Dole Sunshine, ASM, Whirlpool, Philips Lighting and Philips, and she has experience of working in Europe and in Singapore. In her new role at OCS, which operates in the UAE and has 120,000 employees worldwide she is expected to shape HR strategy, talent management, workforce planning, and foster an inclusive culture. She will also guide people-related needs, contribute to M&A, and focus on driving growth and profitability through human capabilities.

REACHING THE TOP

Rachel Hill, an experienced employment lawyer with over 16 years of experience, has joined Addleshaw Goddard as a partner. Her work there will focus on DIFC, ADGM and UAE onshore employment law and advice. Hill who is a UK qualified lawyer has spent the last ten years in the Middle East and previously worked at Hadef & Partners. She has also worked with McCartan Turkington Breen Solicitors, DLA Piper Middle East LLP, and Al Tamimi & Company. As well as advising on employment law, in the past she has also provided strategic advice to clients on immigration procedures and has particular expertise when it comes to the procedural requirements for filing litigation before the Dubai Labour Courts, which is a rare skill for a non-Arabic speaking lawyer.

THE SEARCH FOR TALENT

LawyersOnDemand (LoD), the flexible talent company which offers help with secondments, managed services, direct hire placements and tech integration and implementation has appointed Fatima Seyadi as a UAE talent acquisition and client solutions consultant. Fatima is a Bahraini national who is resident in the UAE and has substantial legal and regional market knowledge. Prior to her new role she had been a Senior LOD flexible lawyer since 2021, having joined the business during the COVID pandemic when she was looking for a role which would enable her to balance professional and family life. She has over 16 years of legal industry experience, which has included time on secondment with a multinational financial service provider.

STARTING AT SOL

SOL International Ltd, the UAE based boutique law firm whose specialisms include Employment Law has a new joiner. Lina Bukhari who has an LLB from Manchester Metropolitan University and who undertook the Legal Practice Course and a Master of Laws at the University of Law, Manchester has joined the firm as a Trainee Solicitor. Lina is fluent in Arabic and English and will work across various practice areas which as well as employment, will include dispute resolution, commercial, fashion and private client. She hopes to have completed her qualification as a Solicitor of England and Wales by September 2025.

HAIL TO THE CHIEF

The international insurance company MetLife which has offices across the region, including in the DIFC, Bahrain, Kuwait, Oman and Qatar in the GCC, as well as in Egypt, Lebanon, Jordan, Palestine and Turkey has appointed a new Executive Vice President and Chief Human Resources Officer, Shurawl Sibblies. Sibblies joined MetLife after having worked for American Express, where she was Executive Vice President and Colleague Strategic Partner leading talent, organisational and leadership development strategies for several businesses and functions. In the past she has also acted as senior vice president and human resources business partner for MetLife's US Business, Global Employee Benefits and Investments teams, and several other functions. In addition, she has held leadership positions in human resources, finance and product management for companies including TIAA, Citigroup and Hewlett-Packard. In her new role, she will oversee MetLife's global HR strategy, talent acquisition, leadership development programs, and employee engagement efforts. She has particular expertise in aligning a company's workforce with its strategic objectives while enhancing the overall employee experience. She is being tasked with reshaping MetLife's HR function and her priorities will include creating a diverse and high-performing talent pool, implementing cutting-edge HR practices, and creating a nurturing environment that empowers employees.

OTHER CHANGES

Shaffra: Middle East Tech company Shaffra has announced the launch of an AI Trainer whose avatars can be programmed and personalised to do a range of tasks including recruitment. The Avatar's language and expressions can also be personalised to better reflect the organisation or company's culture and needs.

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*

Smokeless Zones

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The UAE Ministry of Health and Prevention (MoHAP) has recently issued a tobacco-free workplace guide which offers comprehensive advice on measures employers can take in order to create a tobacco-free workplace. Federal Law No. 15/2009 On Tobacco Control is the main UAE law on smoking. It and its detailed implementing regulations Cabinet Decision No. 24/2013 ban smoking or use of tobacco in any way in a range of enclosed public places and their outbuildings. This includes public and private educational institutions; places of worship; health, pharmaceutical and sports facilities; public and collective private means of transport; in vehicles used to transport foodstuff, medicines, health products, petroleum products and derivatives, chemical products and derivatives and other flammable substances. It is also forbidden to smoke in shopping centres or restaurants (apart from in specific declared places), in entertainment and recreation places, in industrial facilities, and fuel and gas filling and distribution stations. The legislation also has specific provisions on designated smoking areas in these types of establishments which need to be licensed. For example, they must be completely isolated from nearby areas, non-smokers should not have to walk through them to reach other areas and they should not be used for other purposes. There are specific rules governing their height, size and maximum capacity. Doors to these designated locations should be able to close automatically and there should be clear signs which show the place specified for smokers and non-smokers and that those under 18 are banned from them. These locations should follow safety rules, including on anti-fire substances and fire-fighting systems. There are also specific requirements on how air conditioning and ventilation systems in these locations should work.

WORKING WITH SMOKERS

MoHAP's Guide offers practical instructions for managers and employees on how best to establish a smoke-free environment, including procedures for handling violations, and advice on steps to help employees stop smoking. Policies and initiatives should always prioritise employee health and well-being - ensuring non-smokers' health is not being adversely affected by smoking colleagues, while supporting smokers with cessation. The guide advises employers to draw up new or revise their existing smoking policies with the aim of creating a smoke-free environment. MoHAP recommends employers enforce strict penalties on employees who violate these policies, which could range from giving initial warnings to termination, depending on the frequency of the employee's breaches. Organisations are also provided with tools to manage and control smoking within their facilities more effectively. Smokers should not be stigmatised by any initiative and policies aimed at creating a tobacco-free workplace, as this can backfire and lead to resentment, resistance, and even refusal to quit. It is best to take a balanced approach which could involve allowing employees who smoke short breaks in designated areas. However, it is helpful to define a limited number of available breaks and ensure the location is at a reasonable walking distance. The legal requirements on designated smoking areas can also provide information on good practice, even if an organisation is not legally required to follow these rules.
It helps too if HR professionals and managers collaborate on the development and implementation of a comprehensive tobacco-free workplace strategy. This should include clear policies and initiatives designed to achieve successful outcomes. Providing free access to counselling and cessation programmes can be good, along with involving employees in decision-making processes on tobacco control. With any initiative there should be effective communication of the policy, awareness sessions which highlight the benefits of reducing or eliminating tobacco use, and also participation in nationwide initiatives and Corporate Social Responsibility (CSR) programmes such as the Tobacco Control Awareness Programme which was launched by Abu Dhabi Public Health Centre which runs annually with the slogan 'Together Towards a Smoking - Free Abu Dhabi'. These sort of programmes can provide useful resources. For example, the Abu Dhabi Public Health Centre provides attractive posters, banners and brochures which can be placed strategically around the workplace. Providing employees with education, support and tools to help them stop smoking can be more effective than simply enforcing penalties. Fostering a tobacco-free workplace requires comprehensive policies, cessation support, educational campaigns, and a culture promoting employee well-being.

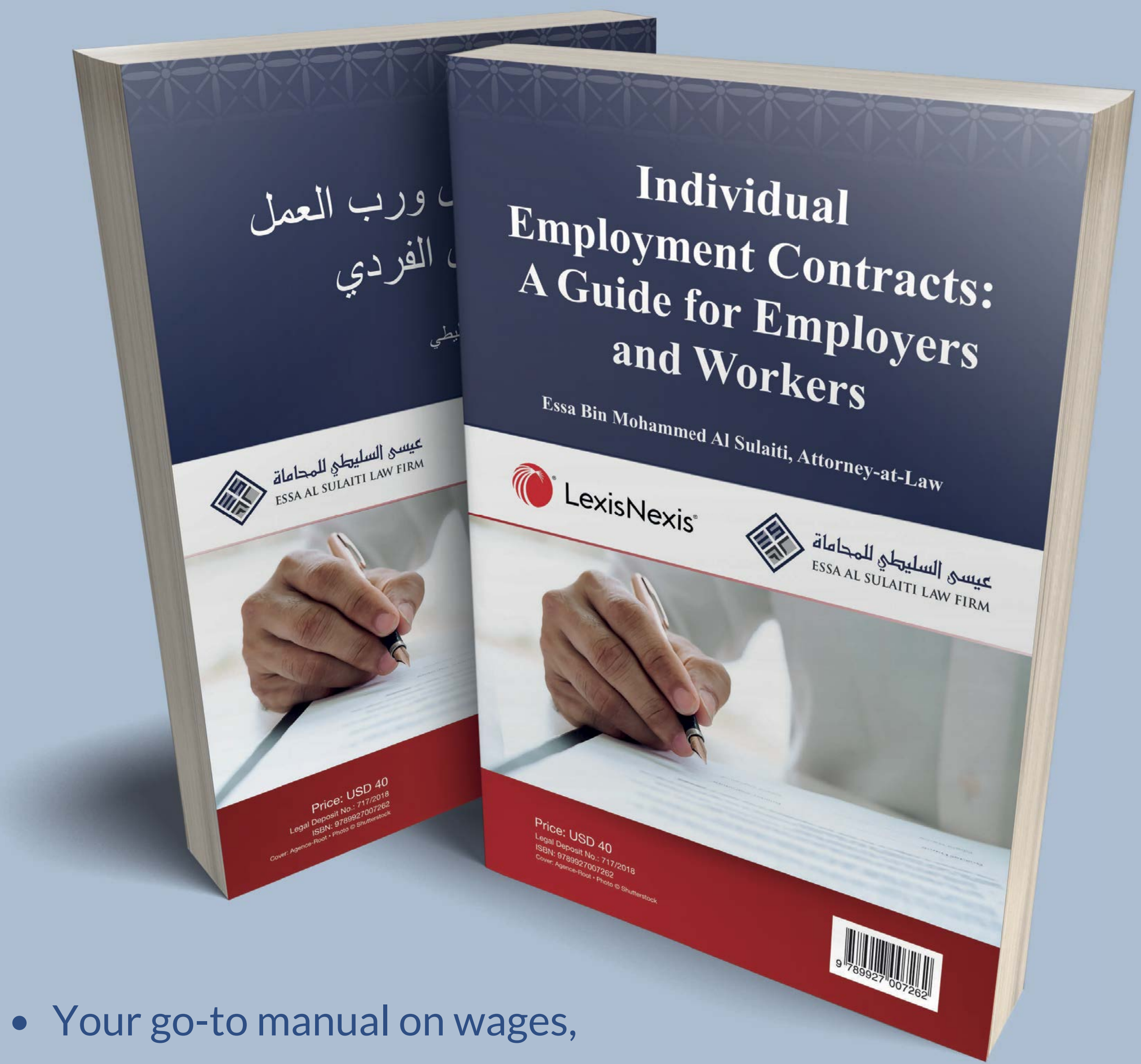
Contributor
Maisa Maarouf, Head of HR and Administration,BSA Ahmad Bin Hezeem & Associates LLP

LexisNexis

عيسى السليطي للمحاماة
ESSA AL SULAITI LAW FIRM

INDIVIDUAL EMPLOYMENT CONTRACTS: A GUIDE FOR EMPLOYERS AND WORKERS

BY ESSA BIN MOHAMMED AL SULAITI



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