

# HSE LAW IN UAE

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# Jebel Hafeet Glacier Development, Al Ain, UAE





28/11/08 19:56





17/10/08 18:05





11/04/09 19:29





03/07/08 19:07



03/07/00 21:40





# Construction Matters

- Islamic culture
- Staff and workers from different countries
- Desert climate
- Matters related to local HSE legislation
- Etc.







19/11/08 15:13



06/01/09 14:24





19/11/08 15:15





03/02/09 17:05

United Arab Emirates  
Ministry of Interior  
F.D. of Police, Federal  
Traffic Department

إمارة دبي  
وزارة الداخلية  
إدارة المرور  
إدارة المرور



الرقم الوطني 1000000000000000000



الاسم الكامل: محمد بن محمد  
الاسم: محمد بن محمد

الرقم الوطني: 1000000000000000000

الجنسية: الإمارات العربية المتحدة

تاريخ الميلاد: 15/04/1985

المهنة: سائق

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06/10/08 17:48









11/11/08 16:35







14/04/09 19:17

# General Duties of Employer & Employees

Federal Law NO 8, For 1980

- On Regulation of labour Relations

Ministerial Order No [32] 1982

- Regarding Determination of the Ways and Means to Protect Employees against Occupational hazards



# UAE Federal Law NO 8 & Ministerial Order NO 32

- Article 91 of Federal Law NO 8 and Article 1 of Ministerial Order NO 32 provide that the employer has the duty to ensure the health and safety at work for all persons employed

# General Duties of Employer

- Each employer shall provide suitable means to protect employees from the dangers of accidents and occupational diseases, that may occur during the working hours,
- As well as dangers of fire and all dangers occurring from use of machinery work and other utensils.
- He should also follow all other means of protection prescribed by Ministry of Labor and Social Affairs.



# General Duties of Persons Employed

- The employee shall use protective devices and clothing provided for this purpose,
- and shall carry out all instructions of the employer for safety from hazards and
- Shall refrain from creating any hazards and from performing any act that may hinder the execution of these instructions.

# Disciplinary Rules

## Federal Law NO 8 For 1980

- Article 102 and Article 15 Order NO [32]
- The disciplinary measures that an employer or his representative may impose on the workers shall be as follows:
  - 1-Warning... 2-Fine...
  - 3- Suspension from work with reduced pay..
  - 4 – Denial or deferment of allowance...

# continued

- 5 - Denial of promotion...
- 6 - Dismissal without prejudice to severance pay...
- 7 – Dismissal with denial of all or part of the severance pay...



# Continued - Article 61

- Where a worker, either through his own fault or in violation of the employer's instructions, is guilty of the loss, damage or destruction of tools, machines or products or materials owned by the employer or in the latter's custody, the employer may deduct from the workers remuneration such amounts as may be necessary to repair them or replace them or to replace them as fully as possible provided that the amount so deduced shall not exceed five days remuneration in each month.

# continued

- The employer may request the competent court through the concerned Labour Department for permission to deduct more than this amount if the worker has capital assets or any other source of income.
- Article 120(d)
- An employer may dismiss a worker without notice if the worker disobeys instructions respecting industrial safety of the workplace, on condition that such instructions are in writing and have been posted up at a conspicuous place or in the case of an illiterate worker, that he has been acquainted with them orally.

# Article 181 - Penalties

- Without prejudice to any severer penalty provided for in any other law, a penalty of imprisonment for a period not exceeding six months and/or a fine not less than three thousand Dirhams but not exceeding ten thousand Dirhams shall be imposed on:
  - 1 – anyone who violates any of the imperative provisions of this law or of its executive regulations or orders.
  - 2 - ...
  - 3 - ...



# Employees' Compensation

- The Labour Law draws the legal frame of the compensation for work injuries & professional diseases.
- It defines such injuries & diseases in two schedules attached to the law.

“Article 142”

# **Application of the Law**

## **Chapter VIII - Labour Law**

In case of work injuries & professional diseases:

- The employer undertakes to pay the expenses for the treatment at public, community & local clinics until he/she is healed, or his/her disability is proved.
- Article 144: The treatment includes the hospitalization, the surgeries, the X-rays, the medical tests, the drugs, the donation

## *Continued*

of organs, the artificial devices & the compensation for the worker who proves to be disabled, as well as the travelling expenses required for the treatment.

- Article 145: Where an injury prevents a worker from carrying out his work, the employer shall pay a cash allowance equal to his full pay throughout the period of treatment or for a period of six months, the allowance shall be reduced by one-half for a further period



## *Continued*

- of six months or until the worker fully recovers, is declared disabled, or dies, whichever occurs first.
- Article 146: The cash allowance ...shall be calculated on the basis of the last wage received (for monthly, weekly, daily or hourly paid workers), and on the basis of the average daily wage referred to in Article 57(for those paid on piecemeal basis.
- Article 147: On finalization of treatment,

## *Continued*

- the attending physician shall compile a report ....in which he shall specify the nature and cause of the injury, the date of its occurrence, the extent to which it is work-related, the period of treatment, whether it resulted in permanent or other disability, the degree of disability (if any), whether it is total or partial, and the extent to which the disabled worker is fit to resume his work despite the disability.
- Article 148: Where a dispute arises as to the extent of a worker's physical fitness for work, degree of disability or any other matter related

## *Continued*

- to his injury or treatment, the matter shall be referred to the Ministry of Health through the competent labour department. The Ministry of Health shall....set up a medical board consisting of three government medical officers to determine the extent of the worker's medical fitness for employment, the degree of his disability or any other matter related to the injury or treatment. ...
- Article 149: Where a worker dies as a result of a work-related injury or an occupational disease, the members of his family shall be entitled to compensation equal to his basic wage for

## *Continued*

- twenty four months , provided that the amount of compensation shall neither be less than eighteen thousand nor more than thirty five thousand Dirhams. The amount of compensation shall be calculated on the basis of the last wage received by the worker before his death. The compensation shall be distributed among the deceased worker's dependents in accordance with the provisions of Schedule 3 attached to this Law.
- “deceased worker’s family” :
  - (a) Widow(s);
  - (b) Children, namely-



## *Continued*

1- sons who are under 17 years of age, and are regularly enrolled in educational institutions and are under 24 years of age or who are too mentally or physically incapacitated to earn their own living. The term “son” includes the sons in law of the husband and of the wife who were dependent on the deceased worker at the time of his death;

## *Continued*

- 2- Unmarried daughters, which term includes also unmarried daughters in law of the husband and of the wife who were dependent on the deceased worker at the time of his death;
- (c) Parents;
- (d) Brothers and sisters, subjected to the conditions prescribed for sons and daughters.

## *Continued*

- Article 150: Where a work-related injury or an occupational disease permanently renders a worker partial disabled, he shall be entitled to compensation at the applicable rate specified in the two schedules attached to this law, multiplied by the applicable death compensation amount provided for in the first paragraph of the preceding Article.
- Article 151: The amount of compensation payable to a worker in the event of his permanent total disability shall be the same amount as that payable in the event of his death.

## *Continued*

- Article 152: The Ministry of Labour, when necessary, and with the consent of the Ministry of Health, may amend schedule 1 and 2 attached hereto, concerning occupational diseases, and disability compensation assessment.
- Article 153: An injured worker shall not be entitled to any compensation for an injury or disability that did not result in his death if the inquiries carried out by the competent authorities established that he willfully brought about his own injury with the intention of



## *Continued*

- of committing suicide or of obtaining compensation or sick leave, or for any other reason; or if, at the time of the occurrence, he was under the influence of a narcotic drug or alcohol; or if he intentionally violated the safety instruction posted at conspicuous positions in the workplace; or if his injury or disability was the result of gross and deliberate misconduct on his part; or if he refused for no good reason to submit to medical examination or to undergo the treatment ordered by a medical board set up pursuant to Article 148.

# Continued

- In such circumstances, the employer shall not be required to provide treatment for the worker or to pay him any cash allowance.

# Employee Compensation Claims

- when an accident happens, inform the site management and carry out first aid
- injured employee shall hand in sick leave certificates and medical fee receipts to site office (documents will be sent to Safety Dept. from site office for claiming)
- if further sick leave certificates are granted, injured employee shall hand in the extended sick leave certificate and additional medical fee receipts to site office for claiming

# Compulsory Insurance

- All employers are compulsorily required to take out insurance policies to cover their full liabilities under common law.



# Liability of the Principal Contractor

- When the employee of a sub-contractor is injured, the principal contractor may be liable for any claim of compensation made by the injured employee

END