

UAE: Ministerial Decree No. 766 of 2015 on Rules and Conditions for Granting a Permit to a Worker for Employment by a New Employer

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Abstract	
<p>In accordance with Art. 1 of this decree, a new work permit may be granted to worker at the end of his employment relationship in a number of instances listed for both term and non-term contracts.</p> <p><i>For term contracts</i>, these instances include the following: 1) the expiry and non-renewal of the term contract; 2) mutual consent of both parties to the termination of the contract before its expiry, provided that the worker has completed no less than six months of the contract (this period is waived for workers that qualify for skill levels 1,2 and 3 as per the ministry's classification); 3) the termination of employment by the employer, without reason of non-compliance on the part of the worker, provided the worker has completed no less than six months with the employer (this period is waived for workers that qualify for skill levels 1,2 and 3 as per the ministry's classification); and 4) either party acts unilaterally to terminate the employment contract after its renewal if certain conditions are met.</p> <p><i>For non-term contracts</i>, these instances include the following: 1) mutual consent of both parties; 2) one of the parties acts to terminate the contract and notifies the other party while continuing to honor his/her obligations under the contract for the duration of the notice period (1 – 3 months); 3) and the termination of employment by the employer, without reason of non-compliance on the part of the worker. All these instances are contingent upon the worker's completion of no less than six months with the employer. However, this period is waived for workers that qualify for skill levels 1,2 and 3 as per the ministry's classification.</p> <p><i>For all contracts</i>, a worker may be granted a new work permit in any of the following cases: the employer's failure to meet contractual or legal obligations to the worker such as non-payment of wages for a period exceeding 60 days; the worker filing a complaint against the employer for failing to secure employment as a result of the business being shut down; and a labour complaint is referred to the court by the Ministry and a final ruling is obtained in favour of the worker.</p> <p>This decree nullifies Ministerial Decree No. 1186 of 2010 on the rules and conditions for granting permission to a worker whose employment relation has ended to work for a new employer (Art. 5).</p>	