



Legal protection for workers during the Spread of COVID-19 in the United Arab Emirates (UAE)

Ahmed Alshamsi¹, Mohd Zakhiri Md Nor², Muhamad Noor Habibi Hj Long³

¹ Affiliation1 (9 pt)

² Affiliation 2 (9 pt)

e-mail: a.alshamsi70@gmail.com

Article Info

Article history:

Received 30-12-2022

Revised 21-01-2023

Accepted 30-03-2023

Keyword:

Legal protection, Workers, Covid 19, UAE

ABSTRACT

Since the beginning of the pandemic COVID-19 that hit the world in December 2019, most countries of the world have passed legislation and measures that vary according to their need and nature. This research paper studies legal legislation passed in the UAE to protect workers from losing their source of livelihood while carrying out precautionary measures in the fight against the coronavirus and its continuous mutation. This paper adopted qualitative research method. The data be analysed by using thematic and content analysis method. This paper concludes that there are adequate legal protection for workers during the Spread of Covid-19 in the United Arab Emirates (UAE)



©2022 Authors. Published by Notariat UNPAS. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (<https://creativecommons.org/licenses/by-nc/4.0/>)

INTRODUCTION

The global economy was struck in 2020 by a once-in-a-century crisis, a Great Disruption unleashed by an infectious pandemic (COVID-19). The pandemic severely affected economic and social processes (Wells et al., 2020). Like a forest fire, the pandemic spread, touching every part of the world, infecting more than 90 million people and killing almost 2 million people around the world. For several months, most economic practises in both developed and emerging economies have been paralyzed by uncertainties and fear. In 2020, world domestic product dropped by an estimated 4.3%, the sharpest fall globally since the Great Depression (United Nations Department of Economic and Social Affairs, 2021). As the pandemic and shutdowns threatened more than four out of five jobs globally.

This research paper focuses on workers' rights during the Covid19 pandemic, an epidemic crisis that hits the earth West or East, and hit the world by land or sea, and no country or region was protected from it. Everyone has become anxious and afraid of death or waiting his turn. The UAE, an Islamic country, has dealt with this crisis with common sense and straight thinking and has not deviated from other countries (Salem & Nor, 2020). Since the UAE is one of the countries that depend heavily on migrant workers, which exceeds 200 nationalities of different nationalities of the world and how to provide them with legal protection that preserves their right and protects their entity during this period (Mohre, 2021).

This research paper explains the nature of the UAE by providing details about its population and differentiating between those who come to it because of work and its permanent citizens. It also informs about the impact of the pandemic on jobs, which are the sole source of their livelihood, and the role of the government in protecting workers from losing their jobs. The UAE economy decreased by 6.1% in 2020 and one in six workers lost their jobs during the Covid 19 pandemic (Saputri & Hamzah, 2021).

Crises, in general, need to be appropriately managed so that countries can keep up with them and get out of them with the best solutions. Good practices can be used in all forms and be an essential reference for some countries in the event of a recurrence of global crises or even at the local level. The importance of this study also lies in knowing the fate of workers during the pandemic and the impact of government actions on protecting them.

The researcher did not find previous studies focusing on employment and legal protections provided by the United Arab Emirates, but there have been studies on the same subject. However, there are many studies on the impact of the pandemic on the economy, as Al-Mansoori et al. (2021) found that the private sector lived in a state of chaos, confusion, and heavy losses due to the precautionary measures taken by a country during the pandemic period. Another study conducted by AlRebh (2020) AlRebh focused on the industrial sector in general and the impact of the pandemic on it, which caused a low level of competition in this field and rescheduling the economic and real estate plans drawn up for a country. In addition, the researchers studied individuals' public health and mental health during the period of quarantine and isolation, the tasks of health authorities in the country, and the level of health services provision. Muqattash et al. (2020) investigated the importance of vaccinations for Emirati society and the extent to which individuals could take these vaccines.

On the basis of the information that has been presented thus far, the purpose of this study is to shed light on the demographic and labor characteristics of the United Arab Emirates, as well as to gain an understanding of the precautions that the United Arab Emirates took during the spread of the COVID-19 epidemic, both in general and specifically to protect their workforce.

RESEARCH METHODS

This paper relies on the descriptive-analytical approach, as the phenomenon and the problem are described as they are, and the questions that fall into the scientific research field will be answered, interpreted, and criticized to reach scientific results and recommendations through which the situation of workers affected by the crisis can be improved (Hegde & Pallavi, 2015).

This research paper focuses on local and emigrant workers in the United Arab Emirates registered in the Ministry of Human Resources and Emiratization database. The ministry is responsible for private sector employment and domestic workers.

The research paper consists of several sections to discuss: The first section is about the United Arab Emirates and its demographics. The second section is about Covid 19, and the measures taken by most countries of the world. The third section discusses the decisions issued by the United Arab Emirates during the crisis period. Finally, the fourth section includes the administrative measures or support packages of the Ministry of Resources and Emiratization for work stability to support employers and workers.

RESULTS AND DISCUSSION

RESULT

The United Arab Emirates and its demographics

The legislative system in the United Arab Emirates is known as The United Arab Emirates consists of seven emirates: the Emirate of Abu Dhabi, the Emirate of Ajman, the Emirate of Dubai, the Emirate of Fujairah, the Emirate of Ras al-Khaimah, the Emirate of Sharjah, and the Emirate of Umm al-Quwain (Khassawneh & Abaker, 2022). Laws are governing all these emirates, so that they are all subject to these laws, such as Federal Law No. (3) of 1987 with the issuance of the Penal Code and its amendments, the Code of Criminal Procedure No. (35) of 1992, and Federal Law No. (11) of 1992 regarding the issuance of the Civil Measures Law, as amended by Federal Law No. (30) of 2005, as well as The Civil Transactions Law promulgated by Federal Law No. (5) of 1985 and amended by Federal Law No. (1) of 1987, which means regulating obligations and contracts. Other laws to which all emirates are bound, and the Law Regulating Labor Relations. At the same time, there are local laws that leave the federal legislature. Each emirate has its regulation of those laws. There are also ministries, federal agencies, and local bodies.

Demographics of the United Arab Emirates

Emigrants account for approximately 88.52 percent of the UAE population, with indigenous people accounting for the remaining 11.48 percent. The UAE has about 59 percent of its population emigrants from Asian countries, with the rest varying between Arab, European, and American nationalities, etc., accounting for 8.45 percent of the population. The number of workers registered in the Ministry of Human Resources and Emiratisation database is estimated to be 5 million (MoHRE, 2021).

Covid 19 and the measures taken by most countries of the world

The new coronavirus has hit most countries of the world so far, with previous indications from the World Health Organization that it could invade all countries of the world soon. According to the latest official estimates, the number of infected people reached 4.5 million cases infected with the coronavirus, and the number of deaths reached more than 300 thousand deaths. As for the UAE, the number of injuries reached 687 thousand cases, of which 664 thousand cases were recovered and 1,965 deaths (WHO, 2020).

In this crisis, countries have taken many precautionary measures. The following are the measures taken regarding this crisis:

1. Closing land, sea, and airports.
2. Suspending the issuance of tourist, work and visit visas...etc.
3. Raising the state of emergency at the health and security authorities.
4. Suspending studies in some countries and continuing with the distance learning system.
5. Reducing the number of workers in public and private sectors or transferring remote work.
6. Preparing sites for quarantine and isolation for patients or suspects.
7. Applying isolation and quarantine measures to those coming from abroad.
8. Examining population periodically according to plans made by the Ministry of Health.
9. Providing anti-Covid 19 vaccines to the entire population (National Emergency Crisis and Disaster Management Authority, 2020).

Decisions issued by the United Arab Emirates during the crisis period.

Since the UAE announced the emergence of the first case of coronavirus infection on its soil on January 29, it has taken a number of measures, most notably the issuance of the UAE General Civil Aviation Authority a decision to permanently suspend flights at the beginning of the crisis, fearing the increasing pace of cases being discovered. The Ministry of Foreign Affairs & International Cooperation then decided to prevent citizens of the country from travelling to countries where the pandemic and its new variants were spreading (Ministry of Foreign Affairs, 2021). In addition, the Ministry of Education announced all school students and all public and private higher education institutions at the country level to take a holiday and then making a study online.

Among the precautionary measures taken by the UAE to face coronavirus, it has issued two ministerial decisions aimed at providing legal protection for workers in light of the spread of Covid 19. These two decisions were shed light on in this study (MoHRE, 2021).

First decision: Resolution No. (279) of 2020, regarding the protection of employment in private sector institutions during the period of applying precautionary measures to curb the mutating coronavirus

It is issued by the Ministry of Human Resources and Emiratisation and includes nine articles. This decision was made in a way to implement the national program and support the stability of the labour market in the private sector, which was launched by the Ministry of Human Resources and Emiratisation in coordination with the National Emergency Crisis and Disaster Management Authority, through which it aims to ensure the continuity of business performance in private sectors, in light of the country's preventive measures and precautionary measures, as part of the federal and local government work system to confront the mutating coronavirus to combat it and limit its spread.

Issuing this ministerial decision is one of these measures, which regulates the contractual relationship between employees and employers during the period of application of precautionary

measures to limit the spread of the new Coronavirus (Covid-19). Therefore, the first objective of this decision is to protect migrant workers in the private sector during that precautionary period by setting some measures that companies affected by the precautionary measures should take into consideration in regulating their relationship with employees.

This decision includes implementing the remote work system, which the Ministry of Human Resources and Emiratisation implemented in private sector companies registered with the ministry to limit the spread of the Covid-19 virus and protect the workforce. Article (2) of the decision required the parties affected by the current economic situation to rank with their workers using the remote work system, provide a worker with a paid leave, give him unpaid leave if he requested it, temporarily reduce his salary during that period, and finally reduce fully paid salary.

Article 3 of the decision makes institutions affected by the precautionary measures obliged to register the data of their employees in the virtual labour market, which is managed by the ministry and aims to rotate workers among institutions based on their needs. In this case, the institutions have a surplus of workers and have cancelled them due to the circumstances that the country and the rest of the world are facing while preserving the rights of these workers in terms of housing and other entitlements (except for salary), so that their institutions record their data for them to obtain new job opportunities.

The virtual labour market is an electronic platform that allows job seekers inside and outside the country to register on the site and enter their CVs and files to view job vacancies announced by companies in the country. Article (4) provided methods for recruiting non-national workers to institutions during these circumstances, requiring them to look for workers within the country to halt the recruitment process abroad. Article (5) clarifies the mechanism for temporarily reducing the year's salary during the period of the Covid 19 disease spread and the documents that the parties must use and submit to the ministry. Article (6) makes institutions that wish to permanently reduce their employees' salaries obliged to change the work contract data and submit it to the ministry for approval in accordance with the measures in place. It should be noted that this decision has a time, location, and people scope of application, as indicated by the content of Article (8) of it, which states that "the provisions of this decision shall apply to non-national workers only during the period of application of the aforementioned precautionary measures." Spatial scope: within the United Arab Emirates; does not apply to migrant workers working. Regarding the temporal scope, it is understood that it does not apply after applying the aforementioned precautionary measures, that is, during the Coronavirus period, and it is understood that it does not apply after the end of this period. Finally, the scope in terms of people: non-national workers or migrant workers only, which is understood to mean that this decision does not apply to any national workers.

Second decision: Resolution No. (281) of 2020, regarding the regulation of remote work in private sector institutions during the period of application of precautionary measures to limit the spread of the new coronavirus.

This decision was made to clarify, explain, and explain the previous decision's remote work clause. In addition, this decision was keen to reduce the number of workers to no more than 30% of the actual number, especially in service delivery centres, with the need for workers to adhere to the required preventive measures to limit the spread of the virus, such as providing checkpoints at the entrances to workers' housing and regulating movement to work silos. All of this was specified in the decision's Article (4). Finally, it should be noted that this decision agrees with the previous decision in terms of its temporal and spatial scope of application but differs in terms of its application to people; if the previous decision was for non-national workers, then this decision is for national and non-national workers.

Finally, the decision forced institutions to use electronic and smart applications to facilitate remote work and provide support channels. The decision excludes some activities related to infrastructure projects, catering, communications, energy, education, the banking sector, food and hospitality industries, health supplies manufacturing and cleaning companies.

Among the measures and circulars that the Ministry of Human Resources and Emiratisation has established is that it has formed an urgent committee to follow up on citizen workers in private sectors. One of the tasks entrusted to this committee is to communicate directly with the institutions in which citizens work to follow up the conditions of the institutions, protect the rights of their local workers,

and examine received complaints urgently to reach the best solutions that are in the interest of both parties, in addition to many inspection visits to stumbling institutions due to the coronavirus pandemic to follow up the status of citizen and non-citizen employment while emphasizing the importance of paying salary on time. But, it is known that this crisis has severe economic impacts on all countries of the world, affecting both institutions and employment. Emphasis has been placed on granting workers in private sector institutions infected with the coronavirus a sick leave, as regulated by the UAE Labor Relations Regulation Law in Article 83, and not ending the working relationship due to the worker being infected with this pandemic.

Administrative measures or Ministry of Resources and Emiratisation support packages for work stability to support employers and workers

In the same context, the program launched by the UAE Ministry of Human Resources and Emiratisation to support the stability of the labour market in the private sector had an effective impact in a way that ensures the continuity of business performance in the private sector in light of a series of preventive measures and precautionary measures taken at the state level, within the federal government work system to counter the mutating coronavirus and limit its spread.

The program prepared by the ministry, in coordination with the National Authority for Emergency and Crisis and Disaster Management, includes a package of administrative measures to support employers and workers in the private sector, both citizens and migrants, in a way that integrates with the economic support packages provided by the country, in the context of seeking to mitigate the impact and repercussions of precautionary measures to limit the spread of mutating coronavirus in the national economy.

The most important measures are:

1. Reducing all service fees of the Ministry of Human Resources and Emiratisation.
2. Extending the validity of expired government services for extendable three months.
3. Refunding 50% of bank guarantees on institutions, collected from the Ministry of Human Resources and Emiratisation.
4. Cancelling the fees of sub-ministry services, which are repeated with other parties.
5. Reducing the fees for renewing work permits for two years.
6. Reducing labour transfer fees from one institution to another.
7. Reducing work permit fees from within the country for all categories of institutions.
8. And many measures through which workers and employers can be preserved

DISCUSSION

The pandemic affected all workers in the UAE, whether they worked for the government or the private sector. Nonetheless, the most significant impact was in the private sector as a result of the United Arab Emirates' precautionary measures and repeated closures of all activities, sales ports, construction work, and other sectors containing large numbers of workers (Bell, 2020). In addition to prohibiting the transfer of workers between the different emirates and quarantining large numbers of workers in their residence.

The pandemic caused a drop in global oil prices, and the signing of an agreement by OPEC among major global oil producers to reduce production until the end of 2020 in order to control the drop in prices had a significant impact on the global economy, including the United Arab Emirates and the deterioration of the aviation sector, with Emirates Airlines losing money in the first six months of nearly \$ 3.4 billion, and laying off a large number of thousands of workers in this sector. In addition, during the pandemic, 3000 flight engineers were laid off, and salaries for the remaining employees were cut by 25% to 50% (Alroeya, 2020).

The UAE's response to the Covid-19 pandemic has been swift. They had an undeniable positive impact, and the decisions were made at the right time since the beginning of the crisis. Nonetheless, these decisions are made to distinguish between the citizen worker and the migrant worker. These decisions undermined the migrant worker's right to the state in order to obtain a livelihood. They allowed the employer to reduce his salary temporarily or permanently, opening the way for many employers to take advantage of the opportunity to reduce workers' salaries and bargain with them, either by agreeing or dispensing with their services on the pretext that the facility is inadequate. According to

a study conducted by the Emirates Centre for Strategic Studies and Research, employers prevailed over workers during the crisis. A comparison was made between the measures taken by the United Arab Emirates and those taken by other countries such as Spain and Britain, where these countries paid 80 percent of workers' salaries or paid specific salaries for affected workers (Alroeya, 2020).

CONCLUSION

The United Arab Emirates (UAE) boasts a heterogeneous population characterized by a substantial expatriate community. The demographic profile is defined by a swift increase in population, a majority of people living in urban areas, and a relatively youthful population. Emirati nationals live alongside expatriate inhabitants hailing from diverse nations.

The United Arab Emirates has acted quickly in response to the COVID-19 outbreak. They undeniably had a good effect, and the judgments that were made were brought forward at the appropriate moment ever since the outbreak of the crisis. Nevertheless, these judgments are made in order to differentiate between the worker who is a citizen and the person who is a migrant. Because of these choices, the right of migrant workers to receive assistance from the state in order to maintain their standard of living was violated. They granted the employer the ability to cut his compensation, either temporarily or permanently, which opened the door for many companies to take advantage of the possibility to reduce workers' salaries and bargain with them, either by agreeing or dispensing with their services under the guise that the facility is insufficient.

REFERENCES

- Al Mansoori, H. M., Al Saud, A. B., & Yas, H. (2021). The Impact of Covid 19 on Increasing the Cost of Labor and Project Price in the United Arab Emirates. *International Journal of Pharmaceutical Research (09752366)*, 13(1).
- AlRebh, A. (2020). Saudi Response to Coronavirus Seen as Emphasizing Public Health, Not Internal Politics. *Arab Gulf States Institute in Washington*.
- Alroeya. (2020). *Emirates Airlines: "The Corona pandemic dictated." that we adjust the size of the workforce*. Alroeya.Com. <https://www.alroeya.com/117-83/2142758-طيران-الامارات-جائحة-كورونا-املت-علينا-تعديل-حجم-القوى-العالمية>
- Bell, J. (2020). *UAE record another daily decline in new COVID-19 caeses*. Alarabiya News. <https://english.alarabiya.net/coronavirus/2021/08/13/UAE-records-another-daily-decline-in-%0Anew-COVID-19-cases.%0A>
- Hegde, V., & Pallavi, M. S. (2015). Descriptive analytical approach to analyze the student performance by comparative study using Z score factor through R language. *2015 IEEE International Conference on Computational Intelligence and Computing Research (ICIC)*, 1–4.
- Khassawneh, O., & Abaker, M.-O. S. M. (2022). Human resource management in the United Arab Emirates: Towards a better understanding. In *HRM in the Global South: A Critical Perspective* (pp. 103–128). Springer.
- Ministry of Foreign Affairs. (2021). *Travel guidelines according to each destination*. Mofa.Gov.Ae. https://www.mofaic.gov.ae/ar-ae/covid_19-warnings-list
- Mohre. (2021). *Awareness and Guidance*. Ministry of Human Resources and Emiratisation. <https://www.mohre.gov.ae/en/media-center/awareness-and-guidance/workers-rights.aspx>
- Muqattash, R., Niankara, I., & Traoret, R. I. (2020). Survey data for COVID-19 vaccine preference analysis in the United Arab Emirates. *Data in Brief*, 33, 106446.
- National Emergency Crisis and Disaster Management Authority. (2020). *UAE healthcare systems are equipped to handle COVID-19, says NCEMA Deputy Director*. United Arab Emirates the Supreme Council for National Security. <https://covid19.ncema.gov.ae/en/News/Details/32>

- Salem, M. A., & Nor, K. M. (2020). The effect of COVID-19 on consumer behaviour in Saudi Arabia: Switching from brick and mortar stores to E-Commerce. *International Journal of Scientific & Technology Research*, 9(07), 15–28.
- Saputri, O. B., & Hamzah, M. Z. (2021). United Arab Emirates Fiscal Policy Facing Global Economic Crisis during the Covid-19 Pandemic. *Indonesian Conference of Zakat-Proceedings*, 507–522.
- United Nations Department of Economic and Social Affairs. (2021). *World economic situation and prospects 2021*. UN.
- Wells, P., Abouarghoub, W., Pettit, S., & Beresford, A. (2020). A socio-technical transitions perspective for assessing future sustainability following the COVID-19 pandemic. *Sustainability: Science, Practice and Policy*, 16(1), 29–36.
- WHO. (2020). *Coronavirus disease (COVID-19) Weekly Epidemiological Updates and Monthly Operational Updates*. World Health Organization.
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports>