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UAE amends the Labour Law

By Charles Laubach and Dimple Soni | 6 October 2020

The promulgation of Federal-Decree Law 6 of 2020 has introduced two amendments to the Labour Law of the United Arab Emirates, Federal Law 8 of 1980, as amended. The amendments introduce equal treatment for male and female employees in respect of compensation and parental leave. The new measure was promulgated on 25 August 2020 and took effect on 25 September 2020.

The first amendment affects Article 32 of the Labour Law. Previously, Article 32 simply provided that a woman shall be paid the same salary as a man if she performs similar work. Now, this provision requires that a woman be paid the same as a man if she performs the same work or work of equal value. Furthermore, the Cabinet is enabled to promulgate detailed regulations on the subject of equal value, based on the recommendations and proposals of the Minister of Human Resources and Emiratisation. Such regulations may be expected to establish the parameters for calculation of equal value; they could also set out avenues of redress for aggrieved employees and provide for sanctions for violations.

The second amendment relates to Article 74 of the Labour Law. When originally enacted in 1980, this provision defined the UAE's official holidays. It was repealed in 2017, and a Cabinet Resolution introduced a new and slightly revised list of official holidays. Now Article 74 has been repurposed to address the subject of parental leave, giving any employee the right to take five paid days of parental leave at any time from the birth of a new child until the child reaches six months of age. This right is given regardless of the employee's gender. This right would therefore benefit female employees in addition to the provisions on maternity leave that appear in Article 30 of the Labour Law and which remain intact. Moreover, this right would appear to attach immediately upon commencement of employment.

The concept of equal value is new to the Labour Law, but it is already playing a role in other sectors of the labour market. With

The Authors



Charles Laubach
Partner
claubach@afриди-angell.com
Tel: +971 4 330 3900

Charles is a partner at Afridi & Angell's Dubai office. He has practiced as a legal consultant in the UAE since 1986. He advises on general corporate matters, military procurement and offsets, project finance, employment, and international trade controls. Charles is a member of the Pennsylvania and DC Bars. He holds a JD and an MA from the University of Pennsylvania, an MA from the University of London School of Oriental and African Studies, and a BA from Dartmouth College.



Dimple Soni
Paralegal
dimple@afриди-angell.com
Tel: +971 4 330 3900

Dimple is a paralegal at Afridi & Angell's Dubai office. She assists lawyers on a wide range of corporate, commercial, and dispute resolution matters. Dimple supports the corporate team with the formation of new companies in the UAE, maintenance of existing companies, liaising with government departments, police departments, drafting memoranda, and conducting research.

regard to the public sector, Federal Decree-Law 27 of 2018 provides equal wages to female employees of Federal government entities who have the same specialisations, qualifications, skills, work experiences and professional competencies as male employees. With regard to two financial free zones of the UAE, the Dubai International Financial Centre and the Abu Dhabi Global Market, it is prohibited to discriminate on the basis of gender in respect of any terms and conditions of employment. ■

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