



Ref: 2/3/32 - 310
Date: 26 October 2020

The Permanent Mission of the United Arab Emirates to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Secretariat of the Special Procedures Branch, and with reference to the latter's Joint Communication no. AL ARE 4/2020 of 25 August 2020 concerning allegedly abusive and exploitative labour conditions of migrant workers, has the honour to forward herewith the response as received from the relevant authorities in the United Arab Emirates.

The Permanent Mission of the United Arab Emirates to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the Special Procedures Branch, the assurances of its highest consideration.



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Special Rapporteur on the human rights of migrants; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

24th October 2020

Excellencies,

RE: JOINT COMMUNICATION FROM SPECIAL PROCEDURES

Allow me to begin by thanking you for your letter of 25th August 2020 regarding the impact of COVID-19 on the labour conditions of migrant workers in the United Arab Emirates. Throughout the COVID-19 pandemic, the Government of the United Arab Emirates has been committed to upholding the rights of the citizens and residents of the UAE and has worked strenuously to minimise the risks to the health and wellbeing of all. The UAE Government aligns itself with the principle of non-discrimination, as enshrined in article 2 of the Universal Declaration of Human Rights, and accordingly takes the contents of your letter seriously.

Nonetheless, the UAE Government is confident that its response to the health and economic crises precipitated by the COVID-19 pandemic has been robust, humane, and in line with the relevant international human rights instruments to which the UAE Government is a signatory.

In replying to your request for information on the steps taken by the UAE Government to safeguard the rights of migrant workers through the COVID-19 pandemic, we have ordered our response under the following headings:

- i. An overview of the UAE's response to COVID-19
- ii. The integration of migrant workers into the UAE's national response
- iii. The provision of essential services and humanitarian assistance to vulnerable workers
- iv. Actions taken to enable the safe and voluntary return of workers wishing to return to their country of origin
- v. The protection of workers in response to redundancy and abandonment
- vi. Mechanisms available for the redress and remedy of labour rights violations
- vii. UAE ratification of P029, the Protocol of 2014 to the Forced Labour Convention (1930) and the ILO Domestic Workers Convention, 2011 (No. 189)

I trust that the following information underlines the UAE Government's continued commitment to upholding the rights of all migrant workers and is sufficient to answer any outstanding concerns. We stand ready to answer to any additional questions, or to provide clarification on details contained in any of the responses provided below.

Please accept, Excellencies, the assurances of my highest consideration.

i. An overview of the UAE's response to COVID-19

The first confirmed case of COVID-19 in the UAE was announced on January 29th, 2020. Since then, over 100,000 further cases have been confirmed, with more than 400 deaths reported. As your letter notes, the impact has been significant – as it has been in every country of the world – and has presented major governance challenges. The UAE Government is acutely aware that the COVID-19 pandemic is much more than a public health emergency; it has wide-reaching social, economic, humanitarian and human rights impacts. We also understand that the crisis disproportionately affects the most vulnerable people in our society.

From the beginning of the pandemic, the UAE Government's response has recognised the threat that the disease presents to the health, safety and economic wellbeing of all people around the world, and has advocated for a comprehensive and integrated global response, addressing health, labour, the economy, and human rights, among other dimensions of the crisis. The UAE believes that the best way to address the pandemic is through international solidarity and global cooperation, and by ensuring the protection of migrant workers and the rights of all, irrespective of citizenship or status.

Our country is determined to “leave no one behind” and has aligned our response to COVID-19 with the Sustainable Development Goals. The UAE views policy coordination and coherence to be of the essence. Accordingly, the UAE Government has adopted a multifaceted response to the COVID-19 pandemic, grounded in the principles of public trust, transparency, and inclusiveness. The measures taken by the UAE Government to protect workers and mitigate the economic impact of the pandemic have been based on three pillars: ensuring the safety and health of workers and their work environment; protecting employment; and enhancing social services.

Key measures taken by the UAE include:

- The UAE is the first country where the number of COVID-19 tests administered exceeds the total population, with the number of tests performed by national health establishments totalling over 10 million as of mid-October 2020.
- Testing is free for all those suffering from COVID-19 symptoms, the elderly and people with disabilities, and major campaigns have specifically focused on providing free and regular testing to vulnerable communities, including lower income migrant workers living in employer-provided accommodation sites. These testing campaigns have been undertaken without regard to the either the nationality or legal status of workers.
- The treatment of COVID-19 is free to all those suffering from the disease, regardless of nationality or residency status. Treatment is non-discriminatory and migrant workers benefit from access to the same doctors, hospitals and medicines as anyone else in the UAE.
- The UAE is committed to ensuring that no one falls into irregular status due to the pandemic. To that end, the UAE Government implemented a grace period between March and October during which expiring visas remained valid and no fines were levied for non-renewal. The UAE Government has also made arrangements to ensure that the various services relating to workers' legal status are available by phone and online, and do not require any in-person visits. All penalties associated with non-renewal of expired visas have been waived, and the medical testing requirement for visa renewal was also temporarily halted.
- The UAE Government does not deport migrant workers whose jobs have been disrupted due to the pandemic. The UAE Government has facilitated regular flights for workers who voluntarily wish to return home, either temporarily or permanently. Where workers wished to return home but were unable to do so, this was due to bars on their entry.
- The UAE Government requires that all employers continue to meet their duty of care to workers, regardless of employment status, including the ongoing provision of food, accommodation and healthcare to workers on unpaid leave of absence. Guidelines were issued early on for employer-provided accommodation sites to enable social distancing in sanitary conditions. Regular inspections take place to ensure compliance.
- Where workers are made redundant, over 60% are now covered by the Taa-meen insurance scheme, which covers workers in case of employer bankruptcy or default by employers on workers' end-of-service benefits, including redundancy payments and costs of repatriation, with coverage up to 20,000 dirhams. To date, over 9 million dirhams has been paid to workers from the Taa-meen scheme.

Workers whose contracts pre-date Taa-meen continue to be covered by the 3000-dirham (per worker) employer indemnity managed by the Ministry of Human Resources and Emiratisation.

- Redress mechanisms for worker complaints are in place and robust. For example, in August 2020 the Abu Dhabi mobile courts oversaw the reimbursement of 261 million dirhams in unpaid wages to 23,000 workers. The Ministry of Human Resources operates an online and phone hotline to report any violations of labour rights and coordinates closely with the courts to ensure that complaints are dealt with quickly and effectively. These redress services have been widely publicised through the 'A Complaint About My Wages' information campaign.

ii. **The integration of migrant workers into the UAE's national response**

The UAE is home to approximately eight million migrant workers, representing around 90 percent of the total population. According to the latest available World Bank figures (2018), migrant workers in the UAE remit around USD \$44.3 billion annually (a number that is likely to see a decline in 2020 due to the pandemic, with significant downsides for global development). In turn, the heterogeneity of UAE's labour market is a source of competitive strength in the global economy, enabling UAE businesses to access a broad mix of skills at various levels.

In this context, the integration of migrant workers into the UAE's national response to the COVID-19 pandemic has been urgent – and inevitable. The UAE Government has recognised, from the beginning of the pandemic, that any form of discrimination towards migrant workers is likely to be counter-productive, making migrant workers harder to reach and possibly driving the disease underground in consequence. It is in the best interests of the whole community, therefore, to ensure that migrant workers from all backgrounds have been able to access government services made available to mitigate the impacts of the pandemic, including testing and healthcare.

Underpinning this approach is Federal Law 14 of 2014, on Combating Communicable Diseases, Article 27 of which clearly states:

It is prohibited to place any special restrictions or special conditions that lead to the deprivation of the rights enshrined within national laws of those who are infected with communicable diseases, taking into account their health condition, without prejudice to the measures necessary to prevent and eliminate the spread of communicable diseases.

Further, the Ministry of Human Resources has engaged closely with the Ministry of Health to develop policies to ensure that workers are not penalised as a result of their exposure to COVID-19. The UAE Minister of Human Resources notified employers that workers

must not have their employment terminated as a consequence of testing positive for the disease, and that rights to sick leave, as mandated under Article 83 the Federal Law 12 of 1986, providing for 15 days leave on full pay, thirty days with half pay, and up to ninety days without pay, must be observed.

Legal frameworks have been introduced to reduce the spread of the disease through workplaces. Measures include: enabling social distancing by reducing physical presence in workplaces to 30% of pre-COVID capacity; capping occupation of transport at 25% of vehicle capacity; facilitating remote work for vulnerable workers; the provision of temperature checks at the entrance to worksites; regular sanitization and disinfection of workplaces; requiring social distancing of at least two metres at mealtimes; and the provision of hand sanitizers and personal protective equipment. Joint inspections by ministries and health authorities oversee employer compliance with these measures, and action is taken in response to identified violations.

Workers who test positive for COVID-19 are provided with accommodation and safe and sanitary facilities in which to quarantine; those who require hospitalisation are referred to the nearest facilities in an expanding network of established and temporary hospitals across the Emirates. Those aged over 50 and those with co-morbidities are provided separate accommodation.

In response to the impact of COVID-19 on employment, the UAE Government has taken steps, wherever possible, to keep workers in employment, while ensuring that workers who have lost their jobs are able to transfer to employers who have a demand for labour. The Ministry of Human Resources and Emiratisation established a dedicated electronic job matching platform and required that private sector employers register the details of all inactive workers, regardless of nationality, on the platform. At the same time, businesses experiencing high labour demand (for example, delivery, logistics and food suppliers) were directed to post available vacancies on the platform. As a result, between January and August 2020, 109,784 workers were provided with alternative sources of employment, without impacting the terms of their residency, including 9,835 workers placed in temporary work with alternative employers, and 22,127 workers obtaining permission from the Government to work part-time for an alternative employer.

iii. The provision of essential services and humanitarian assistance to vulnerable workers

The UAE Government has made significant efforts to ensure that vulnerable workers have continued access to essential services and humanitarian assistance throughout the pandemic. As a government, we are committed to ensuring that everyone is appropriately housed, fed and can access healthcare.

The UAE Government has set out clearly the duty of care owed by employers to workers placed on unpaid leave or made redundant, while they remain within the country. Employers remain liable, by law, for the continued provision of accommodation, food and healthcare, until such time as the worker finds alternative employment or leaves the country to return home. Where necessary, the UAE Government takes action through to enforce this duty of care.

With regards to employer-provided accommodation, the Ministry of Human Resources set out a requirement that sufficient space must be available to allow workers to social distance effectively. Where existing accommodation sites cannot provide for effective social distancing, employers may establish accommodation centres at the work site, to minimise contagion risks arising from transportation. On-site accommodation centres are, moreover, subject to specific requirements, including quarantine facilities and fully equipped medical facilities. Inspections of employer-provided accommodation sites are regularly and repeatedly undertaken by joint teams from the Ministry of Human Resources and Emiratisation, the Ministry of Health, local municipalities, and civil defence. From January 2020 through August 2020, 1256 accommodation inspections have been undertaken, with 307 violations detected, fined and corrected.

To ensure all workers have access to food, strict price controls were introduced early on in the pandemic. The UAE Food Bank, Mohammed bin Rashid Al Maktoum Humanitarian and Charity Establishment, and UAE Water Aid (Suqia UAE) have also launched the '10 Million Meals' campaign in collaboration with UAE ministries, federal and local entities and humanitarian and charitable organisations in the UAE. The campaign operates a comprehensive and wide-ranging distribution network to ensure efficient food delivery across the country, assisting vulnerable and disadvantaged individuals and families with moral and financial support.

As noted above, treatment of COVID-19 is free to all, irrespective of whether individuals have medical insurance. Medical insurance is tied to residency visas, ensuring that workers continued to have access to health provision for non-COVID-19 needs, regardless of employment status, due to the visa grace period (see above). There are also social support programmes providing medical aid for non-COVID-19 needs for those not covered by insurance, educational support for children, and financial support to the families of those who have succumbed to COVID-19, regardless of nationality.

iv. Actions taken to enable the safe and voluntary return of workers wishing to return to their country of origin

The UAE does not deport workers whose employment has been disrupted by the pandemic. To ensure that those who wish to return home voluntarily – either temporarily or permanently – are able to do so, the UAE Government has coordinated with the governments of countries of origin to facilitate additional and dedicated flights. UAE law

permits equitable return home for employed migrant workers on leave, by allowing employers and employees to reach an agreement on temporary and voluntary return, while requiring employers to pay for *return* flights, ensuring the possibility of return at no cost to those workers wishing to do so. During the period of temporary leave, employers are required to continue honouring their contractual obligations to workers and provide entitlements as prescribed by UAE law.

v. The protection of workers in response to redundancy and abandonment

Keeping people in work has been a very high priority of the UAE Government throughout the pandemic. The UAE Government has put in place several measures designed to protect jobs and the employment of workers.

Once the UAE Government became aware of plans by a number of key employers to lay off their labour force, it introduced new regulations, including Ministerial Decree 279 of 2020, outlining a set of procedures that enabled employers to take a number of steps in advance of serving redundancy notices, while alleviating cash flow pressures due to the extraordinary circumstances. Graduated steps, prior to redundancy, promoted early leave with pay, followed by a temporary reduction in salaries, unpaid leave, and permanent salary reductions. The same regulatory instrument underlined the continued duty of care owed to workers through the provision of accommodation and the fulfilment of all other rights (see above).

Any changes to the terms of employment contracts, in response to the economic impact on businesses, require the consent of both parties, and such changes to contracts are registered with and monitored by government authorities. In order to implement a contractual change, both employer and employee must agree to and sign an annex to the contract, outlining the validity period, which is then registered with the Ministry of Human Resources and Emiratisation and monitored by them for compliance through the Wage Protection System (see below for more information). Where changes to the contract are temporary, the Wage Protection System will identify non-compliance by employers at the end of the contractually agreed period.

The new regulations also aimed to enable the reassignment of work permits (on a temporary or permanent basis, and including the issuance of part-time work permits) to alternative employers, and waiving employer recruitment fees. Under UAE law, employers without work during the COVID-19 pandemic are required to register their workers in an electronic job matching platform to facilitate their employment by other employers (as outlined above).

Where workers have been made redundant, they are entitled to the full range of benefits as set out under federal employment law, to be met by the employer. In situations where businesses are unable to meet their end-of-service obligations to workers, due to

insolvency, the UAE Government introduced in 2018 an insurance policy called Taa-meen, which employers subscribe to when applying for work permits for workers. Workers cannot be made accountable for the costs of the policy. The total sum assured is up to 20,000 dirhams (equivalent to \$5,499) for each insured worker. This sum covers non-payment of benefits, including end-of-service gratuity, vacation allowances, overtime allowances, unpaid wages, return air ticket, as well as any court-determined employer liability for work injuries. Since the start of the pandemic, Taa-meen has paid out 9,881,012 dirhams to workers whose employers have entered administration.

For workers whose contracts originated prior to the introduction of Taa-meen, they are covered by the 3000-dirham employer indemnity managed by the Ministry of Human Resources and Emiratisation. Since the start of the pandemic, 3180 workers have received their dues either through the Taa-meen insurance scheme or through payment of the employer indemnity.

At the height of the pandemic, there was a very small number of workers who found themselves in a situation where they were effectively abandoned by their employer and were without the means to support themselves. In these cases, the UAE Government took urgent humanitarian action to provide accommodation and food and offered the choice of voluntary return to their home country or alternative employment in the UAE.

vi. Mechanisms available for the redress and remedy of labour rights violations

The UAE Government monitors the payment of salaries by employers to workers through the Wage Protection System, which regulates 98% of private companies in the UAE. Once salaries are 16 days overdue, and there is no record of the employer and worker mutually agreeing to unpaid leave, government authorities will take action to refer to employer to the labour courts, seek a travel ban on responsible parties, and freeze company assets. If, after 30 days, the salary payment remains outstanding, a fine of 1000 dirhams per unpaid worker is levied on the employer. To date, in 2020, the Ministry of Human Resources and Emiratisation has undertaken 7595 inspections of work places in response to non-payment of salaries, with 1141 violations detected, fined and corrected. When complaints are referred to the courts, the courts have successfully pursued employers for non-payment of salaries, including, as noted above, the recovery in August of 261 million dirhams in unpaid wages to 23,000 workers by the Abu Dhabi mobile courts.

In 2014, the Ministry of Human Resources and Emiratisation introduced a fast track dispute settlement process and began investing in additional staff with legal training and experience in dispute resolution. Workers can flag labour rights violations online and through a phone hotline (80060). To date, since the beginning of January 2020, the Ministry of Human Resources and Emiratisation has provided free legal advice to 301,290 workers. Workers who make a complaint through these dispute systems can expect the

Ministry to contact their employer within three days of a complaint being logged, with a follow up workplace inspection triggered after five days. In instances where the Ministry is unable to resolve a complaint, it will be referred to the labour courts. All workers have the right to have their dispute heard without payment of fees, at all levels of complaint settlement, from Ministry resolution through to the Court of Cassation.

Employers are required to prominently display public information in workplaces and accommodation sites relating to labour rights and access to justice in case of violation in languages that the workers can understand. The Ministry of Human Resources and Emiratisation maintains an inspections department to ensure the compliance of businesses with relevant labour laws. To date, from January 2020 through the end of August 2020, 15,902 workplace inspections have taken place. These resulted in 7051 compliance warnings being handed to employers, and 1448 violations identified, fined and corrected.

vii. UAE ratification of P029, the Protocol of 2014 to the Forced Labour Convention (1930) and the ILO Domestic Workers Convention, 2011 (No. 189)

With regards to P029, the Protocol of 2014 to the Forced Labour Convention (1990) and the ILO Domestic Workers Convention, 2011 (No. 189), the UAE develops efforts to update his legal framework and, in this regard, has considered guiding principles of ILO No. 189 for the enactment of recent labour laws.

The UAE Government is committed to the ongoing protection of all citizens and residents throughout the COVID-19 pandemic, and will continue to provide services and implement regulations to ensure the health and prosperity of all. The UAE is proud of its track record in upholding human rights and remains a staunch defender of universal values.