

COVID-19: UAE implements "Early Leave" initiative for expat employees taking unpaid leave

April 8, 2020

In our recent article, we commented on the recently issued Ministerial Resolution No. (279) of 2020 which dealt with temporary precautionary arrangements employers and employees can put in place (such as remote working or taking paid or unpaid leave) to curb the spread of COVID-19.

The Ministry of Human Resources and Emiratisation (the Ministry) announced on 5 April 2020 the implementation of an "Early Leave" initiative for non-UAE national employees who have agreed to take unpaid leave during the precautionary measures. This initiative is an extension of the UAE government's humanitarian support programmes and is in response to a large number of requests received from some foreign workers who wish to return to their home countries.

In summary, if an employer and employee agree on a period of unpaid leave due to the precautionary measures, the employer is obliged (upon employee request) to book and pay for the cost of a return flight to the employee's home country but only if such a flight is available. This obligation does not extend to covering the cost of flights for the employee's family. The employer and the employee are required to specify the duration of the unpaid leave by signing a form available on the Ministry's smart app and website. The employee's residence visa will automatically renew even if the employee is not in the UAE at the time of expiry.

The contractual relationship between the employer and the employee remains for the duration of the leave. The leave period will end once the employee returns to the UAE and the precautionary measures period has otherwise ended. In accordance with Article 131 of the UAE Labour Law, unpaid leave is not included in the period of service for the calculation of end of service gratuity.

The Ministry has created an email address (ask_us@171.ae) that employees can use for queries.

How Dentons can help your UAE business

As the first international law firm to establish a presence in the Emirates, our UAE-based employment and labour team has an in-depth understanding of local issues and is regularly instructed by local and international clients doing business in the UAE. We have a diverse practice giving focused, experienced advice and assistance on contentious, non-contentious and advisory employment work.

Given the situation is changing quickly, with new measures introduced by UAE authorities regularly, we continue to monitor this situation closely.

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