

EMPLOYMENT REGULATIONS 2019 (ENGAGING NON-EMPLOYEES) RULES ~~2019~~2020

Date of Adoption: **29 March 2020**

The Registrar of Abu Dhabi Global Market in implementation of section 61 of the Employment Regulations 2019, hereby makes the following rules:-

1. INTRODUCTION

(1) Citation, commencement and interpretation

- (a) These Rules may be cited as the Rules on Engaging Non-Employees ~~2019~~2020.
- (b) These Rules shall come into force 13th May 2020~~six (6) months from the date of their publication.~~
- (c) In these Rules references to sections shall mean references to the relevant sections of the Regulations unless referring to sections of these Rules.
- (d) Unless the context suggests otherwise, terms used in these Rules which are defined in the Regulations shall have the meanings given to them in the Regulations.

In these Rules –

- (i) “ADGM Entity” means a licensed person, as defined in the Commercial Licensing Regulations 2015, as amended, or the Abu Dhabi Global Market as governed by article (2) of ADGM Founding Law;
- (ii) “Intern” means a student or trainee who works for an ADGM Entity, with or without pay, in order to gain work experience;
- (iii) “Non-Employee” means a person who is a Secondee, an Outsourced Individual, an Intern, or a Temporary Freelancer;
- (iv) “Outsourced Individual” means an individual temporarily working in Abu Dhabi Global Market for one or more ADGM Entities under an outsourcing agreement and who has the right to work in the UAE but does not hold a visa facilitated by the Registrar;
- (v) "Regulations" means the Employment Regulations 2019;
- (vi) “Secondee” means an individual temporarily working in Abu Dhabi Global Market for an ADGM Entity on a secondment basis and who has the right to work in the UAE but does not hold a visa facilitated by the Registrar;
- (vii) “Temporary Freelancer” means an individual who provides services in or from Abu Dhabi Global Market to an ADGM Entity on a temporary basis, who is not under the exclusive direction and control of an ADGM Entity and who holds a freelancer license from a UAE free zone; and
- (viii) “Temporary Work Permit” means an Abu Dhabi Global Market work permit that is issued for a Non-Employee.

(2) Application

These Rules apply to every ADGM Entity that engages or intends to engage the following categories of individuals:

- (a) Secondees;
- (b) Outsourced Individuals;
- (c) Interns; and
- (d) Temporary Freelancers.

(3) Purpose

The purpose of these Rules is to supplement the Regulations and to set out the conditions for the issuance of Temporary Work Permits in Abu Dhabi Global Market as well as applicable fees and fines for non-compliance with these Rules.

2. TEMPORARY WORK PERMITS

(1) Authority

- (a) The Registrar is the sole authority to issue Temporary Work Permits.
- (b) The Registrar may in their sole discretion revoke any Temporary Work Permit approved under subsection (1)(a).

(2) Responsibility for Obtaining a Temporary Work Permit

- (a) The ADGM Entity engaging the Non-Employee is responsible for obtaining, maintaining and paying the cost of the required Temporary Work Permit (in accordance with Schedule 1) prior to the Non-Employee's provision of any services in the Abu Dhabi Global Market to that ADGM Entity.
- (b) A delay in filing an application for a Temporary Work Permit will attract, in addition to filing fee applicable, a delayed application fee in accordance with Schedule 1.
- (c) Failure to comply with subsection (2) will be considered a contravention of these Rules and will attract a fine in accordance with Schedule 2.
- (d) The ADGM Entity engaging Non-Employees shall keep records of the following:
 - (i) Non-Employees' names;
 - (ii) The date on which the Non-Employees' engagements began; and
 - (iii) The date on which the Non-Employees' engagements expire.
- (e) Records prescribed in subsection (2)(c) shall be in English, kept at the ADGM Entity's principal place of business in the Abu Dhabi Global Market and may be retained in electronic format.

(3) General Requirements for all Temporary Work Permits

- (a) For any individual entering into a temporary engagement with an ADGM Entity, the relevant ADGM Entity must apply for a Temporary Work Permit.
- (b) In order to be granted a Temporary Work Permit, the individual, if not a UAE or GCC national, must hold a valid UAE residence visa which is valid for longer than the requested duration of the Temporary Work Permit.
- (c) Temporary Work Permits can be issued for validity periods of 3, 6 or 12 months.

(4) Specific Requirements

- (a) Unless an exemption is granted by the Registrar, a Temporary Work Permit for a Seconded and an Intern shall be valid for a maximum period of 12 months and is not renewable.
- (b) A Temporary Work Permit for an Outsourced Individual or Temporary Freelancer can be renewed indefinitely, upon payment of the applicable fees in accordance with Schedule 1.
- (c) If the Non-Employee is between 15 and 18 years of age, the ADGM Entity shall take all appropriate measures to ensure that conditions for that Non-Employee's engagement are safe, reasonable and appropriate for their age and wellbeing.

(5) Required Documents

- (a) The Registrar may, from time to time, publish the list of required documents upon application for a Temporary Work Permit.
- (b) These requirements are subject to change from time to time, at the Registrar's discretion.
- (c) The Registrar has the power to grant exceptions to ADGM Entities in regards to the required documents.

(6) Reduction, waiver or refund of fees

- (a) The Registrar may reduce, waive or refund all or part of any fee if it considers that, in the exceptional circumstances of a particular case, it would be equitable to do so.
- (b) For the purpose of these Rules, "exceptional circumstances" is defined as any unforeseen circumstances in which the public interest outweighs the need for the imposition of the fees.

(7) Employment Regulations 2019 (Engaging Non-employees) Rules 2019

The Employment Regulations 2019 (Engaging Non-employees) Rules 2019 is repealed.

SCHEDULE 1 – FEES

Fees for obtaining and renewing Temporary Work Permits and delayed application fees

Table 1 - Issuance of Temporary Work Permit

Category of Non-Employee	3 months	6 months	12 months
Seconded	150	300	600
Outsourced Individual	150	300	600
Intern	150	300	600
Temporary Freelancer	150	300	600

Table 2 - Renewal of Temporary Work Permit

Category of Non-Employee	3 months	6 months	12 months
Seconded	150	300	600
Outsourced Individual	150	300	600
Intern	150	300	600
Temporary Freelancer	150	300	600

Table 3 – Delayed Applications

Delay	Fee
If filed within 1 week after the Non-Employee commences its engagement	250
If filed more than 1 week after the Non-Employee commences its engagement	500

The above fees are in United Arab Emirates Dirhams and are inclusive of VAT.

SCHEDULE 2 – FINES

Any ADGM Entity which fails to comply with these Rules shall be liable for the fines set out in the table below:

Rule	Contravention	Fine as per the scale
Subsection 2(2)	The ADGM Entity fails to obtain a Temporary Work Permit for a Non-Employee prior to commencing their engagement.	Not exceeding level 7
Subsection 2(2)	The ADGM Entity fails to renew a Temporary Work Permit while the Non-Employee continues to be engaged in the ADGM Entity's business or to provide services for the benefit of the ADGM Entity.	Not exceeding level 7