

Cabinet Resolution No. 95 of 2022
Regarding Penalties and Violations Relating To the Emirati Cadres
Competitiveness Council Initiatives and Programs

Council of Ministers:

- Having perused the Constitution
- Federal Law No.(1) of 1972 on the competencies of the Ministries and Powers of the Ministers and amendments thereof,
- Federal Law No. 14 of 2016 Concerning Violations and Administrative Penalties in the Federal Government
- Federal Decree-Law No. 26 of 2016 Concerning Public Finance
- Federal Decree-Law No. 27 of 2021 regarding the establishment and organization of the Emirati Cadres Competitiveness Council
- Federal Decree-Law No. (33) of 2021 concerning Regulation of Labor Relations and amendments thereof
- Cabinet Resolution No. (21) of 2020 concerning Service Fees & Fines in the Ministry of Human Resources and amendments thereof
- In accordance with the proposal of His Highness the Chairman of the Emirati Cadres Competitiveness Council, approved by the Council of Ministers.

Resolved:

Article 1
Definitions

For the purposes of implementing the provisions of this Resolution, the following terms and expressions shall have the meanings opposite thereto unless the context requires otherwise:

- State** : United Arab Emirates
- Council** : Emirati Cadres Competitiveness Council
- Chairman** : Chairman of the Board of Directors

- Secretary General** : Secretary General of the Council
- Ministry** : Ministry of Human Resources and Emiratisation
- Establishment** : Any technical, industrial, commercial, or other economic unit approved by the state, employing a considerable number of workers, involved in the production, marketing, or provision of goods or services, licensed by the competent authorities, and subject to the provisions of Federal Decree-Law No. 33 of 2021 concerning Regulation of Labor Relations and its amendments.
- Beneficiary** : A citizen who benefits from the support of the Council

Article 2

Violations and Administrative Penalties

Without prejudice to any other severe penalties or procedures that may be prescribed by applicable legislation, the Ministry and the Council have the right to impose the administrative penalties on anyone who commits any of the violations outlined in the below schedule:

Sr.	Description of the violation	Fines imposed on establishments by MOHRE	Penalties imposed by the Council on Beneficiaries
1	In the event that the establishment falsifies the Emiratization percentage of "Nafis" initiatives and programs	Administrative fine of not less than (20,000) twenty thousand dirhams and not more than (100,000) one hundred thousand dirhams per employee.	Terminating the support and refunding all amounts spent
2	Providing inaccurate information or documents in order to obtain benefits related to "Nafis", or to	Administrative fine of not less than (20,000) twenty thousand dirhams and not more than (100,000) one	Terminating the support and refunding all amounts spent

	evade or circumvent the Emiratisation process	hundred thousand dirhams per case.	
3	Having invalid documents or failing to renew the required documents within the stipulated time frame	Administrative fine of (2,000) two thousand dirhams per month up to (5,000) five thousand dirhams	During the period of invalidity, the benefits will be suspended and will be resumed upon revalidation
4	<p>Upon failure to comply with the procedures prescribed by Decree-Law No. 33 of 2021, its executive regulations, and the implementing decisions, in the following cases:</p> <ul style="list-style-type: none"> • The beneficiary does not join the work after the work permit has been issued and the establishment has received the Council's support • If the beneficiary ceases to be regular at work with the establishment following the initial employment. • If the establishment fails to inform the Council if the beneficiary stops reporting to work. 		Terminating the support and refunding all amounts spent
5	If the establishment terminates the beneficiary's employment	Administrative fine of not less than (20,000) twenty thousand dirhams and not	Terminating the support and

	and reassigns him/her again in order to receive support from the Council	more than (100,000) one hundred thousand dirhams per case.	refunding all amounts spent
6	Establishments failing to report any changes to the terms of benefit to the Council for reasons the Council deems unacceptable.	Administrative fine of (20,000) twenty thousand dirhams per case.	Terminating the support and refunding all amounts spent after modification of the terms of benefit
7	If the beneficiary fails to comply with the approved training or study program and if he/she is absent for more than ten continuous days or twenty (20) intermittent days during the training period.	-	Terminating the support, refunding all amounts spent, in addition to one-year ban from the program
8	Beneficiaries failing to attend training or study programs for reasons the Council deems unacceptable.	-	Terminating the support, refunding all amounts spent, in addition to one-year ban from the program
9	In the case that the establishment fails to appoint the beneficiary after the end of the supported training period under the "Nafis" initiative (Financial assistance during the training period) for reasons the Council deems unacceptable.		Amounts paid to the establishment during the period of support shall be recovered by the Council

**Article (3)
Grievances**

1. Interested parties may appeal any administrative penalty imposed by the Council in accordance with Article (2) herein within (15) fifteen days of notification of the decision appealed. Grievances must be justified and accompanied by all supporting documentation in accordance with Council procedures.
2. Following receipt of the grievance, the grievance shall be investigated and resolved according to the procedures in force at the Council within (10) ten days of its receipt.
3. Furthermore, a grievance can be filed against the fines imposed by the Ministry in accordance with Article (4) of Cabinet Resolution No. (21) of 2020.

Article (4) **General Provisions**

1. For the purpose of complying with the stipulated administrative fines under this Resolution, a part of a day is considered a full day, likewise, a part of a month is considered a full month.
2. Upon committing more than one violation, multiple penalties may be imposed.
3. As outlined in Article (2) of this Resolution, any establishment found to have committed any of the violations referred to therein may be banned by the Council.
4. Recurrent violations may result in the Council depriving the applicant of support.
5. The fines prescribed in this Resolution shall be collected by the Ministry in accordance with the means determined by the Ministry of Finance and credited to a unified public treasury account of the Federal Government.
6. In addition to the penalties specified in this Resolution, other administrative fines shall be collected according to the methods determined by the Council.
7. It is not limited to the imposition of fines and penalties stipulated in this Resolution. The Public Prosecution may take legal action against either or both of the establishments and beneficiaries for legal action.
8. Chairman of the Council shall make decisions, determine the necessary procedures for implementing this resolution, and set the policies for implementing the administrative penalties outlined in this Resolution.

Article (6)

Publication and Commencement Date

This Resolution shall be published in the Official Gazette and shall be effective on the following day of its publication.

The original was signed by His Highness Sheikh
Mohammed bin Rashid Al Maktoum
Prime Minister of the United Arab Emirates

Issued by us on:
18th of Rabi' al-Awal 1444 A.H
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