

## Frequently Asked Questions About the New Labour Law (Federal Decree-Law No. 33/2021)



دائرة القضاء  
JUDICIAL DEPARTMENT



### ➤ Are part-time workers entitled to annual leave?

**Answer:** Yes, part-time workers are entitled to annual leave on a pro-rated basis. At a minimum, part-time workers are entitled to 5 annual leave days.

### ➤ How do I calculate the end-of-service gratuity for a part-time worker?

**Answer:** The total number of hours to be worked per year shall be converted into working days (one working day being eight working hours). Then, the total number of working days is divided by the number of working days in a full-time calendar year. This number is multiplied against the full-time equivalent end-of-service gratuity entitlement.

### ➤ How can an employee be terminated under the new law?

**Answer:** Although all new contracts must be a fixed term. Contracts can be terminated with proper notice for a legitimate reason, Proper written notice must be a minimum of 30 days and a maximum of 90 days. Upon notice the worker has the right to be absent one day per week, without pay, to look for a new job. In some cases, a worker that

### ➤ Under the new decree, are there certain circumstances where an employee can be dismissed without notice?

**Answer:** Yes, similar to the previous labour law, a worker may be dismissed without notice if the employer conducts a written investigation determining the employee's conduct meets one of the specified grounds contained in the law. The new law has added additional grounds for summary dismissal if the employee abuses their position for profit or personal gain, or if the employee commences work for another employer without complying with the proper procedures.

➤ **Is an employee still entitled to the end-of-service gratuity if the employee is summarily dismissed for conduct that meets the specified grounds contained in the law?**

**Answer:** Yes, even if an employee has acted in a way that meets one of the specified grounds, an employee is entitled to the end-of-service gratuity.

➤ **Can an employee be terminated without notice if the employee is under the probation period?**

**Answer:** Yes, however, an employer must provide a notice of at least 14 days.

➤ **Are there changes regarding employee leave?**

**Answer:** Yes, maternity leave has been increased to 60 calendar days, the first 45 days are fully paid, with the remaining 15 days at half pay. Additionally, there are new leave categories including compassionate leave, parental leave, study leave.

➤ **What factors should be considered when determining disciplinary penalties for an employee?**

**Answer:** Disciplinary penalties imposed must be appropriate given the nature of the misconduct in accordance with the following criteria:

1. Extent of breach of confidentiality of data and information related to work;
2. The impact of the violation on the health and safety of employees;
3. The financial impact of the violation;
4. The effect of the violation on the reputation of the employer and its employees as a result of committing the violation;
5. Exploitation of authority entrusted to the employee;
6. Whether the violation is repetitive; and
7. The existence of a criminal or moral part in the committed violation.