

LEXIS MIDDLE EAST HR ALERT

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March 2025

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Risks and opportunities in the UAE

PROFILE HOSPITALITY

Uchenna Okpara Izuagba of Gastronomaut Hospitality

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CLEAR AND FLEXIBLE

In each issue of this magazine we interview an individual who works in the HR profession in the region and ask them about their work and challenges. A common challenge which has been mentioned again by our profile interviewee in this issue - who is a Chief HR Officer in the food and beverage sector in the UAE - is the scarcity of talent. This has been an issue for many employers in the region since COVID 19 back in 2020. It is also a challenge some employers have found has become more complex as countries across the region roll out new nationalisation strategies. For many employers the solution is to encourage diversity. One way this can be achieved is by offering more flexibility on employment options - both in terms of working hours and work locations. This enables a wider range of potential employees of different ages and with different commitments to work, for example via remote and part-time employment options. In many jurisdictions, in the past, part-time workers who were often women, young people or sometimes people who had retired from their previous careers, were often treated as the 'poor relations' when it came to employment rights. There was also often a lot of ambiguity on the rules which governed their employment. What is interesting is that jurisdictions in the region are now realising the importance of this flexibility given these talent shortages and the need to provide a clear legal framework for those interested in working part-time and their potential employers. In this issue we look at two new laws. The amended and updated ADGM Employment Regulations which come into force in April 2025 - and now provide legal recognition, as well as greater clarity on rights and obligations for part-time employees and remote workers and a new Ministerial Decision in Oman which regulates part-time work there. Part-time work can be a great way to build experience so it is perhaps not surprising the Omani law specifically mentions students and is being seen by some commentators there as a means of balancing resourcing and simplifying nationalisation requirements.

Claire Melvin - Editor

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A MORE FLEXIBLE APPROACH

Ben Brown and Sarit Thomas of Clyde & Co look at the added flexibility which has been brought in for employees and employers as a result of changes in the ADGM's Employment Regulations which take effect on 1 April 2025.

“U pdated Employment Regulations are coming into effect in the ADGM on 1 April 2025 following on from a public consultation last July, which includes

some significant changes to employee rights and employer responsibilities,” states Ben Brown. “The aim has been to modernise employment practices in the ADGM, offer greater clarity on the existing provisions, and also introduce enhanced protections for employees. It is also hoped these amendments will help ensure employers meet the necessary compliance standards.”

SCOPE AND APPLICATION

“One of the key clarifications in the ADGM Employment Regulations 2024 is that these laws do not apply to employers who hold a dual licence from the Abu Dhabi Department of Economic Development,” states Sarit Thomas. “Employees of these entities are still governed by Federal Decree-Law No. 33/2021 rather than ADGM’s employment framework. This means it is crucial for businesses operating within

the ADGM to confirm which set of legal obligations and compliance requirements apply to them and their employees.”



Ben Brown
Partner, Clyde & Co



Sarit Thomas
Clyde & Co

REMOTE AND PART-TIME WORK

“A key change in these new regulations is the introduction of two new employment categories - Remote employees and Part-Time employees, which were not previously present in the ADGM employment regime,” explains Brown.

“There are two classes of remote employees,” Thomas continues. “Those who reside and work from within the UAE to whom the health and safety obligations which cover matters such as room dimensions, cleanliness and ventilation, workstations and seating, as well as the provision of sanitary conveniences and drinking water do not apply. However, those in Part 4 of the Regulations on working time and leave do apply.”

“There are additional employee obligation exemptions which apply for Remote employees who reside and work outside the UAE,” Brown adds. “These include not having to fulfil the obligations in Article 4 on visas and permits or the specific health and safety duties under Article 38. However, the employer must also provide both of these



types of employees with and maintain the technical equipment they need to carry out their remote work, unless the employer and employee have agreed otherwise.”

“A key change is that the updated regulations now formally recognise these two types of workers and provide clarity on their status in order to ensure ADGM-based companies understand their legal responsibilities toward them,” Thomas continues.

“The other significant change is that these new regulations also now provide clearer guidelines on Part-Time employees’ entitlements, particularly on areas such as leave allocation and pro-rata benefits,” states Brown. “A key point is under Article 10 of the ADGM Employment Regulations the way a Part-Time employee’s pro-rated entitlements are determined will depend on whether their employment contract requires them to work every working day or less than five days in the working week. If they work every day, leave entitlements, including sick leave, sick pay, vacation, and special leave are not pro-rated.”

“However, if they work less than five working days a week, the days they work during the working week are calculated as a percentage of the number of days worked by the employer’s full time employees during the working week; and the percentage derived from

RELEVANT LEGISLATION

Article 10(1) of Employment Regulations 2024

If a Part-Time Employee’s Employment Contract provides for the Part-Time Employee to work every day of the Employer’s working week, the Part-Time Employee’s entitlements under sections 21, 27, 29, 30, 32, 33 and 34(1) shall not be pro-rated.

(Source: Lexis Middle East)

this calculation is applied to these leave and sick pay entitlements. Employers should carefully review any Part-Time contracts or employment policies they have in place with these employees to ensure compliance with these updated provisions.”

EMPLOYMENT CONTRACTS

“The updated regulations also state that employers must provide employees with a written employment contract within one month of their start date, and they should ensure clarity and mutual understanding of the rights and obligations from the outset,” states Thomas. “In addition, any changes to the contract which go beyond mere administrative adjustments need the written agreement of both parties. This should help promote transparency in employment contract terms

RELEVANT LEGISLATION

Companies Allowed to Hire Remote Workers

The ADGM has introduced new employment regulations that empower companies to hire remote workers and offer more flexible working arrangements. The new regulations take effect on 1 April 2025, giving employers enough time to adjust policies, contracts, and employment matters for compliance.

and help safeguards employees from unilateral modifications by their employers.”

PROBATION, WORKING HOURS AND LEAVE

“Another change is that the regulations on probation periods have been altered to establish clear expectations and protections for both employers and employees,” explains Brown.

“The maximum probation period is now set at six months, or, with fixed-term contracts of less than six months, this maximum period is equal to half the length of the contract.”

“It should also be noted that during this period employees must be given

at least one week’s notice if their employment is to be terminated,” Thomas continues.

“Employees are also eligible for sick leave during their probation, but here it is important to note they are not entitled to sick pay. In addition, if an employee wishes to take annual leave during the probationary period the employer’s prior approval is required,” Brown explains.

“Finally, if employment is terminated at any point during probation, the employee is entitled to a repatriation flight, regardless of the circumstances surrounding the termination.”

WORKING HOURS AND RAMADAN

“The regulations on working hours are another area which has been designed to provide both employees and employers with structure and flexibility,” Brown states. “Standard working hours are capped at 48 hours per week, unless a different arrangement is agreed between the employer and the employee. Muslim employees are also entitled to a 25% reduction in working hours during Ramadan, without any reduction in salary.”

“However, at present the new ADGM Employment Regulations do not currently specify guidelines on overtime, although it is anticipated the Registry will release further rules or guidance on this area in the near future.”

ANNUAL LEAVE AND OTHER LEAVE BENEFITS

“When it comes to the regulations on annual leave and other leave benefits, flexibility, fairness and transparency has also been important,” states Thomas. “For example, employees are allowed to carry forward up to five days of unused annual leave into the next leave year, but any remaining balance expires at the end of that period.”

“Employers must also consider requests for annual leave reasonably and can only reject them if there is a valid justification. In addition, employers have the right to require employees to take annual leave at a particular time, as long as they provide at least seven days’ written notice of this.”

“The new ADGM Employment Regulations also provide clear guidelines on how to calculate various types of leave entitlement. For example, employees are entitled to five working days of paid bereavement leave, and UAE federal laws on national service are explicitly applicable within the ADGM,” Brown adds.

“The provisions on maternity and family leave have also been updated. For example, maternity leave now explicitly includes leave for adoptions of children under five, and for stillbirths and miscarriages that occur after 24 weeks of pregnancy,” Thomas explains. “In addition, after returning from maternity leave new mothers are entitled to a daily nursing break of at least one hour, which can be taken over a period of nine months following childbirth. Female employees returning from maternity leave also have the right to return to their previous position or an equivalent role with terms and conditions which are substantially the same. In addition, both male and female employees are also entitled to reasonable paid time off to attend ante-natal medical appointments.”

“The new regulations also now include explicit protections against discrimination related to pregnancy and maternity, reinforcing the commitment to equality in the workplace,” Thomas adds. “Employees who face discrimination or harassment in the workplace are also entitled to compensation of up to three years’ wages. Therefore, employers are recommended to review and strengthen their anti-discrimination policies, and their internal complaint mechanisms, to ensure there is a fair and supportive environment for all employees.”

TERMINATION

“It is also now important that employers cancel residence visas and work permits promptly following termination to avoid financial penalties,” states Thomas.

“Employees with unlimited-term contracts are entitled to a notice period, and employers can place them on garden leave but cannot pay them in lieu of notice. In addition, employees can request a written reference or formal dismissal explanation, and there are potential penalties if an employer fails to comply with this.”

“There have also been changes on end of service gratuities,” adds Brown.

“Employees are entitled to an end-of-service gratuity regardless of their termination reason. In addition, the gratuity cap has also been removed, and employers are now able to offer pension or savings schemes instead of gratuities,” Thomas states. “However, UAE and GCC national employees must be enrolled in pension schemes within 30 days of employment. As a result of these changes employers who conduct business in the ADGM should now be taking proactive measures to ensure they are complying with the new regulations, as failure to do this could lead to penalties, fines and other potential legal consequences.”

Skills-based hiring

Mary Rintu of NYK Law examines how the shift towards considering practical skills over experience in recruitment could be presenting UAE employers with opportunities and challenges.

The hiring landscape in the UAE is undergoing a marked transformation, as companies increasingly prioritise practical skills, experience, and attitude over traditional academic qualifications. This shift is driven by the growing need for a more dynamic and adaptable workforce, as underscored by HR Professionals and a recent report from Innovations Group entitled Workforce Trends and Market Insights. According to this report, 70% of hiring managers in the UAE are now placing a greater emphasis on practical skills than academic credentials. This trend mirrors a global movement towards recognising real-world problem-solving abilities, adaptability, and work ethic over formal education. The rise of skill-based hiring is becoming the norm across the UAE. Organisations are seeking candidates who can demonstrate hands-on expertise and a strong work ethic, rather than simply possessing academic qualifications. This shift is underpinned by several factors. By focusing on skills, companies can tap into a more diverse talent pool, which fosters innovation and creativity within teams. Professionals with tangible skills, industry-specific certifications, and strong portfolios are now highly sought after. Employers can prioritise practical experience that can be applied to existing workplace challenges. The emerging generation of professionals are prioritising continuous skills development wherein there are opportunities to learn and grow. This shift is evident in industries such as technology and marketing. In the tech sector, employers favour candidates who possess certifications, bootcamp experience, and practical project work, as it can demonstrate the candidate's capacity to adapt to rapidly changing technology.

Similarly, in the marketing industry, a strong portfolio of past work is considered more valuable than an academic degree. Employers are increasingly looking for candidates who can demonstrate creativity and the ability to deliver tangible results. Across various sectors, a 'can-do mentality' and a strong willingness to learn have become key differentiators for candidates seeking employment. Employers are seeking individuals who can contribute effectively from day one. This trend is similar to developments seen in Europe, where hiring practices are increasingly not degree-centric, but rather based on practical

expertise. For job seekers in the UAE, the shift towards skills-based hiring presents both opportunities and challenges. Candidates must invest and focus on upskilling, practical experience, and showcasing their adaptability. Employers are now seeking candidates who can provide immediate value and are able to 'hit the ground running'. A robust portfolio that highlights past achievements and demonstrates competence is crucial. Embracing lifelong learning and remaining open to new learning opportunities is also highly valued by employers. However, this approach to hiring is not without its social and legal challenges, particularly the risk of discrimination, pressure on candidates to demonstrate a wide range of skills, and limited focus on career growth. The competency-based focus, which often highlights experience, may unintentionally disadvantage younger candidates who possess the required skills but lack extensive work history. Federal Decree-Law No. 34/2023 On Combating Discrimination, Hatred, and Extremism, along with all UAE Labour Laws and Cabinet & Ministerial Decisions, specifically addresses workplace discrimination and encourages employers to ensure that any hiring practices do not breach anti-discrimination legislation.

In addition, the other challenge that employers can face is fairness of skill assessments. Skills based recruitment which has become increasingly common, often involves role plays, tests, or situational questions to assess candidates' abilities. While these methods can provide valuable insights into a candidate's capabilities, they also introduce an element of subjectivity into the hiring.

If not carefully managed, this can lead to claims of unfair discrimination or biased evaluation. To mitigate such risks, companies are encouraged to establish clear and objective criteria for assessing skills that ensure that all candidates are evaluated consistently and reduce any claim of discrimination. Furthermore, engaging legal experts to evaluate these criteria can ensure compliance with relevant laws and regulations, while also promoting fair hiring practices.

Moreover, this shift should align with the UAE's Emiratization goals and should encourage increases in the participation of UAE nationals in workforces. By expanding criteria beyond traditional qualifications, employers can meet Emiratization quotas and develop local talent.



Mary Rintu
NYK Law

NEWS ROUND-UP

COVERING RECENT KEY DEVELOPMENTS – REGION-WIDE

UAE

NEW EMPLOYEE REGISTRATION



UAE companies are now required to register new Emirati employees within 30 days of hiring them. This requirement applies to the federal, government, and private sectors, and is to help ensure there is precise calculation of insurance and pension benefits. According to Federal Law No. 7/1999 On Pensions and Social Security, employers must register their Emirati employees with the General Pensions and Social Security Authority (GPSSA) within the first month of employment, if they meet specific criteria. These criteria include being between 18 and 60 years of age and having a medical clearance certificate from a UAE-based government hospital, issued in the last six months, confirming their fitness to work. This requirement extends to all individuals who acquire Emirati nationality at any point. Registration of GCC citizens working in the UAE is also compulsory.

BLUE VISAS



The UAE has unveiled a new Blue Visa scheme which offers a ten-year residency permit. This new innovative visa is aimed at individuals who have significantly contributed to environmental protection and sustainability, within the UAE and globally. In the scheme's first phase 20 sustainability thought leaders and innovators will be awarded the Blue Visa. It is designed to recognise and support those who are actively engaged in environmental action and will be available to members of international organisations, global companies, associations, non-governmental organisations, as well as global award winners and distinguished activists and researchers on environmental work. Those wishing to apply for the Blue Visa can do so either directly with the Federal Authority for Identity, Citizenship, Customs and Ports Security (ICP) or be nominated by relevant authorities within

the UAE. The first phase of applications is conducted electronically, allowing submission through government agencies involved in sustainability sectors. This scheme is an extension of the UAE Golden and Green Residency schemes, which were previously introduced to attract exceptional talent into the country.

DIFC

QUALIFYING SCHEME CLARIFICATION



As part of a consultation on changes to a range of laws the DIFC has issued proposals to amend the DIFC Employment Law (DIFC Law No. 2/2018) after receiving a number of queries from employers on Qualifying Scheme contributions for GCC nationals. Part 10 of DIFC Law No. 2/2018 was updated by DIFC Amendment Law, DIFC Law No. 1/2024 in order to require DIFC Employers to make contributions into a Qualifying Scheme on behalf of their GCC national employees, if there was a positive difference between what would have been payable into a Qualifying Scheme had the Employee been a non-GCC national and the amount the Employer pays to the General Pension and Social Security Authority (GPSSA) on behalf of that GCC national employee. This is subject to a \$1000 de minimus amount. It is proposed that Article 66(7)(c)(ii) of DIFC Law No. 2/2018 be amended to clarify that the calculation for GCC nationals (to the extent a contribution into a Qualifying Scheme is required) be based on the Employer's GPSSA contribution for the relevant employee, and not in respect of any amounts payable by that employee into the GPSSA. The consultation is scheduled to end on 26 March 2025.

SAUDI ARABIA

FORCED LABOUR



Saudi Arabia Cabinet Decision No. 524/1446 On the Approval of the National Policy for the Elimination of

Forced Labour in the Kingdom has been issued. This policy aims to eradicate forced labour by enhancing the legal framework, providing victim protection, and access to justice, while also aligning Saudi law in this area to international conventions and other national laws. Forced labour is defined in this context based on the 1930 Forced Labour Convention which was agreed to in Saudi Arabia as a result of Saudi Arabia Royal Decree No. M5/1398. The policy will see future amendments to legislation in this area, increased inspection and control over all sectors which are included in the definition of forced labour and changes to the employment and recruitment system to ensure there is fair recruitment. There will also be a tightening of criminal penalties and penalties intended to act as a deterrent imposed on those who commit forced labour offences and infringements.

NEW DIGITAL VISA SERVICES



A range of new digital services have been rolled out on the Saudi Interior Ministry's government services Absher app. The app now offers features including uploading photographs of dependants for passport issue or renewal, updating passport data for foreign residents, and access to digital identity. The digital identity feature also allows expatriates to display and manage their identity information, which can be presented to authorities when required. Users can access detailed procedures and requirements for using these new services by logging into their Absher accounts via the platform or smartphone app.

OMAN

WORKFORCE DEVELOPMENT




New regulations have been introduced targeting establishments with 25 or more employees, which focus on Omanisation, equitable employment practices, and


workforce development. Employers must now publicly announce available positions in their organisations, and detail the conditions and selection criteria for these roles. They must also demonstrate a commitment to the professional classification approved by the Ministry, which helps streamline procedures to support Omanisation. They will also need to determine wages, employment benefits, and working conditions, as well as provide training programmes which are designed to enhance Omani workers' skills and efficiency. Ensuring a suitable work environment equipped with adequate facilities is also obligatory, as is having implemented a performance evaluation system. Employers must also develop and execute plans to train and appoint Omanis to leadership positions and create effective strategies to retain the Omani workforce.

KUWAIT

NEW WORK PERMIT RULES


 The Public Authority for Manpower has announced a significant change to the rules and procedures for granting work permits there. It follows a new clause which was added to the existing regulations by a Ministerial Decision. As a result there is now a specific prohibition on registering new files for companies if any of their existing files have been suspended, pending the resolution of their legal status. Suspension cases can happen for a range of different reasons including there being inactive licences, licences on blocked files, and licences without a registered address. These companies will also be restricted from undertaking a number of other activities, including adding new licences, updating licence data, adding new workers, or estimating labour needs.

EASIER TRANSFERS

 The Interior Ministry has announced previous conditions that restricted the transfer of residency between government and private sector employment, and vice versa have been removed. Employees will no longer need to need to align their new job roles with


their educational qualifications or the nature of their previous work when switching sectors. There is no requirement in the law for verification of professions for individuals seeking to transfer between sectors, nor is there any legal basis for rejecting these requests. Expatriates will no longer need to ensure their educational qualifications match their new job roles or adhere to the nature of their previous government sector work. In the past the transfer of residency depended on the new profession being compatible with the expatriate's educational background and the nature of their prior government sector work.

CONTRACTS FOR WOMEN

 The Public Authority for Disabilities Affairs (PADA) in Kuwait has introduced a new employment contract model for women whose nationalities have been revoked under Article 8 of Kuwait Emiri Decree No. 15/1959 On Kuwait Nationality Law, following recent amendments to this provision which have required a number of clarifications. This contract, which has been distributed to government agencies, includes a provision for a monthly bonus to be paid based on the work performed by the employee. It is valid for one year from the date it is signed, and can be renewed with Civil Service Bureau approval.

BAHRAIN

LABOUR FINES

 Lump-sum fines for labour law breaches in Bahrain have been replaced by a Decree-Law which was passed by the Bahraini parliament at the end of 2024 and has reduced penalties by half. In addition, businesses will now be granted more time to address violations. As a result, immediate 1,000 Dinar fines have been replaced by a graduated system of fines which range from 100 to 300 Dinars. In addition, businesses will be allowed up to 14 days to rectify expired work permits before stricter penalties are enforced.

The previous rules had been considered too rigid and had burdened businesses with red tape.

IN BRIEF

UAE: The Ministry of Human Resources and Emiratization (MOHRE) has introduced an optional savings system designed to replace the traditional end-of-service gratuity...

UAE: The UAE has expanded its visa waiver programme for Indian nationals and their families with regular passports...

Fujairah: All government staff in Fujairah will now receive comprehensive health insurance...

Saudi Arabia: From 1 March 2025 the wage protection file upload period on the 'Mudad' platform has been reduced from 60 to 30 days...

Oman: The Council of Ministers has approved the cancellation of all fees and fines owed to the Ministry of Labour for expired labour cards which have been inactive for seven years...

Saudi Arabia: Saudi Arabian labour authorities have reaffirmed that domestic workers are entitled to a fully paid day off each week...

Qatar: The Cabinet of Ministers has approved a draft agreement for the mutual exemption of entry visa requirements for ordinary passport holders between Qatar and Rwanda...

Saudi Arabia: The General Directorate of Passports has launched a new service via the Absher platform which enables Saudi citizens which are heads of families to obtain a Saudi passport for adopted family members...

UAE: A range of Occupational Health test and fees for medical tests on expatriates entering the UAE to work in different professions have been changed by Cabinet Decision No. 4/2025...

Kuwait: Kuwait has announced that foreign nationals who fail to complete the mandatory biometric fingerprinting will face various restrictions including on changing employer...

Bahrain: Bahrain has introduced a new six-month work permit option for expatriate workers residing in the Kingdom...

In addition, many violations in the past had been found to not have been deliberate ones but had often resulted instead from the bureaucratic complexities of the system rather than intentional misconduct.

As a result, the Chamber of Commerce and Industry had been campaigning for a change, and in particular had highlighted the difficulties for small businesses under the previous rules.

IMMIGRATION FOCUS


RECENT GCC IMMIGRATION AND VISA CHANGES

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QATAR

GRACE PERIOD FOR VISA VIOLATORS

 The Qatar Interior Ministry has announced a three month grace period during which those who violate Qatar Law No. 21/2015 On the Regulation of the Expatriates' Entry, Exit and Residence which regulates the entry, exit, and residence of expatriates can regulate their status. This three-month grace period, began on 9 February 2025 and is due to end on 8 May 2025. During this period individuals who have violated residency permit or entry visa regulations will be able to regulate their status. Those who wish to do this can either proceed to Hamad International Airport for departure or approach the Search and Follow-up Department which is located at Salwa Road. The grace period applies to those who have overstayed their approved period in the country under an entry visa or who have not complied with Qatar Law No. 21/2015's provisions on residency. Generally, those with an expired residence permit which is not renewed within 90 days of its expiry, will face a fine of 10 Riyals per day. If a residence permit has been cancelled and the individual fails to leave Qatar in 30 days, a fine of 10 Riyals per day is levied. A fine of 200 Riyals per day is levied for each day of overstay beyond the date the entry visa expires.

SAUDI ARABIA

SAUDISATION CHANGES

 Saudi Arabia has announced changes to Saudisation rates for various professions. The new Saudisation rates have been rolled out for over 269 professions in sectors including healthcare, engineering and accounting, and will take effect from 27 July 2025. For example, the Pharmacy Saudisation rate will increase to 55% for general activities and 65% for hospital-related activities. In dentistry rates

will increase to 45% in July 2025 and will reach 55% one year after. Meanwhile rates in the accounting profession will rise over five years - with an initial level of 40% being set in 2025 which will reach 70% by 2028. Finally, rates in engineering professions will be set at 30% - rather than the current 25%.

EXIT AND RE-ENTRY

 Saudi Arabian residents who are outside the country can now extend their exit and re-entry visas remotely via the Absher platform and Muqem portal. Dependants and domestic workers can also now renew their Resident IDs from abroad. However, this is not the only change on exit in Saudi Arabia. A new rule has also been issued with immediate effect. This requires holders of a residence permit in Saudi Arabia to ensure their residence permit has at least 30 days' validity before they apply for an exit visa (or renew their residence permit first). Previously, foreign nationals in Saudi Arabia could apply for an exit visa up until their permit's last day. However, from now on a permit renewal would be required first if there was not a minimum of 30 days' validity. It should be noted that Premium resident permits will not be subject to this new exit visa requirement.

UAE


GOLDEN VISA CHANGES

 There have been changes to the UAE Golden Visa scheme rules which enable foreign individuals who have exceptional talents, significant investments, or specialist skills to live, work, and study in the UAE for a period of five to ten years without needing a local sponsor, basically providing them with a 'golden' route to extended residency in the country. The UAE has now implemented changes to the eligibility requirements for Golden Visas under the 'Highly Skilled Professional' route where the employee is already working in the country. Under these changes which came in with immediate effect, an employee who is applying for a Golden Visa under the 'Highly Skilled Professional' route must have already completed at least two years of continuous employment with their current




TURKEY

FINANCIAL ADEQUACY

 In Turkey, new financial adequacy regulations have come into force from 1 January 2025. As a result, if a Turkish company wishes to apply for work permits for their foreign employees they must meet new applicable paid-in capital, net sales and exports amounts that now apply. Companies must have at least 500,000 TRY (13,661 USD) in paid-in capital - which is an increase from the previous 100,000 TRY amount (2,732 USD). They also need net sales of at least TRY 8,000,000 (218,545.20 USD) which is a significant increase from the previous 800,000 TRY level. An export level of at least 150,000 USD which was already in place as of 1 October 2024 continues to apply.

SALARY CHANGES FOR FOREIGN EMPLOYEES

 From 1 January 2025, the legal minimum wage in Turkey has been increased to 26,005.50 TRY (710.31 USD). It was previously set at 20,002.50 TRY (546.44 USD). As a result of this change, the minimum salary levels which apply for foreign employees in accordance with their titles have also been altered. For example, the minimum salary level for senior executives and pilots are now set at five times the minimum wage which is 130,027.50 TRY (3,552.90 USD) rather than the previous rate of 100,012.50 TRY (2,731.78 USD). The rate for engineers and architects is now four times the minimum wage which means it is now 104,022 TRY (2,842.26 USD) rather than 80,010 TRY (2,186.17 USD). Where an employee is another type of manager including a unit or branch manager the rate is three times the minimum wage - 78,016.50 TRY (2,131 USD) rather than 60,007.50 TRY (1,640 USD). A rate of 52,011 TRY (1,421 USD) now applies to employees in jobs requiring expertise or mastery (which is two times the minimum wage). For employees working in domestic services or other jobs, the salary cannot be less than the minimum wage - a figure of 26,005.50 TRY (710 USD). For new and extension work permit applications for foreign workers, salary levels must meet new minimum requirements.

UAE employer (who will be the sponsor of their Employment Residence Permit) prior to the date of their application. It should be noted that Employers who have worked for a different employer during this two year period before their application for Golden Visa status may not be able to combine that time in order to meet this eligibility criteria. In addition, those who have for example transferred to a different jurisdiction with the same employer or who have moved between different entities within the same group, may need to seek further clarification on whether they are eligible. In the past an employee's tenure with their current employer was not a pre-requisite for applying for a UAE Golden Visa. However, under the new rules a UAE Employment Residence Permit (ERP) holder must now complete two years of continuous service with their current employer before they become eligible to apply. They may need to renew their ERP (which is issued for two years and renewable after this) before they can submit an application so that they can demonstrate a full two year period. Employers should make sure they have informed their employees of this change in order to avoid premature or ineligible applications being made. From a workforce planning perspective it is also advisable to consider this revised time-line, particularly in the case of employees who have recently joined or who may be transitioning within the organisation.

INSTANT VISA RENEWAL

 A new online system which has been designed to streamline visa renewals in Dubai, is now allowing residents there to complete the process in minutes. The Salama platform automatically identifies user details when they login, displays the status of dependants' visas, and highlights the remaining days until visa expiration. In addition, users of the system are also able to select a renewal duration for their visa and have their requests processed instantly. The platform also supports a range of other services including visa cancellations for dependants and provides answers to general visa-related inquiries. It also has an integrated payment feature which eliminates the need to navigate multiple digital platforms or visit a service centre.

LAW CHANGES

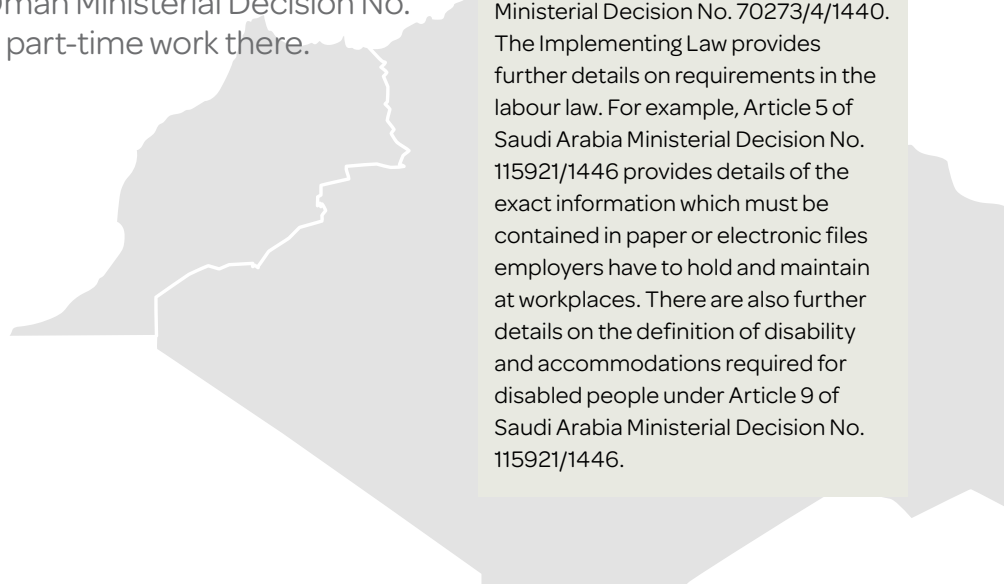
NEW AND PROPOSED MENA LAWS

OMAN PART-TIME WORK REGULATIONS


Balall Maqbool, Hamood Al Rawahi and Mehdi Al Lawati of DLA Piper Middle East explain Oman Ministerial Decision No. 13/2025 and new regulations on part-time work there.

Oman Ministerial Decision No. 13/2025 Concerning the Regulation of Part-time Work has been issued in the Sultanate. These regulations target employees who work at least four hours a day but less than 25 hours a week, outside the standard working hours which are set by the Oman Labour Law (Oman Sultani Decree No. 53/2023). A key point to note is that Oman Ministerial Decision No. 13/2025 only applies to Omani nationals who are either students over the age of 15 or students in higher education, private sector employees and those who are currently seeking employment (and are registered as such with the Ministry of Labour). There are now a number of specific obligations governing part-time employment under Oman Ministerial Decision No. 13/2025. These include the requirement for there to be a written employment contract which has been registered with the Omani Ministry of Labour. This employment contract must explicitly stipulate the employee's working hours, working days, agreed hourly wages and the method of paying the agreed salary. This employment contract can be terminated but there is a three-day notice period. This should give employers the necessary flexibility they may need should they wish to take on part-time employees for seasonal work or to staff particular events.

In addition, these part-time employees must also be registered under the Omani social insurance authority rules and the necessary contributions have to be paid for them into the social insurance fund. These part-time employees must also be paid, at least a minimum wage of three Omani Rials an hour, unless the wage has been otherwise agreed and this has been approved by the Ministry of Labour. In addition, when it comes to these employees, employers must comply with occupational health and



DIFC - DATA PROTECTION

 The DIFC have issued a consultation on changes to a number of laws including their data protection law which ends on 26 March 2025.

The changes include a clarification on the application of DIFC Law No. 5/2020 which would explain that the data protection law applies to any Processor or Controller that engages in the processing of Personal Data in the DIFC, whether that processing is undertaken directly by the Processor or Controller itself, indirectly through a third party (e.g. a sub-processor or sub-contractor in the DIFC), or if it originates in the DIFC in line with stable arrangements. They are also intended to ensure individuals who normally enjoy robust privacy rights while in the DIFC on a regular, ongoing basis would not artificially lose them when leaving the DIFC's territorial limits to interact with entities located outside of the DIFC. In addition, it is proposed that a Data Subject who is contending that their Personal Data has been Processed in violation of DIFC Law No. 5/2020, or that their rights under the law have been violated, would be able to seek a 'private right of action', which would enable them to apply to the DIFC Courts for compensation.

safety standards, training requirements, and work instructions which apply under Oman Sultani Decree No. 53/2023. This new law should provide employees who do not wish to work full-time and want a better work-life balance the ability to benefit from that flexibility but also have clarity on their rights.

In addition, it will enable employers to engage with talented students who are not ready for full-time work, but are interested in gaining experience and earning money.

SAUDI - LABOUR



Saudi Arabia has issued Saudi Arabia Ministerial Decision No. 115921/1446 which is the Saudi Labour Law Implementing Law. This law repeals and replaces Saudi Arabia Ministerial Decision No. 70273/4/1440. The Implementing Law provides further details on requirements in the labour law. For example, Article 5 of Saudi Arabia Ministerial Decision No. 115921/1446 provides details of the exact information which must be contained in paper or electronic files employers have to hold and maintain at workplaces. There are also further details on the definition of disability and accommodations required for disabled people under Article 9 of Saudi Arabia Ministerial Decision No. 115921/1446.

Oman Ministerial Decision No. 13/2025 confirms that the part-time employers who come under this law will have the same protections as under current Omani labour laws, on areas such as health and safety protections, social insurance, and the minimum wage.

Oman Ministerial Decision No. 13/2025 has also clarified a number of areas which were previously quite ambiguous, including the minimum and maximum working hours necessary to qualify under this part-time law.

EGYPT - SAFETY



Egypt Law No. 4/2025 has amended Egypt Law No. 84/1949 the Ship Registration Law, and made several changes on ship safety as a result. The Egyptian Authority for Maritime Safety has replaced the Port and Lighthouse Authority as the primary regulatory body. In addition, the Minister of Transport is now the designated official for overseeing ship registration and safety compliance.

QATAR - SOCIAL INSURANCE



Implementing Regulations for the Qatar Social Insurance Law (Qatar Law No. 1/2022) have been issued in Qatar Cabinet Decision No. 3/2025. The Regulations cover a range of areas including registration, the calculation of provisions, instalment payments and the settlement and payment of pensions. Chapter 12 of the regulations also provides specific details on the special social insurance file employers are required to set up and the appointment of a communications officers who works with the authority.

In the past the employment law provisions did not mandate any number of hours which had to be worked in order to be recognised as a part-time employee.

The new regulations also set out a new category of permanent contract worker, to whom they also apply.

In addition, it is also now clear that where a student is employed on a part-time basis there is no requirement for their educational institution to approve the students' decision to take on part-time employment before they can

be employed in this way.

In the past students did not have this explicit right set out in the law which did create confusion.

Oman Ministerial Decision No. 13/2025, should help provide new employment opportunities for Omani nationals.

It should also make it easier for employers who have new obligations to support the Government's Omanisation strategy, to be able to do this without this being too cumbersome.

OMAN - NATIONALITY



Oman has issued a new nationality law Oman Sultani Decree No. 17/2025 which repeals and replaces Oman Sultani Decree No. 38/2014 on citizenship. Areas covered include the way an individual who was originally an Omani national but has renounced their citizenship in order to acquire the nationality of another country can recover it. The law also includes how foreigners can gain Omani nationality and the circumstances in which an individual would lose, be deprived of or have Omani nationality withdrawn from them.

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CASE FOCUS

Case No QFC Employment Standards Office v Meinhardt BIM Studios LLC [2024] QIC (F) 24,
Jurisdiction QFC
Court QICDRC Court of First Instance
Recommended by Umar Azmeh, Registrar, QICDRC

WHAT IS IT ABOUT?

Between June 2022 and June 2023, some 14 judgments involving 18 Claimants were handed down against Meinhardt BIM Studios LLC. In all these cases, the employer had not paid former employees their salaries or other end-of-service benefits which were due to them under their contracts. In a number of these judgments, the Court expressed its displeasure at the employer's practice of using the delays associated with debt collection through court proceedings in order to benefit from what was in effect an interest-free loan by withholding sums which were due to their former employees, individuals who were dependant on those amounts for their livelihoods.

The Court noted that if it were to allow an entity which was registered in the QFC to conduct itself in this way, it would bring the standards of business practice in the QFC into disrepute. As a result, it directed that the Claimant, which was the QFC Employment Standards Office (ESO) responsible for investigating and enforcing contraventions of the Employment Regulations in the QFC, should consider imposing a penalty on this employer in line with Article 57(2) of the QFC Employment Regulations 2020. As a result, the ESO ruled that a total penalty of \$10,500 should be levied against Meinhardt BIM Studios LLC. When a QFC institution, including the ESO issues a Decision Notice such as this, it is possible to appeal these before the QFC Regulatory Tribunal.

However, Meinhardt BIM Studios LLC did not challenge these penalties before the QFC Regulatory

Tribunal within the prescribed period or at all. It also failed to pay the penalties. As a result, the ESO filed an application to enforce what it contended was a debt payable after the employer missed the payment deadline. After the employer failed to file any defence the ESO filed an application for summary judgment.

WHAT WAS DECIDED?

The legal basis for the ESO's case was Article 57(2) of the QFC Employment Regulations 2020 which states, 'A person on whom the Employment Standards Office imposes a requirement under this Article shall comply with such a requirement'. The ESO's position was that, on a proper interpretation of that article, on non-payment the penalty became a debt which was enforceable against the employer.

The Court noted that a similar situation had arisen in *Qatar Financial Centre Authority v Ali Bin Youself Holdings LLC* [2024] QIC (F) 33 when the Court had granted judgment in favour of the QFC Authority on the basis of an unpaid penalty imposed under the QFC Rules. However, unlike the penalty in this case, the QFC Rules specifically stated that an unpaid penalty under those Rules could be recovered as a debt by the QFC Authority on application to the QFC Court.

The QFC Employment Regulations 2020 were silent on this point. Therefore, the question arose on whether the absence of such a provision in the Employment Regulations rendered a penalty imposed by the ESO unenforceable. The Court's answer was it did not. It stated in paragraph 8 of the judgment as follows: 'Since the times of classical Roman Law, it is recognised that *'ubi ius ibi remedium'*; that *'where there is a right there must be a remedy'*. Conversely stated, an unenforceable obligation would amount to no obligation at all. To say that non-payment of a penalty resulted in a debt between two parties who were subject to the jurisdiction of the QFC Court must imply

that such a debt must also be enforceable by order of this Court.

The Court recognised that other considerations also pointed in the same direction, including that the ESO had an important role in the administration of the Regulations within the QFC, and Article 57(2) clearly recognised that in the exercise of these functions the ESO must have the power to impose penalties as a measure of control.

A penalty without an enforcement mechanism would not serve as a measure of control.

WHY IS THIS IMPORTANT?

This case, though of lower value, highlights the importance of such cases, as seen in *Donoghue v Stevenson* [1932] AC 562, which established modern negligence law. The QFC Employment Standards Office (ESO) is crucial for enforcing the QFC Employment Regulations 2020, providing investigations and advice. Unlike other QFC institutions, such as the QFC Authority and QFC Regulatory Authority, which can recover unpaid penalties as debts, the ESO lacks this provision. Consequently, it had never enforced a financial penalty in court.

The court, applying the doctrine of ‘no right without remedy,’ clarified that ESO penalties are enforceable, ensuring its effectiveness in fulfilling its duties.

Case No Christian Friedrich Linhart v Ooredoo Group LLC [2024] QIC (F) 60

Jurisdiction QFC

Court QICDRC Court of First Instance

Recommended by Umar Azmeh, Registrar, QICDRC

WHAT IS IT ABOUT?

An employee was employed by a company as its Group Chief Procurement Officer. He had always performed his role well and had been successful with the company. In May 2023, he was informed he was to be replaced by a Qatari national within 18 months. The Employee subsequently resigned from his position on 15 October 2023 with effect from 15 January 2024, after the HR Department asked him to do so and stated failing this his employment would be terminated on 90 days’ notice as detailed in his contract.

The HR Department had given him the option to resign as some people saw this as being better for their career rather than a termination. The Employee asked if there would be any difference to his bonus or end of service dues on termination if he resigned and the HR Department confirmed in his case it had been agreed and approved internally there would not.

The Employee had been given a rating of 4.8 out of a possible 5 for his performance in 2023. The usual practice, under company policy was that a 4.8 rating was rounded up to a 5 for bonus purposes which would have entitled him to 16 months’ salary as a

bonus. However, the Remuneration and Nomination Committee had downgraded his rating to a 3, which meant he was only entitled to a bonus of eight months’ salary. It was stated this was because he was purportedly on ‘gardening leave’ something he had not heard before March 2024, after the claim was filed.

The Employee stated he had not been told by anyone he was no longer the Group Chief Procurement Officer. As far as he was concerned he had retained that position and title until his effective termination date on 15 January 2024.

Although he did not regularly go to his office after August 2024, he had always been available to give assistance and attended key customer and supplier meetings and had remained in regular contact with other members of staff. He subsequently filed a claim for constructive dismissal and for the difference in bonus between a rating of 3 (equivalent to 8 months’ salary) and a rating of 5 (equivalent to 16 months’ salary).

WHAT WAS DECIDED?

On the constructive dismissal claim, the Court ruled the Employee had failed to establish any factual or legal basis for the claim. The contract of employment entitled either party to terminate on 90 days’ notice and instead of exercising that right, the Defendant had offered the Employee the opportunity to resign which might be preferable to termination from a career perspective. He had voluntarily exercised that option. Therefore, this part of the claim was untenable. Equally unsustainable was the claim this termination was in any way unfair. The Employer’s motivation was irrelevant to this question. On the bonus, it was accepted the award of a bonus and the amount was at the employer’s discretion. However, in *Mark Krombas v Epicure Investment Management LLC* [2023] QIC (F) 15, the Court had stated this discretion could not be exercised capriciously and must be based on rational grounds in line with the relevant company policy.

Having regard to the company policy in this case, the re-categorisation of the Claimant’s grade to a 3 had failed this test. The Court ruled the grade reduction from 5 to 3 was not in accordance with the relevant policy and was not motivated by rational grounds. This limb of the claim succeeded, and the Claimant was awarded a balance which was equivalent to eight months’ salary.

WHY IS THIS IMPORTANT?

This case is important as it shows the strong value that the QFC Court places on precedent and the principle of *stare decisis*. Having made a specific rule in *Mark Krombas*, the Court strictly followed it here to make clear that discretion, once exercised in relation to a bonus, cannot be exercised capriciously or unreasonably. This brings a strong degree of certainty both to businesses and individuals subject to the jurisdiction of the QFC Court.



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HR PROFILE

CHIEF HUMAN RESOURCES OFFICER – HOSPITALITY



People and Technology

Uchenna Okpara Izuagba, Chief Human Resources Officer at Gastronomat Hospitality, believes that the key to success in the UAE hospitality sector is a focus on employee needs and technology driven solutions.

YOUR BACKGROUND

I have a Bachelor of Arts Degree in Business Administration from the University of Hertfordshire in the UK and a Master of Science Degree in Management and Economics from the University Malaysia Sarawak, Malaysia. I began my career in the UAE working at The Cheesecake Factory Restaurant, where I played a key role in training and mentoring employees, which helped me to develop a strong foundation in people management. I then moved on to progressively senior roles at Q Food & Beverage Group, where I oversaw the HR department of a workforce of over 1,100 employees. There I led the Human Resources and Training initiatives for renowned brands, including HUQQA Restaurant, The Galliard Restaurant, and Atasay Jewelry across the Middle East.

YOUR CURRENT ROLE

I am currently the Chief Human Resources Officer at Gastronomat Hospitality, which is a food and beverage specialist hospitality company with a unique vision for gastronomy. I lead the Human Resources functions across the company's brands, including Trove, Bohox, Woohoo, Ram and Roll, Spock, Mamabella, The Vinci Touch, Umai, and Gastronomat Management Consultancies LLC, in the UAE. My work involves synchronising the Human Resources operations with Gastronomat's mission of blending art and gastronomy. I play a key role in building a team that reflects our company's distinct identity.

My focus is on fostering employee engagement and streamlining Human Resources processes throughout the company and region.

Gastronomat Hospitality is a hospitality and investment company that creates and manages its own innovative dining experiences globally. It was established in 2021, and it blends art and gastronomy to deliver unique and creative dining environments. Gastronomat Hospitality also manages existing brands for other companies in the UAE.

It provides consultancy services to companies that want to venture into the Food and Beverage industry. Our company's first brand was Trove Restaurant and Cafe LLC, which is located in The Dubai Mall. Trove is an art-inspired restaurant and cafe, which offers international cuisine and shisha, with exquisite views of the Dubai Fountain and Burj Khalifa.



TRENDS AND CHALLENGES

The key Human Resources trends currently shaping the UAE hospitality sector include the integration of AI in order to streamline Human Resources processes and improve decision-making.

There is also a growing emphasis on employee wellness and safety, which includes a focus on both employee mental health and physical well-being. Another trend is the increasing adoption of flexible working approaches in order to support work-life balance and accommodate diverse employee needs. Companies in our sector are also investing heavily in learning and development, as well as prioritising upskilling and continuous professional growth. Diversity, Equity, and Inclusion (DEI) initiatives are also gaining significant attention, as organisations strive to create more inclusive and equitable workplace environments. Localisation quotas being implemented by the UAE government also now require private sector companies, including Gastronomat Hospitality, to hire a specific number of Emirati nationals.

Failure to meet these quotas can result in significant fines, but finding suitable candidates to fill these quotas can be challenging, particularly within our industry. As the Chief Human Resources Officer of Gastronomat Hospitality, it can be challenging to recruit and manage a diverse, dynamic, and fast-paced hospitality workforce. The hospitality sector in the UAE is highly competitive, which makes it difficult to attract and retain top talent.

PRACTITIONER PERSPECTIVE



Sarah Malik
CEO, SOL
International

Sarah Malik, Pavithra Rajendran and Sara Nassif of SOL International explain key features of UAE health and safety legislation and the National Standard for Occupational Safety and Health Management System (OSHMS).

The UAE has developed its own set of health and safety standards and guidelines. Federal Decree-Law No. 33/2021 on Regulation of Labour Relations includes key provisions on health and safety measures in the workplace. Under Article 13(6) of Federal Decree-Law No. 33/2021, it is the employer's obligation to guide and provide measures that protect their employees from dangers of diseases and occupational injuries that may happen during work. The employer must also conduct periodic evaluations to ensure all parties are complying with the requirements. Under Article 16(6) of Federal Decree-Law No. 33/2021, it is the responsibility of the employee to implement the occupational safety and health instructions under the relevant legislation and work policies. Ministerial Decision No. 32/1982 on Determination of Methods and Measures to Protect Workers against Occupational Risks also sets out various methods and procedures aimed at ensuring the protection of employees. These include fire prevention measures, the provision of accessible first aid kits and safety gear, maintaining safe workplace conditions, such as ensuring adequate space, proper lighting, and appropriate hygiene solutions. The UAE's efforts to align with international health and safety standards have resulted in the launch of the National Standard for Occupational Safety and Health Management System (OSHMS). The OSHMS defines the requirements organisations must follow for the creation, implementation, and upkeep of a safety and occupational health management system to manage occupational safety and health hazards and minimise their effect and severity. Article 22 and 23 of Cabinet Decision No. 1/2022 On the Implementing Regulation of Federal Decree-

Law No. 33/2021 On Regulation of Labour Relations, provides a detailed framework for ensuring the safety, protection, and health care of workers by outlining the obligations, responsibilities, and instructions for all parties. Organisations must be familiar with the relevant health and safety legal requirements. The Human Resources and Emiratization Ministry (MOHRE) has a supervisory role in ensuring compliance with Federal Decree-Law No. 33/2021. In 2022, 200 heat-related illness cases were reported in the UAE construction sector, highlighting the specific challenges faced from the hot climate in the UAE and a lack of occupational injury data being kept. A lack of information prevents safety professionals from taking necessary safety measures to avoid such injuries. HR professionals should promote and maintain a safe workplace environment by developing safety policies, implementing training programmes, and ensuring legal compliance. They should work with safety professionals to develop risk management strategies for their workplace and customised safety solutions so they are relevant to their sector, operations and local conditions such as the extreme heat so that their policies are adhered to and designed in a way that promotes and maintains a safe workplace. The UAE government is responsible for ensuring employee health and safety, following International Labour Organisation (ILO) Conventions. This commitment has led to best practices across industries. Violations of workplace health and safety regulations can have serious consequences for both employers and employees. Under Article 63 of Federal Decree-Law No. 33/2021, fines for violations range from 5,000 to 1,000,000 AED depending on the severity. Failing to ensure safety can lead to worker injuries or fatalities, and employers may also face criminal charges.

In addition, the high turnover rates in our sector can create staffing gaps, further complicating the recruitment and management process. However, strategic planning, technology-driven HR solutions, effective communication, comprehensive training, employee wellness and recognition initiatives, as well as fostering cultural harmony, and maintaining a strong people-first approach, has helped me to successfully navigate these challenges while helping Gastronom Hospitality to maintain its reputation as an industry leader in global hospitality.

My ability to align HR with business objectives ensures we continue to attract, develop, and retain the best talents in the industry. By focusing on both immediate and long-term needs, we create a sustainable workforce that adapts to changes in the market.

Moreover, I believe that the future of hospitality in the UAE will be shaped by the continued integration of technology, a strong focus on employee well-being, and a commitment to diversity and inclusion. As these trends evolve, it will be crucial for HR leaders to remain adaptable and forward-thinking to meet the demands of both employees and guests.

At Gastronom Hospitality, we focus on fostering a work environment where creativity, innovation, and collaboration are at the forefront. Our unwavering commitment to attracting top-tier talent and providing continuous opportunities for growth and development will be the key in nurturing our team's potential. This focus on empowering our employees ensures that we remain competitive and innovative, driving our long-term success in this dynamic and ever-evolving sector.

MOVES AND CHANGES

A ROUND-UP OF BUSINESS NEWS, APPOINTMENTS AND PROMOTIONS

EMBABY IN THE MEDIA

Ahmed Embaby has been appointed Chief People Officer at IMI, a privately owned global media group which is headquartered in the UAE. Embaby has over 30 years of leadership experience in human resources and organisational transformation. He previously worked for companies including Pfizer, PepsiCo and Oracle. He has experience in building high-performing teams, optimising operational efficiencies, and enhancing employee engagement in diverse, multicultural environments in the Middle East, South Africa, and Turkey. He has designed and implemented innovative leadership assessment processes, restructured executive roles, and spearheaded human capital integrations during major acquisitions. In his new role, Embaby will oversee the human capital strategy for the group and its portfolio of leading media brands, which include Sky News Arabia, The National, Al-Ain News, and CNN Business Arabic. He will also be responsible for spearheading people and culture initiatives, talent acquisition, leadership development, and HR transformation.

TAKA-FUL SPEED AHEAD

Takaful Oman Insurance SAOG has appointed Ismail Allsmaili as their new Chief Human Resources Officer (CHRO). Takaful Oman offers insurance solutions to individuals and families and operates in both rural and urban areas across Oman.

Allsmaili has been working with the company for four years, and was previously their Assistant General Manager, Head of HR, Admin & Procurement. In his new role, he will lead the firm's HR strategy, focus on workforce development, talent acquisition, and organisational culture. He has previously held key HR leadership roles at First Abu Dhabi Bank, AXA Gulf, and National Life & General Insurance Company and serves as the HR Community Chairman at the Oman American Business Council.

SPICING UP HR

Ahmad Al Cheikh Hassan has become the Head of Human Resources at Independent Food Company, which is a UAE-Saudi Arabian based hospitality group renowned for creating home-grown food that is designed to bring people together. In his new role he will spearhead HR strategy, talent management, and workforce development across the organisation's diverse hospitality brands. He was

previously the Head of HR at TalentNexa-UAE, where he played a key role in strategic HR initiatives, workforce planning, talent development, and HR analytics.

While there he improved employee experience, and established a robust performance management framework. Earlier in his career he worked at Emirates Flight Catering, Jubaili Bros, and Hammoud Hospital University Medical Centre, where he specialised in HR strategy, labour law compliance, and performance management.

GALLOPING AHEAD

Abdulwahab Eshgi has been appointed Chief of People & Support Services Officer at the Jockey Club of Saudi Arabia (JCSA). JCSA is currently working on the development of a domestic world-class horse racing industry in the kingdom. In his new role, Eshgi will lead JCSA's human resources and support services operations, and will play a pivotal role in enhancing HR strategies, workforce

development, and organisational transformation. Eshgi has been with JCSA for over two years and was previously their Human Resources Director. Before joining JCSA, Eshgi worked at Kuehne+Nagel as a Human Resources Business Partner & Government Relations Manager in Saudi Arabia and Bahrain. He has also worked in the past as an HR Services Officer at Chalhoub Group and an HR Specialist at the General Authority of Civil Aviation (GACA) in Saudi Arabia.

UNEARTHING GEMS

Kaera Sirisambhand is now the Head of Talent Acquisition at GEMS Education, a company which is headquartered in the UAE and is a global provider of private K-12 education. GEMS Education operates 47 owned and operated schools and manages three other institutions, across the region. It is renowned for offering a wide range of curricula, catering for diverse educational needs and ensuring accessibility to education for students from various socio-economic backgrounds.

Kaera has already spent over two years working at GEMS and has made a significant contribution there.

In her previous role she worked as Talent Acquisition Lead, during which time she developed recruitment frameworks and managed candidate sourcing and management for various positions. She has also spent time working as a Recruitment Manager. In the past Kaera spent eight years working at the education recruitment agency Teaching Personnel, in a number of different roles including Location Operations Manager, Recruitment Branch Manager, and Recruitment Consultant. She was responsible for managing team operations and driving recruitment campaigns there.

OTHER CHANGES

Tam OilField Services: Sara Yousri has become Head of Human Resources at Tam OilField Services where she will lead HR transformation and talent management.

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Sponsorship transfers



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Recent legal reforms in Qatar have significantly altered the sponsorship transfer process. The requirement for a No Objection Certificate (NOC) has now been abolished. This means employees no longer need their current employer's approval when they wish to switch jobs, simplifying the process and enhancing worker mobility.

The process now requires the employee to insert their new employer's details, the notice period, and request confirmation from the old employer. If the old employer fails to confirm the transfer of sponsorship within the notice period, the employee is then automatically transferred to the new employer when the notice period expires.

The removal of the requirement for an NOC was part of Qatar's broader labour reforms which are aimed at improving worker rights and mobility.

This has made it easier for expatriates to transfer their sponsorship between employers, if they fulfil their contractual obligations, such as serving the appropriate notice period detailed in their contract.

Employers must also comply with these new regulations and cannot now prevent employees from transferring their sponsorship.

EMPLOYER OBJECTIONS

Although the NOC requirement has been removed, employers can still

raise objections about employee transfers in certain circumstances. Valid objections typically include situations where an employee has breached their employment contract.

For example, if they have failed to serve their notice, violated restrictive covenants or been involved in misconduct, an employer may have grounds to object to a transfer.

However, employers must provide evidence to support their objection, which is reviewed by the Labour Ministry.

The case is reviewed by a special committee within the Labour Ministry. Employees can also appeal against an objection and present their case. If an objection is found to be invalid, the transfer process will proceed.

NON-COMPETE CLAUSES AND COURT CASES

The Qatari courts have generally upheld non-compete clauses if they are deemed reasonable and necessary to protect the employer's legitimate business interests.

However, the courts do scrutinise these clauses to ensure they are not overly restrictive.

The Qatari Court of Cassation has upheld a decision which ruled that even if a party had breached a non-compete clause, if this breach did not cause any damage, the party would not be liable as liability only arose if the breach resulted in actual harm or damage to the other party.

A non-compete clause is considered reasonable if it is limited in scope, duration, and geographical area. The restriction must be necessary to protect the employer's business interests without unduly restricting the employee's right to work.

The maximum timeframe for such a clause to apply can be up to one year from the date of termination.

These reforms have had a substantial impact on both employment practices and court cases.

POLICY IMPACT

There are a number of ways these reforms could lead to a need to review and update policies. Firstly, the increased labour mobility they have created, means it is important employers remain competitive - which could mean there is a need to put in place more attractive employment conditions, enhanced benefits, and better development programmes in order to recruit and retain talent.

It is also important that policies on termination are reviewed and adapted so that they take account of the new position. Managers should be clear on when they can and cannot object to an employee's transfer.

In addition, as breach of contract is potentially a reason for objecting to transfers it will be important to check if areas management might wish to object on are covered in their employment contracts - and if they involve non-compete clauses whether they are likely to be considered reasonable by the courts. There have been a number of recent cases including *Mohammad Amin Hamza v Masters Business Consultancy LLC 0016/2024, [2024] QIC (F) 51* in the QICDRC Court of First Instance where employees have tried and failed to claim damages for their employer's failure to take the necessary steps for them to transfer to a new employer and their claimed loss of earnings. Therefore, it makes sense for HR policies, and compliance strategies to be updated so both employers and employees understand how the system now works, and that it is the employee not the former employer who takes the necessary steps for this to happen.



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