

Sultan Bin Mohamed Al Qasimi
Supreme Council Member
Ruler Of Sharjah



سُلْطَانُ بْنُ مُحَمَّدٍ الْقَاسِمِي
عضو المجلس الأعلى للإتحاد
حاكم الشارقة

AMIRI DECREE NO. (٤٦) OF 2017

ON PART TIME RTI PARK FREE ZONE HUMAN RESOURCE DECREE, 2017.

We, Sultan Bin Mohamed Al Qasimi, Ruler of the Emirate of Sharjah,

Pursuant to the perusal of:

Federal Law No. 8 of the year 1980-Labour Law (as amended),

Law No. 2 of the year 1999 on the Establishment the Executive Council of the Emirate of Sharjah,

Law No.3 of the year 1998 on the Establishment and Organization of the American University of Sharjah, it's By-Laws and Amendments thereto,

Amiri Decree No. (95) for the year 2015 on Establishment of the American University of Sharjah Enterprise L.L.C,

Amiri Decree No. (38) for the year 2016 on Establishment of Research, Technology and Innovation Park “ Free Zone Authority” and Amendments thereto ,

And for the public interest purposes,

Hereby issued the following decree:

PART – I

GENERAL PROVISIONS

1. DEFINITIONS

In application of the provisions of this Decree, the following terms and expressions shall have the meanings assigned against each, unless the context requires otherwise:

The State: United Arab Emirates.

The Emirate: The Emirates of Sharjah.

The Ruler: The Ruler of the Emirate.

Authority: Means designated legal authority appointed by the Ruler, by Amiri Decree No.95 of 2015 establishing AUS Enterprise LLC, and the person to whom the powers are lawfully delegated by such Authority.

SRTI Park Free Zone: Sharjah Research, Technology and Innovation Park Free Zone, established pursuant to Decree passed by the Ruler.

AED: The lawful currency of the State.

Decree: The Decree passed by the Ruler.

Employer: Any person or any company or any other legal entity hiring and employing an individual to perform services for remuneration agreed between them.

Employee: Any person, who is of 17 years of age or above and is a Student and/or a Research Assistant, Faculty Members, or any person pursuing any of marketing, production, manufacturing, sales, Human Resources, IT, Finance, legal or other technical or non-technical career hired by any Employer upon an Employment Contract for rendering his/her service for a period not exceeding 20 hours per week.

Employment Contract: An Agreement entered into between the Employer and the Employee, whereby the former agrees to hire the latter on a part time basis for Remuneration in return for the service rendered by the Employee.

Part- Time Employment Permit: The permit issued from the office of the Director of Human Resources allowing the applicant to render his/her service to any Employer on a part time basis.

Complainant: A person who files a Complaint to the Authority, as enunciated under the Decree.

Complaint: Any complaint, made in writing by any person, to the Authority, being aggrieved by any breach committed under the Decree

Remuneration: The payment made by the Employer to the Employee in accordance with the agreed terms between them for the service rendered by the Employee on a part time basis.

Student: Any person of 17 years of age or above, who have enrolled for any Certificate Course, any Foundation Course, Under-Graduate Diploma, Post-Graduate Diploma, Under Graduate, Post graduate or Doctorate Courses in any particular field of study.

Work: Any human effort whether intellectual, technical or physical exerted for an agreed amount as Remuneration .

Director of Human Resources: Any person appointed to hold the office of the Director of Human Resource in accordance with the Human Resource Decree, 2017.

PART -II

2. APPLICATION OF THE DECREE

The Decree shall apply to any Employee including but not limited Students, Research Assistants, Faculty Members, Professors, or any other category of person the Authority may determine, who is sponsored by any individual or organisation other than the Employer but hired by the Employer on a part-time basis under an Employment Contract.

3. THE SCOPE AND APPLICATION

3.1 This Decree shall apply to any person hired as Employee by an Employer on part time basis within the RTI Park Free Zone area, under an Employment Contract entered between them.

3.2 Notwithstanding the generality of any of the preceding provisions, every Employer and Employee shall also be bound by any regulations, guidelines, orders and other directions passed by the Authority or by the Director or Human Resource from time to time.

4. EMPLOYEES ELIGIBILITY

- 4.1 Any person hired, as an Employee on a part time basis shall either be a Student or a Research Assistant, Faculty Members, or any person pursuing any of marketing, production, manufacturing, sales, Human Resources, IT, Finance, legal or other technical or non-technical field.
- 4.2 Every Student hired on part time basis by an Employer shall be a regular Student who has enrolled for a particular course which may be of a short time or a long time duration.
- 4.3 A Student can only be hired as an Employee if he/she is a holder of a Part Time Employment Permit, which can be obtained from the Authority

5. EMPLOYER'S ELIGIBILITY

- 5.1 Every Employer is qualified under Decree to hire any Student or Research Assistant as Employee on part time basis after obtaining prior approval from the Authority.
- 5.2 The Employer so hiring an Employee for rendering a part time service shall execute an Employment Contract with such Employee for a limited period of time not exceeding two years. The Authority may its

discretion approve the issuance of a resident permit out of the RTI Park Free Zone for the issuance of a resident permit for a Part-Time employee, and upon such approval all other terms and conditions applicable to a regular Employee except Article 11,12 and 19 of The Human Resource Decree, shall apply to such Part-Time employee.

6. PROCEDURE FOR OBTAINING PART TIME EMPLOYMENT PERMIT

- 6.1 Every Employee hired, as a part time Employee shall obtain a part time employment permit issued by the Authority after duly submitting an application and a copy of the Employment Contract with the Employer.
- 6.2 The Authority shall review the document submitted and also reserves the right to either amend or include any provisions in the Employment Contract, by passing any direction, as he may deem fit.
- 6.3 If the Employer or Employee intends to make any amendment with regard to any terms and conditions included in the Employment Contract, then any such amendment shall only be effectuated after obtaining prior approval from the Authority.
- 6.4 The Authority may issue a Part Time Employment Permit within 30 day's time from the date of receipt of application after duly complying with all the procedures prescribed under the Decree.

PART - III

7. ADMINISTRATION FEE

- 7.1 Subject to the discretion of the Authority, it may determine a specific amount to be levied as Administration fee from the Employer who hires the service of an Employee under the provisions of this Decree.
- 7.2 The amount so levied shall not be deducted from the Remuneration or other benefits to be paid by the Employer to the Employee hired on part time basis.

8. GENERAL PROVISIONS ON PART TIME EMPLOYMENT CONDITIONS

- 8.1 The Authority may pass Regulations and orders from time to time with regard to maximum working hours and the period of engagement for hiring Employees under an Employment Contract.
- 8.2 The Authority shall also take all possible steps to ensure that the Employer seeking the service of an Employee under Decree is duly complying with all obligations under Article. 11.1
- 8.3 The Authority may also stipulate on the maximum number of part time Employees to be hired by an Employer at a time.
- 8.4 Any Employee hired by an Employer upon an Employment Contract shall not render his/her service to any other Employer or any other establishments or business organizations at the same time without obtaining prior approval from the Authority.

9. IDENTIFICATION CARD

- 9.1 Every Employee shall obtain an Identification Card issued by the Authority.
- 9.2 Any person allocated with an Identification Card shall be bound to carry the Identification Card at all times and shall also provide the same for inspection at any time, if required by the Authorities or by the Director of Human Resources or by any other person duly authorized by him/her with such powers.
- 9.3 The Employer shall ensure that any Employee hired upon part time basis is having his/her Identification Card even during the course of Work.
- 9.4 The Identification Card issued by the Authority is non-transferable and the Authority shall initiate appropriate action against the Employee, as it may deem fit, if the Identification Card is being misused by the Employee in whose favor it is issued or by any other person not entitled to be a holder of the same.
- 9.5 The Identification Card issued by the Authority shall be considered as a property of the Authorities and the Employee shall return it to the Authority at the time of termination, or expiration of employment under an Employment Contract.
- 9.6 If, under any circumstances, the Employee loses his/her ID Card the same shall be informed to the Authority at the earliest and such person shall request for an alternate one to be issued immediately.

10. PAYROLL RECORD

10.1 For each Employee, an Employer shall keep records of the following information:

- a) The Employee's name, date of birth, telephone number and residential address.
- b) The period of employment within the Employment Contract.
- c) The Employee's Remuneration.
- d) The maximum hours worked by the Employee each day or on a weekly basis.
- e) The deduction made from the Employee's Remuneration, if any and the reason for it.
- f) The dates of the national holidays taken by the Employee and the amounts paid by the Employer.
- g) The record of sick leave and other special leaves of absence taken by the Employee.

10.2 Payroll records shall be maintained:

- a) In English
- b) At the Employer's principal place of business in the Free Zone.
- c) The Employer shall retain it for a minimum of two (2) years after the employment termination.
- d) Any other significant details within the Employment Contract.

PART – IV

11. HEALTH AND SAFETY

- 11.1 Employer hiring any Employee on a part time basis shall have the following obligations
- a) Protecting Employees against any occupational injury and disease.
 - b) Maintaining Work place free from any mental or physical harassment that may risk or threaten an Employee's health.
 - c) Provide information, instruction, training and supervision to Employees in English, Arabic or if necessary any other language understood by the Employees, to ensure that health and safety measures are followed.
 - d) Ensure that the office is perfectly clean and ventilated with adequate lighting, drinking water, toilets and any other amenities, if necessary.
 - e) Provide medical care and health protection to such Employee in accordance with Decree.
 - f) Ensure that no alcohol is consumed in the workplace and no person under the influence of alcohol is allowed to enter the workplace.

- 11.2 If any Employee hired on part time basis suffers from any serious or fatal injury during the course of Work then such incidents shall be duly informed to the office of the Director of Human Resources.
- 11.3 The Employer shall maintain a record of all details pertaining to such an accident and shall submit the same to the Director of Human Resources upon his/her request.

12. INSURANCE COVERAGE FOR EMPLOYEES

- 12.1 No Employer shall engage the service of a Employee on any part time basis, if the Employee has no valid medical insurance coverage.
- 12.2 Every Employee shall maintain all records pertaining to his/her medical insurance coverage inclusive of accidents coverage.
- 12.3 The Employer under no circumstance is obliged to take medical insurance coverage for Employees hired as Employees upon part time basis.

13. EMPLOYER'S INSURANCE COVERAGE

The Employer shall take any third party liability or public liability insurance coverage or any other insurance as mandated by the Authorities or Director of Human Resource from time to time.

14. TERMINATION OF EMPLOYEE

14.1 The Employer can terminate any Employee on the following grounds:

The Employee appointed has willfully disobeyed any of the safety instruction mandated by Decree or the safety instruction issued by the Employer meant to be followed during the course of Work.

- a) If the Employee fails to discharge his/her duties duly on time.
- b) The Employee has been convicted of any criminal offence or any other charges by any competent Court of Law.
- c) If the Employee physically or verbally assaults his/her Employer, manager or any other officer appointed or hired by his/her Employer or any of his/her other colleagues.
- d) The Employee appointed is suffering from any partial disability or from any permanent disability that restrains him from discharging his/her duties efficiently and timely.
- e) The Employer also have the right to terminate his/her Employee for any other reason, as he may deem fit.

14.2 An Employee hired on a part time basis can only be terminated before the expiry of Employment Contract after being given due notice, at least one month before.

14.3 If an employer terminates any Employee on any of the grounds specified under Article 14.1 then the Employer shall duly notify the same to the office of the Director of Human Resources.

15 THE IMPLEMENTATION OF REGULATIONS

The Authority shall make any Regulation from time to time to effectively implement any Decree or Order passed by the Authority with regard to hiring Employee's on part time basis.

16 PENALTIES

16.2 The Authority shall impose any fine or penalty, as it may deem fit, if it is proved to the satisfaction of the Authority that any Employer or Employee hired on part time basis has not duly complied with any Decree, Regulation, Guidelines, orders and directions passed by the Authority or the Director of Human resource from time to time.

16.3 The Authority may revoke the Part Time Employment Permit issued to any Employee if the Employee has defaulted to comply with any Decree, Regulation, Order or Direction passed from time to time.

Issued on:

Wednesday : 18 Ramadan 1438
: 13 June 2017

Sultan Bin Mohamed Al Qasimi

Ruler Of Sharjah