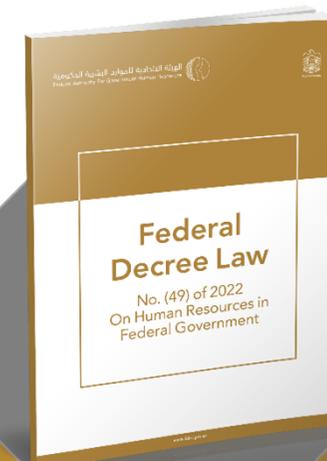


Frequently Asked Questions

Concerning the Federal Decree-Law No. (49) of 2022
regarding the Human Resources
in the Federal Government



Frequently Asked Questions Concerning the Federal Decree-Law No. (49) of 2022 regarding the Human Resources in the Federal Government

1

Does the new law impose requirements on the entities that are excluded from the application of its provisions?

Yes, the new law obliged the entities excluded from the application of its provisions to provide real-time data for the Human Resources working for them, including wages and salaries, and all procedures related to Human Resources through linking with the electronic systems approved by the Authority.

2

What is the entity legally entrusted with issuing the Exclusion Decision from the application of the provisions of the Human Resources Law in the Federal Government?

The Authority authorized to issue the Exclusion Decision is the Honorable Council of Ministers.

3

What are the new employment patterns stipulated in the new Human Resources Law in the Federal Government?

The patterns are as follows: full time - part time - temporary work - flexible work.

In addition to giving flexibility to the government in creating other patterns and types of work as required by the interest of its work.

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4

May the employment patterns be combined?

The Law indicated that more than one type of employment may be combined according to the mechanisms specified by the Executive Regulations of the Law.

5

What does flexible working mean?

It means to work for a federal entity for a specific number of hours or days set for work, whether from the workplace or remotely or through a hybrid work mode, based on the employment contract, or what is agreed upon between the federal entity and the employee.

6

May an employee be delegated from a federal entity to the private sector?

Yes, the Law allows the employee to be delegated to the private sector in accordance with the controls specified by the Executive Regulations.

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7 **Has the duration of breastfeeding hours been increased?**

Yes, the duration of breastfeeding was increased to (6) six months from the date of the child birth, instead of four months from the date of the child birth.

8 **Has the parental leave been extended?**

Yes, its duration has been increased. The period of parental leave has become five working days with a full-paid salary, whether (the father or mother) is entitled thereto continuously or intermittently, to take care of the child within (6) six months from the date of the child's birth.

9 **Who will play the role of the Violations Committee under the new Decree Law?**

The Human Resources Department in the federal entities is now directly assuming this role.

10 **What are the administrative penalties that were revoked under the new Decree Law?**

The penalty for downgrading an employee's grade was revoked.

Frequently Asked Questions Concerning the Federal Decree-Law No. (49) of 2022 regarding the Human Resources in the Federal Government

1 1

Does the new law include any amendments regarding experts and consultants?

The Executive Regulations of this Decree-Law specifies the provisions for each type of employment contained in the law, the conditions for appointment thereto, the types of contracts for each of them, their forms, their duration, and any other aspects related to employment in the federal government, including experts and consultants.

1 2

How are the end-of-service benefits calculated for an Emirati employee in the event of resignation?

End-of-service benefits of the Emirati employee are calculated upon termination of his service (whether by resignation or retirement) in accordance with the provisions of Federal Law No. (7) of 1999 issuing the Pensions and Social Security Law, and the amendments thereto.

1 3

Does flexible work system apply to full-time contract employees?

Yes, the flexible work system applies to employees with a full-time contract. The executive regulations of this Decree-Law specifies the provisions for each type of employment contained in this article, the conditions for appointment thereto, the types of contracts related to each of them, their forms, their durations, and any other aspects related to employment in the federal government, as well as any cases in which more than one type of employment may be combined with more than one employer, and its controls are verified in this regard.

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14

Does the new law apply to the performance management system cycle for federal government employees during the year 2023?

Kindly note that the performance management system for federal government employees issued pursuant to Cabinet Resolution No. (35) of 2022 shall be in effect until a new system is issued.

15

What are the controls for working remotely from outside the country?

The Federal Authority for Government Human Resources shall issue a special system that includes all conditions and controls related to remote work from outside the country.

16

Are there any amendments to the employee's annual leave?

The annual leave periods prescribed for the employee is maintained, and there are no amendments thereto.

Frequently Asked Questions Concerning the Federal Decree-Law No. (49) of 2022 regarding the Human Resources in the Federal Government

17 **Who is the competent authority to apply penalties to violators in the authorities, after the Violations Committee being abolished?**

Best practices were applied in the field of dealing with functional violations, as the violations committee was abolished, and its role was assigned to the Human Resources Department in order to simplify procedures and speed up their implementation.

18 **Is there any change in the promotion or staffing system?**

There is no change in the promotions system. The employee may be promoted as a job or financial promotion, and the executive regulations of this Decree-Law specify the types of promotions, their conditions and controls, the financial or functional impact resulting therefrom, and all the provisions related thereto.

19 **Is the mechanism for calculating end-of-service benefits retroactively applied to old employees who are still on the job?**

The end-of-service benefits for non-national employees who are continuing their work is calculated in accordance with the previous regulations in force in the federal entity, until the day preceding the date of entry into force of this Decree-Law, provided that such benefit is calculated in accordance with Article (41) of this Decree-Law from the date of its enforcement.

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20 **How long shall the employee spend at work to benefit from the new degree during retirement, in the event that he gets a promotion before retirement?**
Kindly note that the Pensions and Social Security Authority is the competent authority in this regard.

21 **Why are the employee's professional certificates not accredited? What is the importance of professional certificates for an employee?**
Employees who obtain professional certificates shall have the priority in promotion and appointment, and shall obtain all privileges related to the jobs they are appointed to.

22 **Shall the employee be granted a study leave if the study is conducted remotely?**
Yes, the head of the federal entity or his authorized representative may grant an Emirati employee registered in any of the remote learning programs inside or outside the country a study leave, bearing in mind that the executive regulations of this Decree-Law shall specify the terms, conditions and controls for granting study leave.

Frequently Asked Questions Concerning the Federal Decree-Law No. (49) of 2022 regarding the Human Resources in the Federal Government

23

Are there changes or modifications in the administrative penalties?

The changes contained in the administrative penalties that may be imposed on the employee include the following:

1. Cancellation of the item related to downgrading the employee's grade by one degree and all the advantages that the grade gives.
2. Adding an item regarding suspension from work without a gross salary for a period of not less than one month and not more than (3) months.
3. Cancellation of the phrase (or depriving the employee of the end-of-service benefits up to a quarter as a maximum) in the clause relating to dismissal from service, while preserving the employee's right to a retirement pension or end-of-service benefits.

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24

What are the new justifications that are added to the reasons for termination of service?

The reasons are present in the previous law in separate ways, but the legislator limited them to an explicit text and included them in the terms of termination of service, and the reasons are:

1. Failure to pass the probationary period successfully.
2. Conviction of a felony or misdemeanor violating honor, honesty or morals.
3. Sentencing to imprisonment for a period exceeding (3) months for any felony or misdemeanor.
4. Referral to retirement before reaching the legal age.

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