

Cabinet Resolution No. (43) of 2018
Regarding Supporting Special Needs (People of Determination) Work

The Cabinet:

- Having reviewed the Constitution,
- Federal Law No. (1) of 1972 on the Competences of Ministries and Powers of Ministers, and its amendments,
- Federal Law No (8) of 1980 concerning the Regulation of Work Relationships, and its amendments,
- Federal Law No. (29) of 2006 on the Rights of People of Determination; and its amendments,
- Decree issued under Federal Law No. (11) for 2008 Regarding Federal Government Human Resources and its amendments,
- Cabinet Resolution No. (6/1) of 2017 concerning approving the national policy to enable People of Determination,
- Based on what has been proposed by the Minister of Community Development, and the approval of the Cabinet,

Resolves:

Article (1)

Definitions

In application of the Provisions of this Resolution, the following words and phrases shall have the meanings assigned to them, unless the context indicates otherwise:

- State** : The United Arab Emirates.
- Ministry** : Ministry of Community Development.
- Concerned Authorities** : Governmental authorities, including federal and local ones, or private sector organizations and facilities, including foreign institutions that operate in the country or its branches, associations, charities, clubs and profitable and non-profitable organizations.
- Special Needs (People of** : Any person with permanent or temporary disability or deficiency totally or partially in his/ her physical, sensory, mental, communicative, educational or

Determination) psychological abilities to the extent that it reduces the possibility of meeting his/her normal requirements in comparison of the circumstances of their peers who are non-disabled persons.

Discrimination : Any distinction, exclusion or restriction based on disability which aims to or resulting in weakening, impairing or nullifying the equal recognition, enjoyment or exercise of any of the rights granted under the legislation in force in the State.

Accommodations : Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

People of Determination Card : A card issued by the Ministry. It is the official document which indicates that the holder is one of the special needs.

Article (2)

Objectives of the Resolution

This Resolution aims to support the rights of persons with disabilities (People of Determination) in work by achieving the following:

1. Enabling them to access the available opportunities in job market to ensure that their rights to work are exercised on an equal basis with others.
2. Stating the obligation that are shouldered by the concerned authorities in order to enforce special needs (People with Determination) rights as per the applicable legislations in the state.
3. Providing the necessary support for them to seek equal opportunities in different sectors, and for those who head their work and are willing to establish their own work.

Article (3)

Concerned authorities are committed, each according to its powers and as the case may be, to protect special needs (People with Determination) rights; including:

1. Granting them work right in an equal basis with others.
2. Ensuring that they receive equal employment opportunities in a manner that achieves the highest

standards of justice, equity and the necessary measures to achieve this purpose, including the following:

- a. Finding a precise mechanism to attract them.
 - b. Announcing the job vacancies and the ways of applying to them in an accessible manner in order to be able to access and apply to them.
 - c. Non-discrimination against them in any of work stages or benefits.
 - d. Granting them equal salaries to their peers
3. Provide safe and healthy working conditions for them, including the following:
- a. Securing them against any abuse or harassment.
 - b. Providing them the reasonable accommodation in the work environment according to the systems that are created under Article No. 11 of this Resolution.
 - c. Provide appropriate mechanisms for their rehabilitation and training.
4. Non-termination of their employment or force them to retirement due to their disability or its occurrence after the appointment, except in the following two cases:
- a. In case of reaching the retirement age as per the state's legislation in force.
 - b. In case of the competent medical committee decided that he is no longer qualified for work in accordance with the legislation in force in the State.
5. Encouraging the private sector to integrate them into their institutions and grant them their special exemptions and privileges; in particular, those that are necessary for their employment and the provision of reasonable accommodation, provided that the appointment is real not fictitious.
6. Sitting systems and mechanisms to fund their private projects and helping them to establish their business.
7. Establishing projects which are specialized in their training and employment, especially for those who face great difficulty in joining the labor market; providing that these projects shall seek to integrate them into them.

Article (4)

Selection and Appointment

The concerned Authorities shall not discriminate against special needs (People of Determination) while selecting and appointing an employee to fill a job vacancy. to acheive this, the following procedure shall

be taken into consideration:

1. Clearly and transparently advertise the job vacancy and provide the contents of the advertisement and details of the skills and functions required in accessible manners so that candidates can access them.
2. Include the name of the contact person they can communicate with, especially those who need reasonable accommodations.
3. Use more than one medium to announce the job vacancy. in addition to more than one communication channel; For example, email, phone, SMS or MMS, or to accept applications in alternative formats, such as voice recording... etc.
4. The wording of the vacancy announcement shall not contain any discrimination against them; in particular, the use of words such as free of defects and impairments or free of visual, motor and auditory deficiencies, especially if the nature of the vacancy does not require sound sensory and physiological abilities.
5. Grant them equal opportunities and sufficient time during the examination and job interviews by using reasonable accommodations that allow them to show their professional abilities and job-suitable qualifications.
6. Non-forming of a pre-judgment against their abilities; which would discriminate against applicants of job vacancies.
7. Abide by maintaining the variety while appointing some of them in the concerned authorities.
8. Non-discrimination against them in all what is related to functional rights such as salaries, wages, incentives, bonuses and other functional privileges granted to other employees.

Article (5)

Work Environment

The concerned authorities shall provide a suitable work environment and reasonable and suitable accommodations to ensure that special needs (People of Determination) can carry out their work safely and securely; this shall include:

1. Adapting and updating work sites, including accessibility, entry, movement and exit in normal and emergency situations.
2. Adapting and updating utilized equipments and devices so that they can effectively carry out their

work on an equal basis with the others.

3. Providing them the suitable accommodation and train them in a manner consistent with their needs in the event that the job requires them to stay at night for work-related reasons.
4. Adapting the work body transportation in a manner that suits their conditions and needs in case of providing a collective transport to employees.
5. Continuous follow-up to their emergency needs in the work site and find them the suitable ways to handle it.
6. Preparing the reasonable accommodations to reduce or cut risks related to work environment or activities; reasonably applying appropriate and secure standards of exercise; and dealing reasonably with any event contains risks.

Article (6)

Work Organization and Flexibility

Concerned authorities shall make reasonable accommodations to prepare work organization in such a manner that allow special needs (People of Determination) to carry out their work and use their skills and experiences efficiently and smoothly. For this purpose, the concerned authorities shall:

1. Ensure that the job description clearly indicates the purpose and scope of the job required from them and the administrative support and available reasonable accommodation.
2. Establish a work system that allows granting flexible working hours for those who find it difficult to complete official working hours in a manner that does not violate applicable laws in the State.
3. Use technical and informative media that enable them to perform their job tasks and show their professional abilities.
4. inviting them to share in developing the suitable solutions to make the work system more flexible and suitable for their needs and condition.

Article (7)

Performance Assessment and Management

In evaluating job performance of special needs (People of Determination), the concerned authorities should focus on the results to be achieved in job descriptions, not on how to achieve them, taking into consideration:

1. To grant them the right to determine their performance targets, in addition to discuss and agree on these targets with them in accordance with what has been allowed by Performance Management Systems at the organization where they work.
2. To grant them the right of assessment, promotions, bounces... etc in accordance with the same mechanism adopted for evaluating the rest of the staff, taking into consideration the impact of disability, if any, on the performance of the disabled employees.
3. To follow the same mechanism adopted for evaluating the rest of the staff in a manner that ensure them just and fair treatment.
4. Not to be deprived of their right to obtain fair performance results as long as they are able to perform the functions required from them in accordance with Government Human Resources Law or any other relevant laws.
5. Not to place unjustified importance to skills, educational qualifications or practical experience that are not necessary to perform their assigned functions.
6. To use performance assessment as a way of specifying the difficulties in order to help them overcome these difficulties.

Article (8)

Career Development and Learning Opportunities

Concerned authorities are committed to provide suitable path for special needs (People of Determination) that enables them to achieve their ambition; including the following:

1. Enabling them to find appropriate opportunities to develop their full professional and functional potential on an equal basis with other staff.
2. Developing the necessary programs to improve their skills deliberately and systematically within the training and development plans for those authorities.
3. Providing all the necessary material, environmental and educational conditions that suit their needs to grant their right of obtaining suitable education and training.
4. Giving them opportunities to compete in the programs qualifying the administrative leaders or obtaining specialized academic and professional certificates.
5. Running orientation programmes for new employees to ensure that they are informed of their functional rights and taken cognizance of all the legislations and policies that grant them these

rights.

6. Providing suitable training opportunities in training and rehabilitation organizations and centres to award a certificate for those who got a professional education, training or rehabilitation in those centres; providing that the following shall be taken into consideration:
 - a. The certificate shall explain the works, professions or skills they become able to perform.
 - b. The certificates shall be handed over to them; and the body which has trained them may not retain the original certificates.
 - c. Training certificates are deemed an evidence proving their ability to carry out the skills specified in them and their suitability to work in a job that suits the profession or skill they have been trained.
7. Cooperate with the Ministry in relation with coordination with other authorities in the State to enable them to obtain appropriate education, rehabilitation and training. Each person who holds People of Determination card and a citizen of the State shall have the right to apply for vocational rehabilitation, training or academic education that suits the nature of his/her disability or difficulty or the requirements imposed by the applicable laws in higher education institutions in the state.
8. Cooperate with the Ministry and concerned authorities and ministries to enable the ministry to create a record to document all the information related to special needs (People of Determination), including their training qualifications, skills, professional history and the work they have done, in relation to career mobility.
9. Enable them to exercise their right to appeal against any decision issued against them, through official channels, to ensure their rights, and protect them in an equal basis with other employees in accordance with the regulations in this regard.

Article (9)

Organizational Conferences, Meetings and Events

Concerned authorities are committed to involve and integrate special needs (People of Determination) in the activities they undertake or participate in, including:

1. Providing all the facilities and technical media that enable them to enter conferences, meetings and events.
2. Not to be deprived of the opportunity of presentations, training and experience-exchange with

others and participation in all events and activities related to their work and the jobs they occupy.

Article (10)

Maintain and Rejoin Their Job

1. All special needs (People of Determination) are entitled to maintain their jobs; and this does not preclude the increase in the disability rate as long as they are able to perform their work and in a manner that does not conflict with the human resources laws in this regard.
2. The concerned authorities shall enable special needs (People of Determination) to maintain their jobs in accordance with Human Resources Laws; including what follows:
 - a. Taking all the sufficient procedures and administrative and institutional decisions.
 - b. Providing job environment and work site, increase training operations or editing and adjusting work conditions.
 - c. Granting the right of preserving and rejoining the job for whom health conditions that arise from the disability requires absence from work; providing that this does not violate Human Resources Laws.

Article (11)

Final Provisions

The Ministry shoulder the responsibility of coordination with Ministry of Human Resources and Emiratisation and Federal Authority for Government Human Resources to develop systems specifying the nature of reasonable accommodations required by the special needs (People of Determination) in the work environment; providing that the following shall be considered in determining the controls of its submission:

1. Size and resources of the concerned authority.
2. Nature and circumstances of work environment.
3. Type, nature and degree of disability.
4. Non-placement of additional burdens without sufficient justification.
5. Any other standards and controls that ensure a balance between the rights of Persons of Determination and the concerned parties.

Article (12)

The Ministry shall shoulder the responsibility of coordination with the concerned authorities to implement all what is related to this Resolution.

Article (13)

The Minister of Society Development, or his authorized representative, shall issue the necessary organizational decisions to implement the provisions of this Resolution.

Article (14)

This Resolution shall be published in the Official Gazette and shall come into effect from the day following the date of publication thereof.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by us at the Palace of the Presidency in Abu Dhabi:

Date: 16 / Dhul Qidah / 1439 AH

Corresponding to: 29 / July /2018 AD