#### Cabinet Resolution No. (106) of 2022

# Concerning the Executive Regulations of Federal Decree-Law No. (9) of 2002 on Domestic Workers

#### The Cabinet,

- Having reviewed:
- The Constitution; and
- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended; and
- Federal Decree-Law No. (33) of 2021 Regulating Labor Relations and the Executive Regulations thereof; and
- Federal Decree-Law No. (9) of 2022 on Domestic Workers; and
- Cabinet Resolution No. (22) of 2019 on the Executive Regulations of Federal Law No.
   (10) of 2017 on Domestic Workers; and
- Based on the Proposal submitted by the Minister of Human Resources and Emiratization, and the Cabinet's approval thereof,

#### Hereby resolves as follows:

# Article (1)

#### Definitions

The definitions set out in Federal Decree-Law No. (9) of 2022, referred to hereinabove, shall be applied; otherwise, the following words and expressions shall have the meanings assigned thereto respectively, unless the context requires otherwise:

Law: Federal Decree-Law No. (9) of 2022 on Domestic Workers.Preliminary: A written agreement between a Domestic WorkerAgreementrecruitment office and a Recruitment Agency abroad, which<br/>provides for the conditions and qualifications to be fulfilled<br/>by the Domestic Worker, based on the agreement concluded

between the Employer and the Domestic Worker recruitment office.

Suspension of : An action to be taken by the Ministry whereby the Employer
 Employer's File is not granted a permit for recruiting a Domestic Worker for violating the provisions of the Law, the present Resolution or the governing resolutions thereof, as per the time limits and procedures set by the Ministry.

## Article (2)

#### **Domestic Worker Occupations**

The Domestic Worker occupations governed by the provisions of the Law and the present Resolution shall be according to Schedule No. (1) attached to the present Resolution.

# Article (3)

## Conditions for Licensing Domestic Worker Recruitment Offices

- 1. The following conditions shall be fulfilled to obtain a license for a Domestic Worker recruitment office:
  - a. A person in a sole proprietorship or any partner in a legal person has never been convicted of a crime involving moral turpitude or breach of trust, a human trafficking crime or the crimes set forth in the Law, unless he has been rehabilitated, if he is sentenced to a custodial penalty or following the lapse of one year from the judgment date if a fine is ruled.
  - b. The sole proprietorship or legal person shall provide to the Ministry a bank guarantee in an amount not less than, throughout the effective term of the license, (AED 500,000) five hundred thousand dirhams, which shall be automatically renewed, or provide security as an alternative to the guarantee, as per the mechanisms set by the Ministry. The Ministry may, as per the assessment of the risk factor, request to increase the bank guarantee amount. The Ministry may allocate the guarantee or security, in whole or in part, for the payment of any amounts

payable by the Domestic Worker recruitment Office to the Domestic Worker, Employer or the Ministry for its failure to carry out its obligations, its failure to comply with the instructions and decisions issued to it or its failure to pay any fine that may be imposed on it. In all cases, the office shall replenish any shortage in the guarantee amount within (30) thirty days from the shortage date.

- c. A credit report shall be submitted by the license applicant and shall reflect its financial position, whether the license applicant is a person, sole proprietorship or partners in a legal person, provided that such report is issued by the competent authority.
- d. In case of combination of the activity of Mediation for recruiting Domestic Workers and the activity of the Temporary Employment of Domestic Workers, a separate license shall be obtained for each activity, in accordance with the conditions, requirements and fees required for each activity.
- e. Any other conditions set by a resolution of the Minister shall be met.
- The license issued by the Ministry to the Domestic Worker office shall be annually renewed, subject to the continuous fulfillment of all conditions required for the license.
- 3. The Ministry may refrain from granting a license to the Domestic Worker recruitment office in the following cases:
  - a. Where a license has been obtained and has been revoked or terminated by the Ministry for any reason whatsoever.
  - b. Where a violation of the legislation in force and the regulations applicable in the Ministry is repeated by the license applicant; and
  - c. Any other cases decided by the Ministry.
- 4. The Minister shall issue regulations on the mechanisms for licensing the practice of the Domestic Worker recruitment office activity should the office provide its services via digital channels.
- 5. The license holder may not assign or sublet the license to third parties or introduce any change to the partners, either by addition or substitution, without obtaining the approval of the Ministry, as per the regulations applicable therein.

## Article (4)

## **Obligations of Domestic Worker Recruitment Offices**

In addition to the obligations prescribed for Domestic Worker recruitment offices set out in Articles (4) and (5) of the Law and the resolutions issued by the Ministry, they shall comply with the following:

- 1. Before having a Domestic Worker recruited for employment in the State, a Domestic Worker recruitment office shall:
  - a. Have the Domestic Worker medically examined to ensure his medical fitness for the work he will perform, in terms of his physical, mental, and psychological ability, and that he does not suffer from any chronic or infectious disease, as per the cases identified by the accredited medical authorities in the State, or from any health conditions that would reduce his ability to accomplish the work.
  - b. Make the Domestic Worker aware of all conditions required by the Employer to be fulfilled by the Worker, including experience and educational qualifications.
  - c. Ensure the availability of a certificate of experience in the required profession if it is among professions where the State requires certain certificates, such as nursing and car driving.
  - d. Allow the Domestic Worker to review the job offer corresponding to the contract form to be concluded between him and the Employer and obtain his signature for approval.
  - e. Provide a certificate from the relevant authorities in the country of the Domestic Worker certifying that he does not have criminal records and that he is of good conduct and behavior in the cases identified by the Ministry.
  - f. Provide a document proving that the office deals with officially accredited entities in the State from which the Domestic Worker is recruited.
  - g. Provide a document stating its direct responsibility for paying any amounts as a commission to facilitate the Domestic Worker's arrival to the State and conclude the contract, without charging the worker for such amounts; and

4

h. Perform any other obligations determined by a resolution of the Minister.

Workers

#### 2. Obligations Towards Recruitment Agencies Outside the State:

- a. To meet the conditions and controls set forth in memoranda of understanding signed by the Ministry with the state in which the agency is located, along with disclosing to the Ministry the number and details of Domestic Workers allocated to the office.
- To sign a Preliminary Agreement with Recruitment Agencies abroad providing for the conditions and qualifications required to be fulfilled by the Domestic Worker, as well as the obligations and responsibilities towards him.
- c. To prohibit any dealing with any Recruitment Agency, office, or person or with any unlicensed entity abroad. In all cases, the Ministry may, based on reasons it deems appropriate, prevent the office from dealing with any Recruitment Agency or any entity abroad.
- d. To perform any other obligations determined under a resolution issued by the Minister.
- 3. **Obligations Towards the Ministry:** 
  - a. To adhere to strict confidentiality with regard to all data and information accessed by the office in the course of practicing its activity, and not to use such data and information nor publish or provide the same to other entities without the Ministry's approval.
  - b. To comply with the limits of fees of Domestic Recruitment offices prescribed by the Ministry for the services provided to the Employer or the Beneficiary, pursuant to the provisions of the Law, and not to collect any extra amounts.
  - c. To comply with the government service fees determined by the Cabinet for the services provided to clients and not to collect any extra amounts.
  - d. To provide all services of Domestic Workers, including the provision of service packages circulated by the Ministry at the rates approved thereby.
  - e. To use electronic systems and software identified by the Ministry.
  - f. To conclude Employment Agreements according to the forms approved under the Ministry's system.

- g. To draft and manage records in such a manner as identified by the Ministry.
- h. To create a database according to the forms and standards set by the Ministry, so that it includes full information about Employers being dealt with, their addresses and categories of Domestic Workers recruited by the office and keep the same for a period not less than (10) ten years.
- i. Not to make its workers available for recruitment by an Employer whose file is suspended in the Ministry's system, except in case of Temporary Employment and subject to the Ministry's approval.
- j. To perform any other obligations established under a resolution issued by the Minister.

#### 4. **Obligations Towards Employers:**

- a. To enter into a contract between it and the Employer/Beneficiary to govern the obligations pertaining to the recruitment and employment of Domestic Workers, as per the form approved in the Ministry's system.
- b. To recruit a Domestic Worker as set out in the Preliminary Agreement.
- c. To perform any other obligations established under a resolution issued by the Minister.
- 5. Where a Domestic Worker's recruitment is made by designation/direct recruitment, the Domestic Worker recruitment office shall be exempted from the obligations set out in Paragraphs (b, c and g) of Clause (1) of this Article, provided that such exemption does not prejudice the public interest.
- 6. The Minister may, where necessary, adjust the obligations set forth in this Article, taking into account the public interest.

# Article (5)

# Procedures for Licensing Domestic Worker Recruitment Offices and Renewing Their Licenses

The Minister shall issue a resolution stating the procedures and conditions for issuing and renewing the licenses of Domestic Worker recruitment offices, as well as the cases and procedures of suspension or revocation of their licenses.

# Article (6)

# Cases of Refunding the Fees for Recruiting the Domestic Worker to the Employer

- 1. A Domestic Worker recruitment office shall refund to the Employer the amount, in whole or in part, paid by the latter in any of the following cases:
  - a. Lack of occupational competence and lack of good conduct of the Domestic Worker throughout the Probation Period.
  - b. In case that the Domestic Worker terminates the contract or leaves the work in cases other than the ones set out in Article (10) of the present Resolution.
  - c. In case that the contract is terminated by the Employer for non-fulfillment of the conditions agreed upon in the Preliminary Agreement or the contract concluded between the Employer and the Domestic Worker recruitment office.
  - d. Any other cases identified under a resolution issued by the Minister.
- 2. The amount referred to in Clause (1) of this Article, which shall be refunded by the Domestic Worker office to the Employer, shall be calculated as follows: (total cost of recruitment/term of the Employment Agreement of the Domestic Worker in months) x the remaining period of the Employment Agreement term.
- 3. Notwithstanding Clause (2) of this Article, and in case of the occurrence of any of the cases mentioned in Clause (1) of this Article throughout the first month of the Domestic Worker's service, or where it is proved that the Domestic Worker is physically unfit during the Probation Period, the office shall refund the full fees for recruitment to the Employer.

Cabinet Resolution of 2022 Concerning the Executive Regulations of Federal Law of 2022 on Domestic Workers

- 4. In all the cases set out in this Article, the Domestic Worker recruitment office shall be exempted from refunding the prescribed amount where the Domestic Worker is recruited by designation/direct recruitment.
- 5. In addition to the Domestic Worker recruitment office's obligation to refund fees for recruitment to the Employer, it shall be bound to refund any government fees borne by the Employer if it is proved, throughout the Probation Period, that the Domestic Worker is physically unfit to perform the required domestic service.
- 6. The office shall refund the amounts mentioned above to the Employer within two weeks from the date of returning the worker to the Domestic Worker recruitment office or notification of his absence from work.
- 7. Where a Domestic Worker recruited by designation by name desires, throughout the effective term of the first contract, to transfer to a new Employer, the new Employer shall pay to the original Employer part of the amount that had been paid by the latter to the Domestic Worker recruitment office. Such amount shall be calculated according to the same formula set out in Clause (2) of this Article, in addition to paying government fees that had been paid by the original Employer for the recruitment and employment of the Domestic Worker, unless otherwise agreed upon between the original Employer and the new Employer.
- 8. If the Domestic Worker, following the renewal of his contract, desires to transfer to a new Employer, the latter shall, in such case, pay any government fees that had been paid by the original Employer to renew the contract if such transfer is made within the first three months from the contract renewal, unless otherwise agreed upon between the original Employer and the new Employer.

#### Article (7)

#### Arrangement of Working Hours and Daily Rest

The Employer may arrange the Domestic Worker's working hours to carry out the work assigned over the day, as required by the nature of work or housework; provided that the daily rest period of the Domestic Worker is not less than (12) twelve hours a day, including at least (8) eight consecutive hours. Times spent by the Domestic Worker without work, break time or food time shall not be calculated within the actual working hours.

#### Article (8)

#### Weekly Rest

A Domestic Worker shall be entitled to one-day weekly rest to be determined as agreed upon between him and the Employer. However, the Employer may employ the worker on the day of weekly rest; provided that the worker is entitled to another rest day alternative to the one he worked on or to compensation equivalent to the wage of such day, taking into account that a worker may not be employed for more than two rest days in two consecutive weeks, unless otherwise agreed upon.

## Article (9)

#### **Temporary Employment and its Conditions**

- The provisions of the Law shall apply to a Domestic Worker who is employed on a Temporary Employment basis, with regard to governing his relationship with both the Domestic Worker recruitment office and the Beneficiary.
- 2. The Temporary Employment shall be subject to the following conditions:
  - a. The Domestic Worker recruitment office shall be licensed pursuant to the provisions of the Law and its Executive Regulations.
  - b. The Domestic Worker who works on the basis of Temporary Employment shall reside at the Workplace identified by the Beneficiary, unless otherwise agreed upon between both the Beneficiary and the Domestic Worker recruitment office; and
  - c. A contract shall be concluded between the Domestic Worker recruitment office and the Beneficiary, as per the form prepared by the Ministry, and a copy thereof shall be delivered to the Domestic Worker, as per the mechanisms identified by the Ministry.

d. A Domestic Worker recruitment office may not, in its capacity as the Employer, refrain from implementing any of the obligations required from it towards the Domestic Worker due to the Beneficiary's failure to fulfil the agreement concluded therewith. However, the office shall be responsible, jointly with the Beneficiary, for performing such obligations, while preserving all legal rights of the office towards such Beneficiary.

#### Article (10)

#### Cases of the Domestic Worker's Leave of Work

- A Domestic Worker may leave work in the cases indicated below, while reserving his rights, two weeks after notifying the Ministry of any of such cases, and the Employer's failure to address the reasons for leaving the work, namely:
  - a. Reduction of his Wage below the agreed wage indicated in the Employment Agreement.
  - b. Failure of the Employer to fulfil their obligations under the Employment Agreement.
- 2. A Domestic Worker may leave the work without notice if he is assaulted or humiliated by the Employer or the Employer's representative or in any form of sexual assault punishable under the legislation in force in the State. In all cases, a Domestic Worker shall report to the competent authorities promptly after being assaulted and serve a notification to the Ministry within (3) three days from the date of leaving the work.
- 3. In all cases, a Domestic Worker shall return to the Domestic Worker recruitment office that had recruited him to stay therein or specify another place for staying in, along with indicating a means of communication with him and notifying the Ministry of the same.
- 4. In any of the above cases, and without prejudice to the worker's right to reserve his rights for the period of his work, the Domestic Worker may transfer to another Employer or leave the country, in accordance with the controls and procedures set under a resolution issued by the Minister.

Cabinet Resolution of 2022 Concerning the Executive Regulations of Federal Law of 2022 on Domestic **10** Workers

# Article (11)

## Work for Third Parties

- 1. A Domestic Worker may work for any person other than the employer, or the Beneficiary mentioned in the Employment Agreement only according to the procedures identified by the Ministry.
- 2. Notwithstanding Clause (1) of this Article, a Domestic Worker may be allowed to work with any relative of the Employer up to the second degree, subject to the Domestic Worker's consent.

# Article (12)

# **Occupational Health and Safety Requirements**

- 1. The Employer and Domestic Worker recruitment offices shall inform the Domestic Worker, upon his employment, of his occupational hazards and the means of prevention that shall be adopted by him and shall provide him with personal protective equipment against occupational hazards and diseases, such as wears, gloves, shoes and other tools and means that ensure his health and physical safety. Moreover, the Employer shall provide necessary measures to protect the worker from occupational hazards and diseases.
- 2. The Domestic Worker shall comply with the instructions related to employment security and safety and shall use preventive equipment and undertake to exercise due care of such equipment in his possession. He shall not perform an act that may cause failure to implement the said instructions or misuse or inflict harm or damage on the means intended to protect his health and safety.

# Article (13)

## **Settlement of Disputes**

1. If a dispute arises out between the Domestic Worker and the Employer and they fail to settle it amicably, they shall refer it to the Ministry through the channels determined by the Ministry.

- 2. Once the Ministry receives the dispute, it shall follow the following procedures:
  - a. Present the dispute to the competent department at the Ministry or any other entity determined by the Ministry, which shall serve a notice to the parties to the compliant at the address mentioned in the compliant file to appear before it. Where no address is mentioned in the compliant file, the notice shall be served to the address listed in the Ministry's files.
  - b. A competent legal researcher shall, after hearing the statements of both parties, propose reconciliation according to the applicable rules in the Ministry.
  - c. Where the amicable settlement between the parties to the dispute is impossible, the Ministry shall refer the matter, together with a legal opinion, to the competent court within two weeks from the date on which the complaint is filed.
  - d. The complainant shall keep the Ministry informed of the matters taken place on the hearing and adjudication of the action.
- 3. In all cases, no action may be admissible before the competent court before the procedures set forth in this Article are followed.
- 4. The Minister may issue a resolution establishing the controls and procedures to be followed in case that a labor dispute causes the Domestic Worker's discontinuation of his work with the Employer.

# Article (14)

## Adjustment of the Domestic Worker's Status

A Domestic Worker whose work permit is revoked or has expired shall adjust his status or leave the State, pursuant to the laws, regulations and resolutions applicable in the State in this regard.

# Article (15)

## Cases of Suspension of the Employer's File

The Ministry may suspend an Employer's file in one of the following cases:

Cabinet Resolution of 2022 Concerning the Executive Regulations of Federal Law of 2022 on Domestic 12

- Where the Employer commits a material breach of its obligations established by the Law, the present Resolution and the resolutions issued by the Ministry, or the Agreement concluded with the Domestic Worker.
- 2. Failure to pay the Wage agreed upon in the Employment Agreement for more than two months.
- 3. Where it is proved that the Employer or one of his family member has assaulted or exposed the Domestic Worker to violence or harassment.
- 4. Where it is proved that a report of absence from work reported by the Employer is invalid.
- 5. Any other cases decided by the Ministry.

# Article (16)

#### Administrative Penalties

- Subject to the provisions related to the penalties set out in the Law, if the obligations set out in the Law and the present Resolution are breached, the Ministry may impose the administrative penalties set out in Schedule No. (2) attached to the present Resolution to persons or Domestic Worker recruitment offices.
- Persons or offices subject to the administrative penalties set out in Schedule No. (2) attached to the present Resolution may file a grievance according to the mechanisms approved by the Minister.

# Article (17)

#### **General Provisions**

- The provisions of this Resolution shall apply to Agreements to be concluded after the provisions thereof enter into force and shall apply to Agreements concluded before the entry into force upon the renewal of such Agreements or residence.
- The Minister shall be authorized to issue a resolution determining the minimum monthly salary/income of a foreign resident if he desires to recruit or employ a Domestic Worker, and he may set any other controls in this regard.

## Article (18)

#### Repeals

Cabinet Resolution No. (22) of 2019 Issuing the Executive Regulations of Federal Law No. (10) of 2017 on Domestic Workers is hereby repealed. Moreover, any provision repugnant or contradicting the provisions of this Resolution is hereby repealed.

# Article (19)

#### **Implementing Resolutions**

The Minister shall issue the resolutions necessary for implementing the provisions of this Resolution.

# Article (20)

## **Publication and Enforcement**

This Resolution shall be published in the Official Gazette and shall enter into force as of the date of entry into force of the Law.

#### Mohammed bin Rashid Al Maktoum

#### **Prime Minister**

Issued by us: On: 06 Jumada Al-Awwal 1444 AH Corresponding to: 30 November 2022 AD

# Schedule No. (1)

#### **Occupations of Domestic Workers**

## Annexed to Cabinet Resolution No. (106) of 2022 Concerning the

#### Executive Regulations of Federal Decree-Law No. (9) of 2022

#### on Domestic Workers

Occupations of Domestic Workers		
1	Servant	
2	Sailor	
3	Janitor	
4	Herder	
5	Parking Attendant	
6	Camel Trainer	
7	Falconer	
8	Worker	
9	Housekeeper	
10	Cooker	
11	Babysitter	
12	Farmer	
13	Gardener	
14	Private Trainer	
15	Private Tutor	
16	Home Caregiver	
17	Personal Assistant	
18	Private Agronomist	
19	Chauffeur	

Cabinet Resolution of 2022 Concerning the Executive Regulations of Federal Law of 2022 on Domestic 15

# Schedule No. (2)

## Violations and Administrative Penalties

# Annexed to Cabinet Resolution No. (106) of 2022 Concerning the

## Executive Regulations of Federal Decree-Law No. (9) of 2022

#### on Domestic Workers

First: Violations of Recruitment Offices		
SN	Description of the Violation	Fine in AED
1	Failure to comply with the service package prices approved	AED (5,000) per
	by the Ministry or entering into a contract outside the	case
	electronic systems.	
2	Failure to use contract forms approved by the Ministry.	AED (5,000) per
		case
3	Presenting C.V of a Domestic Worker who has committed a	AED (5,000) per
	violation or against whom a complaint about his absence	case
	from work is filed or entering into a contract with an	
	Employer for such worker.	
4	To enter into a contract for a Domestic Worker who fails to	AED (5,000) per
	undergo the medical examination or to fulfill the conditions	case
	for residence.	
5	Failure to present service package prices approved by the	AED (2,000)
	Ministry at a prominent place for clients.	
6	Failure to make the Domestic Worker available to the	AED (100) per day
	Employer within the period agreed upon his recruitment for	up to AED (1,000)
	work from outside the State.	
	Failure to refund the recruitment amount, in whole or in	
7	part, to the Employer within the time limit set out in the	AED (2,000) per
	Regulations (two weeks from the date of returning the	case

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		the states from which the Domestic Worker is recruited, or	AED (5,000)
the Domestic Workers allocated to the Domestic Worker		failure to disclose to the Ministry the number and details of	
		the Domestic Workers allocated to the Domestic Worker	
recruitment office.		recruitment office.	

	Deal with any Recruitment Agency, person, office or any	
16	other entity unlicensed in the State or in the state from	AED (10,000)
	which the Domestic Worker is recruited, or deal with any	
	foreign entity which the Ministry prohibits dealing	
	therewith.	
	To enter into a contract with an Employer whose file is	
17	administratively suspended by the Ministry, apart from the	AED (2,000)
	Temporary Employment subject to the prior approval of the	
	Ministry.	
18	Failure to train the Domestic Worker using the guidance	AED (1,000) per
	materials approved by the Ministry.	Domestic Worker
19	Failure to comply with any of the regulations, circulars,	AED (5,000)
	resolutions, undertakings and other work manuals issued	
	by the Ministry for Domestic Worker recruitment offices.	

Second: Violations of the Employer		
SN	Description of the Violation	Fine in AED
1	Filing a malicious or fictitious report on the worker's	AED (5,000) per
	absence from work.	Domestic Worker
	Where it is proved that incorrect documents or data are	Not less than AED
2	submitted for obtaining a service or benefit.	(1,000) and not
		more than AED
		(10,000) per case
	Failure to comply with the approved occupational health	Not less than AED
	and safety requirements and health prevention methods, as	(1,000) and not
3	set out in Federal Decree-Law No. (9) of 2022 on Domestic	more than AED
	Workers, and its Executive Regulations and the	(10,000) per case
	implementing resolutions thereof, or any other legislation	
	in force in the State.	

	Employing a Domestic Worker without obtaining a work	AED (5,000) per
4	permit for him, or failure to employ a Domestic Worker for	Domestic Worker
	whom a work permit is issued or let him work for third	in breach
	parties without compliance with the conditions and	
	without adjusting his status.	
	Where it is proved that a Domestic Worker's Wage is not	Not less than AED
5	paid according to the regulations and time limits set by the	(500) and not
	Ministry.	more than AED
		(5,000) per
		Domestic Worker
6	Where it is proved that the Employer or one of his family	AED (20,000) per
	member has assaulted or exposed the Domestic Worker to	case
	violence or harassment.	
	Where it is proved that the Domestic Worker is not	Not less than AED
	provided with proper accommodation or his needs are not	(1,000) and not
7	provided, including meals and proper clothes for the work	more than AED
	performance, or that the Domestic Worker is employed in	(10,000) per
	an occupation approved by the Ministry different from his	Domestic Worker
	work nature without his consent.	
	Where it is proved that the Domestic Worker's medical	
	treatment costs are not borne, as per the health system	
	applicable in the State, or that the necessary compensation	Not less than AED
	arising from occupational injuries and diseases is not paid,	(500) and not
8	as per the compensation established in the provisions of	more than AED
	Decree-Law No. (33) of 2021 Regulating Labor Relations,	(5,000) per case
	referred to hereinabove, and the resolutions issued in	
	implementation thereof. Such Employer's obligation shall	
	lapse only if the company pays the compensation set out in	
	this Item.	

Cabinet Resolution of 2022 Concerning the Executive Regulations of Federal Law of 2022 on Domestic 19

9	Maintaining supporting documents of the Domestic	AED (500) per
	Worker.	Domestic Worker
10	Failure to register a Domestic Worker in the Wage	AED (100) per
	protection system, as per the mechanism issued by the	Domestic Worker
	Ministry.	

Cabinet Resolution of 2022 Concerning the Executive Regulations of Federal Law of 2022 on Domestic 20