

Cabinet Resolution No. (95) of 2022
Concerning the Violations and Administrative Penalties Related to the
Initiatives and Programmes of Emirati Talent Competitiveness Council

The Cabinet,

- Upon reviewing the Constitution; and
- Federal Law No. (1) of 1972 Concerning the Competences of Ministries and the Powers of Ministers, and any amendments thereto; and
- Federal Law No. (14) of 2016 Concerning Administrative Violations and Penalties in the Federal Government; and
- Federal Decree-Law No. (26) of 2019 Concerning Public Finance; and
- Federal Decree-Law No. (27) of 2021 Concerning the Establishment and Organisation of the Emirati Talent Competitiveness Council; and
- Federal Decree-Law No. (33) of 2021 Regulating Labour Relations, as amended; and
- Cabinet Resolution No. (21) of 2020 Concerning Service Fees and Administrative Fines in the Ministry of Human Resources and Emiratisation and amendments thereof; and
- Based on the proposal of His Highness, Chairman of the Emirati Talent Competitiveness Council, and the approval of the Cabinet,

Has Resolved:

Article (1)

Definitions

In the application of the provisions of this Resolution, the following words and expressions shall have the meanings indicated opposite each of them unless the context requires otherwise:

State	: United Arab Emirates.
Council	: Emirati Talent Competitiveness Council.
Chairman	: Council BOD Chairman.
Secretary General	: Secretary General of the Council.

- Ministry** : Ministry of Human Resources & Emiratisation.
- Establishment** : Every economic, technical, industrial or commercial unit, or any other category approved in the State, in which Workers are employed and whose objective is to produce or market commodities or to provide services, which is licensed by the Competent Authorities and subject to the Federal Decree-Law No. (33) of 2021 Regulating Labour Relations, as amended.
- Beneficiary** : Citizen Beneficiary of support from the Council.

Article (2)

Administrative Violations and Penalties

Without prejudice to any harsher penalty or procedure stipulated in the relevant legislation, the Ministry and the Council may impose the administrative penalties listed in the table below against anyone who commits any of the violations as follows:

No	Violation Description	Fines imposed on the establishment by the Ministry of Human Resources and Emiratisation	Penalty applied by the Council against the Beneficiary
1	The establishment carries out fictitious Emiratisation related to the "NAFIS" initiatives and Programmes.	An administrative fine of not less than (20,000) twenty thousand dirhams and not more than (100,000) one hundred thousand dirhams for each worker.	Suspend support and recover the amounts spent.
2	Submit incorrect documents or data to obtain the services or benefits of NAFIS, or	An administrative fine of not less than (20,000) twenty thousand dirhams and not more than (100,000) one	Suspend support and recover the amounts spent.

	for the purposes of evading or defrauding the Emiratisation system.	hundred thousand dirhams for each violation.	
3	Invalidity of the required documents or failure to renew them within the prescribed time period.	An administrative fine of (2,000) two thousand dirhams for each month, with a maximum of (5,000) five thousand dirhams.	Suspend the use during the period of invalidity and resume disbursement upon renewing the documents.
4	In the event that the establishment fails to take the prescribed measures in accordance with Decree-Law No. 33 of 2021, Regarding the organisation of labour relations, as amended, and its Executive Regulations and Executive Resolutions, in the following cases: - The Beneficiary has not joined the work after issuing the work permit and the	Administrative fine (20,000) twenty thousand dirhams for each worker shall apply.	Suspend support and recover the amounts spent.

	<p>establishment obtaining support from the Council.</p> <ul style="list-style-type: none"> - The Beneficiary irregularity in working for the establishment after joining. - The Beneficiary ceases to work and the establishment fails to inform the Council. 		
5	The establishment terminates the service of the Beneficiary and reappoints him in the same establishment with the aim of obtaining support from the Council.	An administrative fine of not less than (20,000) twenty thousand dirhams and not more than (100,000) one hundred thousand dirhams for each violation.	Suspend support and recover the amounts spent.
6	The establishment fails to report any change to the terms of use without a reason acceptable to the Council.	Administrative fine (20,000) twenty thousand dirhams for each case shall apply.	Suspend support and recover the amounts spent upon the change of the requirements.

7	Non-compliance of the Beneficiary with the training or study programmes approved by the Council and absence (10) ten consecutive days or (20) twenty interrupted days during the training period.	--	Suspend support, recover the amounts spent, and deprivation of the programme for a year.
8	The Beneficiary absence from the training or study programmes for reasons not accepted by the Council.	--	Suspend support, recover the amounts spent, and deprivation of the programme for a year.
9	The establishment breach of its obligation to appoint the Beneficiary after the end of the subsidised training period within the NAFIS programme initiative (financial support during the training period) without an excuse	--	The Council may recover the amount of support paid to the establishment during the support period.

	accepted by the Council.		
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Article (3)

Appeal

1. Any interested party may submit a written Appeal to the Council against any of the administrative penalties imposed by the Council and referred to in Article (2) of this Resolution, within (15) fifteen days from the date of being notified of the contested Resolution, provided that the Appeal is justified and attached to it all supporting documents in accordance with the procedures specified by the Council.
2. The Appeal shall be decided within (10) ten days from the date of its submission, and in accordance with the procedures in force at the Council.
3. Appeal may be submitted before the Ministry against the fines applied by it, in accordance with Article (4) of Cabinet Resolution No. (21) of 2020 referred to.

Article (4)

Exemption from Administrative Penalties and Instalments

The chairman or whoever he delegates may exempt from the administrative penalties imposed by the Council referred to in Article (2) of this Resolution or pay them in instalments, provided that the cases of exemption from these penalties and the mechanism for paying them by instalments, including the conditions, controls and procedures, are determined by a Resolution issued by the chairman.

Article (5)

General Provisions

1. For the purposes of fulfilling the administrative penalties specified in accordance with this Resolution, part of the day is considered a full day, and part of the month is considered a full month.
2. More than one penalty may be imposed if more than one violation is committed.

3. The Council may stop dealing with any establishment proven to have committed any of the violations referred to in Article (2) of this Resolution.
4. The Council may deny any applicant access to support in the event of repeated violations.
5. The fines stipulated in this resolution shall be collected by the Ministry and collected by the means decided by the Ministry of Finance, and shall be deposited for the unified public treasury account of the Federal Government.
6. Other administrative penalties stipulated in this resolution shall be collected by the means decided by the Council.
7. Sign the fines and penalties stipulated in this Resolution does not preclude referring the establishment or the Beneficiary to the Public Prosecution to take legal action against either or both.
8. The Chairman shall issue Resolutions and determines the procedures necessary to implement the provisions of this Resolution, and determines the mechanisms and procedures for applying the administrative penalties contained therein.

Article (6)

Publication and Entry into Force

This Resolution shall be published in the Official Gazette and shall enter into force as of the day following the date of its publication.

Mohammed Bin Rashid Al Maktoum

Prime Minister

Issued by Us:

On: 18 Rabi` al-Awwal 1444 AH

Corresponding to: 14 October 2022 AD