

Roadmap to the Proposed Changes

#	Current Law reference	Proposed Law reference	Legislative Change	Summary of Change
1.	Art. 4(1) - Application of the Law	Art. 4(1) - Application of the Law	Existing - amended	Under the Proposed Law, current article is expanded to be applicable to both Employers and Employees and allows for the possibility in certain cases for Employers to contract out of the Proposed Law, provided that certain basic conditions of employment remain applicable to such Employers. <i>Please refer to paragraphs 15 – 17 and paragraphs 21-26 of the Consultation Paper.</i>
2.	Art. 4(2) - Application of the Law	Art. 4(2) - Application of the Law	Existing - amended	Article 4(2) in the Proposed Law has been enhanced to deal with the issues pointed out in Article 4(1) of the Proposed Law, and which is subject to Article 4(3) of the Proposed Law. <i>Please refer to paragraphs 27 – 30 of the Consultation Paper.</i>
3.	N/A	Art. 4(3) - Application of the Law	New provision	New provision imposing minimum conditions of employment on relevant Employers, irrespective of which law is applicable to an Employer/ Employee relationship. <i>Please refer to paragraph 29 of the Consultation Paper.</i>
4.	Art. 9 - The power of the DIFC Authority to make Regulations	Art. 9 - The power of the DIFCA to make Regulations and impose fines and penalties	Existing - amended	Enhancing Article 9 by introducing a new fines and penalties regime for any contraventions of the Proposed Law. <i>Please refer to paragraphs 31 – 34 of the Consultation Paper.</i>
5.	Art. 10 - No waiver	Art. 10 - No waiver	Existing - amended	Allowing for the waiver of any right, remedy, privilege, claim or action pursuant to the provisions of the Proposed Law in an agreement but only where it involves the resolution of a dispute. <i>Please refer to paragraphs 35 – 38 of the Consultation Paper.</i>
6.	N/A	Art. 11(b) - No false representations	New provision	Including “ <i>job description and title</i> ” in respect of which false representations cannot be made.
7.	Art. 12 - Hiring children	Art. 12 - Hiring children	Existing - amended	Increasing the age of hiring children from 15 to 16 years to be in line with the requirements of Federal Law.
8.	N/A	Art. 13(2)(l) - Right to a written contract	New provision	Adding “ <i>any probation period</i> ” in dealing with the minimum requirements of what should be stated in an Employment Contract.
9.	N/A	Art. 13(2)(m) - Right to a written contract	New provision	Adding “ <i>any applicable policies and procedures, including any code of conduct and where these can be accessed</i> ” dealing with the minimum requirements of what should be stated in an Employment Contract.
10.	N/A	Art. 13(4) - Right to a written contract	New provision	Making provision for administrative amendments to Employment Contracts that do not require signature by both parties in writing, provided that prior written notice is still given before such amendments take effect.

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11.	Art. 16(2) - Payroll records	Art. 15(2) - Payroll records	Existing - amended	Adding that Employee information need not necessarily be kept at the Employer's place of business in the DIFC, provided that it is accessible from there and records to be kept from two to six years.
12.	N/A	Art. 16 - Part-Time Employees and Short Term Employees	New provision	Introducing a new provision to deal with Part-Time Employees, Short Term Employees and Workers. <i>Please refer to paragraphs 18 – 20 of the Consultation Paper.</i>
13.	Art. 17 - Paydays	Art. 17(1) - Paydays	Existing - amended	Extending the protection of Wages under the Current Law to the protection of an Employee's Remuneration, which also includes Additional Payments (e.g. bonuses and commissions).
14.	N/A	Art. 17(2) - Paydays	New provision	Adding a provision allowing for an Employer and Employee to agree to defer payment of Additional Payments (e.g. bonuses).
15.	N/A	Art. 18(3) - Payment where the employment is terminated	New provision	Introducing (i) the 5% de minimis exemption, (ii) the capping of the Article 18(2) penalty, or (iii) providing the Court with a discretion to reduce such penalty in certain circumstances in Article 18(3). <i>Please refer to paragraphs 39 – 41 of the Consultation Paper.</i>
16.	Art. 19(1)(c) - No unauthorised deductions	Art. 19(1)(c) - No unauthorised deductions	Existing - amended	Making provision for also recouping benefits utilised by an Employee in excess of what is permitted in an Employment Contract.
17.	Art. 21 - Maximum weekly working time	N/A	Existing - deleted	Maximum weekly working time has been removed. <i>Please refer to paragraphs 42 - 46 of the Consultation Paper.</i>
18.	Art. 27(5) - Vacation leave	Art. 26(5) - Vacation Leave	Existing - amended	Adding that payments in lieu of Vacation Leave is only permitted at termination of employment or where the Employer agrees otherwise.
19.	N/A	Art. 26(6) - Vacation Leave	New provision	Adding that Vacation Leave is not capable of being converted to Sick Leave if an Employee falls ill during Vacation Leave.
20.	Art 32(3) - Entitlement to national holidays	Art 31(3) - Entitlement to Public Holidays	Existing - amended	Removing the requirement for consent in relation to replacing Public Holidays with Vacation Leave or payments of Daily Wages (or a pro-rated part thereof) in cases where an Employee works on a Public Holiday.
21.	Art. 34 - Sick leave	Art. 33 - Sick Leave	Existing - amended	Reducing Sick Leave pay. <i>Please refer to paragraphs 47-51 of the Consultation Paper.</i>
22.	Art. 35 - Sick pay	Art. 34 - Sick Leave pay	Existing - amended	Clarifying that the 12 month period referred to in this Article in terms of excessive Sick Leave is the same 12 month period when references thereto are made in Articles 34 and 35 of the Proposed Law.
23.	Art. 37(2)(b) - Maternity leave	Art. 36(2)(b) - Maternity Leave	Existing - amended	Removing the requirement that a pregnant Employee is required to notify her Employer at least 8 weeks before taking Maternity Leave, only if so requested by her Employee.
24.	N/A	Art. 38 - Paternity Leave and pay	New provision	Introducing Paternity Leave and time off for antenatal care. <i>Please refer to paragraphs 52 – 55 of the Consultation Paper.</i>
25.	Art. 39 - Right to return to work	Art. 39 - Right to return to work	Existing - amended	New wording in Article 39(2) in the Proposed Law only requires of an Employer to employ an Employee after returning from Parental Leave to

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				the same level of seniority as he/she had before taking Parental Leave).
26.	Art. 51 - Liability of employers for employee's conduct	Art. 51 - Liability of Employers for Employee's conduct	Existing - amended	Enhancing provision for providing defences to an Employer's vicarious liability. <i>Please refer to paragraphs 56 – 62 of the Consultation Paper.</i>
27.	N/A	Art. 52(3) - Compensation for employment accidents and occupational diseases	New provision	Introducing principles relating to contributory negligence to Employee compensation claims for injury or death arising out of or in the course of employment. <i>Please refer to paragraphs 65 – 66 of the Consultation Paper.</i>
28.	N/A	Art. 54 - Visas and permits	New provision	Introducing visa and permit requirements into the DIFC employment regime. <i>Please refer to paragraphs 63 – 64 of the Consultation Paper.</i>
29.	Art. 54 - Right to time off to look for work or arrange training	Art. 55 - Right to time off to look for work	Existing - amended	Removing the requirement under Article 54(2) of the Current Law that an Employee is only entitled to take time off from work had the Employee been employed for a continuous period of two years, as well as removing the requirement that an Employer could curtail what was reasonable in the circumstances according to its own business needs.
30.	Art. 55(1) - Right to time off for ante-natal care	Art. 56(1) - Right to time off for ante-natal care and adoption proceedings	Existing - amended	Extending the right to time off for ante natal care also to male Employees whose wife is pregnant.
31.	N/A	Art. 56(3) - Right to time off for ante-natal care and adoption proceedings	New provision	Extending the time off benefit for ante natal care (up to eight Work Hours) also to Employees attending to adoption proceedings.
32.	Art. 57 - General duties of employees at work	Art. 58(1) - General duties of Employees	Existing - amended	Increasing the duties of Employees by also requiring that an Employee shall serve an Employer faithfully, comply with reasonable and lawful instructions, exercise reasonable skill and care in performing duties, not to disclose confidential information, personal data of other Employees or trade secrets and not to disrupt an Employer's business.
33.	Art. 58(1) - Discrimination	Art. 59(1) - Discrimination	Existing - amended	Expanding the grounds for discrimination to also include pregnancy and age, in addition to the ones referred to in the Current Law. <i>Please refer to paragraphs 67 – 71 of the Consultation Paper.</i>
34.	Art. 58(2) - Discrimination	Art. 59(2) - Discrimination	Existing - amended	Introducing remedies for discrimination. <i>Please refer to paragraphs 72 – 74 of the Consultation Paper.</i>
35.	Art 59. Rights of employer and employee to minimum notice	Art. 60(5)(a) - Rights of Employer and Employee to minimum notice	Existing - amended	Adding that the provisions of Article 61(2), dealing with termination notice requirements, do not apply during a probation period agreed to in an Employment Contract.
36.	Art. 59A - Termination for cause	Art. 61 - Termination for cause	Existing - amended	Clarifying the rights of Employees in cases where they terminate employment for cause. <i>Please refer to paragraphs 78 – 85 of the Consultation Paper.</i>

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37.	Art. 60 - Right to written statement of reasons for dismissal	Art. 62(1) - Right to written statement of reasons	Existing - amended	Removing the requirement under Article 60 of the Current Law that only Employees that have been employed in excess of one year are entitled to ask for a written statement indicating the reasons for dismissal, clarifying the term "dismissal" in the Current Law with "termination for cause under Article 61" in the Proposed Law, as well as adding a fine that can be levied against Employers who fail to do so.
38.	Art. 60 - Right to written statement of reasons for dismissal	Art. 62(2) - Right to written statement of reasons	Existing - amended	Adding that the reasons provided under Article 63(1) must have sufficient detail in them for a reasonable person to understand the reasons for the termination for cause in the circumstances.
39.	Art. 61 - Pension for UAE and GCC nationals	Art. 63(1) - Pension for UAE and GCC nationals	Existing - amended	Adding GCC country individuals in respect of Employees that are subject to pension schemes and adding the obligation on Employers to make contributions to the pension schemes referred to in this Article and to keep them up to date at all times.
40.	Art. 62(3) - End of service gratuity	Art. 64(3) - Gratuity Payment	Existing - amended	Limiting the minimum percentage at 50% of what an Employee's Basic Wage may be as a proportion of their Wage for purposes of calculating a Gratuity Payment.
41.	Art. 62(4) - End of service gratuity	N/A	Existing - deleted	Removing the forfeiture of Gratuity Payments in cases of termination for cause. <i>Please refer to paragraphs 75 – 77 of the Consultation Paper.</i>
42.	N/A	Art. 64(5) - Gratuity Payment	New provision	Expressly permitting an Employer to make certain deductions from an Employee's Gratuity Payment.
43.	N/A	Art. 64(6) - Gratuity Payment	New provision	Allowing Employers and Employees to opt out of Gratuity Payments in cases where the parties have agreed for the Employer to make contributions to a pension scheme, retirement savings scheme or a substantially similar scheme on behalf of Employees.
44.	N/A	Art. 69 - Application of the Companies Law	New provision	Incorporating by reference the whistle-blower protection provisions included in the new DIFC Companies Law (the "Companies Law") and reflect the OECD initiatives in this regard. <i>Please refer to paragraphs 86 – 89 of the Consultation Paper.</i>