



Gaining Insight into Part-Time and Partial Employment in the United Arab Emirates

Partial employment is a largely unknown form of employment in the United Arab Emirates ("UAE") and often mistaken with part-time employment. In this article, we will therefore define each of the two kinds of employment and explain the main differences. After having read our overview, you will be able to choose the most appropriate type for an intended work relation.

1. Part-Time Employment

a. Definition

Part-time employment describes an employment relationship whereby the employee takes on employment on part-time basis with a primary or a secondary employer for a maximum duration of one year. Should the employment exceed one year, a new application has to be filed after the expiry of the term. The employment, however, will be deemed as continuous.

A typical case of part-time employment is one wherein an employee is already engaged in an employment relationship with a primary employer on full-time basis and seeks another employment with a secondary employer on part-time basis.

In another possible scenario, a UAE resident who is sponsored by a spouse, parent or university wants to work on part-time basis only and seeks employment with a primary employer.

b. Legal Basis

Ministerial Resolution No. 1188 of 2010 on the Regulations and Conditions for Granting Internal Work Permits forms the legal basis for part-time employment.

c. Contract

The Ministry of Human Resources & Emiratisation ("MoHRE") does not provide for a special kind of employment contract for part-time employees. The same template as for full-time employees is to be used. However, due to the limitation (for each term) of part-time employment to one year only, the parties most likely have to conclude a limited term contract and cannot choose an unlimited term contract.

d. Work Permit and Residence Visa

Should an employee already have a primary employment and seeks a secondary employment, he will always be issued a part-time work permit by MoHRE for such further work relation.

In case an employee would like to work part-time with one employer only, the parties are generally free in applying for a standard work permit or a part-time work permit.

In this regard, it is important to know that an employee to whom a part-time work permit will be issued is not eligible to apply for a residence visa through that employer.

e. No Objection Certificate

A part-time employee always requires a no objection certificate ("NOC") from his primary employer (if any) as well as from the sponsor of his residence visa should the employee not be sponsored by his primary employer.

Hence, without the prior written consent of the primary employer an employee will not be able to take on any part-time employment. This fact constitutes the most important difference to partial employment.

f. Working Hours

Ministerial Resolution No. 1188 of 2010 is silent on the number of working hours a part-time employee is allowed to work. However, it is likely that the same maximum working hours apply like for full-time employees, i.e. eight hours per day, six days a week with a maximum of 48 hours per week.

g. Employment Entitlements

Part-time employees enjoy all the rights prescribed by the UAE Labour Law, such as the entitlement to annual leave and end-of-service benefits.

2. Partial Employment

a. Definition

By way of partial employment, an employee takes on employment for less than eight hours a day but for no less than 20 hours and not more than 48 hours per week with a primary employer and additionally, if so decided by the employee at the same time or at a later stage, with one or more secondary employers.

Only employees in the first or second professional level as prescribed by MoHRE qualify to apply for partial employment, i.e. an employee must either hold at least a university degree or a post-high school diploma in a technical or scientific field.

A typical example of partial employment is that of a specialised tax advisor who does not have an own firm and wants to be able to provide his expertise to more than one employer.

b. Legal Basis

Partial employment is a relatively new category of employment. It was introduced by Ministerial Resolution No. 31 of 2018 in March 2018.



c. Contract

MoHRE has issued special form contracts for partial employment. Both limited term contracts and unlimited term contracts for partial employment are available.

d. Work Permit and Residence Visa

A partial work permit will be granted for both the primary and any secondary employment. Any such work permit is valid for two years in case of an unlimited term contract or for the duration of the employment in case of a limited term contract.

Should the employee require a residence visa, it has to be applied for through the primary employer.

e. NOC

Perhaps the most striking feature of partial employment - in contrast to part-time or any other kind of employment - is that no NOC is required from either the primary employer or any secondary employer in order to take up a new partial employment. MoHRE and the employee are merely obliged to notify every existing employer of the issuance of a new partial work permit.

This even holds true should the employee be bound by a non-compete or confidentiality clause and decide, nevertheless, to work on partial basis for a competitor. Only a court judgement prohibiting the same would prevent the employee to engage in such competing employment relationship.

Should the employee, however, be sponsored by another party than the primary employer, such as by a spouse or parent, an NOC has to be obtained from the respective sponsor.

f. Working Hours

In the primary partial employment, an employee must work less than eight hours per day or less than 48 hours per week but no less than 20 hours per week. No restrictions apply to any secondary employment. The parties are free to agree on the working hours.

In total, however, an employee shall not work more than 48 hours per week or more than 144 hours every three weeks in all

his partial employments unless otherwise authorised by MoHRE. Further, he shall obtain no less than one day off per week during which he does not work for any employer.

g. Employee Entitlements

The primary employer has to grant the partial employee annual leave, end-of-service benefits and any other financial entitlements as stipulated in the UAE Labour Law, calculated on a pro rata basis considering the actual number of working hours and the remuneration.

For each secondary employment, an employee is entitled to any of the aforementioned rights only in the case parties have expressly agreed thereon.

3. Conclusion

Knowing about the different kinds of work permits available as well as the conditions and consequences associated thereto helps to understand and navigate through the employment system provided by MoHRE. It enables the parties to select the most appropriate form in each individual case.

Should, for example, an employer not want any of his employees to work for another employer without his consent, he should not apply for a partial work permit, even if an employee is highly qualified and wants to work for limited hours only.

Do you have questions? - We would be glad to answer them!

From our office located in the heart of Dubai, our team of German attorneys has been advising small and medium-sized companies, corporations and individuals on the laws of the United Arab Emirates for more than a decade. Our areas of expertise include corporate and commercial law (in particular business set ups), commercial agency law, employment law as well as tenancy and real estate law. We would be happy to attend to your questions as well. Contact us!