

**Cabinet Resolution No. (43) of 2018 on Supporting the Work of Persons with Disabilities
(People of Determination)**

The Cabinet,

Having perused:

- the Constitution;
- Federal Law No. (1) of 1972, on the Competences of Ministries and the Powers of Ministers, as amended; and
- And Federal Law No. (8) of 1980 regarding the regulation of labor relations, and its amendments,
- And Federal Law No. (29) of 2006 regarding the rights of the disabled, and its amendments,
- Federal Law by Decree-Law No. (11) for 2008 Concerning the Human Resources at the Federal Government, as amended; and
- And Cabinet Resolution No. (1/6) of 2017 regarding the adoption of the national policy to empower people of determination,

and Based on what was proposed by the Minister of Community Development and the Cabinet's approval,

Resolves:

Article (1)

Definitions

In this law, the following words and phrases shall have the meanings respectively assigned to them unless the context otherwise requires:

Country: The United Arab Emirates

The Ministry: The Ministry of Community Development.

The Minister: The Minister of Community Development

Entities Concerned: The Federal, local or other government entities, private sector institutions and establishments, including foreign institutions operating in the country or their branches, charitable associations and institutions, clubs, and profit and non-profit organizations

People with disabilities (people of determination): refers to any individual who has a physical, sensory, mental, communication, educational, or psychological impairment that is either temporary or permanent and that limits their ability to meet their normal needs in the same situations as their peers without disabilities.

Discrimination: Any distinction, exclusion or restriction due to special needs that results in prejudicing, canceling, enjoying or exercising on an equal footing any of the rights prescribed under operative legislations in the country.

Reasonable accommodation: 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: An official document provided by the Ministry that certifies the holder is a person with a disability.

Article (2)

Objectives

This resolution aims to support the rights of people with disabilities (people of determination) in the workplace through the following:

1. Enabling them to access available opportunities in the labor market in a manner that ensures the exercise of their rights to work on an equal footing with others.
2. A statement of the obligations of the relevant authorities to implement the rights of people with disabilities (people of determination) in accordance with the applicable legislation in the country.
3. Providing necessary support for seeking equal job opportunities across sectors, supporting those currently employed, and assisting individuals wishing to establish businesses.

Article (3)

The relevant authorities, each according to their powers and as the situation requires, are committed to protecting the rights of persons with disabilities (people of determination), including the following:

1. Ensuring their right to work on an equal basis with others.
2. Ensuring that they obtain equal employment opportunities in a manner that achieves the highest degree of justice and fairness, and taking the necessary measures for this purpose, including the following:
 - a) Finding a clear mechanism for their recruitment.
 - b) Announcing job vacancies and application methods in accessible formats and means to enable them to access and apply for these positions.
 - c) Ensuring non-discrimination against them at any stage or in any aspect of employment.
 - d) Equal pay for work with their peers.
3. Providing safe and healthy working conditions for them, including the following:
 - a) Ensuring their protection from any harassment or exploitation.
 - b) Providing reasonable accommodations for them in the workplace environment in accordance with the regulations issued pursuant to Article (11) of this resolution.
 - c) Establishing appropriate mechanisms for their qualification and training.
4. Termination of their services or retirement due to disability or its occurrence after employment is prohibited except in the following cases:
 - a) Reaching the retirement age in accordance with the applicable legislation in the country.
 - b) Issuance of a decision by the competent medical committee deeming unfit for work in accordance with the applicable laws in the country.
5. Encouraging the private sector to integrate them into its institutions and grant them their specific exemptions and privileges, particularly those that require their employment and provide reasonable facilitative arrangements, provided that the appointment is actual and not nominal.

6. Finding systems and mechanisms to finance their projects and assist them in establishing their own businesses.
7. Establishing projects for their training and employment, especially for those who face significant difficulties due to their disability in joining the labor market, with the aim of integrating them into it.

Article (4)

Selection and appointment

Relevant authorities must not discriminate against people with disabilities (people of determination) during the selection and appointment for vacant positions. To this end, the following procedures should be followed:

1. Announcing job vacancies clearly and transparently, providing the contents of the announcement and details of the required skills and job tasks in accessible formats so that candidates can reach them.
2. Including the contact person's name in the announcement, particularly for individuals who require reasonable accommodations.
3. Using multiple methods to publish the announcement, as well as various means of contact, such as email, phone, text messages, multimedia messages, or accepting applications in alternative formats like audio recordings, etc.
4. The job vacancy announcement should not contain any discrimination against them, particularly phrases such as "free of defects or disabilities" or "free of visual, motor, or auditory impairments," especially if the nature of the vacancy does not require normal sensory and physiological abilities.
5. Providing them with equal opportunities and sufficient time during tests and job interviews using reasonable accommodations, allowing them to demonstrate their professional abilities and job-appropriate competencies.
6. Avoid making negative preconceived judgments about their abilities that could discriminate against applicants for job vacancies.
7. Ensuring diversity among job holders within relevant authorities..
8. Ensuring no discrimination against them in all matters related to employment rights, such as salaries, wages, incentives, bonuses, and other employment benefits granted to other employees

Article (5)

Work environment

The relevant authorities must prepare their work environment and provide reasonable and appropriate accommodations to ensure that individuals with disabilities (People of Determination) can perform their work safely, including the following:

1. Adapting and updating work locations, including facilitating access to, entry, movement within, and exit from these locations under normal conditions and in emergencies.
2. Adapting and updating the equipment and devices used to enable them to perform their tasks effectively and on an equal footing with others.
3. Providing suitable housing for them and accommodating their needs if the job requires overnight stays for work-related reasons.
4. Providing transportation tailored to their needs, especially if there is collective transport for employees.
5. Continuous monitoring of their emergency needs at the workplace and finding ways to address them.
6. Implementing reasonable accommodations to mitigate or eliminate risks related to the work environment or activities, applying sound and safe practices, and reasonably handling any situation involving risks.

Article (6)

Work organization and flexibility

The relevant authorities must establish reasonable accommodations to organize work in a way that allows individuals with disabilities (People of Determination) to perform their tasks and utilize their skills and experiences effectively and comfortably. For this purpose, they should do the following:

1. Ensure that the job description clearly outlines the purpose and scope of the role required of them, as well as the available administrative support and reasonable accommodations.
2. Establish a work system that allows flexible working hours for those who face difficulties in completing official work hours, without conflicting with the laws in force in the country.
3. Using technology and information systems to facilitate job tasks and highlight abilities.
4. Involve them in developing appropriate solutions to make the work system more flexible and suited to their conditions and needs.

Article (7)

Performance evaluation and management

The relevant authorities, when evaluating the job performance of individuals with disabilities (People of Determination), should focus on the results to be achieved as outlined in the job description, rather than on how these results are achieved. The following considerations should be considered:

1. Granting them the right to set their performance goals, discuss, and agree on them, in accordance with the performance management systems of the organization they work for.
2. Granting them the right to be evaluated, promoted, receive allowances, and other benefits based on the same mechanism used for evaluating other employees, while considering the impact of any disability, if any, on the performance of the individuals.
3. Using the same evaluation mechanism applied to other employees to ensure they are treated fairly and justly.
4. Ensuring they are not deprived of their right to receive fair performance results if they can perform the required job tasks according to the human resources law of the government or any other relevant laws.

5. Avoiding placing undue emphasis on educational qualifications, skills, or work experience that are not essential for performing the assigned job tasks.
6. Using performance evaluations as a tool to identify challenges and help them overcome these difficulties.

Article (8)

Career development and learning opportunities

The relevant authorities are committed to providing an appropriate career path for people with disabilities (people of determination) that enables them to achieve their ambitions, including the following:

1. Enabling them to access appropriate opportunities to develop their full professional and job potential on par with other employees.
2. Providing necessary programs to develop their skills in a structured and organized manner within the training and development plans of those authorities.
3. Providing all necessary physical, environmental, and educational conditions that align with their needs to ensure their right to receive appropriate education and training.
4. Giving them opportunities to participate in competitions for programs qualifying for administrative leadership or to obtain specialized academic and professional certificates.
5. Implementing orientation programs for new employees to ensure they are aware of their job rights and familiar with the legislation and policies that guarantee those rights.
6. Providing appropriate training opportunities at rehabilitation and training institutions to grant certification to those receiving education, training, or vocational rehabilitation at these centres considering the following:
 - a) The certificates should specify the tasks, professions, or skills that they have become capable of performing.
 - b) The certificates shall be delivered to them, and the entity that provided the training should not retain the original copies of those certificates.
 - c) The training certificates they receive are considered official documents that certify their ability to perform the specific skills outlined in them and their eligibility to work in a position that aligns with the profession or skill they were trained in.
7. Cooperating with the ministry in coordinating with other entities in the country to enable them to receive appropriate education, rehabilitation, and training. Every individual holding a People of Determination card, and every citizen of the country, has the right to request vocational rehabilitation, training, or academic education that aligns with the nature of their disability, the difficulties they face, or the requirements set by the laws followed by higher education institutions in the country.
8. Cooperation with the ministry and relevant authorities and ministries to enable the ministry to create a special record documenting all information related to people with disabilities (people of determination), including their training qualifications, skills, professional record, and the work they have done concerning job mobility

9. Enabling them to exercise their right to appeal any decision issued against them through the official channels, ensuring their rights and protection, on par with other employees, in accordance with the established regulations in this regard.

Article (9)

Conferences, meetings, and institutional events

The relevant authorities are committed to involving and integrating persons with disabilities (people of determination) in the activities they conduct or participate in, including the following:

1. Providing all the necessary facilities and technical means that enable them to access conferences, meetings, and events with ease.
2. Ensuring they are not deprived of opportunities to present proposals, undergo training, exchange experiences, and participate in all activities and events related to their work and the positions they hold

Article (10)

Job retention and return to work

1. All persons with disabilities (People of Determination) have the right to retain the jobs they hold, and this right is not hindered by an increase in the degree of disability as long as they are able to perform their work, and it does not conflict with human resources laws in this regard.
2. All relevant authorities must enable individuals with disabilities (People of Determination) to retain their jobs in accordance with human resources laws, including the following:
 - a) Taking all necessary administrative and institutional measures and decisions to ensure this.
 - b) Adapting the work environment and location or increasing training efforts or modifying and accommodating work conditions.
 - c) Granting the right to those whose health conditions due to disability require them to be absent from work to retain their job and return to it, in accordance with human resources laws.

Article (11)

Final provisions

The ministry coordinates with the Ministry of Human Resources and Emiratisation and the Federal Authority for Government Human Resources to establish regulations that define the nature of reasonable accommodations needed by persons with disabilities (people of determination) in the workplace, considering the following when determining the rules for providing them:

1. The size and resources of the relevant authority.
2. The nature, circumstances, and environment of the work.
3. The type, nature, and degree of the disability.
4. Avoiding imposing additional burdens without sufficient justification.

Any other criteria and regulations that ensure a balance between the rights of People of Determination and the relevant authorities.

Article (12)

The ministry shall coordinate with the relevant authorities to implement all matters related to this decision.

Article (13)

The Minister of Community Development, or his delegate, shall issue the necessary regulatory decisions to implement the provisions of this decision.

Article (14)

This resolution shall be published in the Official Gazette and shall come into effect from the date of its publication.