



DMCC Guidance Note for Members

Family Friendly Leave, Entitlements and Policies

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Family friendly Leave, Entitlements and Policies

References to the "Labour Law" are to Federal Law No. 8 of 1980, as amended.

Maternity Entitlements

The Labour Law sets out the following statutory minimum maternity entitlements which must be applied to all female employees:

- Maternity leave of 45 calendar days (taken before or after delivery) at full pay where the employee has at least one year of continuous service and at half pay otherwise.
- 100 consecutive or non-consecutive days of unpaid leave following the maternity leave period if the employee experiences a pregnancy-related illness. (Employers are entitled to require a medical certificate confirming the cause of the illness prior to granting this unpaid leave).
- Two 30-minute nursing breaks throughout the working day in the 18 months following childbirth. (The employee is entitled to full pay during this period).

Please note that maternity leave cannot be deducted from any other leave entitlements, such as annual leave, although employees can choose to take annual leave prior to or following their statutory (and contractual) maternity leave if they wish subject to the employer's approval of such leave.

The DMCC encourages its members to enhance the statutory minimum maternity entitlements. Some ways in which this could be achieved are by:

- Allowing pregnant employees to take reasonable paid time off to attend ante natal appointments; and/or
- Extending the period of maternity leave beyond the statutory 45 calendar day minimum. In relation to any enhanced maternity leave, employers are free to impose their own terms in relation to the entitlement to payment and the conditions for receiving such enhanced leave. For example, employers may require the employee to return to work for a certain period of time before receiving the enhanced element of the maternity leave; and/or
- Offering new mothers the opportunity to work part-time for a period following their return from maternity leave. (Please refer to our guidance note on flexible working arrangements).

Other Family Friendly Entitlements

The Labour Law does not require that employees are provided with parental, paternity or compassionate leave. The DMCC encourages its members to enhance the statutory position by granting such leave. For example:

- Offering expecting fathers a certain number of days' paid paternity leave. The employer is free to choose the qualifying period, the number of days, and the period following the birth in which the paternal leave should be taken. For example, employers may wish to follow the model adopted in the Abu Dhabi Global Markets whereby fathers are entitled to 5 working days' paid paternity leave within 2 months of the child's birth; and/or
- Granting parental leave to parents of adopted children. For example, adoptive mothers could be offered the same entitlements as birth mothers; and/or
- Granting compassionate leave in the event of certain events such as the death of certain relatives; and/or
- Granting emergency leave of a prescribed number of days per year where needed on an urgent basis (for example, where a dependent child falls sick).

Benefits of Enhanced Benefit Programs

- Enhanced employee morale.
- Increased employee retention. Women with beneficial maternity leave packages may be more inclined to return to full-time employment. By contrast, women who consider their maternity leave inadequate may see no alternative but to resign in order to spend more time with children.
- Gives the company an opportunity to state principles of best practice which go over and above the statutory minimum requirements under the Labour Law.

Practical Considerations

Employers considering implementing enhanced leave benefits should consider the following issues:

- Ensuring all family friendly entitlements, as a minimum, meet the statutory minimum requirements under the Labour Law (summarised above).
- Considering which employees benefit from the policies (i.e. whether the policy requires the employee to have completed a qualifying period of service), and if entitlements are restricted, how to manage employees' expectations.
- Ensuring policies and procedures are clearly drafted and communicated to employees both prior to and at regular intervals during their employment.
- Considering whether the company has adequate staff resources to accommodate enhanced leave benefits. For maternity leave, the employer would typically require adequate notice of maternity leave dates in order to make necessary arrangements for work cover.
- Whether paternity leave, if granted, must be taken in one block or whether the days can be spread out over a period of time.

The DMCC recommends obtaining specialist legal advice on the terms of these policies, and in particular maternity leave policies, to ensure that these are in compliance with the Labour Law and that the policies are clearly and properly documented.

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