

UAE National Service: A Revisit

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It has been nearly two years since national service was made compulsory in the UAE by virtue of the UAE National Service Law ("Law") which was introduced in June 2014 and which Al Tamimi reported on at the time.

With the fifth batch of recruits now being called for service, this article looks to remind employers of their obligations in relation to employees who have been called to serve and recent changes which have been introduced.

By way of recap...

The Law applies only to UAE nationals and is mandatory for males who meet the criteria set out below, but optional for females provided that permission from their parents is obtained. The criteria are that the individual must:

- be between 18 and 30 years old;
- be medically fit; and
- have obtained approval from the UAE National and Reserve Service Committee ("NRSC") to serve.

Any individual with a UAE family book and who falls within the above criteria has to register for national service. There are however some exemptions (permanent and temporary) permitted by the Law. The Law provides that the only son of a family, and individuals who are medically unfit, receive a permanent exemption from national service. Temporary exemptions apply in respect of those who are the sole providers for their families and also for those serving jail terms.

National service is also postponed for students until they obtain the relevant qualification, on the basis that they are less than 29 years old and have obtained a high school diploma with an average grade of at least 90%, or 18 years old and still attending secondary school.

With regard to length of service, under the Law, recruits who have completed a high school diploma are required to serve nine months, while those who have not are required to serve two years. Women who volunteer are required to serve nine months, regardless of their education level. There has been a recent change to the length of service however which we have commented on further below.

Employer's obligations – A reminder

There has recently been an increasing number of complaints made to the NRSC about employers who have denied promotions, salary increases and other benefits to employees away on national service. Subsequently, a number of employers have been issued with warnings by the NRSC to ensure that they do not discriminate against any employees who have been called to carry out national service. Importantly, the NRSC has also specifically warned that any employers who do so are acting in breach of the Law and may risk prosecution.

It is, therefore, important for employers to be aware of and act in accordance with their obligations in relation to employees within their organisations who are called to carry out national service.

The key considerations for a private sector employer in relation to an employee carrying out national service are as follows:

- The service period must be taken into account for all employment benefits including, seniority, promotions and salary increases, retirement benefits and pension;
- The individual has the right to return to the same role or an equivalent role following completion of the service (thus their job has to be reserved until they complete their service);
- The individual must continue to receive their salary, bonus, allowances, promotions and/or raises during the service term, 50% of which is paid by the UAE Armed Forces and 50% by the employer; and
- For the purposes of calculating any retirement benefits or pension, the service term must be taken into account when calculating continuous employment with the employer.

Finally, it should be noted, and is important for employers to bear in mind, that once an individual has completed national service, he or she becomes part of the reserved forces and can be called up for further service or training. The same obligations on employers as set out above shall apply in relation to employees who are called for further service or training.

New changes and initiatives introduced

Recent increase to length of national service

On 7 March 2016, a resolution was announced by the NRSC which extends the current length of national service from nine months to twelve months. The change applies to both male and female UAE nationals who have a high school diploma or higher. Those who do not have a high school diploma are still required to serve for a minimum of two years. This change may have an impact, albeit not significant, on an employer's workforce planning as employees who are called to serve now shall be absent from the workplace for a slightly longer period than previously.

New initiative of national service being opened up to older recruits

On 15 March 2016, the NRSC announced that it would receive applications from older recruits of both sexes aged between 30 and 40. Since the announcement, hundreds of Emirati men in the above-mentioned age bracket have queued at the NRSC's recruitment camps in order to register for voluntary national service.

Each applicant will be required to undergo various medical fitness tests before their application is accepted. With regard to the length of service for older recruits, it should be noted that, in comparison with younger recruits who are now required to carry out twelve months of mandatory national service, the older recruits will have to complete fifteen weeks of voluntary national service only. As a result of the new initiative to invite older recruits for voluntary service, employers should consider how this may impact their workforce in that now a larger number of employees than previously may be out of the workplace at any given time completing either mandatory or voluntary national service.

Conclusion

It is important that employers seek to remind themselves of their obligations in relation to employees who have been called for national service and ensure that they comply with such obligations as failure to do so may amount to a breach of the Law for which there could be serious repercussions including the risk of prosecution as warned by the NRSC. As a result of the new changes and initiatives introduced, employers should take note that employees who are called to serve now will be absent from the workplace for a slightly longer period than previously and a larger number of employees than previously may be out of the workplace at any given time carrying out national service.