

# SITE SAFETY IN THE UAE

Key guidance for construction managers when dealing with an accident  
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**E**very year, the construction industry accounts for a high number of injuries and fatalities, bringing to the forefront concerns over occupational safety in the UAE and the efficiency of the current legal framework. One of the main concerns for employers in the construction industry is to understand and implement the wide-ranging set of legal obligations in order to ensure the safety of the workers. Companies must be prepared to respond effectively to on-site accidents, and this article provides guidance in accordance with the UAE legal system.

Despite the rapid growth and pace of development in the United Arab Emirates (UAE) over the past few decades, changes to the legal framework governing the health, safety and welfare of the country's labour force have been relatively modest. Regulations concerning construction site safety have historically been governed by the Federal Law No. 8 of 1980 (as amended) (the "UAE Labour Law") and supplemented by a patchwork of legislation, regulations and guidelines issued primarily by governmental and quasi-governmental bodies at both federal and individual Emirate level.

## THE CURRENT LEGAL FRAMEWORK

The UAE Labour Law established the foundations of health and safety law

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in the UAE, imposing a number of mandatory obligations on employers, and employees, to comply with safety measures to protect the workforce. The Labour Law provides minimum requirements to which employers and

employees must adhere, including the provision of individuals trained in first aid, the availability of medical facilities complying with the standards imposed by the Ministry of Labour, general medical examinations of employees at six month intervals, and employee training on occupational hazards prior to commencing employment. The UAE Ministerial Order No. 32 of 1982 (the "Ministerial Order") enhanced employers' responsibilities within the construction industry, with 10 articles exclusive to "Workers' Safety, Protection, Health and Social Care" setting out the entitlements of workers in terms of working conditions, fire safety and the regulation of excavation and demolition work.

Further UAE Ministerial Decisions following the implementation of the UAE Labour Law have sought to improve the standards of medical care provided for employees, regulate the laws concerning hazardous works, and place greater protection on employees working in remote areas and locations. Many of the initiatives taken to respond to the need to improve occupational and community health and safety have been driven by the local government departments within each Emirate.

In 2008, Dubai Municipality issued the Dubai Safety Construction Manual and alongside the existing Dubai Local Order No. 61 of 1991 ("Order")

mandates the provisions applicable (in certain cases) to both employers and employees on construction sites, including the obligation to wear appropriate protective equipment, clothing or devices; to ensure that machinery and tools are of good condition; and the procedures to adopt in the case of work accidents. The Order also provides for inspectors of the Health Department to oversee and ensure compliance with the provisions of the Order, as well as impose penalties for violations, including warnings, fines (not less than Dhs 5,000), closure of the premises for up to one month, and cancellation of commercial licenses. Such penalties are without prejudice to the more severe penalties imposed by federal laws and regulations.

In Abu Dhabi, the Environment, Health and Safety Management System ("EHSMS") was implemented by Decree No. 42 of 2009 with the purpose of protecting the environment and human health, and ensuring safety of workers in the workplace. The EHSMS is based on international standards of the International Labour Organisation ("ILO") and the Occupational Health & Safety Advisory Services ("OHSAS"). The Framework provides for a number of mandatory requirements, along with non-mandatory guidance (in the form of Standards and Guideline Values, Technical Guidelines and Guidance Documents). If a Construction company operates in both Abu Dhabi and Dubai, by way of example, the regulations that apply to their Construction Project are based on where the project is. Consequently, a Dubai based project would follow the Federal Laws and any Dubai specific regulations.

### PHASE I- RESPONSES TO A CRISIS OR INCIDENT

Companies should always be prepared to respond to an incident in the most effective manner, recognising that the health and safety of their workers is paramount. The ability to respond to a crisis in line with an



agreed, understood and communicated policy can make a substantial difference to a company's overall recovery from the crisis.

The following key observations can assist a company deal with a crisis:

1. Advance planning: Implement a suitable and localised policy for each of the Emirates within the UAE the company has construction activities dealing with the company's response to the crisis addressing the different legal requirements across the Emirates;
2. Update the policy regularly to reflect any amendments in the government's requirements to deal with injuries and fatalities on site (including mandatory reporting

requirements to the various government departments);

3. Train all staff in their native language about the policy, the procedures and the expectations of all their staff in the event of a crisis, and run through effective and regular training simulating an on-site crisis in order to prevent panic on the day of an incident;
4. Ensure that when a crisis happens, the right people from the company are immediately available to assist at the site to help with any aspect of government investigation. This may include nominating an individual with Arabic language skills. The nominated individuals must be available to assist with any enquiries and shut down the site if

necessary, in accordance with any instructions issued by the authorities, to ensure the ongoing safety of all the workers;

5. Immediately deal with any mandatory reporting obligations to the government and communicate with the members of the injured / deceased's family. Surprisingly the 'next of kin details' are usually not updated regularly, so noting that these details should be updated annually is important.
6. Follow up. All companies must take responsibility for their employees and should ensure that where necessary assistance is provided to them when they are required to provide statements to the Authorities. Ensure that witnesses to any on-site accident have statements prepared shortly after the incident to aid in memory recall.

A company's ability to effectively respond to a crisis directly correlates to the company's responsibility to train all their employees to respond. Preventing accidents from happening is everyone's responsibility, but knowing what to do when an accident happens is also everyone's responsibility.

#### PHASE II - OVERVIEW OF INVESTIGATION PROCESS

If a worker is injured on site, or there is a fatality on a construction site, the employer is required to report the incident immediately to the Government Authorities in the respective Emirate (for example the Ambulance, Police, Civil Defence and the Municipality). Depending on the severity of the incident, representatives from all Government Authorities will attend the construction site immediately. Construction companies must be ready to accept these representatives on site, and provide them with information and assistance as requested.

After the initial investigation, again depending on the severity of the incident, the police are required to refer the details of the incident to the Public Prosecution for further, criminal investigation. As a result of the referral,



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the matter may be referred to the local courts for the judge to decide what the cause of the accident was. At this stage of the investigation an individual

may be charged for causing the death / injury and will face criminal prosecution. If the death or injury to the victim was caused through the fault of another person, the employees are liable to punishment under the UAE Penal Code which can result in prison time.

The UAE Labour Law sets out the penalties imposed for breach of health and safety law. Liability can include criminal sanctions, civil compensatory damages and other administrative penalties. Ministry of Labour inspectors also have the power to levy fines, temporarily or permanently close down establishments or suspend the use of equipment that violates applicable safety standards. They can also impose penalties (which may be compounded in the case of repeat offences) up to a maximum of AED 5mn.

Preparedness in the face of a crisis is the key to managing both your employees on site, and the Authorities who are tasked to understand why the incident occurred. An effective, thorough incident response plan can assist all companies deal with the immediate aftermath of an incident, which will enable the company to respond effectively and within the confines of the regulatory framework.