



		OLD POSITION	NEW POSITION
COMPENSATION AND ENTITLEMENTS			
1.	PART-TIME EMPLOYEE BENEFITS	<ul style="list-style-type: none"> Part-time employees entitled to the same leave as full time employees. 	<ul style="list-style-type: none"> Part-time employees entitled to leave entitlements on a pro-rated basis (Article 17(1))
2.	SALARY / ALLOWANCES	<ul style="list-style-type: none"> No minimum percentage for split of basic salary and allowances for the purposes of calculating a gratuity payment. 	<ul style="list-style-type: none"> Basic salary must comprise at least 50% of the total wage for the purposes of calculating a gratuity payment (Article 66(3)).
3.	SICK PAY	<ul style="list-style-type: none"> Employees entitled to 60 working days of sick leave with full pay. 	<ul style="list-style-type: none"> Employees still entitled to 60 working days of sick leave, with pay calculated as follows: <ul style="list-style-type: none"> first 10 working days of sick leave: full pay; next 20 working days: half pay; and any additional working days: unpaid (Article 35).
4.	PATERNITY LEAVE	<ul style="list-style-type: none"> No entitlement. 	<ul style="list-style-type: none"> Introduces 5 working days of paid paternity leave, including for adoption of a child under the age of 5 years (Article 39).
5.	END OF SERVICE GRATUITY	<ul style="list-style-type: none"> No express provision that GCC nationals entitled to be registered with the GPSSA are not entitled to ESG. 	<ul style="list-style-type: none"> Express provision that GCC nationals entitled to be registered with the GPSSA are not entitled to ESG (Article 66(1)).
EMPLOYMENT TERMINATION			
6.	TERMINATION FOR CAUSE	<ul style="list-style-type: none"> Entitlement forfeited where employment is terminated for cause. 	<ul style="list-style-type: none"> An employee whose employment is terminated for cause will be entitled to their full gratuity (Article 63(3)(b)).
7.	PENALTY FOR NON-PAYMENT OF DUES	<ul style="list-style-type: none"> Employers are required to pay all wages and termination payouts to an employee within 14 days of the termination, after which a financial penalty is imposed for delay of payment. The penalty is levied at the employee's last daily wage for each day the employer is in arrears. There is no cap on the penalty. 	<ul style="list-style-type: none"> The penalty is now subject to the following qualifications: <ul style="list-style-type: none"> it is triggered only where a court determines that the outstanding entitlement exceeds the employee's weekly wage; and the court will waive the penalty for the duration of any court dispute where the proceedings relate to payments or where the delay is caused by the employee's

			unreasonable conduct (Article 19).
LIABILITY			
8.	VICARIOUS LIABILITY	<ul style="list-style-type: none"> Employers vicariously liable for any act of an employee done during the course of employment. 	<ul style="list-style-type: none"> Employers will only be held liable: <ul style="list-style-type: none"> for claims for loss, damages or compensation for any act, attempted act or omission on the part of an employee if the claim is sufficiently connected with what was authorised or expected of the employee in the course of employment AND it would be fair and just to hold the employer liable; and in the case of discrimination or victimisation, if the Employer is unable to show it took reasonably practical steps to prevent the employee from carrying out that act or omission (Article 54).
9.	EMPLOYER LIABILITY FOR EMPLOYEE INJURY OR DEATH	<ul style="list-style-type: none"> Employers are fully liable for any injury arising out of or during employment. 	<ul style="list-style-type: none"> Employers are now only liable where they are negligent.
DISCRIMINATION			
10.	DISCRIMINATION	<ul style="list-style-type: none"> Protected characteristics for discrimination include sex, marital status, race, nationality, religion and mental or physical disability. There are no remedy provisions. 	<ul style="list-style-type: none"> Adds two new protected characteristics – age and pregnancy. Provides remedies in response to a positive finding of discrimination, by giving the court power to: <ul style="list-style-type: none"> make a declaration as to the rights of the complainant; make a recommendation; and order the respondent to pay compensation capped at one year's wages (or two years' wages for repeat offenders) (Article 61).
Miscellaneous			
11.	APPLICABILITY OF THE LAW TO EMPLOYEES	<ul style="list-style-type: none"> The law applies to an employee who is based in, or who ordinarily works within or from the DIFC. 	<ul style="list-style-type: none"> The law now also applies to: <ul style="list-style-type: none"> seconded; individuals who have 'opted in' to the law (Article 4); part time employees; and short term employees (Article 17).

12.	WAIVER OF STATUTORY RIGHTS	<ul style="list-style-type: none"> Parties cannot contract out of the minimum statutory entitlements. 	<ul style="list-style-type: none"> In the case of a dispute, parties can waive their statutory rights by entering into a settlement agreement provided that the employee warrants that they had the opportunity to obtain independent legal advice or took part in mediation proceedings provided by the DIFC Court (Article11).
13.	WHISTLEBLOWING	<ul style="list-style-type: none"> No provisions. 	<ul style="list-style-type: none"> Incorporates by reference the whistle-blower protection provisions included in the new DIFC Companies Law (Law No.5 of 2018), which provides protection for those who disclose confidential information in good faith and in accordance with the DIFC Companies Law in relation to: <ul style="list-style-type: none"> - civil or contractual liability; and - being dismissed or subject to any detriment. Employers could face a fine of \$30,000 for breach of these provisions.
14.	HIRING COSTS AND RETAINING PASSPORTS	<ul style="list-style-type: none"> No provisions. 	<ul style="list-style-type: none"> Employers are not allowed to pass on the hiring and sponsorship costs to employees. Employers are not allowed to retain employee's original passports.
15.	FINES AND PENALTIES	<ul style="list-style-type: none"> Specifies a number of basic requirements for employers to adhere to, but no mention of corresponding fines. 	<ul style="list-style-type: none"> Allows the DIFCA Board of Directors to impose fines and penalties and expand the fines and penalties regime.
16.	CALCULATING PERIODS OF TIME	<ul style="list-style-type: none"> Some definitions were unclear, e.g. Basic Wage, Daily Wage, Wage, making method of calculation unclear and leading to disputes 	<ul style="list-style-type: none"> The new law contains many more definitions (52 to 23 in the old law) and some definitions are now much clearer



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