

Armed Conflict and the Workplace: Employer Obligations Under UAE Labour Law



The armed conflict affecting the Gulf region since late February 2026 has confronted UAE-based employers with a set of urgent and largely uncharted employment law questions. Many businesses issued temporary work-from-home (“WFH”) instructions during the peak of hostilities and are now seeking to return to normal office operations. This briefing sets out the key legal considerations under UAE Federal Decree-Law No. 33 of 2021 on the Regulation of Labour Relations (“Labour Law”) and its Executive Regulations issued pursuant to Cabinet Resolution No. 1 of 2022 (“Executive Regulations”), as well as the guidance issued by the Ministry of Human Resources and Emiratization (“MoHRE”).

1. Introduction

Under UAE labour law, employers retain broad authority to determine and adjust working arrangements, including the location from which employees perform their duties, subject to the terms of the employment contract and applicable law. A temporary WFH instruction issued in response to an extraordinary external event – such as an armed conflict – constitutes an operational measure within the employer’s managerial prerogative. It does not amount to a permanent contractual amendment and does not require a formal remote work permit under Cabinet Resolution No. 21 of 2023, provided it is of limited duration and adopted in response to compelling safety or force majeure-type circumstances. UAE regulatory practice recognised a similar approach during the COVID-19 period.

Employers should nonetheless be aware of the MoHRE extraordinary remote work mandate issued on 1 March 2026 under Article 17(2) of the Labour Law. MoHRE directives issued under Article 17 are binding administrative orders, not mere guidance. Non-compliance attracts fines of up to AED 50,000 per incident and may result in the suspension of an employer’s visa quota allocations, effectively barring future work permit issuances and visa renewals.

2. Can employers now require employees to return to the workplace?

The employer’s right to require workplace attendance is a fundamental element of the employment relationship under UAE law. In the absence of a binding government directive prohibiting workplace attendance, employees are generally required to comply with reasonable attendance instructions and have no general statutory

right of refusal on grounds of unspecified safety concerns. UAE courts have confirmed, including in Cassation No. 958 of 2025 addressing the 2026 regional conflict environment, that systemic, shared crises do not operate as a blanket force majeure excusing individual employment obligations; direct impossibility of performance must be strictly proven.

Before issuing any return-to-office instruction, however, employers must verify the current status of the MoHRE remote work mandate of 1 March 2026. If that mandate remains in effect, requiring employees to attend the office would constitute a direct violation of a statutory administrative order, independent of any civil liability or employee claims. Documentary evidence confirming that the mandate has been lifted or expired is essential.

3. What if employees refuse to return?

Article 39 of the Labour Law grants employers the right to impose disciplinary penalties on employees who fail to comply with lawful workplace instructions. A refusal to return to the office without valid individual justification – such as a specifically documented safety risk, a government advisory requiring shelter in place, or a genuine transport disruption directly attributable to the conflict – constitutes a breach of the employee’s core employment obligations. UAE law requires a progressive disciplinary approach: a written warning must precede further sanctions, and each stage

must be documented. Summary dismissal under Article 44 remains available for persistent, wilful defiance but requires a substantially higher evidential threshold and is not appropriate for isolated instances of non-attendance during a conflict period. Employers should treat employees who genuinely cannot attend due to conflict-related disruptions sympathetically and document each case individually.

4. What duty-of-care and liability implications arise?

Article 33 of the Labour Law imposes a positive obligation on employers to provide a safe working environment and to take necessary precautions to protect workers from occupational hazards. Where an armed conflict creates foreseeable security risks associated with workplace attendance, a formal written risk assessment is a legal prerequisite – not merely a matter of best practice – before any return-to-office instruction is issued. The applicable international benchmark is ISO 31030:2021 on Travel Risk Management, which has been referenced in recent MoHRE enforcement practice. The assessment must identify threats, likelihood, and potential impact; establish protective and evacuation measures; and be communicated clearly to employees. An employer that follows official government guidance and documents its compliance has substantially discharged its duty of care in relation to the risks covered by that guidance.

The principal commercial risk for employers is not individual employee litigation but the administrative suspension of the company's MoHRE file and visa-quota allocations pursuant to Ministerial Resolution No. 543 of 2022. For businesses dependent on the regular processing of expatriate work permits, this represents an existential operational threat. Federal Decree-Law No. 9 of 2024 has substantially escalated the underlying administrative penalty regime: fines that previously ranged from AED 50,000 to AED 200,000 now range from AED 100,000 to AED 1,000,000 depending on the specific infraction. Employers who require employees to attend the workplace without conducting a documented risk assessment face materially elevated civil negligence exposure under Articles 282-298 of the UAE Civil Transactions Law. Recent Abu Dhabi Labour Court of First Instance rulings demonstrate that courts may shift the burden of proof entirely to the employer where safety documentation is absent, with compensation awards in recent occupational safety cases ranging from AED 159,800 to

AED 228,666 in addition to administrative penalties.

5. Outlook and Conclusion

The return-to-office instruction is lawful in principle, provided no binding MoHRE directive currently prohibits office attendance. The employer's primary task is not to justify the instruction legally but to verify the status of any outstanding government mandate, document a formal security risk assessment, align communications with official guidance, and handle individual employee concerns with care and proportionality. The conflict has exposed a structural gap in many employers' compliance frameworks: the absence of documented risk management procedures for high-risk or exceptional operating environments. Businesses operating across the Gulf region should treat this period as a prompt to establish standing crisis protocols that are readily deployable in future emergency situations, reducing both their legal exposure and the administrative burden of responding to events in real time.

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