

Laying down safety law

Taylor Wessing law firm's head of construction **Donald Turley** says a set of comprehensive and binding provisions at federal level is required to stop confusion over health and safety regulations in the UAE and to ensure compliance

individual emirates that apply only to that particular emirate) that deals specifically with health and safety. Instead, there are numerous laws that touch upon health and safety in one way or another, although often in very general terms and without specifying any technical requirements or standards of compliance.

Perhaps the most well-known example of these laws is the UAE's Labour Law, which includes generic guidelines on health and safety standards that can theoretically be applied to any industry or workplace. The general nature of these provisions limits its practical use in setting and enforcing standards on construction sites in the country.



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prioritising and applying them in a consistent manner, which recognises their differing origins and consequences of breach.

One stakeholder has counted 170 different pieces of legislation, regulations, orders and guidelines covering health and safety in the UAE and there are clear differences in applicable legislation in each emirate. Clearly, avoidance of personal injury or damage to property is a matter of significant public interest.

Typically, as is the case in many other jurisdictions with a developed construction industry, one would find primary legislation setting out fundamental principles and establishing agencies to regulate and enforce health and safety provisions. It is then usual to



Breach of regulations could result in a site being closed down.

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Stakeholders in the UAE construction industry face challenges in ensuring compliance with the country's health and safety provisions.

Although there are a substantial amount of obligations placed on those working in construction, the problem is the difficulty in compiling the various pieces of legislation, regulations, orders and guidelines, and in correctly

find a raft of subordinate legislation or regulations, which are industry-specific and flesh out the general principles with detail.

Too confused to comply

This, however, is not the position in the UAE. There is no one piece of legislation, either at federal or local level (i.e. laws enacted by one of the

The Labour Law is supplemented by a Ministerial Decision (No. 32 of 1982), which deals specifically with the construction industry, but again avoids technicalities or codified requirements that could be used to ensure compliance.

The UAE's Penal Code similarly deals with acts or omissions that result in injuries or death, but again does not



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specifically relate to health and safety issues. Civil Defence authorities also have the power to impose sanctions over construction sites where there are breaches of fire safety regulations.

case; site activity could be shut down completely by the issue of a Prohibition Notice. In cases of injury or fatality there is the potential imposition of fines of up to AED one million (US \$272,330).

requirements. Although these codes have not yet been formally enshrined in law, it does indicate that the individual emirates are considering ways of improving the current position for the benefit of the industry as a whole.

However, given the variation in health and safety requirements between emirates and the large number of stakeholders that operate in multiple emirates, the time has perhaps come for a comprehensive and binding set of provisions, whether in the form of legislation or code of practice, to be implemented at a federal level. This ought to be coupled with the creation of a statutory body (or authority within an existing governmental department) empowered to enforce all health and safety requirements and investigate any occurrences. In the meantime, stakeholders must work together to set standards of best practice and compile and understand the current deluge of

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An incident involving personal injury or damage to property may result in a police investigation where the police will usually seek a technical report from the appropriate local authority.

The potential sanctions for failing to give proper regard to health and safety requirements are onerous. Site activity can be limited by the issue of an Improvement Notice or, in a serious

All relevant health and safety officers can be the subject of a police investigation with the possibility of passports being surrendered pending the conclusion of such investigation.

Police prosecution could result in fines, imprisonment and even deportation. Some enforcement authorities have the power to remove individual site managers from specific sites or from other projects where that individual has responsibility for health and safety matters.

health and safety rules that exist in the UAE. A prudent stakeholder would set its own minimum standards at the most onerous level required by the applicable laws or codes of practice. **TBP**

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Imposing penalties

A step towards a more thorough codification of obligations was made by the Department of Municipal Affairs in Abu Dhabi when it issued a Code of Practice for Construction Projects which includes levels of training, reporting procedures and the appointment of safety engineers.

Similarly in Dubai, the Dubai Municipality has issued a Code of Practice for Construction Projects, which includes health and safety



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