

On 9 February 2021, the Abu Dhabi Department of Economic Development (ADDED) issued Circular No. 09/2021 (Circular) on the frequency of COVID-19 PCR tests for employees of businesses registered in the Emirate of Abu Dhabi. This legal briefing will outline the measures introduced by the Circular and its legal and practical implications.

## 1. Background

In an effort to reduce the growing number of cases of COVID-19 infections in the Emirate of Abu Dhabi, the Emirate's government has renewed its efforts to combat the pandemic and issued various circulars in the last months:

On 31 December 2020, the Abu Dhabi Department of Government Support issued Circular No. 16/2020 requiring all the government entities and companies in the Emirate to ensure COVID-19 testing of their employees every 14 days, at their own costs and also requiring the workers of outsourcing companies entering the premises of governmental entity to get vaccinated.

On 5 January 2021, vide Federal Circular No. 2 of 2021 as amended by Circular No. 3 of 2021, the requirement for employees of federal and public service companies to get tested has been reduced to every 7 days whereas employees of other companies visiting the federal premises must present negative COVID-19 test undertaken 3 days prior to the visit.

## 2. ADDED Circular 09/2021

On 9 February 2021, the ADDED extended the mandatory weekly PCR testing from government and government-related entities to all the establishments operating in the Emirate. As per the Circular all employers in Abu Dhabi must now ensure that their

employees get tested for COVID-19 on a weekly basis. The following details apply:

- **Employees in Abu Dhabi must with immediate effect get a PCR test on a weekly basis.**
- **This requirement now applies to all employees, irrespective of the sector they work in (public or private).**
- **This new requirement will be in place until the infection rates in the Emirate decrease.**
- **Employees who have received both doses of the vaccine are exempted from doing the test. (Employees who have only received the first dose must comply with Circular 09/2021 and test until they have received their second dose.)**

## 3. Practical and Legal Implications

**a.** Weekly testing of all employees represents a **logistical and time impact** on businesses in Abu Dhabi. Companies should plan, accordingly.

**b.** Furthermore, there is an economic aspect to the Circular with the **cost of PCR tests** to be considered. The Circular does not specify who is responsible to assume the costs. As per the verbal information received from the ADDED, it is up to the businesses to decide

whether they or the employees will bear the costs.

*c.* The ADDED has furthermore verbally informed us that the testing requirement applies also to **employees working from home**. As per the ADDED there is a **possibility of inspections** being carried out by the authorities. **Possible penalties** have not yet been specified.

*d.* As of now the **UAE's vaccine campaign is voluntary and employers cannot legally force their employees to get vaccinated**. However,

the above-mentioned measures taken by the Abu Dhabi government in recent weeks have (indirectly) almost made it a factual requirement for companies to encourage employees to get vaccinated.

*e.* Companies should follow the officially mandated testing requirements in order to avoid potential fines. Furthermore, companies should observe related **employment and data privacy considerations** when aligning their internal practices and policies.

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