

Review Article

FROM FLEXIBILITY TO REGULATION: REMOTE WORK IN THE UAE PUBLIC SECTOR AND COMPARATIVE EU INSIGHTS

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ABSTRACT

Background: Remote work has transformed public sector management and accountability, aligning with the UAE's digital and administrative modernisation strategies to boost efficiency and innovation. As remote work becomes institutionalised across federal entities, there is an increasing need to assess the adequacy and coherence of the legal frameworks. This study analyses how remote work is regulated in the UAE in comparison with the EU, where telework is governed by more established legal standards.

Methods: The research adopts a descriptive, analytical, and comparative legal approach to examine three UAE legal instruments: Cabinet Resolution No. (27) of 2020 on remote work, Federal Decree-Law No. (49) of 2022 on HR, and Cabinet Resolution No. (48) of 2023 on the Executive Regulation. These are compared with major EU instruments, including Directive 2003/88/EC on Working Time, Directive 89/391/EEC on Safety and Health, and Regulation (EU) 2016/679 (GDPR), along with relevant French and German laws and CJEU case law. Through doctrinal analysis and comparison, the study evaluates regulatory maturity, employee protections, and performance accountability.

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Results and Conclusions: *The findings indicate that the UAE's approach prioritises flexibility, technological readiness, and performance orientation, aligning with its administrative innovation agenda. However, notable regulatory gaps persist, including the absence of a formal right to disconnect, inconsistent performance assessment standards, and limited procedural safeguards for approving or maintaining remote work. By contrast, the EU legal framework provides more structured employee protections, clearer accountability measures, and stronger privacy guarantees. The study concludes that while the UAE's flexible framework is well-positioned for further development, particularly through the adoption of unified performance metrics, explicit employee rest and disconnection rights, and closer alignment with international best practices. These reforms would enhance legal certainty, promote fairness, and strengthen the sustainable governance of remote work in the public sector.*

1 INTRODUCTION

"Remote work is here to stay; let us embrace it together." With this statement, Omar Sultan Al Olama, the UAE's Minister of State for Artificial Intelligence, Digital Economy, and Remote Work Applications, highlighted the country's commitment to establishing remote work laws as a core employment model.¹ The COVID-19 pandemic accelerated the adoption of remote work and enhanced flexibility in employment arrangements,² transforming how governments manage employees and accountability. In the UAE, this transformation aligns closely with the nation's vision of digital governance.

Beginning with Cabinet Resolution No. (27) of 2020 on Remote Work in the Federal Government, and followed by Executive Regulation No. (48) of 2023, implementing Federal Decree-Law No. (49) of 2022 on Human Resources, the UAE has formalised flexible work in the federal sector, reflecting a modern approach to public administration.

By contrast, the EU lacks a specific remote work regulation, relying instead on directives like the Working Time Directive, OSH Framework Directive, and GDPR, along with national laws in countries like France, Spain, and Germany. These frameworks collectively prioritise worker protection, safety, and data privacy.

Despite progress, comparative legal research on remote work is limited, especially regarding employee performance assessment, disciplinary measures, and work-life balance in public service. This study aims to fill that gap through a comparative analysis between the UAE and the EU.

1 'UAE Calls for Tighter Remote Work Policies to Cut Commuting, Make Daily Jobs Easier' *Khaleej Times* (Dubai, 8 January 2025) <<https://www.khaleejtimes.com/jobs/uae-calls-for-more-remote-work-options-to-reduce-commuting-make-daily-jobs-easier>> accessed 28 October 2025.

2 Stavroula Demetriades, Jorge Cabrita and Franz Ferdinand Eiffe, *The Future of Telework and Hybrid Work: Anticipating and Managing the Impact of Change* (ILO Eurofound 2023) 8. doi:10.2806/234429

At the international level, the International Labour Organisation (ILO) established early normative guidance through ILO Convention No. (177) on Home Work (1996) and Recommendation No. (184). The Convention recognises home and tele-based work as legitimate forms of employment. It requires member states to promote equal treatment of on-site workers in terms of occupational safety, remuneration, and social protection.³ Although neither the UAE nor the EU has directly incorporated this Convention into domestic law, its principles inform EU telework frameworks and serve as an international benchmark for evaluating national regulatory approaches.

While the terms “remote work” and “telework” are often used interchangeably, international legal tools draw subtle distinctions. The ILO defines “telework” as work conducted away from the employer’s premises through information and communication technologies.⁴ Conversely, “remote work” is a broader term covering any off-site work setup, including temporary, hybrid, or technology-assisted arrangements. In European Union practice, “telework” is referenced in the 2002 European Framework Agreement on Telework, which highlights voluntary participation and equal treatment. Meanwhile, UAE regulations use ‘remote work’ to encompass a broader range of flexible work arrangements, including hybrid and cross-border arrangements.

The following key questions guide the research:

1. What is the legal framework governing remote work in the UAE, and how has it evolved within the federal human resources system?
2. How does the UAE’s approach compare with the EU framework and selected member states in terms of employee protection, performance management, and data privacy?
3. In what ways does the existing UAE regulation fall short of international best practices, and what legal reforms could enhance its effectiveness?
4. How should employee performance be assessed, and what disciplinary mechanisms ensure accountability in remote work settings?
5. How is work–life balance safeguarded within the UAE framework, and what lessons can be drawn from the EU’s recognition of the “right to disconnect”?

3 ILO *Convention No 177 concerning Home Work* (20 June 1996) <https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312322> accessed 28 October 2025; ILO *Recommendation No 184 concerning Home Work* (20 June 1996) <https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:12100:::12100:P12100_INSTRUMENT_ID:312522> accessed 28 October 2025.

4 Jon Messenger and others, *Working Anytime, Anywhere: The Effects on the World of Work* (ILO Eurofound 2017) 9. doi:10.2806/372726

2 METHODOLOGY

This study adopts a comparative doctrinal and analytical legal method, examining the UAE's remote work regulations alongside primary EU instruments and national laws. The approach follows the functional comparative method, focusing on how different legal systems pursue similar policy objectives under distinct institutional settings. The selection of the UAE and the EU reflects contrasting stages of regulatory maturity: the UAE represents an emerging digital governance model, while the EU provides a mature, rights-based framework.

The comparative method relies on doctrinal analysis of statutory instruments, executive regulations, and judicial decisions in both jurisdictions. It also incorporates secondary analysis of peer-reviewed legal scholarship to evaluate how remote work frameworks operationalise principles of fairness, accountability, and data protection. By aligning doctrinal comparison with contextual administrative analysis, the paper ensures that legal differences are interpreted through their institutional purposes rather than formal categories.

The paper is structured in three parts. Part I explores the UAE's legal framework on remote work; Part II analyses EU regulations and selected national laws; and Part III presents comparative findings and concludes with policy recommendations.

3 FINDINGS AND DISCUSSION

The comparative analysis shows that while the UAE prioritises flexibility and digital readiness, the EU focuses on employee safeguards and consistent enforcement. The findings highlight that both systems address similar challenges in performance accountability, data protection, and work-life balance, but through differing legal logics.

3.1. The UAE Legal Framework for Remote Working

The UAE proactively prepared for shifts in operational methodologies by adopting robust digital systems to maintain a competitive edge globally. Remote work policies were first introduced within the federal sector in 2017, allowing authorities to evaluate their impact on productivity.⁵ In April 2020, the UAE Government issued Cabinet Resolution No. (27)

5 'UAE's Remote Work System: A Pillar of Safety and Efficiency Amid Changing Work Dynamics' (*Emirates News Agency-WAM*, 18 April 2024) <<https://www.wam.ae/en/article/b2pw0gz-uaes-remote-work-system-pillar-safety-and>> accessed 28 October 2025.

for 2020 regarding “Remote Work System in the Federal Government”.⁶ COVID-19 had a direct impact on the need to shift toward remote working.⁷

In 2021, the UAE introduced the region's first virtual work residency visa, enabling foreigners to engage in remote employment within the country for up to one year, subject to specific eligibility criteria.⁸ According to data from YouGov, approximately 46% of the working population currently works remotely in some capacity.⁹

It was decided to implement a remote work system, either full-time or part-time, even during ordinary circumstances.¹⁰ The remote work system operates concurrently with the traditional work framework, in which employees perform their duties at the entities' premises. Nonetheless, the availability of the option is contingent upon a defined set of criteria that employees must fulfil. Primarily, they must be Emirati employees, thereby excluding non-Emirati personnel. Furthermore, the task must be inherently divisible and automated, and managed via an electronic system, thereby excluding roles dependent on manual or non-digital processes. The Federal Authority for Human Resources (FAHR) is the governmental entity responsible for establishing procedures for remote work across federal entities.¹¹

3.1.1. Institutional and Legal Foundation of Remote Work in the UAE

The institutional basis for remote work in the UAE federal sector is set out in Cabinet Resolution No. (48) of 2023 Concerning the Executive Regulation of Federal Decree-Law No. (49) of 2022 Concerning Human Resources in the Federal Government.¹² Article 9 specifies the employment patterns and types of work available—full-time, part-time, temporary, and flexible work—and recognises various work modalities: in-house work,

6 UAE Cabinet Resolution No (27) of 2020 ‘On the Remote Work System in the Federal Government’ [2020] Official Gazette 676 <<https://uaelegislation.gov.ae/en/legislations/1414>> accessed 28 October 2025; ‘Implementing a Remote Work System in the Federal Government in Normal Situations’ (UAE United Arab Emirates Government Portal, 11 August 2025) <<https://u.ae/en/information-and-services/jobs/working-in-uae-government-sector/implementing-a-remote-work-system-in-the-federal-government-in-normal-situations>> accessed 28 October 2025.

7 Dania M Kurdy, Husam-Aldin Nizar Al-Malkawi and Shahid Rizwan, ‘The Impact of Remote Working on Employee Productivity During Covid-19 in the UAE: The Moderating Role of Job Level’ (2023) 3(4) Journal of Business and Socio-Economic Development 340. doi:10.1108/JBSED-09-2022-0104.

8 UAE’s Remote Work System (n 5).

9 Tara Sangani and Rauf Mammadov, *Remote Working in the UAE: Best Practice Review and Future Policy Paper* (PWC Middle East 2025) 3 <<https://www.pwc.com/m1/en/industries/government-public-services/remote-working-in-uae.html>> accessed 28 October 2025.

10 UAE Cabinet Resolution No (27) of 2020 (n 6).

11 Federal Authority of Human Resources (FAHR) <<https://www.fahr.gov.ae/en/home/>> accessed 28 October 2025.

12 UAE Cabinet Resolution No (48) of 2023 ‘Concerning the Executive Regulation of Federal Decree by Law No. (49) of 2022 of Concerning Human Resources in Federal Government’ [2023] Official Gazette 751 <<https://uaelegislation.gov.ae/en/legislations/2115>> accessed 28 October 2025.

remote work within the UAE, and remote work outside the UAE,¹³ intensive working hours, and hybrid work. The latter allows employees to divide their responsibilities between the entity's headquarters and remote locations, facilitating a blend of work arrangements.

Earlier, the UAE Cabinet Council¹⁴ issued Cabinet Resolution No. (27) for 2020 concerning the remote work system in the federal government. Importantly, decisions regarding transfers, promotions, and terminations remain unchanged regardless of whether employees work remotely. Article 11 of the UAE Remote-working resolution states that “employees working remotely shall be entitled to salaries and benefits according to the Grade & Salary scale for federal government employees approved by the cabinet”.¹⁵ Similarly, Article 12 (4) of the UAE Cabinet Resolution No. (48) of 2023 provides that “the employee who works remotely shall receive the financial allocations determined by the remote work system issued by the Cabinet upon FAHR's proposal.”¹⁶ These provisions ensure that remote employment does not lead to inequality or the loss of employment rights. Instead, they integrate remote work into the broader federal human resources framework to promote fairness, transparency, and equal treatment for all public sector employees.

The UAE federal human resources framework emphasises performance monitoring, disciplinary accountability, and termination to maintain efficiency and integrity in the public sector. Under Cabinet Resolution No. (27) of 2020 on Remote Work, federal entities must electronically monitor employees' productivity, output quality, and adherence to policies and deadlines.¹⁷ Violations by employees can result in disciplinary action, including termination for serious offences, under the Federal Human Resources Law. Article 12 of the 2020 Resolution provides a flexible framework for performance appraisal in the federal remote work system, referencing the Federal Government's Performance Management System.¹⁸ Evaluation is based on five criteria—productivity, quality, timeliness, supervisor and client satisfaction, and other relevant factors. Rather than imposing rigid benchmarks (like specific deliverables, deadlines, or quality standards), the framework allows federal entities to customise evaluations based on their functions, promoting a results-based approach that safeguards employees' privacy.

13 'UAE: Approves Remote Work for Government Entities Outside the Emirates' (*LexisNexis Middle East*, 13 March 2025) <<https://www.lexis.ae/2025/03/13/uae-approves-remote-work-for-government-entities-outside-the-emirates/>> accessed 28 October 2025.

14 UAE Cabinet Council is one of the main authorities in the UAE and the executive power of the federation, see: 'The UAE Cabinet' (*UAE United Arab Emirates Government Portal*, 2025) <<https://uaecabinet.ae/en/about-the-cabinet>> accessed 28 October 2025.

15 UAE Cabinet Resolution No (27) of 2020 (n 6) art (11).

16 UAE Cabinet Resolution No (48) of 2023 (n 12) art (12), pt 4.

17 UAE Cabinet Resolution No (27) of 2020 (n 6) art (12).

18 'Performance Management System for the employees of Federal Government' (*Federal Authority for Government Human Resources*, 2025) <<https://www.fahr.gov.ae/en/legislations-guides/systems/performance-management-system-for-the-employees-of-federal-government/>> accessed 28 October 2025.

In 2023, the UAE hosted a forum titled “Remote”, which explored experiences and organisational responses during the COVID-19 pandemic and strategies for advancing remote work within the UAE economy.¹⁹ H.E. Omar Sultan Al Olama emphasised the UAE’s goal of becoming a global leader in remote work as both a competitive advantage and quality-of-life boost. He highlighted the potential of remote work to cut commutes and enhance focus, making it a primary work mode in the UAE.²⁰

Following directives by H.H. Sheikh Hamdan bin Mohammed bin Rashid Al Maktoum, the Dubai Government Human Resources Department (DGHR) approved a flexible hour and remote work policy for Dubai government employees during Ramadan 1446 Hijri (2025).²¹ This policy, aligned with 2025 as the “Year of Community,” reflects Dubai’s commitment to a positive work environment and community values.²² It allows employees up to three flexible hours—5.5 hours from Monday to Thursday and three on Friday—plus remote work for up to two days a week based on job requirements.²³ Similarly, the “Flexible Summer” initiative involves a four-day workweek to reduce summer hours for public sector employees.²⁴ These initiatives align with the UAE’s broader strategy for well-being and happiness and contribute to easing traffic congestion through flexible scheduling.²⁵

It is important to note that current UAE regulations do not explicitly address cross-border remote work, despite it being referenced in federal human resource law as a newly recognised recruitment pattern of employment.²⁶ However, from March 2025, the UAE began permitting remote work for government entities outside the Emirates.²⁷ This move is expected to enable the UAE to access specialised skills and knowledge from around the world, thereby enhancing the execution of projects and studies for federal entities.

19 Sangani and Mammadov (n 9) 18.

20 *ibid.*

21 ‘DGHR Approves Flexible, Remote Work Policy for Dubai Government Employees During Ramadan’ (*Protocol Department - Dubai*, 26 February 2025) <<https://www.protocol.dubai.ae/en/media-listing/news-events/dghr-approves-flexible-remote-work-policy-for-dubai-government-employees-during-ramadan/>> accessed 28 October 2025.

22 ‘UAE Year of Community “Who’s the → in your life?”’ (*UAE Year of Community*, 2025) <<https://uaeyearof.ae/en/2025>> accessed 28 October 2025.

23 DGHR Approves (n 21).

24 ‘Dubai Launches Four-Day Work Week and Reduced Summer Hours for Government Employees’ (*Atlas*, 27 June 2025) <<https://www.atlashxm.com/resources/dubai-four-day-work-week-summer-hours>> accessed 28 October 2025.

25 ‘Dubai Recommends Expanding Remote Work Policies to Ease Traffic’ (*DubaiEye*, 11 November 2024) <<https://www.dubaieye1038.com/news/local/dubai-recommends-expanding-remote-flexible-work-policies-to-ease-traffic/>> accessed 28 October 2025.

26 UAE Federal Law-Decree No (49) of 2022 ‘On Human Resources in the Federal Government’ [2022] Official Gazette 737, art (6) <<https://uaelegislation.gov.ae/en/legislations/1594>> accessed 28 October 2025.

27 UAE: Approves Remote Work (n 13).

3.1.2. Judicial and Administrative Practice in the UAE

Recent UAE decisions illustrate how remote work laws are evolving, with courts addressing disputes over absences, refusals to renew remote work arrangements, and terminations following denied requests.

One notable case involved termination for absence and denied remote work renewal (Dubai Court of Cassation, Administrative Case No. 2/2024, judgment of 5 March 2024).²⁸ The employee was absent for 17 consecutive days within one year without permission or a valid reason, leading to termination. The employee argued that he had a medical certificate and had been performing his duties both remotely and in person, without neglecting or refusing his duties. The agency previously authorised him to work remotely due to his health condition, and his consulting work enabled him to do so. The Court upheld the termination, emphasising that remote work is a privilege, not a right, and that the administration retains discretion to determine whether tasks can be performed remotely in the public interest.²⁹ Failure to meet attendance rules was misconduct under Federal HR Law and grounds for termination. This case underscores that remote work is a privilege requiring approval; repeated absences after denied requests are a disciplinary violation.³⁰

Another illustrative case concerned the legal recognition of remote work as a valid mode during COVID-19 (Abu Dhabi Court of Cassation, in Administrative Appeal No. (71) of 2021 (judgment of 29 September 2021). Examining the legal treatment of remote work in the UAE public sector, the court addressed whether terminating a public employee for alleged absence during the pandemic was lawful.³¹ The Court ruled that the employee's situation was not "unauthorised absence," as he was exempt from physical attendance under

28 Case No 2/2024 (Dubai Court of Cassation, 5 March 2024).

29 Executive Council of the Emirate of Dubai Resolution No (36) of 2020 'Concerning Telework System for the Employees of the Government of Dubai (25 November 2020) <[https://dlp.dubai.gov.ae/Legislation%20Reference/2020/Executive%20Council%20Resolution%20No.%20\(36\)%20of%202020.html](https://dlp.dubai.gov.ae/Legislation%20Reference/2020/Executive%20Council%20Resolution%20No.%20(36)%20of%202020.html)> accessed 28 October 2025. The text in Article (10) of Executive Council Resolution No. (36) of 2020 regarding the remote work system for Dubai Government employees, regarding the "Direct Supervisor's Duties," states that "For the purposes of implementing the provisions of this resolution, the direct supervisor shall undertake the following: 1. Identify employees assigned to work remotely within the organizational unit they supervise, taking into account the public interest, impartiality, and fairness in selecting employees assigned to work remotely in accordance with the regulations and bylaws..."

30 The initial judgment, upheld by the appeal, concluded the case was dismissed because the employee was absent for 17 consecutive workdays from 11/29/2022 to 12/23/2022 without evidence of approved remote work or medical reasons. Also, Cassation Labor Appeal No. 18 of 2023 (Abu Dhabi Court of Cassation, Judgment of 29 March 2023, although these case apply on private sector, but It is essential that the administration formalize remote work arrangements through a clear written contract or authorization, as terminating an employee on the grounds of absence is impermissible without prior documented approval or evidence of nonperformance.

31 Appeal No 71 of 2021 (Abu Dhabi Court of Cassation, 29 September 2021).

Circular No. (8) issued by the Department of Government Support.³² This circular extended remote work for vulnerable groups, such as employees with chronic illnesses or those living with high-risk family members. The judgment highlighted that if the administration neither explicitly denies a remote work request nor requires in-person attendance, continuing remote work does not constitute abandonment. The Court upheld the Committee of Objections' decision to annul the dismissal, noting that COVID-19 remote-work directives are part of the legal framework for public employment.³³ It also emphasised that failing to attend the workplace under these exceptional circumstances cannot be interpreted as implied resignation. This case affirms that remote work, when authorised by law or circulars, is a valid way to fulfil public service duties, and disciplinary or termination decisions should consider the context of remote work during health emergencies.

3.2. The European Union Legal Framework

To date, the EU does not have a dedicated regulation for remote work or telework. Instead, remote work is addressed indirectly through various EU-Level instruments, including: the Working Time Directive (Directive 2003/88/EC)³⁴; the Occupational Safety and Health (OSH) Framework Directive (Directive 89/391/EEC)³⁵; the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679;³⁶ the Work-Life Balance Directive (Directive (EU) 2019/1158)³⁷; and the right to disconnect.³⁸

At the national level, each EU member state applies its own labour laws, often with detailed remote work regulations. For example, Spain enacted Royal Decree-Law 28/2020 to

32 'Guidelines Issued for Working from Government Offices in Abu Dhabi' (*Abu Dhabi Media Office*, 30 May 2020) <<https://www.mediaoffice.abudhabi/en/government-affairs/guidelines-issued-for-working-from-government/>> accessed 28 October 2025. This guide shows that the exempted categories (who may continue working from home) are employees living with diagnosed cases of Covid-19 or those who have symptoms, employees who have chronic diseases, people of determination, pregnant and breastfeeding employees, and employees over the age of 60.

33 Appeal No 71 of 2021 (Abu Dhabi Court of Cassation, 29 September 2021).

34 Directive 2003/88/EC of the European Parliament and of the Council 'Concerning Certain Aspects of the Organisation of Working Time' (4 November 2003) [2023] OJ L 299/9.

35 Council Directive 89/391/EEC 'On the Introduction of Measures to Encourage Improvements in the Safety and Health of Workers at Work' (12 June 1989) [1989] OJ L 183/1.

36 Regulation (EU) 2016/679 of the European Parliament and of the Council 'On the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation)' (27 April 2016) [2016] OJ L 119/1.

37 Directive (EU) 2019/1158 of the European Parliament and of the Council 'On Work-Life Balance for Parents and Carers and Repealing Council Directive 2010/18/EU' (20 June 2019) [2019] OJ L 188/79.

38 Nicolas Boring, 'Telework and the French "right to Disconnect"' (*Library of Congress Blogs*, 21 August 2020) <<https://blogs.loc.gov/law/2020/08/telework-and-the-french-right-to-disconnect/>> accessed 28 October 2025.

formalise remote work during the COVID-19 pandemic.³⁹ Additionally, the Netherlands established the Flexible Working Act, which permits employees to request modifications to their work location, although employers may deny such requests for legitimate business reasons.⁴⁰ In Germany, comprehensive labour laws apply to remote workers, with a focus on occupational health and safety standards for home offices.⁴¹ The subsequent examples will address regulations related to remote work within EU member states.

France's perspective on remote working is shaped by European labour directives and French social demands, both of which have significantly changed workplaces. Home telework, often informal in nature, offers several benefits such as reduced commuting time, less traffic, and improved work-life balance.⁴² The 2005 National Interprofessional Agreement (ANI) and subsequent amendments to the French Labour Code in 2017 formalised telework for employees.⁴³

The French Court of Cassation ruled that being unreachable on one's personal mobile outside work hours does not constitute gross misconduct, dismissal, negligence, or grounds for dismissal.⁴⁴ The court held that an employee's failure to answer work calls outside of regular hours of employment was not a valid reason for termination. The right to disconnect is now codified into Article L2242-17 of the French Labour Code.⁴⁵

39 Real Decreto-Ley No 28/2020 'de trabajo a distancia' (22 septiembre 2020) [2020] BOE-A 253/79929 <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-11043> accessed 28 October 2025.

40 Lidy Milders, 'Netherlands: Be Careful in Handling Requests Covered by the Flexible Work Act' (*LegalGlobal*, 24 June 2024) <<https://leglobal.law/2024/06/24/netherlands-be-careful-in-handling-requests-covered-by-the-flexible-work-act/>> accessed 28 October 2025.

41 "For employees who work remotely, the employer is responsible for ensuring proper working conditions from a health and safety perspective," see: 'Remote Working Legislation, Laws & Regulations in Germany' (*CMS Expert Guide*, 7 May 2024) <<https://cms.law/en/int/expert-guides/cms-expert-guide-to-remote-working/germany>> accessed 28 October 2025.

42 Anne Aguilera and others, 'Home-Based Telework in France: Characteristics, Barriers and Perspectives' (2016) 92 *Transportation Research, Pt A: Policy and Practice* 1. doi:10.1016/j.tra.2016.06.021.

43 'Rules and Obligations Regarding Remote Work (in France)' (*Beemyflex*, 2024) <<https://www.beemyflex.com/en/articles/les-regles-et-obligations-en-matiere-de-teletravail>> accessed 28 October 2025.

44 Caroline Froger-Michon, 'Right to Disconnect Enshrined in French Labor Law' (*CMC Law Now*, 15 December 2016) <<https://cms-lawnow.com/en/ealerts/2016/12/right-to-disconnect-enshrined-in-french-labour-law>> accessed 28 October 2025.

45 UNI Global Union Professionals and Managers, *Ligistlation a Right to Disconnect* (UNI P&M 2020) <<https://uniglobalunion.org/report/legislating-the-right-to-disconnect/>> accessed 28 October 2025. Article L2242-17 of the French Labor Code states that "The annual negotiations on equal opportunities between women and men and the quality of working life cover... The terms enabling employees to fully exercise their right to disconnect and the introduction by the company of schemes regulating the use of digital tools, with a view to ensuring compliance with regulations governing rest and leave periods, privacy and family life," see: Code du travail (version 28 octobre 2025) <https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006072050/> accessed 28 October 2025.

Employers are also mandated to uphold occupational health and safety standards, furnish necessary equipment or financial remuneration for remote work, and safeguard employees from psychosocial hazards.⁴⁶ Although there is presently no EU-wide legislation guaranteeing the right to disconnect, the European Parliament has advocated for laws allowing employees to disengage from work-related communications outside of standard working hours without facing repercussions.⁴⁷

Germany regulates remote work—often referred to as “homeoffice” or “mobile Arbeit”—through a combination of labour law, occupational safety regulations, and collective bargaining agreements. There is no universal legal entitlement to remote work in Germany; employees do not possess a statutory right to perform their duties remotely.⁴⁸ Instead, such agreements depend on individual employer or sectoral arrangements. The Working Hours Act (*Arbeitszeitgesetz* – *ArbZG*) applies fully to remote work, requiring maximum daily/weekly hours, mandatory rest breaks, and restrictions on Sunday and holiday work.⁴⁹

As of January 2021, the German government has been developing the Mobile Work Act (*Mobile-Arbeit-Gesetz*), which, if enacted, would grant employees a legal right to work from home whenever feasible.⁵⁰ There are currently no specific regulations concerning information security or the use of private company technology for individuals working remotely. Nevertheless, employers are responsible for ensuring compliance with the GDPR's provisions and for establishing secure methods for exchanging employees' and customers' personal data.⁵¹

The EU's legal framework for remote work is often praised for comprehensively protecting employees' rights, but it still contains notable gaps. The regulation of telework across EU jurisdictions relies heavily on collective agreements and individual contracts, offering flexibility to adapt to diverse circumstances. While this approach has advantages, it also

46 'Remote Working Legislation, Laws & Regulations in France' (*CMS Expert Guide*, 7 May 2024) <<https://cms.law/en/int/expert-guides/cms-expert-guide-to-remote-working/france>> accessed 28 October 2025.

47 'Parliament Wants to Ensure the Right to Disconnect from Work' (*European Parliament*, 30 April 2024) <<https://www.europarl.europa.eu/topics/en/article/20210121STO96103/parliament-wants-to-ensure-the-right-to-disconnect-from-work>> accessed 28 October 2025.

48 'Working from Home and Employment Law in Germany: What you Need to Know Now' (*Rotwang Law*, 13 May 2025) <<https://rotwang-law.de/en/homeoffice-und-arbeitsrecht-in-deutschland-was-sie-jetzt-wissen-muessen/>> accessed 28 October 2025.

49 *Arbeitszeitgesetz* (*ArbZG*) (6 June 1994) <<https://www.gesetze-im-internet.de/arbzg/BJNR117100994.html>> accessed 28 October 2025.

50 'Remote Work in Germany' (*Boundless*, 2021) <https://boundlesshq.com/guides/germany/remote-work/?utm_source=chatgpt.com> accessed 28 October 2025. The Mobile Work Act (*Mobile-Arbeit-Gesetz*) law has been drafted and is currently under review by individual federal ministries. The next step is approval by the cabinet and a decision from the Bundestag and Bundesrat on whether it becomes law.

51 'Data Protection and Working Remotely' (*General Data Protection Regulation*, 2020) <<https://gdprinfo.eu/data-protection-and-working-remotely>> accessed 28 October 2025.

requires effective coordination between legal sources and strong collective actors to ensure that teleworkers' protections are not overshadowed by employer interests.⁵² EU laws provide robust rights in theory, but in practice, their application to remote work remains fragmented, exposing gaps in privacy protection, digital monitoring, and cross-border employment regulation.

3.3. Comparative Findings and Discussion

Recent research shows remote work regulations are evolving to balance flexibility, accountability, and employee well-being. Trujillo Pons and Megino Fernández highlight how today's culture of digital presenteeism and the underlying expectation to be constantly available are not beneficial for either the employer or the employee. Such practices negatively impact workers' health and mental integrity, resulting in personal and social costs for individuals and economic losses for organisations.⁵³ In contrast, the UAE's digital governance reforms, driven by initiatives like Vision 2021 and the Government Excellence Model (GEM), emphasise performance-based evaluation, administrative flexibility, and institutional accountability to enhance service delivery and foster innovation in public-sector operations.⁵⁴

3.3.1. Working Time and Monitoring

One of the most recent cases before the Court of Justice of the European Union (CJEU) provides important clarification on employers' obligations. On 19 December 2024, the CJEU issued its ruling in Case C-531/23 (Loredas), clarifying and reaffirming employers' obligations under the Working Time Directive (Directive 2003/88/EC).⁵⁵

The case concerned a domestic worker in Spain who challenged her dismissal, unpaid overtime, and compensation for unused vacation days. She argued that Spanish law, which exempted domestic employers from recording actual working hours, was incompatible with EU law. The Spanish courts referred questions to the CJEU regarding the compatibility of this exemption with EU law. The CJEU held that this exemption

52 Luca Ratti and Antonio García-Muñoz, 'The Regulation of Remote Work. Seeking Balance Through the Articulation of Labour Law Sources: A Comparative Appraisal' (2024) 40(3) *International Journal of Comparative Labour Law and Industrial Relations* 303. doi:10.54648/ijcl2024012.

53 John Hopkins, 'Managing the Right to Disconnect: A Scoping Review' (2024) 16(12) *Sustainability* 4970. doi:10.3390/su16124970.

54 Abeer Abuzanjal and Hamdi Bashir, 'Service Innovation Challenges in UAE Government Entities: Identification and Examination of the Impact of Organisational Size and Excellence Model Implementation' (2024) 10(3) *Journal of Open Innovation: Technology, Market, and Complexity* 100364. doi:10.1016/j.joitmc.2024.100364.

55 'European Union: CJEU Reaffirms Obligation to Register Working Time' (*L&E Global Alliance of Employers' Counsel Worldwide*, 25 February 2025) <<https://leglobal.law/2025/02/25/european-union-cjeu-reaffirms-obligation-to-register-working-time/>> accessed 28 October 2025.

could not be upheld, ruling that even domestic workers must have their working hours documented through an objective and reliable system. Such a system is vital to ensuring that rights to maximum working hours and rest periods, as guaranteed by the Directive and the Charter of Fundamental Rights of the European Union, are effectively enforceable. The judgment stressed that while Member States can modify the methods of recording, these modifications cannot undermine the core obligation. Exemptions that hinder effective oversight or make it too hard for workers to enforce their rights are incompatible with EU standards law.

This case has significant implications. It closes loopholes that previously allowed certain employers—particularly households and domestic workers—to evade their responsibilities. It also emphasises that performance monitoring and disciplinary measures, especially in cases involving overtime or rest violations, are intrinsically linked to the protection of legal rights. Without proper time registration systems, those rights cannot be effectively protected or upheld

3.3.2. Cross-Border Remote Work and Data Protection

A comparable case, involving an additional concern related to the General Data Protection Regulation (GDPR), is the recent judgment of the Paris Labour Court (1 August 2024, No. 21/06451).⁵⁶ In this case, an employee who worked remotely from outside the EU without prior authorisation from their employer was dismissed for gross misconduct. The court upheld the dismissal, noting that remote work conducted outside the European Union may raise data protection concerns under the GDPR. Any transfer of personal data beyond EU borders must comply with rigorous regulations, such as the Standard Contractual Clauses (SCCs). The employer, lacking awareness of the employee's geographic location, was unable to implement essential compliance measures to ensure the protection of personal data and, consequently, could be held liable for potential GDPR violations.

This case highlights the need for regulators to select countries carefully, time zones, and specific durations for remote work. They must also determine whether such arrangements constitute a contract renewal and clarify the grounds for doing so.

56 David Hartmann, 'Remote Working from Abroad Without Authorization: Grounds for Dismissal for Gross Misconduct' (*Alaris Avocats*, 14 October 2024) <<https://www.alaris-law.com/remote-working-abroad-without-authorization/>> accessed 28 October 2025. In May 2019, a permanent employee hired as a flow and compliance analyst received temporary remote work authorization from Canada in 2020 after her flight was canceled. She wanted to settle permanently in Canada and requested a contract termination, which was denied. She then notified her employer of her resignation, effective December 31, 2020, but continued working remotely from Canada and asked for an extension until mid-February 2021 due to financial difficulties, which was refused. During the pandemic, the company allowed remote work from abroad only if employees were within two hours of Paris time, not applicable to her. By March 2021, she disclosed she was still in Canada and asked for adjusted hours, but her employer refused and demanded she return to France. When she did not comply, she was dismissed for gross misconduct.

Furthermore, regulations concerning data protection must be explicitly communicated to both employers and employees.

Another notable case illustrating the impact of remote work is the Irish tribunal ruling involving a university professor dismissed by University College Cork (UCC).⁵⁷ In 2021, during the COVID-19 pandemic, a Dutch professor employed by UCC worked remotely. After Ireland's lockdown ended, the professor sought to relocate to Cork, but the university failed to provide assistance, forcing him to commute frequently and spend only one week per month in Cork. UCC's HR Director dismissed Professor Naudé, citing "absolute assurances" regarding relocation, alleged contract frustrations, and declared the contract as "null and void," while offering three months' pay. The WRC (Workplace Relations Commission) officer described the case as "extraordinary", criticised UCC's unconvincing defence, and upheld the professor's unfair dismissal claim, ordering UCC to pay EUR 300,000 within 42 days. This case highlights the importance of clear and concise remote and hybrid working policies, particularly when employees work outside the employer's jurisdiction.

In the UAE, Article 27 of the Personal Data Protection Law (PDPL) governs the transfer of personal data across borders.⁵⁸ Any transfer outside the UAE is only permitted if specific legal conditions are met, such as using standard contractual clauses, explicit consent, or ensuring adequate data protection in the destination jurisdiction. This provision effectively limits remote work involving overseas locations, requiring employers and agencies to establish compliant data transfer mechanisms and mitigate risks under international data laws.

Moreover, Article 16 of Cabinet Resolution No. (27) for 2020 states that remote employees must sign a Code of Ethics, a Confidentiality of Information agreement, and an agreement against subcontracting.⁵⁹ This indicates that the UAE's remote work framework fosters institutional trust between the agency and its employees. This integrated approach combines technological oversight with contractual and ethical commitments to enhance institutional trust and accountability. Any breach of confidentiality may result in disciplinary or even civil and criminal liability. These provisions emphasise that the UAE's remote-work framework is not a matter of arbitrary privilege but a carefully structured legal system aimed at balancing efficiency, responsibility, and employee welfare.

57 Rob Harkavy, 'Irish Tribunal Slams University in Unfair Dismissal Claim' (*Global Legal Insights*, 2 May 2024) <<https://www.globallegalinsights.com/news/irish-tribunal-slams-university-in-unfair-dismissal-claim/>> accessed 28 October 2025.

58 UAE Federal Decree-Law No (45) of 2021 'Concerning the Protection of Personal Data' [2021] Official Gazette 712 <<https://uaelegislation.gov.ae/en/legislations/1972>> accessed 28 October 2025.

59 UAE Cabinet Resolution No (27) of 2020 (n 6).

3.3.3. Work–Life Balance and Employee Rights

Several cases from European Union member states have addressed issues related to remote work. For example, the Central Board of Appeal of the Dutch Court issued its ruling in a case involving a German employee who worked remotely from the Netherlands for her German employer.⁶⁰ The Dutch Court determined that, because the cross-border remote work activities were not agreed upon between the employer and employee and were not part of the employment contract, the multi-state rules did not apply. Consequently, the employee's primary jurisdiction was Germany (based on the main rule of EU Regulation 883/2004), as Germany was considered the primary work location. While this Dutch ruling is local, it illustrates how EU multi-state rules are applied in practice and underscores the need for clear, upfront agreements with employees on cross-border remote work.

The Work Life Balance and Miscellaneous Provisions Act 2023 grants employees the right to request remote work and outlines the procedures employers must follow.⁶¹ It emphasises considering both the employee and employer's needs, as well as the WRC Code of Practice for Employers and Employees' Right to Request Remote Working.⁶² The Act also specifies the response time and requires explanations for any refusals. Importantly, it distinguishes between the right to request remote work and have that request processed and the unconditional right to work remotely. The ruling in *Karabko v TikTok Technology Ltd* highlighted this difference, reassuring employers that their authority to decide on remote work, based on business reasons, remains intact.⁶³

The right to disconnect—which allows employees to disengage from work communications outside of working hours—is crucial for work-life balance, protecting privacy, and preventing burnout. Many European countries have implemented laws that regulate working hours, rest periods, and privacy, all of which are vital for effective telework so that employees can enjoy personal time free from work-related obligations.⁶⁴

60 'Netherlands: Importance of Cross-Border Remote Work Agreements between Employer and Employee for Multi-State Rules' (*Vialto Partners*, 29 February 2024) <<https://vialtopartners.com/regional-alerts/netherlands-social-security-importance-of-cross-border-remote-work-agreements-between-employer-and-employee-for-multi-state-rules>> accessed 28 October 2025.

61 *Work Life Balance and Miscellaneous Provisions Act 2023* (Office of the Attorney General, 2023) <<https://www.irishstatutebook.ie/eli/2023/act/8/enacted/en/html>> accessed 28 October 2025.

62 'Ireland Update: Requests to Work Remotely-Lessons from *Karabko v TikTok Technology Ltd*' (*Labor Law Plus*, 14 October 2024) <<https://www.laborlawplus.com/content/ireland-update-requests-to-work-remotely-lessons-from-karabko-v-tiktok-technology-ltd/>> accessed 28 October 2025.

63 Suzanne Keenan, 'Requests to Work Remotely-Lessons from *Karabko v TikTok Technology*' (*Byrne Wallace Shields*, 8 October 2024) <<https://www.byrnewallaceshields.com/news-and-recent-work/publications/requests-to-work-remotely-lessons-from-karabko-v-tiktok-technology-ltd.html>> accessed 28 October 2025.

64 Naj Ghosheh, 'Telework and The Right to Disconnect: International Experiences' (Reflections on Decent Work in the Digital Era: Conference, Center for Judicial Studies, Lisbon, January 27-28, 2022).

A recent study examined the impact of the shift to remote and hybrid work arrangements on managers' and employees' experiences. The research revealed that while virtual communication proves effective, face-to-face interaction remains valuable. Clear performance expectations are crucial in hybrid and remote environments. Despite technological tools that track productivity, managers should focus on building trust and avoiding micromanagement.⁶⁵

In contrast, European frameworks, such as Directive 2003/88/EC on working time, extend beyond productivity considerations to address issues like social isolation, workload inequality, and declining work–life balance.⁶⁶

According to the UAE guidelines for remote working within the federal government, working time is recorded electronically through the Bayanati System.⁶⁷ Employees eligible for remote work must log into the system, which tracks attendance and departure electronically to ensure they perform their assigned tasks. The Dubai Government's Smart Employee Application further facilitates the electronic registration of working hours.⁶⁸

A recent study on surveillance effectiveness found that remote work impacts the visibility of monitoring activities, which can, in some cases, improve organisational performance.⁶⁹ However, the study also indicated that remote work often leads to greater reliance on electronic surveillance tools, such as keystroke monitoring and location tracking, which may undermine employee trust, productivity, and well-being.⁷⁰ Another recent study cautions organisations to carefully evaluate electronic monitoring, as it may harm employees while providing limited performance benefits.⁷¹ Overuse of such tools can lower job satisfaction, heighten stress, and negatively affect well-being, demonstrating no clear link to productivity. To mitigate these effects, performance targets should be designed to reduce stress and provide resources to meet goals.

65 Calvin Mabaso and Natalie Manuel, 'Performance Management Practices in Remote and Hybrid Work Environments: An Exploratory Study' (2024) 50(1) SA Journal of Industrial Psychology 1. doi:10.4102/sajip.v50i0.2202

66 Directive 2003/88/EC (n 34).

67 Federal Authority for Government Human Resources, *The Guide of Remote Working System in the Federal Government* (FAHR 2020) 3.

68 'Smart Employee Application Supports Remote Work' (*Government of Dubai*, 25 March 2020) <<https://www.digitaldubai.ae/newsroom/news/smart-employee-application-supports-remote-work>> accessed 28 October 2025.

69 Nathan Jensen and others, 'Conspicuous Monitoring and Remote Work' (2020) 176 Journal of Economic Behavior & Organization 489. doi:10.1016/j.jebo.2020.05.010.

70 Oliver G Kayas, 'Workplace Surveillance: A Systematic Review, Integrative Framework, and Research Agenda' (2023) 168 *Journal of Business Research* 114212. doi:10.1016/j.jbusres.2023.114212.

71 Rudolf Siegel, Cornelius J König and Veronika Lazar, 'The Impact of Electronic Monitoring on employees' Job Satisfaction, Stress, Performance, and Counterproductive Work Behavior: A Meta-Analysis' (2022) 8 *Computers in Human Behavior Reports* 100227. doi:10.1016/j.chbr.2022.100227.

The main substantive difference between the UAE Federal HR Framework and EU directives concerns discretion and accountability. The UAE's system—especially under Federal Decree-Law No. (49) of 2022 and Cabinet Resolution No. (48) of 2023—grants considerable administrative discretion to public entities for deciding eligibility, conducting performance evaluations, and approving remote work. This flexibility aligns with the UAE's performance-focused administrative culture and allows for adaptable workforce management.

Conversely, EU directives, particularly Directive 2003/88/EC on working time and Directive 89/391/EEC on occupational safety, impose binding procedural obligations on employers, limiting discretion to ensure employee protections and transparent accountability. EU institutions focus on enforceable rights, judicial oversight, and collective bargaining, whereas the UAE relies mainly on hierarchical supervision and performance metrics within its public sector.

This comparison highlights that administrative accountability in the UAE is managerial and results-oriented, while in the EU it is procedural and rights-based. Comparative findings reveal that the UAE's performance framework emphasises measurable outputs and efficiency, supported by electronic monitoring. Conversely, EU law prioritises procedural fairness and restricts surveillance through data protection and work safeguards. These contrasting approaches reflect two regulatory logics: efficiency-based governance versus rights-based accountability.

Both jurisdictions face ongoing data protection challenges in the context of remote work. While the GDPR offers strong safeguards, it struggles with enforcement and cross-border transfer. UAE's PDPL is similar but narrower. Both need to address digital monitoring and security risks.

Regarding employee rights and work-life balance, the EU's framework explicitly acknowledges the right to disconnect and sets maximum working-hour regulations to support employee well-being. In contrast, the UAE's system, while more flexible, does not have a formal right to disconnect or standardised rest periods. Nevertheless, seasonal measures such as flexible summer hours and Ramadan adjustments indicate a gradual shift toward institutionalising work-life balance.

To summarise the comparative discussion, the following table outlines the main legal and institutional differences between the UAE and EU frameworks regarding remote work regulation.

Dimension	UAE Framework	EU Framework
Legal Basis	Federal Decree-Law No. (49) of 2022; Cabinet Resolutions No. (27) of 2020 and No. (48) of 2023	Directive 2003/88/EC (Working Time); Directive 89/391/EEC (OSH); Regulation (EU) 2016/679 (GDPR); national telework laws (France, Spain, Germany)
Employee Rights	Salary equality; eligibility criteria defined by job type; no codified right to disconnect	Statutory working-time limits, rest periods, occupational safety, privacy, and right to disconnect (in some member states)
Employer Obligations	Provide digital tools, ensure performance monitoring, maintain confidentiality and ethical compliance	Ensure safe working conditions, record working hours, comply with GDPR data protection rules
Accountability Mechanisms	Administrative supervision and performance-based evaluation (FAHR system)	Judicial enforcement and oversight by data protection and labor authorities
Cross-Border Regulation	Remote work abroad recognized (2025), subject to PDPL Art 27 on data transfer	Data-transfer rules under GDPR;

4 CONCLUSION AND RECOMMENDATIONS

Building on the findings summarised above, the conclusion outlines specific legal reforms and policy recommendations to enhance fairness, accountability, and regulatory coherence in remote work governance. This study does not advocate for a direct transplantation of EU standards into the UAE framework. Instead, it supports contextual adaptation, whereby the UAE adopts functional elements—such as performance accountability and employee protection—from EU experience while maintaining consistency with its administrative structure and cultural-legal context. Such an approach balances innovation with institutional coherence, ensuring regulatory reforms enhance effectiveness without disrupting established governance models.

This study has examined the legal frameworks for remote work in the UAE and the EU, noting both similarities and differences. The UAE has developed a proactive, performance-based regime for public sector telework, granting federal entities discretion in setting standards, encouraging innovation, but risking inconsistency. Conversely, the EU relies on directives, legislation, and judicial rulings, emphasising safeguards such as recording

working hours, workplace safety, and the right to disconnect—protections that European courts have affirmed as universal.

While the UAE has advanced digital tools like the “Smart Employee” app and flexible policies, it lacks codified rights on time tracking and work–life balance. Cross-border remote work poses challenges around data security and jurisdiction, with EU case law highlighting risks and the UAE recently recognising remote work outside the state. Clear rules on data security, GDPR-like protections, and employer obligations are needed.

According to research findings, the following recommendations could be provided:

1. Standardise performance indicators for remote working employees: Develop a standardised set of key performance indicators (KPIs) for federal entities to reduce subjectivity in remote work assessments. These should include both quantitative metrics (e.g., timeliness and output) and qualitative measures (e.g., collaboration and client satisfaction).
2. Establish requirements for recording working time: Implement a requirement for objective and reliable time-recording systems that align with international best practices and EU jurisprudence (e.g., C-55/18, C-531/23). Ensure these systems are compatible with flexible and hybrid working arrangements while protecting employee privacy.
3. Introduce a “right to disconnect” policy: Translate seasonal initiatives (Ramadan flexible hours, summer compressed workweeks) into a broader legal right to disconnect from work-related communications outside official hours. Frame this as part of the UAE’s well-being and happiness strategy, as it is an effective way to promote productivity and improve work-life balance. This supports one of the objectives of the UAE strategy: prioritising wellbeing.
4. Strengthen cross-border remote work regulation: Draft comprehensive regulations concerning remote work conducted from abroad, encompassing eligibility criteria for countries, maximum permissible durations, implications for taxation and social security, and obligatory data protection measures. Additionally, require remote work agreements to clearly specify the work location, duration, monitoring mechanisms, and the employer's accountability.
5. Enhance data protection in remote work: Align confidentiality and cybersecurity measures with global standards by implementing safeguards similar to the EU GDPR, such as data transfer agreements. Additionally, develop federal guidelines for remote work conducted abroad to reduce cross-border risks.
6. Promote training and awareness: Provide ongoing training for managers and employees on performance management in remote settings, ethical monitoring, and digital confidentiality obligations. Promote a results-oriented management culture that emphasises trust and accountability rather than invasive surveillance.

In conclusion, the UAE has established a solid foundation for regulating remote work within the public sector. However, further refinement is required to ensure fairness, consistency, and alignment with global standards. By introducing clear performance metrics, codifying the right to disconnect, and addressing cross-border challenges, the UAE can establish itself as a leading model of future-oriented, employee-centred governance in the digital era.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Оглядова стаття

**ВІД ГНУЧКОСТІ ДО РЕГУЛЮВАННЯ:
ПОРІВНЯЛЬНИЙ АНАЛІЗ ДИСТАНЦІЙНОЇ РОБОТИ
В ДЕРЖАВНОМУ СЕКТОРІ ОАЕ ТА ДОСВІДУ ЄС**

Сумая Альджагурі

АНОТАЦІЯ

Вступ. Дистанційна робота трансформувала управління та підзвітність державного сектору, завдяки поєднанню стратегій цифрової та адміністративної модернізації ОАЕ для того, щоб підвищити ефективність та впровадження інновацій. Оскільки дистанційна робота інституціоналізується у федеральних органах, зростає потреба в оцінці адекватності та узгодженості правових баз. Це дослідження аналізує, як дистанційна робота регулюється в ОАЕ порівняно з ЄС, де керуються більш усталеними правовими нормами.

Методи. У дослідженні використовується описовий, аналітичний та порівняльно-правовий підхід для вивчення трьох правових документів ОАЕ: Постанови Кабінету Міністрів № (27) від 2020 року про дистанційну роботу, Федерального декрету-закону № (49) від 2022 року про управління персоналом та Постанови Кабінету Міністрів № (48)

від 2023 року про виконавче регулювання. Вони порівнюються з основними інструментами ЄС, зокрема з Директивою 2003/88/ЄС про робочий час, Директивою 89/391/ЄС про безпеку та здоров'я, Регламентом (ЄС) 2016/679 (GDPR), а також з відповідними законами Франції, Німеччини та судовою практикою Суду справедливості ЄС. За допомогою доктринального аналізу та порівняння у дослідженні оцінюється рівень розвитку процесу регулювання, захист працівників та відповідальність за результати роботи.

Результати та висновки. Результати дослідження показують, що підхід ОАЕ надає пріоритет гнучкості, технологічній готовності та орієнтації на результативність, що відповідає його програмі адміністративних інновацій. Однак, залишаються помітні прогалини в регуляторному забезпеченні, включно з відсутністю офіційного права на відключення від роботи, невідповідні стандарти оцінки ефективності та обмежені процесуальні гарантії для схвалення або підтримки віддаленої роботи. Натомість, правова база ЄС забезпечує більш структурований захист працівників, чіткіші заходи щодо підзвітності та сильніші гарантії конфіденційності. У дослідженні було зроблено висновок, що гнучка база ОАЕ має хороші можливості для подальшого розвитку, зокрема завдяки прийняттю єдиних показників ефективності, чітких прав працівників на відпочинок та відключення від роботи, а також більш тісній узгодженості з найкращими міжнародними практиками. Ці реформи підвищать правову визначеність, сприятимуть справедливості та зміцнять стале управління дистанційною роботою в державному секторі.

Ключові слова: віддалена робота, дистанційна робота, державне управління, законодавство ОАЕ, порівняльне адміністративне право, державна служба, державний сектор, Європейський Союз.

ABSTRACT IN ARABIC

مقالة مراجعة

من المرونة إلى التنظيم: العمل عن بُعد في القطاع الحكومي بدولة الإمارات – قراءة مقارنة مع التجربة الأوروبية

سمية الجهوري

الملخص

الخلفية: شهد العمل عن بُعد تحولاً جذرياً في أساليب الإدارة والمساءلة داخل القطاع الحكومي الإماراتي، تماشيًا مع توجه الدولة نحو التحول الرقمي والتحديث الإداري الهادف إلى رفع كفاءة الأداء وتعزيز الابتكار. ومع اتساع نطاق تطبيق هذا النمط الوظيفي في الجهات الاتحادية، برزت الحاجة إلى تقييم الإطار القانوني المنظم له من حيث الاتساق والفعالية. تتناول الدراسة كيفية تنظيم العمل عن بُعد في دولة الإمارات ومقارنته بالتجارب الأوروبية، حيث تحكمه هناك معايير قانونية أكثر رسوخًا واستقرارًا.

المنهجية: تعتمد الباحثة منهجاً وصفيًا وتحليليًا مقارنًا، مستندة إلى ثلاثة تشريعات إماراتية رئيسية: قرار مجلس الوزراء رقم (27) لسنة 2020 بشأن نظام العمل عن بُعد، والمرسوم بقانون اتحادي رقم (49) لسنة 2022 بشأن الموارد البشرية، وقرار مجلس الوزراء رقم (48) لسنة 2023 المتعلق بلانحته التنفيذية. وتُقارن هذه التشريعات الإماراتية مع أبرز الأطر القانونية في الاتحاد الأوروبي، بما في ذلك التوجيه رقم 2003/88/EC المتعلق بتنظيم وقت العمل، والتوجيه رقم 89/391/EEC بشأن السلامة والصحة المهنية، واللائحة الأوروبية رقم 679/2016 الخاصة بحماية البيانات (GDPR)، إضافةً إلى القوانين الوطنية ذات الصلة في كلٍّ من فرنسا وألمانيا، وأحكام محكمة العدل التابعة للاتحاد الأوروبي (CJEU). ومن خلال التحليل المعياري والمقارنة القانونية، تُقيم الدراسة مدى نضج الإطار التنظيمي، ومستوى الحماية الممنوحة للموظفين، وآليات المساءلة المرتبطة بالأداء.

النتائج والاستنتاجات: تُظهر نتائج الدراسة أن النهج الذي تتبناه دولة الإمارات يُولي أولوية للمرونة والاستعداد التقني وتركيز الأداء، بما يتماشى مع أجندتها الرامية إلى تعزيز الابتكار الإداري وتحديث منظومة العمل الحكومي. ومع ذلك، لا تزال هناك ثغرات تنظيمية بارزة، من أهمها غياب نص قانوني صريح يقرّ بحق الموظف في الانفصال عن العمل، وتفاوت معايير تقييم الأداء، وضعف الضوابط والإجراءات المنظمة لاعتماد أو استمرار نظام العمل عن بُعد. وعلى النقيض من ذلك، يميّز الإطار القانوني في الاتحاد الأوروبي بكونه أكثر تنظيمًا من حيث حماية حقوق الموظفين، ويُقدّم آليات مساءلة أوضح، و ضمانات أقوى لحماية الخصوصية. وتخلص الدراسة إلى أن الإطار المرن الذي تعتمده دولة الإمارات يشكل قاعدة متقدمة قابلة للتطوير، لا سيما من خلال اعتماد مؤشرات أداء موحدة، وإقرار حقوق واضحة للراحة والانفصال عن العمل، وتعزيز مواعمة التشريعات مع أفضل الممارسات الدولية. ومن شأن هذه الإصلاحات أن تعزز اليقين القانوني، وتعزز الإنصاف، وتعزز الحوكمة المستدامة للعمل عن بعد في القطاع العام.