

Decree No. (27) of 2018
Establishing the
Dubai Central Paramilitary Grievances Committee and
Approving its Terms of Reference¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Law No. (5) of 1995 Establishing the Department of Finance;

Law No. (6) of 2012 Concerning Management of the Human Resources of Local Paramilitary Personnel in the Emirate of Dubai and its amendments;

Law No. (1) of 2016 Concerning the Financial Regulations of the Government of Dubai;

Decree No. (29) of 2013 Appointing the Deputy Chief of Police and General Security in the Emirate of Dubai;

Resolution No. (19) of 2013 Approving the Line of Command Structure of Paramilitary Departments of the Government of Dubai;

Resolution No. (1) of 2016 Concerning the Dubai Paramilitary Human Resources Committee; and

Resolution No. (1) of 2017 Approving the Internal Bylaw of the Dubai Paramilitary Human Resources Committee,

Do hereby issue this Decree.

Chapter One
Definitions and Scope of Application

Definitions
Article (1)

The following words and expressions, wherever mentioned in this Decree, will have the meaning indicated opposite each of them unless the context implies otherwise:

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of Dubai.
Chief:	The Chief of Police and General Security in the Emirate.
Deputy Chief:	The Deputy Chief of Police and General Security in the Emirate appointed pursuant to the above-mentioned Decree No. (29) of 2013.
Law:	Law No. (6) of 2012 Concerning Management of the Human Resources of Local Paramilitary Personnel in the Emirate of Dubai and its amendments or any superseding legislation.
Department:	Any paramilitary or civilian entity to which the provisions of the Law apply.
DCPGC:	The Dubai Central Paramilitary Grievances Committee established pursuant to this Decree.
GCC:	The committee formed within a Department to consider the Grievances and complaints filed by its Staff Members pursuant to the Law.
Grievance:	A written objection filed with the DCPGC by a Staff Member in respect of a decision issued against him.
General Secretariat:	The general secretariat of the Dubai Paramilitary Human Resources Committee.
Staff Member:	A male or female person who occupies a budgeted post in a Department and holds a paramilitary rank.
Grievant:	A Staff Member who files a Grievance with the DCPGC in accordance with the provisions of this Decree.

Scope of Application **Article (2)**

- a. The provisions of this Decree will apply to all local Staff Members working in a Department.
- b. Grievances submitted by the Staff Members serving in the State Security Authority in Dubai will be considered by a special tribunal formed pursuant to a relevant resolution issued by the Ruler.

- c. The special tribunal referred to in paragraph (b) of this Article will apply the provisions of this Decree to the Grievances filed with it. The special tribunal must determine the entity that will provide it with administrative support.

Chapter Two

Establishment, Objectives, and Jurisdiction of the DCPGC

Establishment of the DCPGC

Article (3)

- a. An independent permanent committee named the "Dubai Central Paramilitary Grievances Committee" is hereby established. The DCPGC is hereby affiliated to and supervised by the Deputy Chief.
- b. The DCPGC will be comprised of a chairman, a vice chairman, and no more than seven (7) members, who are experienced and specialised in legal and human resources fields. Members of the DCPGC will be appointed and their remuneration determined pursuant to a resolution of the Chief or his authorised representative.

Objectives of the DCPGC

Article (4)

The DCPGC aims to:

- 1. give Staff Members the opportunity to submit Grievances in respect of the final administrative decisions that are issued by the GCC and that affect their legal and professional standing;
- 2. ensure that justice, job satisfaction, and job stability are achieved for Staff Members; and
- 3. ensure proper implementation of, and full compliance with, the Law and the legislation issued in pursuance thereof.

Jurisdiction of the DCPGC

Article (5)

- a. The DCPGC will have the jurisdiction to:
 - 1. consider and determine the Grievances filed with it by Staff Members in accordance with the rules and procedures, and within the time frames, prescribed by this Decree;
 - 2. admit the Grievance submitted by a Staff Member where his Department fails to take any action or make any decision under the Law or other applicable legislation; and consider

and determine such a Grievance, provided that the Grievant proves such a failure by the Department; and

3. consider and determine all matters relating to Grievances that are referred to it by the Chief or the Deputy Chief.
- b. The DCPGC will not have the jurisdiction to consider Grievances related to working hours, discretionary promotions, posts, salaries, allowances, or bonuses.
- c. The DCPGC will not have the jurisdiction to consider Grievances being heard by a judicial authority, or those in respect of which definitive judgments have been issued.

Duties of the DCPGC Chairman Article (6)

- a. The chairman of the DCPGC will supervise its work. For this purpose, the chairman will have the authority to:
 1. chair and manage meetings of the DCPGC in a manner that enables members to effectively participate in, and express their opinions during, these meetings;
 2. submit reports to the Deputy Chief on the activities, performance, and achievements of the DCPGC;
 3. represent the DCPGC before third parties;
 4. verify compliance by the DCPGC and its members with the relevant approved performance indicators; and
 5. perform any other duties assigned to him by the Chief or the Deputy Chief.
- b. The vice chairman of the DCPGC will exercise the powers vested in the chairman under this Decree and the resolutions issued in pursuance hereof, where the chairman is absent or becomes incapable of performing his duties.

Obligations of DCPGC Members Article (7)

A DCPGC member must:

1. attend all meetings of the DCPGC and not miss any of them unless he has a valid reason;
2. effectively participate in considering and reviewing the Grievances filed with the DCPGC, upholding impartiality and justice; and give opinion thereon;

3. perform any other duties assigned to him by the chairman of the DCPGC, and which fall within the DCPGC jurisdiction;
4. achieve the relevant approved performance indicators; and
5. perform any other duties assigned to him by the chairman of the DCPGC.

Providing Administrative Support Article (8)

The General Secretariat will provide administrative and technical support to the DCPGC and its members, and will follow up the implementation of the decisions issued by the DCPGC.

Chapter Three Limitation Period, Grounds, and Procedures for Submission of Grievances

Limitation Period for Grievances Article (9)

- a. The limitation period for filing a Grievance will be ten (10) working days from the date on which the Grievant is notified in writing of the decision of the GCC, or sixty (60) days from the date of submitting a Grievance to the GCC without being determined.
- b. The DCPGC may not admit a Grievance filed after the lapse of the limitation period referred to in paragraph (a) of this Article without a valid reason acceptable to the DCPGC.

Grounds for Grievances Article (10)

To be admitted by the DCPGC, a Grievance must be based on one or more of the following grounds:

1. lack of jurisdiction;
2. conflict between the contested decision and the legislation in force in the Emirate, or misinterpretation or misapplication thereof;
3. non-compliance with the key procedures prescribed by the legislation in force upon issuing the contested decision;
4. the contested decision involving abuse of power or deviation from the objective of achieving public interest; and/or
5. the contested decision having been made based on illegal grounds.

Grievances Submission Procedures

Article (11)

- a. A Grievance will be submitted to the DCPGC in accordance with the procedures it adopts in this respect. The Grievance file must include the following information:
 1. name, capacity, designation, address, and contact details of the Grievant;
 2. name and address of the respondent Department;
 3. the contested decision and its date of issuance;
 4. grounds for the Grievance accompanied by the supporting documents;
 5. requests of the Grievant; and
 6. names of any witnesses relied upon by the Grievant to corroborate his Grievance.
- b. The DCPGC will admit the copies of evidential written documents submitted together with the Grievance. With respect to the documents, records, and files that are retained by the respondent Department or which may not be divulged or delivered to the concerned parties, it is sufficient to clearly and specifically refer to them.
- c. The General Secretariat will record the Grievance on the register maintained for this purpose; and will deliver to the Grievant a receipt proving his submission of the Grievance, in which the number and date of registration will be noted.
- d. The General Secretariat will prepare the Grievance file containing all the papers, documents, and information submitted by the Grievant.
- e. The Grievant may, upon filing the Grievance with the DCPGC, request to add any new supporting details or information to the Grievance file.

Chapter Four

Notification of Grievance, Grievance Consideration Procedures, and the DCPGC Powers

Notifications and Referrals to the DCPGC

Article (12)

- a. The General Secretariat will notify the respondent Department of the Grievance filed against it, and serve it with a copy of the Grievance, along with the accompanying papers and documents submitted by the Grievant, within five (5) working days from the date of its submission to the DCPGC.

- b. The respondent Department must respond to the notification referred to in paragraph (a) of this Article within ten (10) working days from the date of being notified thereof. The said period is renewable once for the same period upon a decision from the chairman of the DCPGC. Where the respondent Department fails to respond within the said period, the DCPGC may consider the Grievance in accordance with the procedures prescribed by this Decree.
- c. The General Secretariat will refer the Grievance together with the response thereto, or evidence of no response by the respondent Department, to the DCPGC chairman who will in turn refer the Grievance to the DCPGC for consideration at a hearing he schedules.
- d. If the DCPGC deems it necessary that one of the parties to the Grievance appear before it, he must be notified of the scheduled date of the hearing at least two (2) working days before that date. Where the summoned party has a valid reason for not appearing before the DCPGC, his written response may be admissible pursuant to a resolution of the DCPGC chairman.
- e. The summons and notifications referred to in this Decree will be served in person against signature in confirmation of receipt; by a registered letter with acknowledgement of receipt; by email; by fax; or by any other means of communication approved by the DCPGC.

Grievances Inadmissible in Form Article (13)

The DCPGC may decide that a Grievance is inadmissible in form before considering its merits where it is established that the DCPGC lacks jurisdiction over the Grievance under this Decree; that the limitation period prescribed for filing the Grievance with the DCPGC has lapsed; or that the DCPGC has previously determined the subject matter of such a Grievance. The decision of the DCPGC in this respect will be final.

Appearance of Parties to Grievances before the DCPGC Article (14)

- a. A Grievant must, upon request, appear before the DCPGC in person. Where his personal presence is not required by the DCPGC, he may authorise another person to represent him pursuant to a notarised power of attorney to be filed prior to the scheduled hearing.
- b. The respondent Department must assign, upon the request of the DCPGC, any of its competent employees, or whomever it deems appropriate, to represent it before the DCPGC to state the Department's case, present its defence, and submit supporting evidence and documents.

Failure to Appear before the DCPGC
Article (15)

- a. The DCPGC may, in the event of failure by any of the parties to a Grievance to appear at a hearing after being notified of its date as stated in Article (12) of this Decree, proceed with considering and determining the Grievance.
- b. The DCPGC may dismiss the Grievance if the Grievant fails to appear at the hearing after being notified of the date of the hearing, or to comply with any of the DCPGC requirements, without an acceptable reason.

Dismissal, Adjournment, and Stay of Proceedings
Article (16)

- a. The DCPGC may not provisionally dismiss or indefinitely adjourn any previously admitted Grievance.
- b. If it is established to the satisfaction of the DCPGC, in the course of considering a Grievance, that its subject matter relates to a criminal offence, the chairman of the DCPGC must notify the respondent Department of this fact in order for it to take the necessary legal action in this regard. In this case, the chairman of the DCPGC may decide to proceed with considering the Grievance or to stay the proceedings until the criminal case is determined.
- c. Grievance proceedings may, subject to the agreement of both parties, be stayed or provisionally adjourned for a period not exceeding three (3) months from the date of endorsement of this agreement by the DCPGC. During this period, neither party may request to expedite these proceedings without the consent of the other party. Where the Grievant fails to request the resumption of the Grievance proceedings within one (1) week after the lapse of the agreed stay or adjournment period, the Grievance will be deemed dropped, and the Grievant may not file the same Grievance again.
- d. Where Grievance proceedings are stayed or adjourned pursuant to this Article, and cannot be resumed for any reason whatsoever, the Grievance will be dismissed.

Powers of the DCPGC
Article (17)

- a. For the purpose of considering and determining Grievances pursuant to this Decree, the DCPGC will have the authority to:
 - 1. hear the statements of the parties to the Grievance, consider any supporting documents, admit presented evidence, and weigh and assess its relevance to the subject matter of the Grievance;

2. conduct inspections or supplementary investigations; require the submission of necessary documents; and peruse and examine the same whether by itself or by any other person appointed by it for this purpose;
 3. summon any of the Employees or Staff Members of the respondent Department to appear at its hearings;
 4. summon witnesses, as it deems appropriate, to hear their statements, whether on its own initiative or upon the request of any party to the Grievance; and overrule any questions posed to the witnesses that are irrelevant to the subject matter of the Grievance; and
 5. seek assistance from the experts and specialists it deems appropriate, provided that they do not have a vote during its deliberations.
- b. The DCPGC may, pursuant to a resolution of its chairman, assign part of its investigations to the concerned entities in the Emirate to assist the DCPGC in performing its duties.
 - c. The DCPGC may not, without a valid reason, exclude or omit any evidence or documents submitted by the parties to the Grievance, and that may influence the DCPGC decision.
 - d. The DCPGC may not accept any evidence that is illegal, that conflicts with public order or morals, or that violates any rights or freedoms.

Chapter Five

DCPGC Hearings and Decision Issuance and Implementation

DCPGC Meetings

Article (18)

- a. The DCPGC will be convened, where necessary, at the invitation of its chairman, or vice chairman where the chairman is absent. The DCPGC meetings will be valid if attended by the majority of its members, provided that the DCPGC chairman or vice chairman is in attendance.
- b. The DCPGC hearings will be held in camera. However, the chairman of the DCPGC may permit any person involved in the Grievance to attend.
- c. The General Secretariat will be responsible for sending invitations for the DCPGC hearings, preparing minutes of its hearings, and following up the implementation of its decisions. The General Secretariat will also perform the work assigned to it by the DCPGC chairman.

Issuing Decisions Article (19)

- a. The DCPGC will issue its decisions unanimously, or by majority vote of attending members, and in the event of a tie, the chair of the hearing will have a casting vote.
- b. The decisions of the DCPGC must be reasoned.
- c. The DCPGC will issue its final decision on any Grievance no later than sixty (60) days from the date of its referral thereto. The chairman of the DCPGC may, where required, extend this time frame for the same period, provided that the total extension period does not exceed six (6) months.
- d. A DCPGC member objecting to the majority's decision may record his objection in writing as part of the text of the decision.
- e. A member of the DCPGC may not vote on any of its decisions or participate in its deliberations or discussions relating to a Grievance, where he is a representative of the respondent Department, or where the Grievant is any of his relatives up to the fourth degree, or where he has previously given his opinion on the subject matter of the Grievance.
- f. Decisions of the DCPGC will be recorded in minutes signed by the chairs of the hearings and the attending members.
- g. The DCPGC will issue its decisions on procedural matters in writing. These decisions must include the grounds on which they are based and must be signed by the chairs of the hearing and the attending members.
- h. The DCPGC must, on its own initiative or upon the request of any party to the Grievance, correct any material errors in its decision. In the event of ambiguity in any of the DCPGC decisions, either of the parties to the Grievance will be entitled to request the DCPGC to clarify this ambiguity, in which case, the DCPGC may issue the appropriate decision in this respect.

Notification of Decisions Article (20)

The General Secretariat must notify the parties to the Grievance of the decision issued by the DCPGC within five (5) working days from the date of its issuance.

Irrevocability of the DCPGC Decisions Article (21)

The decisions issued by the DCPGC on any Grievance filed with it, whether concerning form or merits, will be irrevocable and non-appealable by any method of administrative review. The

DCPGC decisions will be binding on the Grievants and respondent Departments, without prejudice to the Grievants' right to recourse to courts to appeal contested decisions.

Implementation of DCPGC Decisions Article (22)

- a. Where a DCPGC decision requires a respondent Department to withdraw its contested decision, all legal and administrative actions and measures taken under the contested decision will be deemed cancelled as from the date of issuance of that contested decision.
- b. Where a DCPGC decision requires a respondent Department to fully or partially cancel a contested decision, all legal and administrative actions and measures taken under this decision will be deemed cancelled as from the date of issuance of the DCPGC decision.
- c. The respondent Department must implement the decision of the DCPGC within ten (10) working days from the date of being notified thereof; notify the DCPGC of the actions it has taken in this respect; and provide the DCPGC with the documents it may request to verify compliance with the DCPGC decision.

Requests for Stay of Implementation Article (23)

- a. A Grievant may request the DCPGC to temporarily stay the implementation of a contested decision pending the determination of the Grievance. For this request to be granted, the following requirements must be satisfied:
 1. The request for stay of implementation of the contested decision must be accompanied by a request for its withdrawal or cancellation.
 2. The decision in respect of which a stay of implementation is requested must not have been already implemented.
 3. The request must be based on valid and factual grounds.
 4. The implementation of the contested decision must be expected to result in irremediable consequences.
- b. The chairman of the DCPGC may determine the request referred in paragraph (a) of this Article within three (3) working days from the date of its submission, otherwise the request will be deemed rejected. In case the request is accepted, the General Secretariat must require the respondent Department to temporarily stay the implementation of the contested decision pending the determination of the Grievance.

Chapter Six Final Provisions

Special Report Article (24)

- a. A respondent Department may not undertake any act or measure that would preclude the DCPGC from performing its duties. In particular, the respondent Department may not:
 1. allow any of its officials, employees, Staff Members, or other person working for it to obstruct the proceedings or investigations conducted by the DCPGC or object to the same in any way whatsoever;
 2. allow any of its officials, employees, Staff Members, or any other person working for it to act dismissively or with slackness regarding any of the DCPGC requests or in providing the support required for its inspection and investigation procedures in respect of the Grievances filed with it;
 3. prevent a Grievant or any other person summoned by the DCPGC from appearing at its hearings; and/or
 4. act with slackness or delay in implementing a decision issued by the DCPGC on a Grievance.
- b. The chairman of the DCPGC will submit a special report to the Deputy Chief on any act or measure undertaken by the respondent Department that precludes the DCPGC from performing its duties or obstructs the implementation of any of its decisions.
- c. The DCPGC may notify a respondent Department in the event of non-cooperation by any of its employees with the DCPGC, in order for the respondent Department to take the necessary action in this regard.

Annual Report Article (25)

The chairman of the DCPGC will submit to the Deputy Chief an annual report that includes the following:

1. the number and types of Grievances filed with the DCPGC, and a statement of the determined Grievances, whether they are dismissed or the contested decisions issued in respect of which are withdrawn or cancelled;

2. any cases where a respondent Department have refrained from implementing the decision of the DCPGC, and the proposed actions and measures required to ensure implementation by the Department of this decision;
3. the DCPGC work programme; and proposals and recommendations for improving its performance, including proposals to amend the legislation relating to its work; and
4. general recommendations on the measures required for upholding the principles of justice, equity, and fairness when determining the Grievances filed with the DCPGC.

Confidentiality Article (26)

- a. The chairman, vice chairman, and all members of the DCPGC; all employees of the General Secretariat; and any experts or specialists engaged by the DCPGC are under a duty of confidentiality in respect of all the facts, documents, and decisions to which they gain access and the information they become aware of in the course of performing their duties. This duty of confidentiality will survive the end of their work relationship with the DCPGC.
- b. Every person in possession of Grievance-related documents, papers, or other evidentiary material, which may not be disclosed to third parties, must return them to the DCPGC. The DCPGC will archive these documents, papers, and material or handle them in the manner it deems appropriate.
- c. The General Secretariat must archive the documents, papers, and other material related to Grievances in designated places that are inaccessible to unauthorised third parties. The chairman of the DCPGC will issue an internal bylaw regulating the destruction of such documents and material.

Financial Resources of the DCPGC Article (27)

The Department of Finance will provide the financial resources required to enable the DCPGC to perform the duties assigned to it under this Decree and the resolutions issued in pursuance hereof.

Issuing Implementing Resolutions Article (28)

The Chief or his authorised representative will issue the resolutions required for the implementation of the provisions of this Decree.

Repeals
Article (29)

Any provision in any other legislation will be repealed to the extent that it contradicts the provisions of this Decree.

Publication and Commencement
Article (30)

This Decree comes into force on the day on which it is issued, and will be published in the Official Gazette.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 19 September 2018
Corresponding to 9 Muharram 1440 A.H.