

LEGAL RECOMMENDATIONS AND DUBAI REGULATIONS ON HOW TO TEST, TREAT, PREVENT AND MITIGATE COVID-19 INFECTIONS OR EFFECTS

Considering the necessity to comply with on-going regulations and clients' anxiety when attempting to gather summarized data, we put together a short brief of regulations and guidance regarding good practices to adopt in case of Covid-19 infection or risk of infection for individuals and companies and so to prevent the spread. We also considered further recommendations.

I. Guideline for Employees in case of Infection or Risk of Infection (Dubai Health Authority)

If an individual shows Covid-19 symptoms (coughing), he/she should self-quarantine and obtain a doctor's opinion as to whether a test is necessary/recommended or not.

A. Self-Quarantine

1. If there is a company labour camp available, quarantine of the employee should happen in a secured area that is set only for the purpose of the quarantine.
2. If there is no company labour camp, but if the employee has his/her own accommodation with an isolated room, the employee should isolate him/herself (the isolated room should have its own bathroom).
3. If there is no company labour camp and employee has no accommodation where he/she can isolate him/herself, the employee needs to contact DHA in order to get to a quarantine facility of DHA.

B. Symptoms Check by a Doctor (prior testing)

Prior testing, any person who has mild symptoms (coughing, no fever, none of the symptoms described below) should get an appointment at any clinic/hospital or, for a lower cost, at Doctor for Every Citizen Services (with one of the doctor at given date and time, from a public/governmental clinic/hospital). Appointment at Doctor for Every Citizen Services is organized either via DHA Smart App or by calling 800342 or by booking online www.dubaihealthbooking.com. If the doctor recommends testing, the person should follow the procedure for being tested.

However, any person who has high symptoms (fever higher 38 degree, chills, muscle pain, runny nose, soar throat, cough, shortness of breath, nausea or vomiting, headache and abdominal pain), can book an appointment for testing immediately and go directly to private clinics or (if the private clinic refuse admission) to Al Badaa Medical Center or Al Khawaneej Medical Center. Ramadan Timing: 8:30am to 6:30pm. Last registration is at 5:30pm. Normal timing from 8am to 10pm. Last registration is at 9:30pm. Appointment is organized either via DHA Smart App or by calling 800342 or by booking online www.dubaihealthbooking.com.

C. Testing

1. Appointment

In all cases, an appointment should be made. In Dubai, the appointment can be done through the DHA Smart App (to be downloaded) or by calling 800342 or by booking online www.dubaihealthbooking.com.

2. Test centers

The normal Governmental facilities are at Al Nasser Club and Shabab Al Ali. For high symptom, Al Badaa Medical Center or Al Khawaneej Medical Center are opened.

Drive Through Centers (under Abu Dhabi Health Authority) at Al Khawaneej and Mina Rashid are open.

3. Costs

For any individual aged 60 or below 12, or who is pregnant, or who is qualified as people of determination or those who have chronic disease (hyper blood pressure, diabetes, chronic eczema, any serious respiratory disease, arthrosis rheumatism), if they have symptoms (normal coughing, no high temperature), the test is free of costs.

Any person who has been referred by a public or private doctor can get tested for free.

Any other person shall pay the testing fees.

At the drive through centers, the testing fee is AED 370 plus administration fee (Call Center 8001717 for appointment).

D. Treatment

In case an individual tested positive has high symptoms (fever higher 38 degree, chills, muscle pain, runny nose, sore throat, cough, shortness breath, nausea or vomiting, headache and abdominal pain) the person needs to go Al Quoz Fitness Center (all the expats, except GCC nationals) where the person may be sent to another facility. For GCC nationals and UAE nationals, they must go to Rashadiya Medical Center. All must go by themselves, in their own car; in they do not have their own car or cannot drive, they can call DHA, which will send transportation. Afterward, the patient is supposed to be treated either in the facility or in another private or public clinic/hospital.

E. Further Recommendations.

The situation is likely to further evolve. Hence, we recommend companies to regularly check updates from the UAE Government and from the municipality where they operate; thereafter, we recommend updating employees with such information in an easy-to-read format. For companies who have labourers, we strongly recommend putting extra efforts so to make sure the health and safety regulations are well understood and executed.

II. Guideline for Companies in case of Infection or Risk of Infection (Dubai Health Authority)

A. Discharge of Employees and next Steps

If the employee of a company has been tested positive and went through quarantine or went to the hospital, then, 14 days after quarantine or after hospital discharged, the employee shall perform a second test of Covid-19 prior discharge. For 48 hours after this test, the employee shall still self-quarantine. After this 48 hour period, a third test shall be done. If both tests are negative, the person can go back to normal life and the employer is not obliged to take special measure for this employee.

If 2nd test shows negative but the 3rd test shows positive, the person must stay in quarantine for 14 days. Same if 2nd test shows positive.

B. Contact between Employees

If an employee has been tested positive, all the other employees who have been in contacts with him/her have to self-quarantine themselves for 14 days. If they develop the symptoms, they shall call 800342 and give information about the patient with EID if possible. DHA will then advise what to do.

If an employee has been in contact with somebody outside of work who was tested positive, the employee should self-quarantine. If symptoms same as above.

If employee has symptoms, the employee must organize him/herself as per guideline shown above.

C. Further Recommendations

Some of our clients with large warehouses were obliged and monitored by Dubai Health Authority to conduct special cleansing process after some of their employees had been tested positive. Hence, we recommend companies that have employees who tested positive to contact Dubai Health Authority for specific guidance.

III. Health and Safety Requirements for Re-opening (Dubai Municipality)

The rules for health and public safety in Dubai varies from one sector to another and it would be ineffective to summarize them or confusing to try finding common standards or obligations.

The list is thereby:

<https://www.dm.gov.ae/en/Business/HealthAndPublicSafety/Pages/default.aspx>

Here below is the content of one circular that relate to rules to comply with prior reopening of factories and manufacturing sector (which applies to offices, except items 10, 14 and 15):

1. Increase the frequency of cleaning and disinfection during operation and focus on the followings:
 - Offices, information area and washrooms
 - Doors and stairs handle
 - Waiting chairs and tables
 - Human working and manufacturing areas
2. Document all cleaning and disinfection operations including list of used disinfectants
3. Performing and intense cleaning and disinfection process during working hours and after working hours including all commons areas.
4. Availability of hand sanitizers at different areas
5. Staff and visitors should wear personal protective equipment such as gloves and face masks during duty and ensure changing them frequently to prevent cross-contamination
6. Measuring temperature of staff and visitors twice a day, one of them before entering the factory
7. All workers and those showing symptoms should not come to work
8. Provide instructions for maintaining 2 meters social distancing
9. Educate on all steps to take from entry exit in the factory in all languages.

10. Sterilize all boxes and covering materials before and after wrapping and before delivering good
11. Identify the isolation area for emergency use and train the employees about the response procedures
12. Train all staffs at manufacturing sector on Covid-19 and requirements and procedures to be followed
13. Commitment to the allowed working hours
14. Compliance with all precautionary measures for the manufactories labour camp
15. Compliance with all published circulars related to the manufacturers sectors and labour camps and transport of labours.

IV. Further Crisis Management Recommendations

We recommend three main set of actions.

All crisis management actions and protocols should be continued, including but not limited to the executive and multi-disciplinary weekly meetings and resulting actions plan, monitoring of the pandemics and Governments (country/regional/global) action plans and drawing of an associated business forecast, continuing the feasibility studies of the adjusted business plans and, when adopted, to implement them and document the implementation.

On a management liability level, we recommend management team to document the actions that have been taken and/or that are planned to be taken in such a manner that reports can be submitted timely to the shareholders or subsidiary controlling teams. Various companies' management have put together mitigating actions plans that may even have proven to be successful but may not have complied with corporate policies or decision making process, or that may not have been documented so to justify this action plan rather than another, with pros and cons thoroughly explained.

On a (LLC) partner liability level, in most circumstances, the legal risks are quite limited or inexistent unless substantial and disproportionate dividends have been distributed to partner(s) after the first Governmental measures restricting business were taken. We recommend prior the distribution of any dividend to ensure that all bankruptcy related regulations and laws are complied with.

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ASTRUC & CO.

Disclaimer. This newsletter shall not be considered as legal advices and recipients should consult their legal advisors or the competent authorities in order to obtain complete and up to date information. The Dubai Health Authority related information was collected from Dubai Health Authority itself during various interviews conducted from 10 to 13 May 2020.