

**REGISTRATION AUTHORITY**

**ABU DHABI GLOBAL**

**MARKET**

**NOTICE OF FINANCIAL PENALTY**

**ISSUED PURSUANT TO RULE 6(1) OF THE EMPLOYMENT REGULATIONS 2019  
(COMPENSATION AWARDS AND LIMITS) RULES 2019 (“THE ADGM RULES”)**

To: **ALSHAYA INTERNATIONAL CO. L.L.C (000001833)** (trading as **DEBENHAMS**)

1. The ADGM Registration Authority (the “**Registration Authority**”) finds that you have failed to comply with Section 37 of the ADGM Employment Regulations 2019 (“**ADGM Regulations**”), regarding the general duties of employers to ensure the health, safety and welfare of all its employees, and to provide and maintain a workplace that is safe and without risks to an employee’s health.
2. Under the ADGM Rules, employers failing to comply with Section 37 of the ADGM Regulations are liable to a fine of up to USD 10,000.
3. The particulars of the facts giving rise to the non-compliance by you with the ADGM Regulations are as follows:
  - a. You are currently carrying on commercial activities from The Galleria Mall, Al Maryah Island, Abu Dhabi (“**Galleria**”), being the geographical location of Abu Dhabi Global Market (“**ADGM**”), the financial free zone of the Emirate of Abu Dhabi.
  - b. On 6 May 2020, the Registration Authority issued Circular No.(21) of 2020: mall reopening and operating requirements to all ADGM Licenced Persons. Circular No.(21) sets out the COVID19 preventative and precautionary health and safety measures that are required to be met by ADGM licenced mall operators and retailers in order to carry on their commercial activities.
  - c. Circular No.(21) was subsequently updated with amendments with the issue of:
    - i. Circular No.(23) on 19 May 2020,
    - ii. Circular No.(24) on 22 May 2020,
    - iii. Circular No.(25) on 30 May 2020,
    - iv. Circular No.(26) on 2 June 2020,



- v. Circular No.(29) on 18 June 2020,
- vi. Circular No.(30) on 29 June 2020,
- vii. Circular No.(33) on 9 September 2020,
- viii. Circular No.(41) on 24 September 2020, and
- ix. Circular No.(5) on 5 February 2021 (collectively **“the ADGM Circulars”**).

d. The requirements in all the ADGM Circulars include, amongst other things:

### ***Section 3 – Tenant requirements***

Paragraph 5: All retail staff, contractors and delivery drivers must:

- a) enter and exit the mall via dedicated staff entrances or operational loading docks,
- e. In addition, on 26 January 2021, the Registration Authority issued Registration Authority Circular No. (4) of 2021 (**“Circular No.(4) of 2021”**) which includes, amongst other things:

### ***Section 1 - General Requirements***

Paragraph 1: All staff of a “selected activity” must undergo a PCR test every 14 days to access the workplace;

Paragraph 2: The workplace establishment shall bear the cost of the PCR test; and

Paragraph 3 – The requirement above does not apply to staff who have received the COVID-19 vaccine.

### ***Section 2 – Selected activities***

A “selected activity” in section 1 above means any of the following work places....

Paragraph 3. Shopping malls;

- f. Compliance with the requirement of Paragraph 5(a) of Section 3 of the ADGM Circulars, namely retail staff entering through staff entrances only, is critical for monitoring compliance with Section 1 of Circular No.4 of 2021 including review of the information on



each staff member's AL HOSN (COVID-19) application.

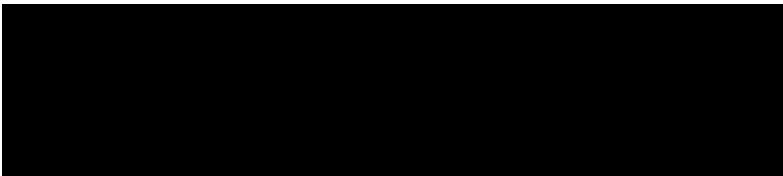
- g. DEBENHAMS and a number of other retailers in the Galleria are branches of ALSHAYA INTERNATIONAL CO. L.L.C ("ALSHAYA").
  - h. On 28 March 2021, an employee of DEBENHAMS, [REDACTED], entered the Galleria from an entrance that was not a dedicated staff entrance.
  - i. The DEBENHAMS employee failed to adhere to Section 3, paragraph 5(a) of the ADGM Circulars, including Circular No.(5) of 2021.
  - j. The Registration Authority notes that, prior to this contravention on 28 March 2021, the mall operator, Gulf Related, warned ALSHAYA of the failure of employees of DEBENHAMS, as well as employees of other branches of ALSHAYA, to comply with Section 3, paragraph 5(a) of the ADGM Circulars.
  - k. This is an aggravating factor and highlights the failure of DEBENHAMS to require its employees to comply with the ADGM Circulars.
  - l. The failure of this DEBENHAMS employee to adhere to the requirements of the ADGM Circulars, including Circular No.(5) of 2021, is a contravention by the ADGM registered entity.**
4. Taking into account the facts set out above, the Registration Authority considers DEBENHAMS has not complied with the requirements set in Circular No.(5) of 2021 and by doing so, you have failed to comply with your duty under the ADGM Regulations to ensure, as far as reasonably practicable, the health, safety and welfare of employees, and to provide and maintain a workplace that is safe and without risks to an employee's health.
5. Taking into account the facts set out in paragraph 3, the findings set out in paragraph 4 and the general circumstances of this matter, the following fine is imposed on you by the Registration Authority:
- USD 1200**
6. This fine may be paid at any time before 5pm local time on 1 June 2021, by forwarding payment to the Registration Authority (please refer to the invoice at Annexure A of this Notice of Financial Penalty for details on making payment). Should you pay this fine prior to 5pm on 1 June 2021, no proceedings will be commenced by the Registration Authority against you in respect of the contravention set out in this Notice of Financial Penalty.



7. If you wish to object to the imposition of this fine, you may file a Notice of Objection by sending or delivering a Notice of Objection, to the following address:

The Registration Authority  
Level 3, Abu Dhabi Global Market Building  
ADGM Square, Al Maryah Island,  
P.O. Box 111999, Abu Dhabi, UAE

8. The Notice of Objection must detail the issues and circumstances you wish the Registration Authority to take into account against issuing the fine. The Notice of Objection must be received by the Registration Authority before 5pm on 1 June 2021.
9. Should you neither pay the full amount of the fine, nor file a Notice of Objection before 5pm on 1 June 2021, then the Registration Authority may take any necessary steps to recover that part of the fine that remains unpaid, together with costs.
10. The Registration Authority may publish details of the matter to which this Notice of Financial Penalty relates.



Tim Land

Delegate of the Registrar

2 May 2021

Abu Dhabi Global Market Registration Authority

REGISTRATION AUTHORITY  
سلطة التسجيل

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