

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: **IMPULSE RESTAURANT - SOLE PROPRIETORSHIP L.L.C** (trading as **LEMON GRASS**)

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, 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 Licensed 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, and
 - viii. Circular No.(41) on 24 September 2020 (collectively “**the ADGM Circulars**”).

- d. The health and safety measures set out in the ADGM Circulars align to regulations set by the Abu Dhabi Department of Economic Development (AD-DED) for dealing with the COVID-19 pandemic that were issued on 22 April 2020 (and amended from time to time).
- e. The requirements in all the ADGM Circulars include, amongst other things:

“Section 3 – Tenant requirements

Paragraph 2: All staff must wear masks and gloves (changed frequently).”

- f. On 18 January 2021, at approximately 18:25, an RA staff member attended the store trading as Lemon Grass located in Level 1, the northern food court of The Galleria. The RA staff member approached the service counter to order dinner. The [REDACTED] staff member behind the service counter was observed wearing a mask and gloves. The RA staff member observed through the large glass window to the kitchen one [REDACTED] kitchen staff member wearing a hairnet. [REDACTED] was also observed wearing a mask under [REDACTED] chin, exposing [REDACTED] face including mouth and nose. [REDACTED] was also observed not wearing any gloves on [REDACTED] hands. The [REDACTED] kitchen staff member was seen stocking containers containing food condiments in the food preparation area. The [REDACTED] kitchen staff member later came out and saw the RA staff member, put [REDACTED] hands behind [REDACTED] back and eventually put [REDACTED] mask over [REDACTED] nose and mouth. The RA staff member informed [REDACTED] was required to wear mask and gloves. The [REDACTED] staff member grabbed some gloves and passed these to the [REDACTED] kitchen staff to put on.
- g. On 20 January 2021, at approximately 14:09, two RA inspection staff attended the Lemon Grass store again. They observed a [REDACTED] staff member leaning over the kitchen counter waiting for kitchen staff to load a tray with a lunch order. [REDACTED] was observed wearing a mask and gloves. Upon approaching the service counter the RA inspection staff could see through the kitchen counter opening one kitchen staff member putting on gloves. The RA inspection staff then observed through the large glass window to the kitchen one [REDACTED] kitchen staff member wearing one glove on the left hand but none on the right. [REDACTED] was observed cutting food using a knife in [REDACTED] right hand then place the food on a plate to be put on the tray at the kitchen counter. The RA inspection staff approached the [REDACTED] staff, [REDACTED], who identified [REDACTED] as the supervisor. The RA inspection staff advised [REDACTED] they had observed the [REDACTED] kitchen staff member preparing food wearing only one glove.
- h. As per paragraph 2 of Section 3 of the ADGM Circulars, including Circular No.(41) in force at the time, all employees must wear masks and gloves. As per the observations of the RA inspection staff, kitchen staff were observed to not be in compliance with the requirement on two occasions.
- i. The failure of an employee to adhere to the requirements of the ADGM Circulars, including Circular No.(41) in force at the time, is a contravention by the ADGM registered entity.

4. Taking into account the facts set out above, the Registration Authority considers you have not complied with the requirements set in Circular No.(41) 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, that a previous fine was issued to you on 26 August 2020 for the same contravention, and the general circumstances of this matter, the following fine is imposed on you by the Registration Authority:

USD 1,600.

6. This fine may be paid at any time before 5pm local time on 10 March 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 10 March 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 10 March 2021.
9. Should you neither pay the full amount of the fine, nor file a Notice of Objection before 5pm on 10 March 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

9 February 2021

Abu Dhabi Global Market Registration Authority

