

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** (trading as **POTTERY BARN**)

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, and
 - vi. Circular No.(30) on 29 June 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 20 August 2020 at approximately 14:57, Registration Authority (RA) inspection staff entered the store and observed a Pottery Barn employee assisting a customer on the showroom floor without wearing gloves. When the customer left, the RA staff asked the staff member why he was not wearing gloves and he left to call the manager. While waiting for the manager, the RA staff observed further Pottery Barn staff not wearing gloves.
 - g. A short time later, [REDACTED] the manager on duty (“the manager”) came onto the floor and introduced himself to the RA staff. The RA staff asked the manager why Pottery Barn employees are not wearing gloves and he explained that the store had run out of stock of gloves.
 - h. The RA staff informed the manager that it is a requirement for retail staff to wear gloves under the ADGM Circulars and that failing to do so is a breach of this requirement, which is liable to a financial penalty. The manager acknowledged this.
 - i. As per paragraph 2 of Section 3 of the ADGM Circulars, including Circular No.(30), all employees must wear masks and gloves. As per the observations of the RA staff, Pottery Barn employees were not wearing gloves. Furthermore, as per the explanation of the manager, Pottery Barn did not have any gloves to provide to its employees.
 - j. The failure of an employee to adhere to the requirements of the ADGM Circulars, including Circular No.(30), 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.(30) 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 800.

6. This fine may be paid at any time before 5pm local time on 27 September 2020, 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 27 September 2020, 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 27 September 2020.
9. Should you neither pay the full amount of the fine, nor file a Notice of Objection before 5pm on 27 September 2020, 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

26 August 2020

Abu Dhabi Global Market Registration Authority

