

# File complaint if you don't get part-time work salary



**LEGAL VIEW**  
**ASHISH MEHTA**

**Q:** I work as a radiologist with a healthcare group in Dubai. After obtaining a no-objection certificate from my employer, I entered into a part-time employment contract with a firm in Al Ain, where I am a specialist radiologist since April 2018. However, the firm is not paying me regularly. At the moment, they owe me four months' salary. Are there any legal options available for me to recover this amount?

**A:** We assume that your part-time employment is approved by and registered at the Ministry of Human Resources and Emiratisation (MoHRE). It should be understood that an individual resident in the UAE is eligible to be employed on a part-time basis provided that he obtains a no-objection certificate (NOC) from his existing full-time employer.

The part-time employer needs to submit an NOC — issued by the full-time employer — to the ministry to obtain a work permit, which is valid for a maximum period of six months.

Residents in the UAE, above the age of 18, who are under the sponsorship of their fathers, and those under their husbands' sponsorship may also avail of the facility of part-time employment with NOC from their sponsor (father or husband).

The provisions related to part-time work are governed by Ministerial Order 31 of 2018 (the 'Part-Time Employment Resolution'), which took effect on March 1. This ministerial

order allows the employee to work for a part-time employer for less than 48 hours per week. This is in accordance with Article 3 of the Part-Time Employment Resolution, which states:

"The part-time contract allows the employee:

a) To work for the original employer (first part-time employer) less than eight hours per day, or less than 48 hours per week, provided that the working hours shall not be less than 20 hours per week.

b) To work simultaneously with more than one employer, without having to get the permission of the original employer or any other employer he is working with."

Further, Article 6 of the Part-Time Employment Resolution states that an employee is entitled to all benefits as mentioned in the Federal Law No. 8 of 1980 Regulations Employment Relations in the UAE.

Therefore, based on the aforementioned provisions of the law, you are entitled to file a complaint with the ministry against your part-time employer for the non-payment of salary for four months.

## **Get a tenancy contract in your name to sponsor your wife's visa**

**Q:** My wife is residing in the UAE on a visa sponsored by the company she works for. She is planning to quit her job and I will be sponsoring her. However, the tenancy contract of the Dubai flat we live in is in her name. Will I encounter a problem in sponsoring my wife's visa since the tenancy contract and Ejari are in her name? What can we do if we can't have a new contract?

**A:** In Dubai, one has to have a tenancy contract in his or her

## **Know the law**



You may submit a letter from your wife, stating that she has no objection that you are using the tenancy contract in her name to apply for her residence under your sponsorship.

name in order to sponsor his or her spouse's residency in the UAE. Since the tenancy contract of your residence stands in the name of your wife, it is recommended that you approach the owner/landlord of the apartment and request him to cancel the existing tenancy contract and Ejari and re-issue the contract in your name for the remaining period of the tenancy or for a new tenancy period.

Further, you can also request your landlord to return the postdated cheques issued by your wife to the owner of the property so you can replace them with your cheques.

In the event the owner/landlord refuses to cancel the existing contract and issue a new one in your name, you may get a letter from your wife, stating that she has no objection that you are using the tenancy contract in her name to apply for her residence under your sponsorship.

For clarifications, you may approach The General Directorate of Residency and Foreigners Affairs and seek officials' advice.

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## **Know the law**



A part-time employee is entitled to all the benefits mentioned in the UAE labour law and may file a complaint against an employer for the non-payment of salary.