

Marital status not criterion for employment visa



LEGAL VIEW
Ashish Mehta

I work for a private company in Dubai, and I am sponsored by the company. I am not married and I hear there is an age limit for non-married ladies to get an employment visa. Can you please tell me up to which age a lady who is not married can work on an employment visa in UAE?

It is understood that you are an unmarried lady working in a private company at Dubai and your employer provides your employment visa. Further, you understand that there is an age limit for unmarried ladies to be under the employment visa provided by the employer.

Pursuant to your question, it may be noted that an individual's marital status is not the criteria for issuance of employment visa, in accordance with the prevailing laws of the UAE.

It is understood that since January 2011, the Ministry of Human Resources and Emiratization (the "Ministry") of the UAE is accepting requests for work-permits of individuals up to the age of 65 years. As per the prevailing practice, for all employees working at private sector entities, the retirement age is deemed extended up to 65 years.

However, the upper limit of 65 years on the retirement age may be further increased in consideration of the individual's nature of

work, his or her credentials or expertise which is important for the entity he or she is working for.

Further to this, employment visa may be issued to an employee annually after the employee attains the age of 65 years, subject to the approval of the ministry.

Not liable for recovery of outstanding amount

I worked for a private firm in Dubai for two years as a business development executive. Recently I got an order worth Dh80,000 from one company.

I took 30 postdated cheques from the company and released the goods.

Before processing the order, I took all the relevant documents like passport copy, trade licence copy, sponsor's copy and bank statement of the company to show it to my finance team.

The finance team went through the documents and asked me to release the goods. But now, after 30 days, the cheque has bounced. And the people with whom I was in touch have all their phones switched off. Their offices are also closed. It seems they have vanished overnight.

My company is putting all the blame on me. We have started a police case and the company is now asking me to pay the Dh80,000. What should I do?

Your designation is business development executive and your responsibility is to develop business for your employer; not recover outstanding payments, more so

Know the law

Where an employer delegates the performance of any of the basic operations or any part thereof to another party, the latter shall be solely liable for any entitlements arising out of such subsidiary work in accordance with the provisions of this Law

when the finance department of your employer approved to sell the products against receipt of 30 post dated cheques.

Therefore your employer may not hold you liable for the recovery of this outstanding amount of Dh80,000 and seek recovery of this amount from you.

Article 41 of the Federal Law No. 8 of 1980 regulating Labour Relations, states: "Where an employer delegates the performance of any of the basic operations or any part thereof to another party, the latter shall be solely liable for any entitlements arising out of such subsidiary work in accordance with the provisions of this Law."

Should your employer continue with its unreasonable demand of seeking payment of this amount of Dh80,000, you may consider to file a complaint with the Ministry of Human Resources and Emiratization.

Ashish Mehta is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom, Singapore and India. Full details of his firm on: www.amalawyers.com. Readers may e-mail their questions to: news@khaleejtimes.com or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.

As per the prevailing practice, for all employees working at private sector entities, the retirement age is deemed extended up to 65 years