

Quitting in probation period can invite ban

Give 30-day notice before terminating contract



LEGAL VIEW
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I am currently working in an LLC company on an unlimited contract and am still under probation period. Since this company is putting a lot of pressure on me indirectly, I have started looking for a new job and got an opportunity to work in a freezone company. Will I be banned if I leave this company? Do I have to give them a notice period or will I have to pay them?

Since your employer is an entity with limited liability, it is presumed that your employment is subject to provisions of the Federal Law No 8 of 1980 on the Regulation of Labour Relations (the "Labour Law").

Pursuant to your question (as I understand it) it may be advised that since you are working under an unlimited period of contract, you may terminate your employment contract on a prior notice of 30 days. This is in accordance with Article 117 of the Labour Law which states: "Both the employer and the worker may terminate a contract of employment of unlimited duration for a valid reason at any time following its conclusion by giving the other party notice in writing at least 30 days before the termination." In line with the aforementioned law, it may be noted that you may leave the employment on a prior notice of 30 days only and that you do not have to pay any compensation to your employer.

Further to this, your current employer may impose a ban on you due to your less than one year employment. However, such a ban may not restrict you from taking up employment with another free zone entity. It would be prudent to seek a confirmation on the ban with the Ministry of Labour.

“ A worker who is dismissed or who leaves his job after the period of notice prescribed by law shall be paid for any accrued annual leave days

Article 79 of the UAE Labour Law

Can annual leave be part of notice period?

I received termination notice from my employer last month and was informed that my last working day with the company would be a month later. But I had got my 10-day annual leave approved by the company before I got the notice and I have availed the leave in the specified period. Can the company consider my leave during the notice period as part of the notice period or can I claim 10

days' salary for the shortage of notice period?

It is presumed that your employment is subject to provisions of the Federal Law No 8 of 1980 on the Regulation of Labour Relations (the "Labour Law"). Pursuant to your question (as I understand it), it may be noted that an employee shall be entitled to receive leave salary for the number of days of leave which was not availed by the employee. This is in accordance with Article 79 of the Labour Law which states: A worker who is dismissed or who leaves his job after the period of notice prescribed by law shall be paid for any accrued annual leave days. Such payment shall be calculated on the basis of the worker's wage as on the date when the leave became due." In view of the foregoing statement, it may be noted that since you have already availed the remaining ten days of your annual leave during the notice period, you shall not be entitled to the leave salary for those days. Further, since the pre-termination notice was served to you before you decided to avail your leave, your employer may not be held liable for deduction in the notice period. As such you may not claim leave salary or be compensated for shortage of notice period. Nevertheless, you shall still be entitled to receive remuneration till the last day of your work with the employer.

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