

# Your salary cannot be slashed without amending contract



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LEGAL VIEW

**Q:** I am employed by a company and working on a construction project which falls under the classification of a vital sector. My employer has stated that it shall temporarily reduce my salary by 25 per cent for the current month. However, my employer has not mentioned the duration till when the temporary reduction of salary shall remain. A new contract with amended terms has not been issued to me. I am currently working full time on the construction project with no reduction in my attendance days and my workload has remained the same. Is my employer permitted to reduce my salary?

**A:** At the outset, we assume that you are employed by a private sector company incorporated in the mainland of UAE and you are not a citizen of the UAE. In view of the coronavirus pandemic and the precautionary measures taken to prevent its spread, the Ministry of Human Resources and Emiratisation (Mohre) has issued Ministerial Resolution No. (279) of 2020 concerning the employment stability in establishments of the private sector during the application of precautionary measures to control novel coronavirus outbreak, (the 'Ministerial Resolution').

Pursuant to your query, it may be noted that an employer affected by the precautionary measures taken to contain Covid-19 may choose to temporarily reduce the salary of its employee. This is in accordance with Article 2 (4) of the Ministerial Resolution, which states:

#### Article 2:

Establishments affected by the precautionary measures referred to above, who wish to reorganise its employment relations, shall take the following measures gradually, and in agreement with the non-national employee, as per the following:

1. Apply a remote working system.
2. Granting a paid leave.
3. Granting an unpaid leave.
4. Temporarily reducing salary during the mentioned period.
5. Permanent reduction of salary."

However, for your employer to temporarily reduce your salary during the application of precautionary measures, you and your employer shall have to (i) agree to a 'Temporary Additional Addendum' to the original employment contract, as per the template attached with the Ministerial Resolution which shall end upon the duration mentioned in the 'Temporary Additional Addendum' or upon the end of the period of applying the precautionary measures; (ii) renew the 'Temporary Additional Addendum' in agreement between you and your employer; and (iii) two copies of the 'Temporary Additional Addendum' shall be executed, one copy being in your possession and the other being in the possession of your employer and your employer shall be obliged to present the 'Temporary Additional Addendum' to the Mohre when required. This is in accordance


with Article 5 of the Ministerial Resolution, which states:

#### Article 5:

Establishments that wish to temporarily reduce the salary of a non-national employee during the mentioned period shall take the following actions:

1. Conclude a 'Temporary Additional Addendum' to the employment contract between both parties, in accordance to the template attached to this Resolution, provided that it shall expire at the end of its term or enforceability of this Resolution, whichever comes first.
  2. Renewing the Addendum referred to in Clause 1 of this Article shall be in agreement between both parties.
  3. The Addendum referred to in Clause 1 of this Article shall be executed in two copies, each party holding a copy, and the employer shall commit to present it to the Ministry whenever asked."
- Whereas you have mentioned that a new

#### Know the law

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contract with amended terms has not been issued to you, it is construed that your employer has not abided by the procedures stipulated under Article 5 of the Ministerial Resolution for temporarily reducing the salary of its employees.


Based on the aforesaid provisions, your employer may not be permitted to reduce your salary temporarily. In this regard, you may file a complaint against your employer with the Mohre concerning the non-compliance with the procedures mentioned under Article 5 of the Ministerial Resolution for the temporary reduction of your salary. However, if your employer has been affected by the precautionary measures being taken to contain Covid-19 and if your employer adheres to the said procedures and chooses to temporarily reduce your salary; provided you and your employer mutually agree to the temporary reduction of your salary, the reduction may be permitted.

#### Do I need a movement permit to visit my second wife?

**Q:** I am a Sudanese and my religion is Islam. I have two wives. I am currently residing in Dubai with one of my wives while my other wife is residing in Sharjah. Owing to the sterilisation programme and the precautionary measures that have been implemented to curb the spread of Covid-19, I have been unable to visit my wife in Sharjah. Can I travel to Sharjah twice a week to meet her? Would I be fined for travelling? Do I require a permit for the same?

**A:** Due to the ongoing Covid-19 pandemic and the preventive measures being imposed to contain

#### Know the law

 Those who are found to have left their residences without a Movement Permit and have acted in contravention of the provisions mentioned under the Attorney General's Resolution and SCCDM decision may be subjected to legal action against them

the spread of the virus, the Attorney General of UAE issued Resolution No. (38) of 2020 regarding implementation of a list of violations and administrative sanctions under Cabinet Resolution No. (17) of 2020 (the 'Attorney General's Resolution').

In response to the first and second part of your query, you may only leave your residence for medical appointments, for purchasing basic necessities and in an emergency, subject to having a Movement Permit. Leaving your residence for reasons other than that are not pertaining to any of the aforesaid reasons shall be considered as a violation for which you may have to pay a penalty of Dh2,000, in accordance with Article 1 (8) of the Attorney General's Resolution, which states:

#### Article 1:

The said Cabinet Resolution shall be implemented and the penalty stipulated beside each of the violations mentioned in the table shall be collected.

(8) Leaving home for unnecessary reasons, or for any purpose other than work or purchase of basic needs. Dh 2,000

It is mandatory to apply for a Movement Permit for those residents who wish to travel during the sterilisation programme in accordance with the decision passed by Dubai's Supreme Committee for Crisis and Disaster Management (the SCCDM). Therefore, in order to leave your residence, you shall have to apply for a Movement Permit. You may apply for the permit on [dxbpermit.gov.ae](http://dxbpermit.gov.ae), which is the Movement Permit website. Those who are found to have left their residences without a Movement Permit and have acted in contravention of the provisions mentioned under the Attorney General's Resolution and SCCDM decision may be subjected to legal action against them. Further, the SCCDM has ordered the circulation of photographs of those individuals found to be violating the precautionary measures that are currently imposed.

You may apply for a Movement Permit the issuance of which is at the sole discretion of the Dubai Police. For further queries regarding the issuance of a Movement Permit, you may refer to the FAQ section on the Movement Permit website or you may contact the Dubai Police on 800-737648.

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