

# Leave pay is just basic salary and house rent allowance



**LEGAL VIEW**  
ASHISH MEHTA

**Q:** I am employed by a reputed company based in the emirate of Dubai, which was incorporated almost 25 years ago. Whenever an employee proceeds on annual vacation, the employer pays only basic salary and housing allowance as annual leave pay. The employer does not pay fixed allowances, which are part of the employees' salary, excluding other performance incentives. My salary is Dh5,000 per month and its breakup is Dh2,500 towards basic pay, Dh1,250 as housing allowance and Dh1,250 other allowances. Further, incentives, overtime salary, mobile allowance and vehicle allowance are separate.

**A:** We assume that you are employed with an employer, which is incorporated in mainland in the emirate of Dubai. As an employee, you are only entitled for basic salary and housing allowance pay as annual leave salary in the UAE. This is in accordance with Article 78 of the Federal Law No. 8 of 1980 regulating Employment Relations in the UAE (the 'Employment Law'). It states: "Every employee shall be entitled to his basic wage and the housing allowance if applicable in respect of his days of annual leave. Where the circumstances of the work make it necessary for an employee to work during all or part of his annual leave and the days of leave on which he works are not carried forward to the following year, the employer shall pay him his remuneration, plus a leave allowance in respect of the days worked at a rate equal to his basic wage.

"It shall be unlawful in any circum-

stances to employ an employee during his annual leave more than once in two successive years."

Your employer is following the provisions mentioned in the Employment Law related to payment of annual leave salary. However, if your contract registered with the Ministry of Human Resources and Emiratisation states specifically that your annual salary should include all the regular allowances granted by the employer then you are eligible for annual salary along with allowances.

Further, any claims against an employer by an employee should be submitted to the Ministry or Court within one year. Claims which date back to more than a year will not be entitled by the Ministry or the Court. This is in accordance with Article 6 of the Employment Law, which states, "..... In all cases no claim of any entitlement due under the provisions of this law, shall be heard if brought to court after the lapse of one year from the date on which such entitlement became due, and no claim shall be admitted if the procedure stated in this Article are not adhered to."

## How to get residence visa for widowed mother

**Q:** I intend to sponsor a resident visa for my mother in the UAE. She is a widow and currently residing with my brother in my home country. My mother has been travelling to Dubai on visit visa each time but now I want to get a residence visa for her. I am single, living in one-bedroom apartment in Dubai and my employer is based in Dubai as well. I have heard that to sponsor parents in the UAE, the requirement is to have a two-bedroom apartment. Is it true? Please let me know the procedure to get the resident visa for my mother.

**A:** You could apply to The General Directorate of Residency and Foreigners Affairs (GDRFA) for a residence visa for your mother and inform them that she is a widow, requires continuous care due to her age and you

## Know the law



One may sponsor residence visas for parents if one is drawing a monthly salary of Dh20,000 or above, or a minimum salary of Dh19,000 and accommodation provided by the employer

are the supporter to your mother.

Since your mother stays with your brother in your home country, it is conclusive that there is someone who can support her there. However, you may file your application with the GDRFA to sponsor your mother in the UAE as a special case. The issuance of residence visa depends on the discretion of the GDRFA.

One may sponsor residence visas for parents if he/she is drawing a monthly salary of Dh20,000 or above, or a minimum salary of Dh19,000 and accommodation provided by the employer. Further, residence visas have to be sponsored for both the parents together, and necessary documents provided if the parents are divorced or one of the parents is deceased. Since your father is no more, you may submit his death certificate, which is legalised in your home country and thereafter, attested by Ministry of Foreign Affairs and International Co-operation in the UAE. Additionally, a suitable insurance coverage is to be obtained for your mother towards health insurance and guarantee deposit of Dh5,000 to the GDRFA.

The criteria of two-bedroom apartment may not be required in your case as you are single. You should also submit a copy of your tenancy contract, Ejari, employment contract and the bank account statement to support your application. Please contact GDRFA for any further advice.

*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](http://www.amalawyers.com). Readers may e-mail their questions to: [news@khaleejtimes.com](mailto:news@khaleejtimes.com) or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.*

## Know the law



Every employee shall be entitled to his basic wage and the housing allowance if applicable in respect of his days of annual leave. It shall be unlawful to employ an employee during his annual leave more than once in two successive years.