

# Employee can resign without notice if employer abuses him



## LEGAL VIEW

Ashish Mehta

*My son started a new job in the banking sector on an unlimited contract. He was very unhappy there, and recently, was subjected to both verbal and physical aggression. He now wants to quit. His notice period during the six-month probation period is one month, but he is eager to leave immediately. Is there any way he can do so without finishing the notice period? Additionally, his visa is being processed; what happens to this process should he leave?*

Pursuant to your queries, your son may terminate his employment contract with immediate effect if he is able to prove that his supervisors have verbally and physically abused him. This is in accordance with Article 121 of the Federal Law No. 8 of 1980 regulating Employment Relations in the UAE (the 'Employment Law') which states, "An employee may leave his work without notice in either of the following cases:

a) If the employer fail to comply with his obligations towards him, as provided for in the contract or in this Law;

b) If he is assaulted by the employer or the employer's legal representative."

Your son may approach the Ministry of Human Resources and Emiratisation (the 'Ministry') and file a complaint against the employer.

If he is able to prove his allegations against his employer, then the Ministry will cancel his work permit and shall advise the employer to cancel his residence visa.



### KNOW THE LAW

An employee may leave his work without notice if:

> **Employer fails to comply** with his obligations towards him

> **He is assaulted** by the employer or the employer's legal representative

**Help! Cash stuck in real estate project that never took off**  
*I invested in a real estate project in Abu Dhabi in 2008, with an initial payment of 10 per cent of the flat's cost. However, the project never took off and was shelved. The company refused to return our money. With no other recourse, I filed a case at Abu Dhabi commercial court against the company in 2014/2015 and won the judgement in my favour. As nothing was happening even after the judgement, I spent more money and filed another case for the execution of the judgement.*

*It has been nearly two years since then. The only thing my advocate has informed me is that there are more cases like*

*mine against the company, and the court was trying to auction off some of its plots in Dubai. In the meantime, I retired from my job in November 2015 and relocated to India without getting my money back. My advocate has now stopped responding to my enquiries.*

*I am now in Abu Dhabi for a month, and was wondering what legal options I have to get my money back.*

Pursuant to your queries, it is understood that the judgement is in your favour for refund of the initial payment to you by the real estate company. The process is now with the execution department of the court and the court will determine the properties/plots and assets possessed by the defendant in the UAE. Since there are many claimants, the court may determine the amount to be paid based on the proceeds received from the sale of the sale of the properties. However, you may approach your legal counsel in person to seek and update. In the event you are not satisfied with your current legal counsel, you may cancel the power of attorney which you had given in favour of the said legal counsel and appoint a new legal counsel to act on your behalf.

**It's up to the employer to grant leave during probation period**  
*I have a limited contract with a company in Dubai that employs me in a warehouse. After three months of work, I asked for four days of emergency leave, but my employer asked for a Dh20,000 security amount. When they refused to give back my passport, I went to Dubai Courts, after which they were directed to give it*

*back. The company, however, told me that they were going to cancel my visa and I even signed the cancellation papers. But they didn't complete the documentation, and when I was back in India, they filed an absconding case against me. What happens if I attempt to return to the UAE to complete the cancellation process?*

Pursuant to your queries, we assume that you were on probation period of employment with your employer. It is the discretion of the employer to grant emergency leave or compassionate leave to its employees during probation.

If you have documentary evidence like email conversations or copy of the signed cancellation paper submitted to your employer then you can prove that the absconding complaint filed by the employer has no merit and should be dismissed. For further advice, you may consult a legal practitioner in the UAE.

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