

How to end row over false escape report



LEGAL VIEW

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My employer has filed a false absconding case against me following a long dispute with him over end of service entitlements. He wanted me to submit my passport to cancel the visa while I was in the UK. I requested him to settle my dues first and then go for cancellation of visa. However, he was unwilling to settle the amount due which included my salary and commission.

When I returned to Dubai, I found that he had filed an absconding case against me. I went to Tas'heel and reported that this was a false report. They have allowed us 48 hours to settle the dispute. Kindly advise what I can do if he is not willing to resolve it mutually, especially because I have to go back to the UK soon.

Pursuant to your query, it is advisable for you to continue to follow up on this and try to settle the dispute amicably. In the unfortunate event that an amicable settlement to the dispute is not arrived at, you may report to Tas'heel once again regarding the same.

In your defence you may submit evidence regarding the existence of communication between you and your employer, which may be a good ground to disprove the absconding charge against you.

This is in accordance with the provisions of clause 3 of the Fourth Article of the Ministerial Resolution NO (721) for 2006 AD On Escape Reports Procedures (the "Ministerial Resolution") read with the Ninth Article, which states:

"The competent employee shall confirm, at his own responsibility, when looking into the request to register an escape report or its cancellation, and that the conditions for an escape report are met in general.

An escape report may not be registered in particular in the following cases:

"If the Facility is aware of the place where the worker is and the compe-

Know the law

The Ministry may cancel the escape report if it was proved that the report was registered in violation of the Fourth Article of Ministerial Resolution NO (721).

tent officer sees that it is possible to call him and bring him to the Ministry without apprehension." Further the Ninth Article of the Ministerial Resolution reads as follows:

"The Ministry may cancel the escape report if it was proved that the report was registered in violation of the Fourth Article of this Ministerial Resolution."

In order to travel outside the UAE and to return to the United Kingdom, you may enquire from the General Directorate of Residency and Foreigners' Affairs, if there is any travel ban imposed on you.

If there is no travel ban imposed on you, you may consider to appoint an attorney in the UAE who may represent you before the courts of competent jurisdiction. The attorney may be appointed by virtue of a power of attorney issued by you in his favour.

And, you may contact the Ministry of Labour, should you have any further queries in this regard.

Gratuity at free zone

I am employed with an IT company registered at a free zone. At the time of joining, my employer had executed an employment contract stating that I would be paid gratuity emoluments along with salary.

A friend told me that it is against the law to design such a contract. Now I am planning to resign from my job. Kindly advise if I am entitled to receive gratuity.

It is noted that you are employed with an entity registered at a free zone and involved in the informa-

tion technology business. Your employer has executed an employment contract with you wherein it is stated that you shall be paid your gratuity emoluments along with your salary.

Pursuant to this it may be noted that in accordance with the provisions of the Federal Law No 8 of 1980 on the Regulation of Labour Relations (the "Labour Law") the severance pay or gratuity is usually payable at the end of the service in consideration of the period of service provided by the employee to the employer. Insofar as your employment contract provides that you shall not be paid any amount as your gratuity or severance pay, the same provision may be adjudged to be null and void.

You may therefore try to prevail upon your employer to get the concerned clauses removed from your employment contract.

Should you face any hardship from your employer in this regard, you may consider to approach the employment disputes redress department at the free zone where your employer is registered.

Should you face any hardship from your employer for gratuity, you may approach the employment disputes redress department at the free zone where your employer is registered.

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