

Maternity leave with full pay if you complete a year on job



LEGAL VIEW
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Q: I am planning to resign from my company during my maternity leave — from December 19 to February 3 — due to health issues. Do I have to serve the 30 day notice period if I resign during my maternity leave? Can this be calculated from my maternity leave instead.

Our employer pays bonus upon completion of 12 calendar months. Besides, my employers have been forcing me to resign before my due maternity leave. Will I be entitled to the bonus payment as I will still be an employee of the company even though on maternity leave?

A: Pursuant to your queries, we assume that you are employed in a mainland company in the UAE and you are employed on an employment contract of unlimited duration. You are entitled for 45 days of maternity leave and thereafter 100 days of consecutive or non-consecutive days of absence for illness due to pregnancy related matters.

This is in accordance with Article 30 of the Federal Law No. 8 of 1980 regulating Employment Relations in the UAE (the 'Employment Law'). Which states: "A female employee shall be entitled to maternity leave with full pay for a period of 45 days, including the period preceding and the period following her confinement, on condition that she has been in her employer's service for a continuous period of not less than one year. If she has not completed the aforesaid period of service, she shall be entitled to maternity leave with half pay.

On the expiry of her maternity leave a female employee may be absent from her work without pay for a maximum period of 100 consecutive or non-consecutive days, if such absence is due to an illness preventing her from resuming her work and if the illness

is confirmed by a medical certificate issued by the medial service specified by the competent health authority or if the latter authority confirms that the illness was caused by the women's work or confinement.

The leave provided for in the preceding two paragraphs, shall not be deducted from other period of leave."

The Employment Law is silent on resignation by an employee during maternity leave. Therefore, you may resign and see whether your employer accepts your resignation. However, it is recommended you serve your notice period upon re-joining

contract of employment, whether such payments are made in cash or in kind. Remuneration shall include the cost of living allowance. It shall also include any grant given to the employee as a reward for his honesty or efficiency if such amounts are provided for in the contract of employment or in the internal regulations of the establishment or have been granted by custom or common practice to such and extent that the employees of the establishment regard them as part of their remuneration and not as donations."

Law allows residents to enter UAE even a day before visa expiry

Know the law



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the employment immediately after your maternity leave to avoid any objections from your employer.

Further, payment of bonus is normally at the discretion of an employer depending what is stipulated in your employment contract. However, if you can prove that payment of bonus is customary in your company then you may claim the same from your employer. This is in accordance to Article 1 of the Employment Law where Remuneration is defined as "All payments made to the employee on a yearly, monthly, weekly, daily, hourly, piece work, or production or commission basis, in return for the work he performs under the

Q: I am planning to go on vacation to my home country on June 5 and will return on July 5. However, my residence visa is set to expire on July 6. Can I leave Dubai and return without any issues? Will I be denied entry in immigration because of the visa expiry date?

A: Pursuant to your queries, the entry to the UAE for a resident of UAE may not be denied during the period of validity of his visa. As you are returning to Dubai on July 5 and your visa is expiring on July 6, you should be able to enter the UAE. For further clarifications, please contact The General Directorate of Residency and Foreigners Affairs of Dubai.

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