

# File a case against misbehaving boss if HR won't take action



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LEGAL VIEW

**Q** I am an admin manager working for an engineering company. My boss often behaves inappropriately with me and forces me to stay back late at work. I am intimidated by his behaviour but not sure how to tackle it. My husband was made redundant recently and I cannot afford to lose my job as I am now the sole bread winner. Recently, my boss invited me to attend a function outside the office and forced me stay back. When the party was over, he asked me to come home with him, which I refused. I have complained to my HR but they refuse to take action, saying the incident happened outside the workplace. How can I take action against my boss? What legal protection can I get to ensure that I don't lose my job?

**A** We assume that you are employed in a company based in the mainland and, therefore, the applicable law is Federal Law No. (8) of 1980 regulating Employment Relations in the UAE (Employment Law). It may be noted that the prohibition of women to work at night shall not apply in cases where the work pertains to administrative and technical posts. This is in accordance with Article 28 (b) of the Employment Law which states: "The prohibition of the employment of women at night shall not apply in the following cases: (b) work in responsible administrative and technical posts." Since you hold the post of an admin manager, your boss may be allowed to ask you to stay back late at work, owing to the exception mentioned under Article 28 of the Employment Law.

At the outset, it may be noted that a boss should not harass his subordinates, as harassment of any individual in the UAE is a criminal offence. Article 359 of Federal Law No. 3 of 1987 in issuance of Penal Code of UAE (Penal Code) states: "Any person who obstructs a female in such a manner as to violate her prudence by word, deed, or by using information technology or any other means shall be punished by

## KNOW THE LAW



Any person who obstructs a female in such a manner as to violate her prudence shall be punished by a jail term not exceeding one year and a fine not exceeding Dh10,000.

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If you file a criminal complaint against your boss and your employer subsequently terminates your employment, the termination may be considered arbitrary. This is in accordance with Article 122 of the Employment Law, which states: "An employee's service shall be deemed to be arbitrarily terminated by his employer if the reason for termination is irrelevant to the work. More particularly, a termination shall be regarded as arbitrary if it is prompted by a formal complaint filed by the employee with the competent authorities or a legal action instituted against the employer that proved to be valid."

You may therefore approach the Ministry of Human Resources and Emiratisation (MoHRE) and file a complaint against your boss. Simultaneously, based on the aforementioned provision of the Penal Code, you may initiate a

criminal complaint against your boss who behaved inappropriately. And if your employment is terminated after you lodge the criminal case, you may approach the MoHRE and file a complaint against your employer pertaining to arbitrary termination.

## What to do if you can't get deposit refund for visa

**Q** I am an Indian resident living in the UAE for more than 13 years. In 2016, I started my own music consultancy company in the Umm Al Quwain Free Zone, wherein I was the sole owner of the company. I sponsored my wife and two children for which the Umm Al Quwain Immigration Office issued three dependent visas. I submitted Dh9,000 as a security deposit for all the dependents. In 2018, I decided to close my company. I went to the Umm Al Quwain Immigration Office and cancelled the visas of my wife and children. However, when I requested a refund of the security deposit, the immigration officer told me that they cannot issue the refund, saying my family would have to exit the country or I should change their 'status' first. I was also told that there was no time limit for this, and that I just had to change the status. I applied for the visas of my dependents and myself in Sharjah, then I changed my family visa status. When I went back to the immigration office, the officer refused to refund the security deposit again and took the two original receipts from me on the grounds of having crossed the limit of 28 days to change the status. Please explain the correct law and how we can get our money back.

**A** It is understood that you had paid Dh9,000 as a security deposit to the

Umm Al Quwain Immigration Office for the visa of your dependents at the time of applying for their visas. Further, when you cancelled their visas and requested for the refund of the security deposit, you were instructed to either change the status of their visas or have them exit the UAE. However, even after changing the status of their visas, the security deposit amount has not been refunded to you. Your question is regarding your entitlement to the refund of the security deposit.

You may submit a written request to the immigration officer at the Umm Al Quwain office, along with the receipts for the refund of the security deposits, and ask for an acknowledgment.

## KNOW THE LAW



If you are not satisfied with the redressal of your grievances at an immigration office, you may consider approaching the Ministry of Interior.

If the immigration officer refuses to accept your written request to refund the deposit, you may approach the head of the Umm Al Quwain Immigration Office. Further, if you are not satisfied with the redressal of your grievances, you may consider approaching the Ministry of Interior (MoI). You may call the MoI on 800-5000, through which you may request assistance.

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