

Ill-treated maid can take sponsor to court



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LEGAL VIEW

Q One day, I found my neighbour's housemaid distressed outside a supermarket and, when I asked whether she was all right, she broke down in tears. The woman told me she was being screamed at all the time. She claimed that her employer was verbally abusing her and even deducting her salary over the smallest mistakes. She wanted to leave but my neighbour was threatening her with a lifetime ban. What can I do to help her? How can I report this abuse? I do not want the housemaid to face repercussions because of my complaint.

A: It is the responsibility of employers in the UAE to treat their housemaids in a dignified manner. This is in accordance with Article 15 (5) of the Domestic Workers Law.


Further, an employer may deduct the salary of a housemaid only if she causes material damage to the tools and belongings of the employer and such deductions may be done only with the consent of the housemaid and upon the approval of the Ministry of Human Resources and Emiratisation (MoHRE), according to Article 11 (2) of the same law. In the event the housemaid does not agree with the decision, then the dispute may be referred to court.

As a neighbour, you may not be in a position to file a complaint with any of the local authorities, as the alleged harassment and yelling may have occurred in their house and not in a public place. If your neighbour harasses her housemaid in public, then you may be able to file a police complaint spontaneously. This is in accordance with

Article 48 of Federal Law No. (35) of 1992 Concerning Criminal Procedures Law.

Abuse is illegal in the UAE. Article 374 of the Federal Law No. (3) of 1987 on the issuance of Penal Code states that: "Punishment by detention for a period not exceeding six months or by a fine not exceeding Dh5,000 shall apply if slander or abuse is transmitted by telephone, or face to face with the victim, and in the presence of a third party."

Know the law

 If a person witnesses harassment in public, he/she may be able to file a police complaint spontaneously.

Therefore, the victim may file a complaint with the MoHRE and the police on the grounds of harassment and deduction of salary. She may also approach the human rights department of the Community Development Authority in the emirate where she lives and lodge a case against her employer.

Guide to documents needed to change company management

Q We have an LLC company in Dubai and I am a 25 per cent shareholder. My partner, who left the UAE, is a 24 per cent shareholder and the manager, according to the memorandum of association of the company. However, he is unable to come back to the country and, because I am not the manager, I cannot deal with the affairs of the company. How do I take charge as a manager in the absence of my partner?

Know the law

 An LLC company in the UAE must be run by a manager or managers named in the memorandum of association.

A: We assume that the shareholder who holds a 24 per cent of shares in the capital of the limited liability company (LLC) is a foreign national. The provisions of Federal Law No. (2) of 2015 on Commercial Companies (Companies Law) are applicable.

It should be noted that in the UAE, a limited liability company's day-to-day affairs are run by the manager, according to Article 83 of the Companies Law.

Based on the law, you as a partner shall not be in a position to manage the company's affairs as your name is not mentioned as the manager in the memorandum of association. However, as the foreign shareholder is outside the UAE, you may request him to issue a suitable power of attorney authorising you to sign any forms and amendment to the memorandum of association, in order to replace him as the manager.

This power of attorney should be notarised and legalised by the Ministry of Foreign Affairs and the UAE embassy in the country where he is currently located. Thereafter, it must be attested by the Ministry of Foreign Affairs and International Cooperation in the UAE.

Upon the completion of these attestations, the power of attorney must be legally translated to Arabic by an authorised translator in the UAE. It also has to be attested by the Ministry of Justice.

Simultaneously, the foreign partner needs to finalise and process his resignation as the manager. It is recommended that you approach a legal counsel in the UAE for further advice.

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