

# Employers can't force you to sign up for any services



**LEGAL VIEW**  
ASHISH MEHTA

**Q:** I work in the Ajman branch of an Abu Dhabi-based company. Our firm is issuing postpaid mobile plans to employees, even if they are not requesting them. The fee for the connection is deducted from the monthly salary. If anyone refuses, however, the company still obliges the person to sign the contract and take it. Is this legal? Can we be forced to take up a service we don't want?

**A:** An employer cannot force an employee to purchase commodities from third parties. This is in accordance with Article 59 of Federal Law No. 8 of 1980 regulating employment relations in the UAE (Employment Law), which states: "No employee shall be obliged to purchase food or other commodities from a particular shop or good produced by the employer."

Further, an employer cannot deduct any amount from an employee's salary for the private payments of the employee to third parties. This is in accordance with Article 60 of the Employment Law, which states: "No amount of money may be deducted from an employee's remuneration in respect of private claims, except in the following cases: (a) the recovery of advances or amount of money paid to the employee in excess of his entitlements, on the condition that the amount deducted in this case does not exceed 10 per cent of his or her periodic remuneration; (b) contributions which the employee is required by law to pay from his remuneration, e.g. towards social security and insurance schemes; (c) the employees' contributions to a savings fund or repayment of advance repayable thereto; (d) contributions towards any welfare scheme or in respect of any other privileges or services provided by the employer and approved by the labour department; (e) fines imposed upon the employee for any offence he has committed; (f) any debt payable in execution of the judgement of a court of law; provided that the deduction shall not exceed one quarter of the employee's remuneration."

"Where two or more debts are payable, the maximum shall be half the employee's remuneration and the sums of money attached shall be divided pro rata among the beneficiaries, after the payment of any legal alimony at the rate of one-quarter of the employee's remuneration."

Your employer cannot force you to sign the contract for a postpaid mobile connection, as forcing a person to sign a document is a criminal offence in the UAE.

This is in accordance with Article 397 of Fed-

eral Law No. 3 of 1987 on the issuance of penal code (Penal Law), which states: "Whoever, by force or by threat, obtains a document, a signature thereon, an amendment thereto, cancellation or destruction thereof, shall be punished by term imprisonment."

You may try to solve this matter amicably. However, if your employer still insists and deducts a portion of your salary without consent, you may approach the Ministry of Human Resources and Emiratization and file a complaint against your employer. Further, your employer cannot terminate you on grounds of 'not obtaining postpaid mobile services from the telecom company'. You may also file a criminal complaint against the employer at the police station for forcing employees to sign telecom contracts.



## Know the law

An employer cannot force its employee to sign a contract for a postpaid mobile connection, as forcing a person to sign any document is a criminal offence in the UAE.

## Firms must follow the declared holidays

**Q:** I work for a company in Jebel Ali, Dubai. We were given only two days off for Eid Al Fitr, though the government had declared four days off. The company doesn't pay any extra wages or give us the option of taking a compensatory off. What are my legal options?

**A:** Since you are working for an employer based in Jebel Ali, rules and regulations of the Jebel Ali Free Zone Authority (Jafza) shall be applicable. Clause 11.2.6 of Jafza Rules 2017 states: "Public holidays for employees of a customer (company) will be in line with the public holidays announced by the UAE government for employees of the private sector as and when declared."

In addition to this, on March 5 this year, the UAE Cabinet announced the official holidays for the public and private sectors for the years 2019 and 2020, and the government granted equal leaves (14 days) to both sectors, with four days off for Eid Al Fitr. The same Eid holiday was also declared by the government on June 2.

Based on the rules of Jafza and the UAE Cabinet's decision, you were entitled to a four-day holiday for the recently concluded Eid Al Fitr.

## Know the law



If an employee has been required to work on a public holiday, the employer should compensate him for such days by a compensatory leave and/or bonus salary, based on the employee's basic remuneration.

Further, Article 74(c) of the UAE's Employment Law states: "Each employee shall be entitled to official leave with full pay on the following occasions: (c) Feast of Lesser Bairam; two days".

Your employer may have granted you only two days of holiday for Eid Al Fitr based on this provision of Employment Law. However, it may be noted that the subsequent and recent ministerial orders or UAE Cabinet decisions shall supersede the provisions of the Employment Law, as applicable. Therefore, your employer's decision to grant you fewer Eid holidays is not in compliance with the Employment Law.

Further, if an employee has been required to work on a public holiday, the employer should compensate him for such days by a compensatory leave and/or bonus salary, based on the employee's basic remuneration. This is according to Article 81 of the Employment Law, which states: "Where the circumstances of the work make it necessary for an employee to work on a public holiday or rest day, in respect of which he is entitled to full or partial pay, he shall be granted compensatory leave in respect of such days, together with a bonus equal to 50 per cent of his remuneration. If he is not compensated for such days by leave, his employer shall pay him a bonus equal to 150 per cent of his basic remuneration in respect of the days worked."

Your employer should provide you with compensatory leave and pay you additional remuneration for the days you worked. You may bring to the attention of the human resource department of your employer the recent changes to the holidays related to Eid Al Fitr, and if they still do not provide you with additional remuneration and compensatory holidays, you may approach the Ministry of Human Resources and Emiratization and file a complaint against your employer.

*Ashish Mehta is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom and India. Full details of his firm on: [www.amalawyers.com](http://www.amalawyers.com). Readers may e-mail their questions to: [news@khaleejtimes.com](mailto:news@khaleejtimes.com) or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.*