

The employer has to provide proper medical facilities



LEGAL VIEW
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I have been working in a company on an unlimited contract as an assistant engineer. I have two issues. In the company, any labourer or staff who takes sick leave has to provide a medical certificate, but none of the employees have been provided with medical insurance cards. If we go to the hospital, we have to pay Dh100, which is deducted from our salary. Is this legal?

Secondly, the company has stuck a sign on a notice board saying we must give a six-month notice period before resigning. This, however, was not a mutual agreement, just a policy put on a notice board. Is this legal?

Pursuant to your questions, it is the responsibility of the employer to provide proper medical care facilities to its employees in accordance with Article 96 of the Federal Law No. 8 of 1980 (the 'Labour Law') regulating labour relations in the UAE, which states: "An employer shall provide his worker with medical care facilities corresponding to the standards laid down by the Minister of Labour and Social Affairs in co-operation with the Minister of Health."

Further, the employer may seek a medical certificate from the employee for the leaves availed on the grounds of illness. It is not clear from your questions on what reason your employer charges Dh100 for hospital visit. You may seek a clarification from your employer.

Pursuant to notice period for resigning it is 30 days' for unlimited period of employment in accordance to Article 117(1) of the



Know the law

In the event the employer refuses to hand over the passport on request you may file a complaint with the Ministry of Human Resources and Emiratization and simultaneously with the embassy/consulate of your country in the UAE and further with the police.

Labour Law, which states: "Both the employer and the worker may terminate a contract of employment of unlimited duration for a valid reason at any time following its conclusion by giving the other party notice in writing at least 30 days before the termination." Therefore your employer has no

right to demand from the employee a notice of six months in case one is resigning from his employment. The said notice posted on the notice board of the company has no merit.

Passport cannot be retained without employee's consent

Whenever I travel, my HR manager releases my passport only a few hours before departure time. Even when my manager agrees to give the passport seven days before travel, the HR manager refuses. But when I come back, I am forced to submit my passport the same day. How shall I handle this? The HR manager is very close to the upper management of the company and I am afraid to make a formal complaint.

Pursuant to your question, your employer is not allowed to retain your passport, without your consent. This is prohibited in accordance with the prevailing laws of the UAE.

However, in the event your employer refuses to hand over your passport on your request you may file a complaint with the Ministry of Human Resources and Emiratization and simultaneously with the embassy/consulate of your country in the UAE and further with the police accusing your employer of unlawfully withholding your passport.

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