



Some professionals can change jobs at any time



LEGAL VIEW
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My wife has been working as a nurse in a private hospital since January 23, 2012, and is in the UAE on my sponsorship, but with the hospital's work permit. She is a registered nurse holding a Health Authority - Abu Dhabi licence.

Her labour contract is a limited contract which was for two years and it expired on 22.01.2014, after which the hospital renewed her labour card and the limited period contract for two years up to 22.01.2016 on the same terms and conditions. If my wife gets a new offer from another hospital and if she resigns, how many days' notice period must she give to the hospital? Will there be any ban, since she has already completed two years? Legally speaking, once an employee finishes the first limited contract, for how long can the hospital renew limited contracts? Will the employee get end of service benefits for the completed number of years?

It is understood that your wife works at a private hospital as a nurse under a limited period contract, and holds a licence from Health Authority Abu Dhabi. And it is assumed that her employment is subject to provisions of the Federal Law No 8 of 1980 Re: Regulation of Labour Relations (the "Labour Law").

Pursuant to your queries, it may be advised that your wife may submit her resignation at any point of time and give a notice period to her employer in accordance with her employment contract. However, in the event your wife wishes to complete this contract period and does not wish to renew it for any further period, she should notify her employer of her decision not to renew her employment contract upon its expiry. Further, it may be advised that your wife will not face a la-

bour ban if she resigns from her job even before completion of the contract period. The Labour Law recognises that certain professionals shall be free to change their employment at any point of time. This is in accordance with Article 2 of the Ministerial Order No (13) of 1991 on 'The organisation of the transfer of sponsorships of non-national labours the rules governing the same' which states:

"Non-national labourers may be allowed to transfer one job to another and hence transfer of their sponsorship if they fall under the following categories:

- a) Engineers
- b) Doctors, pharmacists and male and female nurses
- c) Agricultural guides
- d) Qualified accountants and account auditors
- e) Qualified administrative officials
- f) Technicians operating on electronic equipment and laboratories
- g) Drivers who are licensed to drive heavy vehicles and buses," (in case of transfer of sponsorship from a private firm to another or from a private firm to another or to a government department)."

Further it may be advised that once an employment contract of limited period expires, the employer and the employee upon mutual acceptance may renew the contract for another period of two years. Alternatively, the employer and the employer may by mutual consent decide to change the status of the contract from limited to unlimited, at the time of its renewal.

Further to your last query, it may be advised that an employee who has completed one year of continuous service shall be entitled to end of service benefits or severance pay on the termination of his/her employment. This is in accordance with Article 132 of the Labour Law which states: "A work-

er who has completed a period of one or more years of continuous service shall be entitled to severance pay on the termination of his employment. The days of absence from work without pay shall not be included in calculating the period of service. The severance pay shall be calculated as follows:

1. 21 days' remuneration for each year of the first 5 years of service.

2. 30 days remuneration for each additional year of service provided that the aggregate amount of severance pay shall not exceed two year's remuneration."

However it may also be noted that if an employee who is bound by a limited period contract leaves his work before the expiry of the contract period, then he/she shall not be entitled to any end of service benefits unless he/she has completed five years of continuous service. This is in accordance with Article 138 of the Labour Law which states: "Where a worker who is bound by a contract for a limited period leaves his work of his own accord before the expiry of his contract period, he shall not be entitled to severance pay unless his continuous period of service exceeds five years."

Penalty for overstaying

I would like to know how long one can stay in the UAE after the cancellation of his employment visa. What are the penalty charges if the person overstays after the grace period?

Pursuant to your question, it may be advised that after cancellation of one's UAE employment visa, one may continue to stay in the country for another period of 30 days.

However, after the expiry of the grace period, the person will have to pay penalties for overstay. It is known that at present, that the fine for the first day of overstay is Dh120 and thereafter the fine is Dh25 for each day of overstay. One may contact the General Directorate of Residency and Foreigners' Affairs for further and detailed information in this regard.

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