



NOC for driving licence is employer's discretion



LEGAL VIEW
ASHISH MEHTA

I work in a private company in Ras Al Khaimah. My question is regarding driving licence. My company is not giving me a NOC for the driving licence and they have not specified a reason either. They simply say no whenever I ask for the NOC. I need your advice in this regard. What should I do to get the NOC? Can I take this issue to the Labour department?

It is understood that the RAK police requires you to obtain an NOC from your current employer in order to apply for a driving licence.

Issuance of the aforesaid NOC is at the discretion of your employer and it is not mandatory for your employer to issue the aforesaid NOC, as requested by you.

Therefore, escalating this matter to the Ministry of Labour may not get you the desired result.

Maternity leave

I am on my husband's sponsorship and working for a private company in Sharjah.

I signed an unlimited contract with the company on July 2013 and was issued a Ministry of Labour work permit card valid till September this year. I requested for maternity leave and the company made me sign the contract termination agreement. Later, they called and asked me to rejoin and confirmed that my employment would not be interrupted. They also asked me to keep the previously issued work permit card for reference.

But now I am resigning as the pressure from office is too much.

Please advise me about the benefits I should be receiving from the company.

I have not taken annual leave. During my maternity period also, the company did not pay me anything. The company also charged a certain amount for all the casual leave I took.

It is understood that you are on your husband's sponsorship and that you had signed an employment contract with your employer for an unlimited duration, on July 2013. You were issued a work permit which is valid till September. Further, it is understood

that upon seeking maternity leave, your employer had forced you to sign a termination agreement which they later revoked. However, in view of the work pressure, you wish to resign from your employment.

Pursuant to your questions, you are entitled to leave with half pay for a period of 45 days with respect to your maternity leave, as you had not completed one year of service with the same employer. This is in accordance with Article 30 of the Federal Law No 8 of 1980 on Labour Relations (the "Labour Law") which states: "A female worker shall be entitled to maternity leave with full pay for a period of 45 days, including the period preceding and the period following her confinement on condition that she has been in her employer's service for a continuous period of not less than one year. If she has not completed the aforesaid period of service, she shall be entitled to maternity leave with half pay."

On the expiry of her maternity leave, a female worker may be absent from her work without pay for a maximum period of 100 consecutive days if such absence is due to an illness preventing her from resuming her work and if the illness is confirmed by a medical certificate issued by the medical service specified by the competent health authority or if the latter authority confirms that the illness was caused by the women's work or confinement.

The leave provided for in the preceding two paragraphs, shall not be deducted from other periods of leave."

Further, you shall be entitled to a paid leave of not more than two days a month and annual leave salary in accordance

with Article 75 which states: "Every worker shall, within each year of service, be granted a period of annual leave of not less than:

(a) Two a month, where the worker's period of service is more than six months but less than one year;

(b) 30 days a year, where the worker's period of service is more than one year.

Where a worker's service is terminated, he shall be entitled to annual leave in respect of fractions of the last year."

Subsequently, you may leave your employment by serving a 30 days' notice to your employer in accordance with Article 117(1) of the Labour Law which states:

"(1) - 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."

You would not be entitled to gratuity as you have not completed one year of continuous service.

Since you have not mentioned the number of days you took off as casual leave each month, we cannot suggest if your employer is within its rights to deduct amounts from your salary in view of the casual leave taken by you.

However, in view of the provisions of the Labour Law, if you feel that your employer is depriving you of your entitlements, you may choose to leave your employment forthwith without serving a notice period, in accordance with Article 121 of the Labour Law which states: "A worker may leave his work without notice in either of the following case:

> If the employer fails to comply with any of his obligations towards him, as provided for in the contract or in this Law;

> If he is assaulted by the employer or the employer's legal representative."

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