

Employee entitled to 6 months pay in work-related accidents



LEGAL VIEW ASHISH MEHTA

Q: I have been working in a crane rental company in Dubai since June 2015. In September 2018, I met with an accident while travelling to a worksite by boat, which belonged to a client of my employer. I had to undergo a surgery and was advised bed rest for five months. My employer incurred the cost of the surgery but has not paid my salaries for these five months. The company has registered a police case against the client's transportation firm so as to get compensation for the accident. What are my legal rights in this situation?

A: Your employer has fulfilled the obligation of providing you with all necessary assistance by bearing your medical expenses for the accident, which had occurred during the course of your job. This is in accordance with Article 144 of the Federal Law No. 8 of 1980 regulating the employment relations in the UAE (the 'Employment Law'). It states: "Where an employee sustains an employment accident or contracts an occupational disease or is disabled, the employer shall pay for the cost of his treatment in a local government or public medical centre until he recovers. Treatment shall include costs of residence in a hospital or sanatorium, surgical operations, expenditure on X-rays and medical analysis, the purchase of medicines and rehabilitation equipment, and the supply of artificial limbs and other prosthetic appliances for any person who is declared disabled. In addition, the employer shall pay the cost of any transport entailed by treatment provided for the employee."

Further, you are entitled to full salary for the period of five months from your employer as in the event of work-related injuries or accident, an employee is entitled to full pay for the period of six months and thereafter, half of his salary for another six months or until the employee



Know the law

Where an injury prevents an employee from carrying out his work, the employer shall pay him a cash allowance

equal to his full pay throughout the period of treatment or for a period of six months whichever is shorter.

completely recovers. This is in accordance with Article 145 of the Employment Law, which states: "Where an injury prevents an employee from carrying out his work, the employer shall pay him a cash allowance equal to his full pay throughout the period of treatment or for a period of six months whichever is shorter. Where the treatment lasts more than six months, the allowance shall be reduced by one-half for a further period of six months or until the employee has fully recovered or his disability is confirmed or he dies, whichever comes first."

However, your employer may not withhold your salary for a period you were on medical treatment citing that they have filed an insurance claim against the client's transportation company. Insurance claim for the accident and payment of salaries for the injuries or accident occurred during the course of the employment are separate matters.

You are advised to approach the human resource department of the company and mention to them the aforementioned provisions of Employment Law and based on such provisions of the law, you are entitled to full salary for the period of five months. In the event your employer does not pay you salaries for the medical treatment period, you may approach the Ministry of Human Resources & Emiratization along with the medical reports and medical certificates and file a complaint against your

employer for non-payment of salaries for your medical treatment period which is due to accident/injuries occurred during the course of the employment.

Q: I am a teacher by profession and looking for a job in the UAE. However, the schools here are not ready to give me a residence visa. Is there a provision for me to get my own visa and work?

A: We assume that you are a lady teacher by profession. In order to be employed in the UAE, you require a residence visa, which is usually provided by the employer. However, if you are a married woman you may have a UAE residence visa provided your husband is eligible to sponsor your residency visa in the UAE. Further, an unmarried daughter, who is on her parent's visa, is allowed to work in the UAE. For further queries, you may approach the General Directorate of Residency and Foreigners Affairs.



Know the law

If you are a married woman, you may have a UAE residence visa provided your husband is eligible to sponsor your

residency visa in the UAE

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