

Sending women on duty to locations without basic amenities is unlawful



LEGAL VIEW
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I work as an auditor for a Dubai-based Fortune 500 company. The employer often sends women employees, including me, to clients' locations which do not have basic facilities for women, or even to remote areas. I have often raised this issue with the employer, asking him not to send female staff to locations without female washrooms. Nevertheless, I have been forced to visit such client locations. On many occasions, we were threatened that our career and professional development could be halted if we raised a voice for such basic rights. Please inform us what the rules are regarding work facilities for women, as per the UAE labour law.

Pursuant to your queries, it is the responsibility of the employer to provide basic amenities or arrange for basic arrangements in the workplace. Your employer should advise its clients to provide basic amenities and facilities while its employees go to their location to perform their work. Further, an employer must take extra precautions related to the safety of women and in providing their sanitation and amenities. This is in accordance with Article 29 of the Federal Law No. 8 of 1980 regulating Employment Relations in the UAE (the "Employment Law"), which states: "No women shall be employed on any job that is dangerous, arduous or

detrimental to health or morals or on any other operations specified by the order of the Minister of Human Resources and Emiratisation (MoHRE) after consulting the competent authorities."

Further, it is the responsibility of the employer to provide proper toilet facilities for its employees. This is in accordance with Article 94 of the Employment Law, which states: "Without prejudice to the provisions of the regulations and orders issued by the competent government authorities, an employer shall ensure perfect cleanliness and ventilation in each workplace with adequate lighting, drinking water and toilets."

Further, while an employee is employed in remote areas, the employer must take care of the facilities in such areas. This is in accordance with Article 101 of the Employment Law, which states: "Every employer employing employees in areas remote from towns and not connected with them by any normal means of transport

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Article 94 of the Employment Law, states: "An employer shall ensure perfect cleanliness and ventilation in each workplace with adequate lighting, drinking water and toilets."



shall provide his employees with the following services:

- > Adequate means of transport
- > Suitable living accommodation
- > Drinking water
- > Suitable food stuff
- > First-aid facilities
- > Recreation and sports facilities

The areas to which all or part of the provisions of this article apply shall be specified by order of the MoHRE. Except in the case of food stuff, the cost of services referred to in this article "shall be defrayed by the employer and shall be entirely free of charge to the employees." In the event your employer continues to commit a breach of the provisions of the Employment Law, you may lodge a complaint against your employer with the MoHRE.

Pending work not reason to reject resignation

Intimidated by my manager, I submitted by resignation on December 3, 2017 by giving a one-month notice period. He screamed at me and threw a water bottle, which almost hit my colleague. However, my employer has rejected my resignation and informed me that my resignation will not be accepted unless I complete all pending jobs. I replied to them that I will finish the work as much as possible till the last day of my notice period. The employer was reluctant and told me to finish the work. Further, the employer has not approved my sick leave in spite of submitting a medical certificate. Are my employers allowed to do this?

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An employment relation is terminated if one party acts, at any time, to terminate the contract subject to notifying the other party and continuing to honour contractual obligations for the duration of the notice period, which cannot be less than one month and cannot exceed three months."



Pursuant to your queries, an employer or an employee may terminate their employment contract by serving the other party a notice for termination of employment, in accordance with the terms of the employment contract submitted to the Ministry of Human Resources & Emiratisation (MoHRE).

You have not mentioned if the duration of your employment contract is limited or unlimited. Further, you have not mentioned the period of service with your current employer. However, it is assumed that you are employed under a contract of unlimited duration and your tenure with the employer is more than one year.

If you are employed on an unlimited period employment contract, you may resign from your employment by serving a notice period as mentioned in the employment contract.

This is in accordance with Article 1(II)2 of the Ministerial Order No. 765 of 2015 on Rules and Conditions for the Termination of Employment Relations, which

states: "An employment relation between employer and employee may be terminated in the case of unlimited (not term-bound) contracts, an employment relation is terminated if one party acts, at any time, to terminate the contract subject to notifying the other party and continuing to honour contractual obligations for the duration of the notice period, which cannot be less than one month and cannot exceed three months."

Based on the aforementioned provision, your employer cannot reject your resignation citing that you have to complete your work and only then accept the resignation. In the event the employer does not accept your resignation letter on or before January 3, you may file a complaint against your employer with the MoHRE.

An employee is eligible for sick leave as stipulated in Article 82 of the Federal Law No. 8 of 1980 regulating Employment Relations, which states: "Where an employee contracts an illness otherwise than as a result of an employment injury, he shall report his illness within a maximum of two days and the employer shall thereupon take the necessary steps to have him medically examined immediately for the purpose of verifying his illness."

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