

No one has the right to insult you, not even your boss



ASHISH MEHTA
LEGAL VIEW

Q At my workplace, we have a senior manager who swears at us during meetings when he is disappointed. I understand that our work is very stressful, but does that give him the right to insult his colleagues? I would like to know how to file a complaint against him. I do not have any recording of his swearing or insults, but my colleagues can stand witness.

A Pursuant to your queries, an employer should not abuse his employees at the workplace as abusing any individual in the UAE is a criminal offence. This is in accordance with Article 374 of the Federal Law No. 3 of 1987 in issuance of Penal Code of UAE. It states: "Punishment by detention for a period not exceeding six months or by a fine not exceeding Dh5,000 shall apply if slander or abuse is transmitted by telephone, or face to face with the victim and in the presence of a third party."

Based on the aforementioned provision of law and Article 10 (4) of the Federal Law No. 35 of 1992 related to Criminal Procedure Law, a criminal action may be lodged upon a written or verbal complaint of the victim or their legal representative with the police against the perpetrator of an offence related to insult and slander. Therefore, you may initiate a criminal complaint against the person who used abusive language against you and other employees. Further, your colleagues as witnesses may support your complaint.

On the other hand, you and your colleagues may file a written complaint with the department concerned of your employer or senior management of the employer. A copy of the said letter may be addressed to the Ministry of Human Resources and Emiratization (the 'MOHRE'). This is in accordance to Article 155 of the Federal Law No. 8 of 1980 regulating employment relations in the UAE (the 'Employment Law') which states: "If a dispute arises between an employer(s) and all or part of his/their employees and both parties fail to reach an amicable settlement, the following steps shall be taken:

1) The employees shall submit their complaint in writing to the employer and simultaneously dispatch a copy thereof to the MOHRE;

2) The employer shall reply in writing to the complaint or claims of the employees within seven working days from the date of receipt of

Know the law



Punishment by detention for a period not exceeding six months or by a fine not exceeding Dh5,000 shall apply if slander or abuse is transmitted by telephone, or face to face with the victim and in the presence of a third party."

the complaint. A simultaneous copy thereof shall be submitted to the MOHRE at the same time;

3) If the employer fails to submit his reply to the complaint within the fixed period or if his reply does not result in settlement of the dispute, the competent MOHRE of its own motion or at a request of either party shall mediate to settle the dispute amicably.

4) If the complaint is made by the employer, he must submit the complaint directly to the MOHRE to mediate for an amicable settlement of the dispute."

Q I stay in a high-rise building in Dubai. In the contract, it is clearly stated that pets are not allowed in the building. However, recently, we have been observing many tenants with dogs. On enquiring with the landlord, I was told that it was done on a "case by case" basis, and that as long as the pet does not create nuisance to others, it is allowed. Please advise if I can still complain against this, considering what is stated in the contract.

A Pursuant to your queries, we assume that each apartment in your building may have a different owner and, therefore, the terms and conditions in your tenancy contract may not be similar to that of other apartments. In the emirate of Dubai, the tenancy contract between the owner and the tenant is governed by the terms and conditions mentioned therein. This is in accordance to Article 4(1) of Law No. 33 of 2008 amending some provisions of Law no 26. Of 2007 regulating relationship between landlords and tenants in Dubai, which states: "The tenancy relationship between landlord and tenant shall be governed by a tenancy contract describing the property in details, the purpose of the tenancy, period, rent and name if the owner is not the landlord."

Based on the aforesaid provision, if your tenancy contract prohibits you from possessing pets in your apartment, then it may be unlawful to possess pets in your apartment. On the other hand, you may be not in a

position to complain against other residents in your building who possess pets if it does not create any nuisance to you or the general public in and around the building. However, in most of the cases, apartments in the building may be owned by various landlords and such properties are governed by Law No. 27 of 2007 concerning ownership of jointly owned real property in Dubai, except for the DIFC (hereinafter, the Jointly Owned Real Properties Law). The Jointly Owned Real Properties Law of Dubai mentions the obligations of the owner of each apartment, occupiers and the owners association related to the said building. This is in accordance with Article 6(3) of the Jointly Owned Real Properties Law of Dubai, which states: "Each unit owner has an obligation in favour of other unit owners, occupiers and the owners association to comply with the master community declaration and the association constitution to the extent to which their provisions apply to an occupier."

Based on the aforementioned provision of law, if the master community declaration and the association constitution does impose restrictions on the possession of pets, you may complain against such residents with the building management.

Further, Federal Law No. 22 of 2016 related to possession of dangerous animals does not allow the residents in the UAE to keep pet dogs like pit bull, boxer, dobermann etc.

In the event you find the pets which are possessed by the residents in your building are dangerous or if they create nuisance or disturbance and if its presence creates unhygienic surroundings, you may make a complaint with the Dubai Municipality and the Rental Dispute Centre in Dubai.

Know the law



In the event you find the pets are dangerous or if they create nuisance or disturbance and if its presence creates unhygienic surroundings, you may make a complaint with the Dubai Municipality and the Rental Dispute Centre.

ASHISH MEHTA is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom, Singapore and India. Full details of his firm on: www.amalawyers.com. Readers may e-mail their questions to: news@khaleejtimes.com or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.