

# Non-Muslims not entitled to one-month pilgrimage leave



**LEGAL VIEW**  
**ASHISH MEHTA**

**Q:** I am employed by a private company incorporated in the emirate of Abu Dhabi. I presume that pursuant to Article 87 of the Federal Law No. 8 of 1980 regulating employment relations (the 'Employment Law'), I am entitled to one-month unpaid leave for pilgrimage and this unpaid leave shall not be deductible from other leaves. I have requested my employer for the pilgrimage leave, but he has declined my request stating that such leave is applicable to Muslims and non-Muslims are not entitled to apply for it. Please advise.

**A:** It is assumed that you are a non-Muslim. Article 87 of the Employment Law states; "Every employee shall be granted, once in the course of his period of service, special leave without pay for the purpose of fulfilling the obligation to make the pilgrimage (Haj); such leave shall not be counted towards any other periods of leave and shall not exceed 30 days." The word 'pilgrimage' in the aforementioned provision of law should be construed as 'Haj'. The Arabic version of the Employment Law terms the word pilgrimage as Haj which is applicable for Muslims. You should refer to the Arabic version of the Employment Law as the English translation may not be accurately translated. The Arabic text of the Employment Law shall

supersede its English translation. This is in accordance with Article 2 of the Employment Law, which states: "Arabic shall be the language to be used in all records, contracts, files, statements etc., provided for in this law or in any orders or regulations made thereunder. Arabic shall also be used in the instructions and circulars issued to employees by their employer. Where a foreign language is used by the employer in addition to Arabic, the Arabic version shall be regarded as authoritative."

Based on the aforementioned provisions of law, your employer is justified in declining your request for unpaid leave to perform pilgrimage.

## **Employee can't be forced to return to work during vacation**

**Q:** I am working in a bank based in Dubai since March 2016. Currently, I am on vacation in my home country, Pakistan. My employer called to tell me to cut short my vacation and rejoin duty due to increased workload. Since I have some family commitments in my home country, I am unable to go back to work before my vacation ends on September 9, 2018. Can I refuse my boss? If I want to quit, what is the legal way to do so from Pakistan?

**A:** Pursuant to your queries, you are not required to return to your work during the period of approved vacation. It is up to you whether you wish to rejoin duty before completion of your sanctioned holiday, at the request of your employer, or after your vacation ends.

Upon your resignation, you should serve the notice period and work until the last day of notice period for you to be eligible for full pay and all end of service benefits, unless your employer waives off the notice

## **Know the law**



An employee is not required to return to work during the period of approved vacation.

It is up to the employee whether he/she wishes to rejoin duty before completion of the sanctioned holiday, at the request of the employer, or after his/her vacation ends.

period. This is in accordance with Article 118 of the Federal Law No. 8 of 1980 regulating employment relations in the UAE (the 'Employment Law') which states: "A contract shall continue to be valid throughout the period of notice referred to in the preceding article (Article 117 of the Employment Law) and shall terminate on the expiry of the notice period. The employee shall be entitled in respect of the period of notice to full pay calculated on the basis of his remuneration and he shall be required to perform his works during that period if the employer so requests.

The parties may not agree to dispense with the requirement as to notice or to reduce the period of notice, but may agree to increase it."

Based on the aforementioned law, upon your resignation, your employer may ask you to work during the notice period. Annual leave and notice period should not be merged together as the employee must work until the last day of notice period.

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## **Know the law**

**A:** An employee shall be granted once in the course of his period of service, special leave without pay for the purpose of fulfilling the obligation to make the pilgrimage (Haj); such leave shall not be counted towards any other periods of leave and shall not exceed 30 days