

Steps to be taken before tendering resignation



LEGAL VIEW
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I have been working as a general accountant in a trading company in Dubai for the past five years. Due to late working hours and the work culture I wish to leave this job. I don't want to renew my contract, which ends in October 2014. Please advise me on what precautionary steps I need to take before I leave my current job to avoid any legal action.

Pursuant to your question, it is understood that you have worked for five years with a Dubai based trading company and, at the end of your existing employment contract in October, 2014, you do not wish to renew the same. And it is assumed that your employment is subject to the provisions of Federal Law No 8 of 1980 on Labour Relations (the "Labour Law").

Further to your question, before you tender your resignation with respect to your current employment and then take up employment elsewhere, we suggest that you consider taking the following precautions to avoid any subsequent legal issues:

> It is suggested that you bring up your employment contract that you had signed with your current employer and any or all other agreements that you had signed with your employer pertaining to your employment. Further to this, you may carefully read all the terms and conditions of the agreements and clarify your doubts, if any.

> It is assumed that you are currently working on a limited period contract, as you have mentioned that it is due for renewal in the month of October this year. Owing to this, you are not obligated but it is suggested to serve a prior notice to your employer as per the requirements of the Labour Law. It is suggested that you should tender your resignation before the expiry of your contract wherein you should specifically mention —

(i) that the last working day as per your labour contract shall be your last working day of employment, and (ii) that you do not wish to renew the contract after its expiry.

> It is suggested that you make sure that all your communication re-

garding your resignation are made in writing as far as may be practicable. Also, you should make sure that you have taken acknowledgements of receipt on all written communication from your employer.

> Once your resignation is accepted, you may start preparing to hand over your responsibilities or charges to any person who may be nominated by your employer. In this regard you may also follow the standard procedure with due diligence and due care on your part.

> With respect to your end of your service benefits, your employer should pay the same to you and thereafter you should sign on any document acknowledging receipt of your end-of-service benefits.

> Further, even after the expiry of your current contract and cancellation of your employment visa, you should refrain from taking up employment with a competitor, in case you have signed a non-compete agreement with your current employer.

> Apart from the suggestions mentioned hereinabove, in case you face any difficulty in settlement of your dues from your employer or in the event of a dispute, you may consider approaching the Ministry of Labour, wherein efforts shall be

made to concur the differences and bring about an amicable settlement.

Special provisions for hiring people with special needs
I am a special needs person with a physical handicap on my left leg due to an accident that took place 10 years ago. I am able to walk almost normally with a prosthetic leg (Jaipur leg). I am a qualified MBA now on a visit to Dubai and wish to apply for a job here but have not been able to find one yet. What are the laws for companies to recruit people with disabilities here? Do they have special provisions for such cases?

Pursuant to your questions, it may be noted that the UAE as a nation has always shown its solidarity to the cause of people with special needs and both the Federal and the Local Governments have formulated laws for welfare of persons with special needs.

In this regard, the Federal Law No 26 of 2006 in respect of The Rights of People with Special Needs was enacted by the Federal Government of UAE. Pursuant to this federal law,

a number of provisions have been laid down keeping in view the rehabilitation of people with special needs and with an aim to provide a better condition of life. In pursuance of the law, a number of organisations have also been formed within the UAE to help persons with special needs.

However, there are no special provisions in the UAE Federal Law No 8 of 1980 on Labour Relations that make it mandatory for employers to recruit persons with special needs, although all employers are urged to provide equal opportunities facilities to any person as such either during recruitment or during the course of employment of such person.

The local governments in the UAE have set up organisations to assist persons with special needs to seek opportunities for employment and rehabilitation with such organisations. Amongst others some notable organisations in this regard are mentioned hereinbelow:

1. Zayed Higher Organisation For Humanitarian Care and Special Needs initiated by the Government of Abu Dhabi;
2. El Kayt Employment Pro-

gramme of the Government of Dubai; and

3. Sharjah City for Humanitarian Services of the Government of Sharjah.

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