

How to obtain permit from ministry for part-time job



ASHISH MEHTA

LEGAL VIEW

Q I am employed by a company that is based in the emirate of Dubai. I have attained the age of 60 and am residing in the UAE on a residence visa sponsored by my employer that shall expire in August 2021. My attested degree certificate designates me as an 'engineer'.

I intend to work as a part-time consultant in another firm to which my employer is willing to provide me with a no-objection letter. Is the no-objection letter sufficient to work part-time at another firm? What's the procedure to be followed in order to legally work part-time at another firm? Will the Ministry of Human Resources and Emiratisation reject my employer's applications for work permits and residence visas of future employees if my employer issues a no-objection letter to me?

A: We assume that you are employed by a company based in the mainland of UAE and therefore, the provisions of Federal Law No. (8) of 1980 regulating employment relations in the UAE (the 'Employment Law') and the 'Ministerial Decrees', issued in furtherance of the Employment Law may also be applicable, in addition to the Employment Law.

And therefore, it may be noted that the relevant provisions of the Ministerial Decree No. (31) of 2018 concerning the introduction of part-time employment contracts (the 'Part-Time Employment Resolution') will also be applicable.

In response to your first and second queries, it may be noted that a resident in the UAE, above 18 years of age, is eligible to be employed on a part-time basis, provided a work permit is issued by the Ministry of Human Resources and Emiratisation (Mohre) for the intended part-time work.

This is in accordance with Article 4 (a) of the part-time employment resolution, which states:

"An employee under this system: May work for another employer only after obtaining a work permit from the ministry."

The application for part-time work will have to be made by the prospective part-time employer, through a 'Tas'heel'

service centre.

Along with the application, certain documents regarding the prospective part-time employee are also to be submitted. One of such document is a no-objection certificate (the 'NOC') issued by the existing full-time employer of the prospective employee intending to work part-time.

The NOC will have to be submitted along with other documents — the details of which may be provided by the 'Tas'heel' service center concerned.

The Mohre, upon review of the application and the other documents, may issue work-permit to the applicant for part-time work.

In response to your third query, it may be prudent to contact the Mohre and inquire if the issuance of an NOC by your present full-time employer for your part-time work permit will affect your present full-time employer's applications with the ministry for the issuance of work permits and residence visas for future employees.

Know the law



The application for part-time work will have to be made by the prospective part-time employer, through a 'Tas'heel' service centre

Appoint a lawyer to represent you in court case in your absence

Q I filed a complaint against my employer in the emirate of Abu Dhabi pertaining to which a final judgment is yet to be pronounced by the court and the status of the case is at the execution level. I have been residing in the country for the last eight months in order to attend the court proceedings. However, I have not been receiving any remuneration during the same period. Can I return to my home country after appointing a lawyer to attend court proceedings on my behalf?

A Pursuant to your query, it may be noted that you may appoint a lawyer by issuing a power of attorney that is duly notarised by the notary public in Abu Dhabi in favour of the appointed lawyer to represent you in any further court proceedings that may take place in the case, which has resulted

from the complaint filed by you against your employer. This is in accordance with Article 55 (1) of Federal Law No. 11 of 1992 on the Civil Procedures Law (the 'Civil Procedures Law'), which states:

"The court shall accept from the parties whoever they shall appoint as proxy according to the law."

Further, the power of attorney shall enable the appointed lawyer to prove his appointment before the court adjudicating upon the case filed by you. This is in accordance with Article 55 (2) of the Civil Procedures Law, which states:

"The proxy must establish his appointment as proxy for his client by an official document."

The notarised power of attorney shall allow the appointed lawyer to represent you during court proceedings and perform the necessary actions and procedures to defend your rights and take preventative measures until the issuance of a final judgment. This is in accordance with Article 57 of the Civil Procedures Law, which states:

"The litigation proxy empowers the attorney with the authority to perform the necessary acts and procedures in order to file the legal action, follow it up, defend and to take precautionary measures until the decision on its merits is rendered, in the degree of prosecution to which he was entrusted, and to notify such decision, without prejudice to the matters to which the law requires a special authorisation."

Based on the aforementioned provisions, you may appoint a lawyer to represent you in court proceedings that may further take place by issuing a power of attorney that is duly notarised by the notary public. Thereafter, you may return to your home country, should you wish to.

Know the law



The proxy must establish his appointment as proxy for his client by an official document

ASHISH MEHTA is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom 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.