

X-ray can be waived for pregnant women during visa application



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LEGAL VIEW

Q: I am in the process of applying for UAE residence visa for myself and my wife, who is pregnant. She has been told that undergoing medical tests through X-rays during pregnancy are not advisable.

A: You have not mentioned the emirate where you have applied for residence visa. We assume that you and your wife are applying for the visa and undergoing medical fitness tests for the first time in the UAE. It is compulsory to go through medical fitness tests which include X-ray examination of the chest for all individuals, who are seeking a residence visa in the UAE. Since your wife is pregnant, you may request for a waiver for the X-ray. You may contact the health authority concerned in the emirate where you have applied for the residence visa for more clarification on this issue prior to your wife's medical fitness tests.

Know the law



It is compulsory to undergo medical fitness tests which include X-rays of the chest for all individuals, who are seeking a residence visa in the UAE

Employer can't deny annual leave salary, reduce pay without your nod

Q: I am employed by a company since May 2018. Last month, I had applied for annual vacation, but it was rejected by my employer. Thereafter, I applied for my annual leave again this month and was allowed an unpaid vacation for two months. Further, I am also entitled to an air ticket to my home country, but the employer said that they will provide me with the air ticket fare in August. The company further informed me that my salary will be reduced. How do I handle this problem?

ANSWER

A: We assume that you are employed by an employer based in the mainland of UAE and therefore, your employment is subject to the provisions of the Federal Law No. (8) of 1980 regulating employment relations in the UAE (the 'Employment Law').

You are entitled to 30 days of annual leave upon completion of one year of employment with your employer. This is in accordance with Article 75 of the Employment Law which states: "An employee shall, for each year of service, be entitled to an annual leave of not less than:

1. Two days a month, where the employee's period of service is more than six months but less than one year.
2. 30 days a year, where the employee's period of service is more than one year."

However, your employer has the discretion related to fixing the dates of commencement of your annual leave as mentioned in Article 76 of the Employment Law. Since your employer has approved your annual leave, you are entitled to salary, which includes basic pay and housing allowance if applicable as part of your annual leave salary. This is in accordance with Article 78 of the Employment Law, which states: "Each employee shall be entitled to his basic remuneration and the housing allowance, if applicable, in respect of his days of annual leave. Where it was imperative for the work interest to put an employee on duty during all or part of his annual leave, and if the leave days on which he worked were not carried forward to the following year, the employer shall pay him his normal remuneration plus an allowance in lieu of leave, for the actually worked days, calculated on the basis of his basic remuneration.

In no case shall an employee be made to work during his annual leave more than once in two successive years."

Based on the aforementioned provision of law, your employer is obligated to pay you salary for the annual leave which are accrued to you as on the date of commencement of your annual vacation. The annual leave salary may be paid by your employer prior to the commencement of your vacation. Any leave taken by you beyond your entitlement to leave will be unpaid leave. This is in accordance with Article 80 of the Employment Law, which states, "Before the commencement of an employee's annual leave, his employer shall pay the full remuneration due to him plus the leave pay prescribed for him under this law."

Further, you are entitled to an annual air ticket fare if your employment contract states so. As your employer has not denied the same, you may wait until August 2019 for the reimbursement of air fare.

In the UAE, an employer cannot reduce the salary of the employee without his/her consent. Even if the employee agrees for the reduction of the salary, the same needs to be approved and registered with the Ministry of Human Resources

Know the law



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and Emiratisation (MOHRE) through amended employment contract signed by both the employer and the employee. Article 60 of the Employment Law states:

"No amount of money may be deducted from an employee's remuneration in respect of private claims, except in the following cases:

1. Repayment of loans or money advances paid to the employee in excess of his entitlements, provided that the amount deducted in this case shall not exceed 10 per cent of his remuneration.
2. Contributions that an employee is required by law to make from their remuneration, towards social security and insurance schemes.
3. The employee's contributions to a provident fund or repayment of loans due thereto.
4. Contributions towards any welfare scheme or in respect of any other privileges or services provided by the employer and approved by the labour department.
5. Fines imposed upon the employee for any offence he commits.
6. Any debt exacted in execution of a court ruling, provided that the deduction made should not exceed one-quarter of the remuneration due to the employee. Where there are several debts or creditors, the maximum deduction shall be half the employee's remuneration, which shall be divided pro rata among the creditors, after payment of any legal alimony to the extent of one quarter of the employee's remuneration."

In the event your employer does not pay your salary for the accrued annual leaves and if they reduce your salary without your consent, you may file a complaint against your employer with MOHRE.

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