

# Company can't fire employees because of mental health issues



**ASHISH MEHTA**  
LEGAL VIEW

**Q** I am a contracts engineer working at a private company in Dubai for the last seven years. For the past eight months, I have been going through some mental health issues and I am seeking psychiatric treatment. My company knows about this. Now, because of the Covid-19 situation, I am struggling with severe stress and anxiety and it affected my work. Last week, my company terminated my employment. Do I have the legal right to keep my job as long as I am capable of delivering my work requirements?

**A** In the UAE, an employee may not be terminated on the grounds of deficiency in health. This is in accordance with Article 124 of the Employment Law, which states: "The employer may not terminate the service of an employee for his health deficiency before he avails himself of the leaves lawfully due to him. Any agreement to the contrary is deemed null and void even if it is made before this law comes into operation."

Further, we assume that you were terminated by your employer on the grounds of mental health issues. The Employment Law is silent related to the matters of mental health issues of the employees. However, if these issues do not affect your capabilities to perform your employment obligations, then the termination of your employment may be considered arbitrary. This is in accordance with Article 122 of the Employment Law.

If an employer terminates the employee arbitrarily without a valid reason, then the worker may claim up to three months of salary from the company as compensation for arbitrary termination. Article 123 of the Employment Law states: "If the employee has been arbitrarily dismissed, the competent court has the jurisdiction to give judgment against the employer for payment of compensation to the

## Know the law



If an employer terminates the employee arbitrarily without a valid reason, then the worker may claim up to three months of salary from the company as compensation for arbitrary termination

employee. The court shall determine the amount of this compensation ... Provided that in all cases the amount of compensation should not exceed the employee's pay for a period of three months, to be worked out on the basis of last pay due to him."

You may obtain a medical report from your doctor and submit it. Further, you may request your employer to reconsider the termination of your employment and inform the firm that you are capable of performing your obligations and assure them your mental health issues will not affect your performance.

If you are not satisfied with your employer's response, you may approach the Ministry of Human Resources and Emiratization and file a complaint against your employer for arbitrary termination.

## File execution case to claim your money after a final ruling is handed down

**Q** I resigned from my job in November 2019 because my employer has failed to pay my salary for eight months. I registered a case against my employer in December 2019. On March 31, 2020, I got a verdict in my favour after several court hearings. Currently, I am going through a financial crisis and my only hope of survival is getting the money from the case, which I still haven't. What are the legal options available to me in this scenario?

**A** We assume that the judgment pronounced in your favour on March 31, 2020, was issued by the First Instance Court of the emirate where you had filed the case against your employer. You and your employer had 30 days to file an appeal against the verdict pronounced by the First Instance Court.

It is further assumed that neither of you filed an appeal against the judgment and it is the final verdict. Now you may file an execution case for enforcement of the judgment in order to receive the amount from your employer.

**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](http://www.amalawyers.com). Readers may e-mail their questions to: [news@khaleejtimes.com](mailto:news@khaleejtimes.com) or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.