

# You can't merge maternity leave with notice period



## LEGAL VIEW Ashish Mehta

*I am employed on an unlimited contract, which requires me to give a three months' notice period before quitting my job. But can I combine notice period and maternity leave together? Upon completion of my maternity leave, can I resume work and resign after some time? Can I use my annual leave to cover up the notice period? If I do this, will it affect my gratuity?*

It should be noted that an employee has to perform work during the notice 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 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 last remuneration and he shall be required to perform his work 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 aforementioned provision of Employment Law, whenever an employee is on notice period he or she cannot avail other leaves. Therefore, you cannot merge maternity leave with your notice period. You may avail maternity leave and then resign from your employment after you resume your employment.

Your gratuity will not be affected if you comply with notice period as mentioned in the Employment Law while you resign from your employment after you have completed more than one year of continuous services with your current employer. This is in accordance with Article 132 of the Employment Law which states, "A worker

### Know the law

An employee shall be required to perform duty during notice period if the employer so requests. You cannot combine maternity leave with your notice period. Your gratuity will not be affected if you comply with notice period regulations.



who has completed a period of one or more years of continuous service shall be entitled to severance pay on the termination of employment. The days of absence from work without pay shall not be included in calculating the period of service. The severance pay shall be calculated as follows:

> 21 days remuneration for each year of the first 5 years of service;

> 30 days remuneration for each additional year of service provided that the aggregate amount of severance pay shall not exceed 2 years of remuneration."

### Can I get a family visa in Ajman if I have an Abu Dhabi work visa?

*I am an Indian having residence visa issued by my employer in Abu Dhabi. My employer has a project in Ajman and assigned me to work in Ajman on this project for a year. I want to bring my family to the UAE on a family visa. I have already obtained a tenancy contract in the emirate of Ajman. But my application to sponsor my family visa was rejected by the General Directorate of Residency and Foreigners Affairs (GDRFA), Ajman, as my residence visa is from Abu Dhabi. Despite a letter from my employer and my customer, which is an Ajman government*

### Know the law

An employee working in the UAE has to apply for residence visa for family from the GDRFA office of the emirate which issues his/her employment visa.



*department, my application for family residence visa was rejected. I really don't know what to do now.*

Pursuant to your queries, your employment visa is issued by the GDRFA office in Abu Dhabi and your file is with the Abu Dhabi GDRFA office. Therefore, you should apply and obtain a residence visa for your family from the Abu Dhabi office of the GDRFA. You may present a tenancy contract of a residential premises you have rented in Ajman to the Abu Dhabi office of the GDRFA.

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