

# File a complaint for that defamatory work memo



**LEGAL VIEW**  
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**Q:** I am aware that there is a monetary fine or jail term or both imposed on an individual if he is found guilty of defamation published in social media. Can an employee in an organisation claim redressal from his employer for defamation at the workplace in Dubai? What should an employee do when he has been prevented from being promoted due to defamation consistently being pointed at him through memos and e-mails sent to the senior management of his organisation?

**A:** It should be understood that defaming an individual on social media is a criminal offence in the UAE. This is in accordance with Article 373 of the Federal Law No.3 of 1987 on the issuance of the Penal Code (the 'Penal Law'), which states: "Detention for a period not exceeding one year or a fine not exceeding Dh10,000 shall be imposed on anyone who, by any means of publicity, disgraces the honour or the modesty of another person without attributing any particular act to the defamed party. Detention for a period not exceeding two years and a fine not exceeding Dh20,000 or either of these two penalties, shall apply if a public official or one who is in charge of a public service has been abused during, because of, or while performing his duty or public service, and if the abuse affects the honour or injures the reputation of families, or if it is noticed that it is intended to achieve an illegal purpose. However, if the abuse is published in any newspaper or printed media, it shall be considered an aggravated case."

Further, it should be understood that an employer may guide, advise or ask for explanations verbally or in writing from its employees with reference to the work performance of its staff. Therefore, any

warning letters or memos with appropriate words and subject issued to the employees may not be treated as defamatory letters or memos. However, if the employer issues notices or memos with inappropriate words containing abuse, discrimination, or personal, religious or sexual comments, these may be treated as defamatory words and liable for defamation under the Penal Law and anti-discrimination law of the UAE.

If the employee feels that the letters and the memos issued to him by the employer are discriminatory, he is entitled to file a criminal complaint against the employer in accordance with Article 6 of the Federal Decree Law No. 2 of 2015 on combating discrimination and hatred, which states: "Any person, who commits any act of discrimination of any form by any means of expression or by any other means, shall be sentenced to imprisonment for a period not less than five years and a fine not less than Dh500,000 and not exceeding Dh1,000,000, or either one of these two penalties."

If an employee feels that the memos and letters addressed to him are not related to his work or workplace as stipulated in Article 109 of Federal Law No. 8 of 1980 regulating employment relations in the UAE (the 'Employment Law'), he may approach the Ministry of Human Resources and Emiratisation and file a complaint against the employer. Article 109 of the

## Know the law

No disciplinary penalty may be imposed on an employee for any act committed by him outside the workplace, unless such an act is connected with the work, the employer or the responsible manager



Employment Law of UAE reads: "No disciplinary penalty may be imposed on an employee for any act committed by him outside the workplace, unless such an act is connected with the work, the employer or the responsible manager. It shall also be unlawful to impose more than one penalty or to combine a disciplinary penalty with a deduction of part of the employee's remuneration as mentioned in Article 61 of this law."

## Know the law

In the UAE, the combined minimum salary of husband and wife to sponsor their child is Dh10,000



## Combined salary criteria to sponsor child can be reconsidered

**Q:** Can a husband and wife combine their salary of Dh6,000 to apply for the residence visa of their child?

**A:** In the UAE, the combined minimum salary of husband and wife to sponsor their child is Dh10,000. Such criteria of combined salary requirements to sponsor their child in the UAE may be reviewed as a special case by the General Directorate of Residency and Foreigners Affairs (GDRFA). You may contact the GDRFA in the UAE for further guidance on this matter.

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