

Taking too many breaks during work hours could get you fired



LEGAL VIEW
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Q: I am working with a Dubai-based employer on an employment contract of unlimited duration. Recently, my employer verbally warned me for taking too many breaks during work hours. Further, he threatened me that he would terminate me if I don't reduce the number of breaks.

I am a smoker and take about three to four five-minute breaks during the day and half-an-hour break for lunch. I put in over nine hours in the office and have exceeded all work-related targets during my tenure of three years.


My productivity has not been affected by my habit of smoking, but my employer is very serious about the warning.

A: An employee taking too many breaks during work hours is in violation of normal code of discipline at the workplace. Your employer may warn you and take action against you if you don't reduce or stop your unusual breaks during work hours for smoking.

Efficiency in work and disciplinary conduct are two separate aspects. An employee should follow work ethics and normal disciplinary rules at the workplace. This is in accordance with Schedule mentioned in ministerial order No. 28/1 of 1991 regarding mode disciplinary code, a guide to employee in making disciplinary regulations applied in their undertaking.

The schedule clearly states the kind of contravention and the degree of penalty to be imposed on the employee. An employee taking frequent breaks during working hours may attract the following


Know the law

 Leaving the work or the workplace before the working hours without permission or reasonable excuse may attract 25 per cent of salary deduction of the said day, if the offence has been committed by the employee for the first time

penalties as mentioned in the schedule:

> **Contraventions in respect of time keeping:** Leaving the work or the workplace before the working hours without permission or reasonable excuse may attract 25 per cent of salary deduction of the said day if the offence has been committed by the employee for the first time. If the same offence is committed for the second time, the penalty shall be 50 per cent of the salary deduction of the day, one day's salary deduction for the third time and two days' salary deduction for the fourth time, respectively.

> **Contravention in respect of order during work:** Employee's idleness or presence in a place other than their workplace during working hours may

 **An employer may dismiss an employee without notice if the employee does not perform his basic duties under the contract of employment and persists in violating them despite the fact that he has been the subject of a written investigation for this reason."**

attract the aforementioned salary deductions. After the fourth contravention, the employer may issue a written warning and the employee may be dismissed if the offence is committed for the fifth time and within six months from the date of commission of the offence for the fourth time.

Based on the aforementioned provisions of law, your employer may terminate your employment on the grounds of indiscipline and may also apply Article 120(e) of Federal Law No. 8 of 1980 regulating employment relations in the UAE. It states: "An employer may dismiss an employee without notice if the employee does not perform his basic duties under the contract of employment and persists in violating them despite the fact that he has been the subject of a written investigation for this reason and that he has been warned that he will be dismissed if such behaviour continues."

Know the law



NOC may not be required from a current Dubai Multi Commodities Centre (DMCC) employer if a DMCC employee is switching job to a company based in another free zone authority based in the UAE.

Do I need an NOC to change jobs from DMCC to other freezones?

Q: I am aware of the fact that if an employee of a DMCC-based company ends his employment before the completion of two years, he/she must obtain an NOC from the current employer to take up a job with another DMCC-based company. Is such an NOC required to take up jobs in other freezones?

A: An NOC is required from a current employer if the employee terminates employment with a DMCC registered company before the completion of two years of employment to join another DMCC entity.

The rules and regulations of other free zone authority may vary from that of DMCC in terms of requirement to obtain an NOC from the current employer.

However, NOC may not be required from a current DMCC employer if a DMCC employee is switching job to a company based in any other free zone authority based in the UAE.

For further clarifications, you may contact the administration department of the specific free zone authority.

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