

# Employer needs to get ID cards for staff

If your employer is not applying for employee ID that is usually provided by free-zone authorities, you can contact the labour relations department at the free-zone concerned



**LEGAL VIEW**  
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I am an American who recently got hired to work for a free-zone company in Dubai.

The company is also owned by an American and the employer owes me some money which she is not returning. Moreover, the company address is not what is stated on their website. My lawyer sent a notice to my employer via FedEx, however, the notice could not be sent to the employer as the address could not be verified from the telephone number which was supposed to be of my company.

It seems to be a case of fraud as they never applied for an employee identity card for me (I had given them my passport for them to do so). And since I have no ID number, the Ministry of Labour is stating that they can't file a case for me and I must contact the courts or the

police. Do you know what can be done to help me? I have all of the necessary documents that prove I have worked for this company. I've also studied the Dubai Labour Law and know that my case is extremely strong. I just need to file a complaint without an employee ID. After all, it's the company that is required to obtain an ID for their employees.

It may be noted (as per my understanding) that since your employer's entity is registered and incorporated at a UAE based free-zone, you may approach the labour/employment relations department at the free zone. However, it is not very clear as to why your employer owed money to you. If the money owed to you is pertaining to your salaries which are due, it may be advisable for you to contact the labour/employment relations department at the concerned free-zone.

**“ If you suspect that your employer has defrauded you and induced you to work for the entity illegally, you may consider approaching Dubai Police and filing a complaint against your employer**

Further to this, in your complaint, you may also make a reference of your employer not applying for an employee ID which would be usually provided by the free-zone. You have not mentioned what kind of documents you have which confirm you have worked for your employer and whether the employer applied for issuance of an employment visa for you. However, if you

suspect that your employer has defrauded you and induced you to work for the entity illegally, you may consider approaching Dubai Police and filing a complaint against your employer.

Apart from this, if you have any monetary claims against your employer which are not on account of salaries, you may consider to initiate a civil suit against the latter.

Nevertheless, it is advised that you should take further assistance of a legal practitioner in Dubai who can provide comprehensive counselling and litigation support with respect to your matter.

## Gratuity calculation

**I have been working with a hotel in Dubai for 25 years now. I plan to resign and want to know how the company will calculate my gratuity. Will it be 24 years or 25 years? Please advise.**

It is presumed that your employment is subject to provisions of the Federal Law No 8 of 1980 on the Regulation of Labour Relations (the UAE Labour Law). Pursuant to your question (as per my under-

standing), it may be advised that gratuity is calculated on the basic remuneration for 21 days for a continuous period of service of five years and thereafter for 30 days where the period of service is more than five years provided that the entire amount of gratuity or severance pay shall not exceed one's total remuneration for two years.

This is in accordance with Article 132 of the Labour Law which states: "A worker who has completed a period of one or more years of continuous service shall be entitled to severance pay on the termination of his 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:

1. 21 days' remuneration for each year of the first 5 years of service.
2. 30 days' remuneration for each additional year of service provided that the aggregate amount of severance pay shall not

exceed 2 year's remuneration."

In view of the foregoing, it may be advised that you shall be entitled to receive gratuity for up to a maximum of 24 months or two years' remuneration.

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