

Employee can file complaint against foul-mouthed boss

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LEGAL VIEW



Q: I have been employed by a trading company in Dubai. I and other employees of the firm are often verbally threatened by our employer. He uses expletives and obscene terms while shouting at us. We are 12 employees and there is no human resources department in our company where we can file a complaint. Is it legal to record our employer's verbal abuses electronically and present it to a court or police?

A: Your employer should not verbally abuse you and your colleagues in the workplace as abusing any individual in the UAE is a criminal offence.

This is in accordance with Article 374 of the Federal Law No. 3 of 1987 in issuance of Penal Code of UAE, which states: "Punishment by detention for a period not exceeding six months or by a fine not exceeding Dh5,000 shall apply if slander or abuse is transmitted by telephone, or face to face with the victim and in the presence of a third party."

Based on the aforementioned provision of law and Article 10 (4) of the Federal Law No. 35 of 1992 related to Criminal Procedure Law, a criminal action may be lodged upon a written or verbal complaint of the victim or their legal representative with the police against the perpetrator of an offence related to insult and slander. Your complaint may be supported by the statements of your colleagues as witnesses.

On the other hand, you and your colleagues may file a written complaint with the employer.

A copy of the said complaint may be addressed to the Ministry of Human Resources and Emiratisation (MoHRE). This is in accordance with Article 155 of the Federal Law No. 8 of 1980 regulating employment relations in the UAE, which states: "If a dispute arises between an employer(s) and

all or part of his/their employees and both parties fail to reach an amicable settlement, the following steps shall be taken:

1) The employees shall submit their complaint in writing to the employer and simultaneously dispatch a copy thereof to the MoHRE;

2) The employer shall reply in writing to the complaint or claims of the employees within seven working days from the date of receipt of the complaint. A simultaneous copy thereof shall be submitted to the MoHRE at the same time;

3) If the employer fails to submit his reply within the fixed period or if his reply does not result in settlement of the dispute, the MoHRE on its own motion or at a request of either party shall mediate to settle

b) Picking up or transmitting by any system of whatever kind, a person's picture at a particular place. If the acts referred to in the above two cases during a meeting within the hearing or sight of the person attending, their consent shall be required.

The same punishment shall be inflicted on any person who publishes through any means — news, pictures or comments pertaining to the secrets of people's private or familial lives even if the same is true. A punishment of confinement for a period not exceeding seven years and a fine shall be inflicted on any public officer who commits any of the acts described in this article depending on his functionary authority.

In all cases, systems and other tools used in the crime shall be confiscated and the recordings found shall be obliterated or destroyed."

It may, therefore, be prudent on your part as an employee to file a complaint with the ministry about the abuse.

This is in accordance with Article 136 of the Employment Law, which states: "The employment department shall not in application of the provisions of the law and the rules and orders issued in implementation thereof, whenever possible, initiate criminal proceedings before giving advice and guidance to employers and employee who commit violations against the law and, when necessary, gives them written warning to rectify their situation so as to be in accordance with the law, before initiating criminal proceedings."

You may consult a legal practitioner for further advice regarding actions to be taken against the abusive employer.

Know the law



The electronic voice recording of an individual should not be made without the consent of the person being recorded. Violation of this law would result in jail term and fine.

the dispute amicably;

4) If the complaint is made by the employer, he must submit it directly to the MoHRE to mediate for an amicable settlement of the dispute."

In response to the last part of your query, it may be pertinent to note that the electronic voice recording of an individual should not be made without the consent of the person being recorded.

This is in accordance with Article 378 of the Penal Code, which states: "A punishment of confinement and fine shall be inflicted on any person who attacks the sanctity of individuals' private or family life by committing any of the following acts in other than the legally permitted cases or without the victim's consent:

a: Eavesdropping or recording or transmitting by any system of whatever kind, any conversation held at a particular place or via the phone or any other set.

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