

# Health insurance sponsor's obligation not employer's



## LEGAL VIEW Ashish Mehta

*I work for a trading company and am on my husband's visa sponsorship. My health insurance expired in December 2017 and thereafter I availed sick leave on February 18 this year. The employer is requesting me to submit my medical certificate attested by Ministry of Health (MOH). Based on this, I replied to my employer by email that if they will reimburse the cost to obtain a medical certificate from MOH.*

*However, the employer never replied to my email and they intend to deduct one-day salary for the sick leave availed. Further, my employer is irregular in payment of salaries as the salary for the month of December was paid in the second week of February 2018. Based on the anonymous complaints, the Ministry of Human Resources and Emiratization had visited your employer and warned them for delay in payment of salaries.*

Pursuant to your queries, we assume that you are employed in the emirate of Dubai. As per the prevailing rules and regulations, the health insurance for a resident in the UAE has to borne by the sponsor. In case an employee is under the sponsorship of the employer, the employer has to bear the cost of health insurance policy. Whereas, if the employee is not under the sponsorship of the employer then the onus of bearing cost of health insurance policy is on the sponsor. This is in accordance with Article 11 Of 2013 concerning health in-

surance in the emirate of Dubai, which states the sponsor shall be obliged of the following:

- > **Cover** the persons sponsored thereby if they have not been covered by the employer thereof;
- > **Bear** the cost of such health insurance coverage rather than making the beneficiaries bear such costs
- > **Verify** that the health insurance of the persons sponsored thereby is valid for the length of their residence or visiting period
- > **Bear** the health services and medical intervention costs in emergencies for any of the persons sponsored thereby if any of them has no health insurance in accordance with the provisions of this law
- > **Give** the persons sponsored thereby the health insurance card
- > **Provide** the health insurance policy upon the residence or visiting issuance or renewal of the persons sponsored thereby
- > **Any other** obligations specified by the authority pursuant to the resolutions issued thereby in such concern."

Although, in Dubai the authori-

### Know the law

In case an employee is under the sponsorship of the employer, the employer has to bear the health insurance policy cost. If the employee is not under the sponsorship of the employer then the onus of health insurance is not on the employer but on the sponsor.



ties concerned encourage employers to bear cost of health insurance to all employees, including who are not on their sponsorship, but it is not mandatory. Since, you are under your spouse sponsorship, it is responsibility of your spouse to take a health insurance for you and not the employer.

The employer cannot deduct your salary as you were on sick leave. However, the onus is on you to provide a medical certificate issued by the doctor. Further, you may complain to the Ministry of Human Resources and Emiratization (the 'Ministry') if your employer does not pay your salary on time. An employer has to pay salary of his employee within 10 days after maturity date. This is in accordance with Article 1(b) of Ministerial Decree No. 739 of 2016 Concerning the Protection of Wages, which states: "The employer shall be deemed late in paying the wage unless he pays the wage within the first ten days as of maturity date, and shall be deemed refusing to pay the wage unless he pays it within one month as of the maturity date, unless a less term is set provided in the contract."

### Visa lapses six months after exiting the UAE

*I was working in a school based at Dubai and left for Pune, India on December 21, 2017 on vacation. In India, I lost my passport and therefore, I had to approach the passport-issuing authority to re-issue a new passport. The lost passport had my UAE resident visa affixed. I have a picture of my UAE visa page stamped on my old passport, employment card and emirates ID of UAE. Upon*

### Know the law

It is always better to get visa cancelled. In case that's not done, the visa gets cancelled on its own six months after one exits the UAE.



*re-issue of new passport, I requested my employer to send a letter along with copy of my visa addressed to UAE Embassy in India stating that I am an employee of the Dubai-based school and I lost the passport. Based on this letter, the UAE Embassy in India would affix the UAE residence visa on my new passport. But my employer did not send the aforementioned letter and replied to me by email stating that they had hired another teacher and informed me that they will not help me regarding this matter. Now, I want to come back to UAE and work for another organisation.*

You may request your employer to settle all your dues and cancel your visa, so that it will enable you to look for a new employment in the UAE. Alternatively, your visa will automatically lapse after six months from the date you left the UAE.

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