

## NATION

# Employee should verify job details in contract

Wrong information can be corrected during contract renewal



## LEGAL VIEW

Ashish Mehta

**If an employer has issued false information on an employee's visa status with regarding to their job title - for instance, a sales assistant but listed as a labourer in the visa - is it legal under UAE labour laws? What can I do when it comes to renew such a false contract?**

Pursuant to your question, it is the responsibility of the employee to verify his employment contract before signing it and ensure all the details in accordance with the terms of the employment offer are mentioned in the employment contract. The contract shall also be filed with the Ministry of Human Resources and Emiratisation. In case the designation mentioned in the employment contract is different from the designation offered to you by the employer, the employee may correct the designation on the employment contract at the time of its renewal.

### Cancellation of unlimited contract

**I am working with a private LLC company as a follow-up clerk. I entered into an unlimited contract which began on November 18, 2014. I have recently submitted an official resignation via e-mail, with a notice period of 30 days. My last working day is April 9. I am concerned how the company will process my cancellation, and whether I am liable for all benefits in the full and final settlement. The company has kept one salary cheque of mine and also my passport. Please suggest a way to come out of this with all my rights and benefits?**

Pursuant to your questions, you are

### Know the law

End of service benefits of an employee is calculated as follows:

**21 days'** remuneration for each year of the first 5 years of service.

**30 days'** remuneration for each additional year of service provided that the aggregate amount of severance pay shall not exceed 2 year's remuneration.

eligible for all the end of service benefits as your resignation is pursuant to the provisions of Federal Law No.8 of 1980 (the "Labour Law") of the UAE which regulates Labour Relations. Since you are employed under unlimited period contract, you have all the right to terminate your employment contract on a prior notice of 30 days to your employer. This is in accordance with the provisions of Article 117(1) of the Labour Law, which states: "both the employer and the worker may terminate a contract of employment of unlimited duration for a valid reason at any time following its conclusion by giving the other party notice in writing at least 30 days before the termination."

Further you are eligible for severance pay 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:

(a) 21 days' remuneration for each year of the first 5 years of service.



(b) 30 days remuneration for each additional year of service provided that the aggregate amount of severance pay shall not exceed 2 year's remuneration."

You are also entitled for remuneration on annual leave not availed during the term of your employment as per Article 79 of the Labour Law which states: "Where a worker is dismissed or leaves his job after the period of notice prescribed by law, he shall be entitled to remuneration in respect of any days of annual leave not taken. Such remuneration shall be calculated on the basis of the remuneration that he earned on the date on which the leave became due."

In normal course, your employer cannot hold your salary and should only take your passport to cancel your visa with the Ministry of Hu-

man Resources and Emiratisation. After cancellation of your visa, the employer should return your passport. Your employer is not allowed to retain your passport without your consent. In the event your employer refuses to hand over your passport, you may file a complaint with the Ministry and further with the police, accusing your employer of unlawfully withholding your passport.

*Ashish Mehta is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom, Singapore and India. Full details of his firm on: [www.amalawyers.com](http://www.amalawyers.com). Readers may e-mail their questions to: [news@khaleejtimes.com](mailto:news@khaleejtimes.com) or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.*