

Help! I've been fired in final month of my pregnancy



LEGAL VIEW Ashish Mehta

I have been working for an IT company for the last year and nine months. Currently, I am eight months pregnant and due for delivery next month. When I informed the company about the pregnancy, they told me they would not pay for maternity leave, and when asked via e-mail, they sent me a termination notice and asked me to serve a one-month notice period.

Is this legal? The termination has already resulted in considerable stress during my final months of pregnancy, and I might lose my insurance, which is causing my family severe financial stress. How do I proceed to file a complaint against the company, and what are my rights as per the law?

Pursuant to your questions, a female employee in the UAE is entitled for maternity leave pay if she completes one year of service with an employer. If it is less than one year, the maternity leave shall be half of the pay. The employer is bound to grant maternity leave for a woman during the course of her employment. This is in accordance with article 30 of the federal law no. 8 of 1980 regulating employment relations in the UAE (the 'Employment Law'), which states: "A female employee shall be entitled to maternity leave with full pay for a period of 45 days, including the period preceding and the period following her confinement, on condition that she has been in her employer's service for a continuous period of not less than one year. If she has not completed the aforesaid period of service, she shall be entitled to maternity leave with half pay.

"On the expiry of her maternity leave, a female employee may be absent from her work without pay for a maximum period of 100 consecutive or non-consecutive days if such absence is due to an illness preventing her from resuming her work and if the illness is confirmed

by a medical certificate issued by the medical service specified by the competent health authority or if the latter authority confirms that the illness was caused by the woman's work or confinement.

"The leave provided for in the preceding two paragraphs shall not be deducted from other periods of leave."

Based on the aforementioned provision of law, your employer



Know the law

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should provide you maternity leave pay and cannot terminate you from your employment. Further, the employer cannot force you to resign from your services and the said termination may be considered as arbitrary termination and you may consider claiming compensation for arbitrary dismissal. You may approach the Ministry of Human Resources and Emiritisation and file a complaint against your employer.

1-yr notice must for eviction I own a shop in Dubai, which has been occupied by a tenant for the last few years. I recently requested him to vacate the shop, as I wish to use it myself. He, however, is refusing to do so. He has threatened to go to the Real Estate Regulatory Agency (Rera) and get the contract renewed himself. Can the Rera

renew contracts without my consent? How can I go about evicting him legally? The tenant claims that no court can order him to vacate the property, as it is his right to stay in the property as long as he wishes.

Pursuant to your queries, we assume that you are the sole owner of the shop. Since the shop belongs to you, it is your discretion to vacate the tenant by serving him eviction notice of one year through a Notary Public. This is in accordance with article 25 (2) (c) of law no. 33 of 2008 amending law number 26 of 2007 regulating the relationship between landlords and tenants in Dubai, which states: "Upon expiry of the tenancy contract, the landlord may request eviction of the tenancy from the real property if the owner of the real property wishes to take possession of it for his personal use or for use by any of his first-degree relatives, provided that the owner proves that he does not own another real property appropriate for such purpose. For the purposes of paragraph (2) of this article, the landlord must notify the tenant of the eviction reasons 12 months prior to the date set for eviction, provided that this notice is given through a notary public or registered post."

Based on the aforementioned provision of law, if the tenant still does not vacate after the expiry of eviction notice period then you have all the right to approach Rental Dispute Centre in Dubai and file a complaint against the tenant.

Serve notice period as per job contract

I recently resigned from my job in Dubai, which stipulated a one-month notice period in the contract in case I quit. After several years working there, I had received a raise, and I was told that all other terms and conditions mentioned in my contract remain the same. Now, however, upon my resignation, my employers have said that because of my promotion, I am liable to serve a three-month notice period, despite not having signed



Know the law

Upon expiry of the tenancy contract, the landlord may request eviction of the tenancy from the real property if the owner wishes to take possession of it for his personal use or for use by any of his first-degree relatives."

anything in this regard. Is this legal? Can I leave after serving a one-month notice?

Pursuant to your queries, we assume that your employment contract is unlimited in nature. Since your employment contract states one month of notice period, then you are entitled to serve only one month of notice period while resigning and not three months as requested by your employer. This is in accordance with article 117 (1) of the federal law no. 8 of 1980 regulating employment relations in the UAE, which states: "Both the employer and the employee 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."

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