



Non-payment of salary is violation of UAE laws

Can quit job without notice if employer fails to pay



LEGAL VIEW ASHISH MEHTA

I have been working in a Dubai company for the last four months. This is my first contract, but for three months I have not been paid. I now have an offer from a free zone company. Will I face a ban for not completing my first contract if I join that free zone company in Dubai and can prove that I have not been paid by my present employer?

It is understood that you have been working at a company in Dubai for the last four months and you have not been paid your salary for the last three months. Further, it is assumed that at present, you are working for a non-free zone entity in Dubai and that your employment is subject to provisions of the Federal Law No 8 of 1980 on Labour Relations (the "Labour Laws").

It may be noted here that non-payment of salary by an employer is a violation of the labour laws in the UAE. As such an employee is allowed to leave his place of work without notice, if the employer does not fulfil his obligations towards the employee. This is in accordance with Article 121 of the Federal Law No. 8 of 1980 which states:

"A worker may leave his work without notice in either of the following cases:

a) If the employer fails to comply with his obligations towards him, as provided for in the contract or in this Law;

b) If he is assaulted by the employer or the employer's legal representative."

Pursuant to the above-mentioned provision of law, you may leave your place of work forthwith, without providing a notice to your employer, provided you file a complaint against your employer at the

Ministry of Labour stating non-payment of salary for the last three months and you may also apply for cancellation of your employment contract and visa. You may furnish relevant documents of 'WPS records' to prove that you were not paid your salary in due time.

An 'employment ban' may not be imposed on you if you can successfully prove to the Ministry of Labour that you had left your place of work owing to non-payment of salary by your employer for three consecutive months. Subsequently the Ministry of Labour shall issue its report in your favour, pursuant to which you should be able to take up another employment in the UAE without a labour ban being imposed on you.

New job offer while waiting for work visa

I am currently living in Dubai and was hired by a company that has offered me a salary of Dh3,500. They said it will take them a week to get my work visa done but now they are saying due to some administrative issues it may come by June 10. Meanwhile, I have got a good offer from another company for Dh4,000 with benefits so I want

to consider that option. Since my visa is still being processed, can I cancel or transfer it because of the new offer which I would like to accept?

It is understood that you have been recruited by an entity in Dubai for a monthly remuneration of Dh3,500 and that the entity is in the process of securing an employment visa for you and that your employer has advised you that the visa may not be issued till June 10 due to some administrative issues. Meanwhile, you have received another offer of employment for a monthly salary of Dh4,000 and now you are inclined to accept the offer from the other employer.

Pursuant to your queries, you may take up the employment offering you higher salary if you have not signed the Ministry of Labour employment contract with your current employer. You have not mentioned if the visa application filed by your current employer has been approved by the Ministry of Labour. In the event your visa application has been approved by the Ministry of Labour you can advise your current employer to cancel such approval. However, in the event your visa application has not yet been approved by the Ministry of Labour you may take up employment with the new employer without undertaking any procedures with the labour ministry.

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