



Employees entitled to payments for overtime



LEGAL VIEW
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I have been working for a logistics firm for the past two years at the Abu Dhabi International Airport. We work on a 12-hour shift but the company says we are not entitled to overtime even during Ramadan. What can I do in this situation? Last year, I worked 146 hours as overtime without being paid. I have been working at the airport for the past six years. There are three logistics firms here and only my company does not pay overtime. Please advise.

It is understood that you have been working at a logistics company and that your place of work is the Abu Dhabi International Airport where you have to work on a 12-hour shift almost on a daily basis. Since you have not mentioned whether your employer is a limited liability company incorporated outside the Abu Dhabi International Airport or is an entity licensed by the Abu Dhabi International Airport, we shall furnish our response to your query based on the provisions of the Federal Law No 8 of 1980 on the Regulation of Labour Relations (the "Labour Law").

Pursuant to your questions, it may be advised that in accordance with the provisions of the Labour Law, the maximum normal hours of work has been prescribed as eight hours a day or alternatively 48 hours a week, which may subsequently be increased to nine hours a day depending on the place of work. During the holy month of Ramadan, it has also been prescribed that the normal time of work should be reduced by two hours. This is in accordance with Article 65 of the Labour Law which states: "The maximum normal hours of work of adult workers shall be eight a day or 48 a week. The hours of work may be increased to nine hours a day in commercial es-

tablishments, hotels and cafes and of guard duties and any other operations where such increase is authorised by order of the Minister of Labour and Social Affairs. The daily hours of work may be reduced in the case of arduous or unhealthy operations by order of the Minister of Labour and Social Affairs.

The normal hours of work shall be reduced by two during the month of Ramadan.

The time spent on travelling between his home and place of work shall not be included in his hours of work."

Further, it may be noted that all employees are entitled to receive payments in respect of overtime work. Overtime work is defined as the work which is done more than the normal hours of work. This is in accordance with Article 67 of the Labour Law which states: "Where the circumstances of work require a worker to work more than the normal number of hours any period worked in excess shall be treated as overtime, for which the worker shall receive the remuneration equal to that corresponding to his normal hours of work, plus a supplement of at least 25 percent of the remuneration."

Subsequently Article 68 of the Labour Law states:

"Where the circumstances of the work require a worker to work overtime between 9pm and 4 am he shall be entitled in respect of such overtime to the remuneration stipulated for his normal hours of work, plus a supplement of at least 50 percent of the remuneration."

Pursuant to the above mentioned provisions of the Labour Law it may be advised that you shall be entitled to receive payments in respect of any/all overtime work that you may be engaged in course of your employment. You may consider to approach the office of the

Ministry of Labour in Abu Dhabi with respect to your grievances.

However, it may also be advised that the payment for overtime work shall also depend upon your designation and nature of your work, as there are certain areas of work which have been exempted from the applicability of the rules pertaining to payment for overtime work. This is in accordance with Article 72 which states:

"The provisions of this Chapter shall not apply to the following classes of persons:

* Persons holding responsible managerial or supervisory positions, if such positions confer upon the holders the powers of an employer over workers. The categories in questions shall be specified by order of the Minister of Labour and Social Affairs.

* Workers constituting the crew of seagoing ships and persons employed at sea and enjoying special conditions of service on account of the nature of their work, except dock workers engaged in loading and unloading and related operations."

No ban after completion of contract period

I have been working for a company based in SAIF zone for the past nine months. They have been refusing to confirm me as a permanent employee and increase my salary as per the terms in my contract. The company is also refusing to give me an NOC for a driving licence. I have been offered a job by another company and I wish to leave. Can the company put a ban on me in this case?

It is understood that you have been working with a SAIF zone company for the last nine months on probation and that the company has not confirmed your employment and has also refused to increase your salary as per the terms of your employment contract. Now you have an offer of employment from another company.

Further to your query, it may be advised that you may leave your current employment in accordance with provisions stated in your employment contract. Ideally you may join another employment after the due completion of your contract period.

In your case there will be no ban by the Ministry of Labour as your visa is issued by General Directorate of Residency and Foreigners Affairs. Usually no ban is imposed when an employee joins a non-free zone entity after termination of his contract with a free-zone entity or vice-versa or even when an individual moves from one free-zone to another. Therefore, it can be said that a ban should not be imposed on you. The procedure of visa cancellation will be as per SAIF regulations.

Should you decide to join the new employer, it would be advisable on your part to contact the authorities at the SAIF zone for further information in this regard.

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