

Present proof of cure for past disease on failing medical



LEGAL VIEW
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Q: I am an Indian national employed by a company based in Jebel Ali Free Zone Authority (JAFZA) for the past four years. I am planning to get married next month. Recently, I was informed that my fiancée had tuberculosis in 2012 but it is cured now. I wish to bring my fiancée to the UAE under my visa sponsorship after my marriage.

A: For the purpose of residence visa, all matters related to the medical fitness tests in the UAE fall under the jurisdiction of Ministry of Health and Prevention (the 'Health Ministry'). Since your fiancée was cured of TB in 2012, you can apply for her residence visa and she may travel to the UAE. Upon her arrival, she must undergo medical fitness test for issuance of residence visa in the UAE. If she clears the test, the visa should be issued to her.

However, if she fails it due to her past TB scars, she may submit all medical records to the Health Ministry to satisfy them that she had been cured of TB six years ago. She should carry with her all her medical records duly notarised and legalised from the Ministry of Foreign Affairs in her home country and the UAE Embassy there. Subsequently, these

Know the law



If a person fails the medical fitness test due to a past disease, he or she may submit all medical records to the Health Ministry to satisfy them that the individual has been cured of the malady. One has to carry all medical records duly notarised and legalised from the Ministry of Foreign Affairs in one's home country and the UAE Embassy there. Subsequently, these records need to be attested by the Ministry of Foreign Affairs in the UAE.

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You may contact the Health Ministry and the office of the General Directorate of Residency and Foreigners' Affairs, Dubai for any further queries in this regard.

Employee entitled to compensation for occupational disease

Q: I am a civil engineer and was employed with an oil and gas company in Abu Dhabi on hire basis as a long-term specialist through a labour supplier agency from August 2001 to December 2016. Thereafter, I was seconded to Abu Dhabi Municipality by the company till my retirement in July 2017. My employment was in a heavily sound polluted area which included continuous supervision of maintenance of civil works beside very noisy area of the live oil and gas plants. The noise emitted from the running of turbines of Rolls Royce engines was so powerful that despite wearing ear protection, it has damaged my hearing. Now, I can't hear without hearing aid in both ears. I have all the medical reports and the Audio-Grams up to 2016. Can I claim compensation?

A: It is assumed that you were employed with a mainland company based in the emirate of Abu Dhabi. An employee suffering from permanent disability of hearing due to nature of the work is entitled for compensation and the disability is considered as occupational disease. This is in accordance with Article 150 of the Federal Law No. 8 of 1980 regulating employment relations in the UAE (the 'Employment Law'), which states, "Where an employment accident sustained or an occupational disease contracted by an employee results in permanent partial disability, he shall be entitled to compensation at the rate specified in the

Know the law



If one suffers occupational disease and seeks compensation, the person may file a complaint against the employer with the Ministry of Human Resources & Emiratisation (the 'Ministry') within one year from the date on which such entitlement is due

two schedules attached to this law, multiplied by the amount of death compensation provided for in the first paragraph of the preceding article, as the case may be."

Further, Schedule 2 of the Employment Law regarding assessment of compensation for permanent disability states total and permanent loss of hearing is equal to 50 per cent of permanent disability.

Since you retired from your employment in July 2017, you may file a complaint against your employer with the Ministry of Human Resources & Emiratisation (the 'Ministry') within one year from the date on which such entitlement is due. This is in accordance with Article 6 of the Employment Law, which states ".....In all cases no claim of any entitlement due under the provisions of this law, shall be heard if brought to court after the lapse of one year from the date of which such entitlement became due, and no claim shall be admitted if the procedure stated in this Article are not adhered to." It is recommended to submit your latest medical reports related to permanent disability of hearing with the Ministry while filing the complaint.

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