

30-day leave after a year

Employer may fix leave commencement or divide period into two



LEGAL VIEW ASHISH MEHTA

My query is regarding the annual leave salary calculation dates. I joined a company on July 8, 2012 and I want to go on annual leave from August 18, 2013. I have completed one year in my current job.

The company says they calculate the leave and leave salary up to December 31 of each year. This means my leave will be for 15 days with 15 days leave salary. As per the company, the balance of 15 days leave can be taken in the following year (i.e. total leave is 30).

Is the company procedure correct or do they have to calculate till the end of my first year of service, which is July 7, 2013?

It is understood that you have already completed one year of employment with your employer and therefore you are entitled to be granted a leave of 30 days, in accordance with the provisions of Article 75 of the Federal Law No. (8) of 1980 on Labour Relations (the "Labour Law"), which states: "Every worker shall, within each year of service, be granted a period of annual leave of not less than:

(i) Two days a month, where the worker's period of service is more than six months but less than one year;

(ii) 30 days a year, where the worker's period of service is more than one year. Where a worker's service is terminated, he shall be entitled to annual leave in respect of fractions of the last year." However, it is also the discretion of the em-

ployer to fix the date of commencement of annual leave as also to divide the period of the annual leave into two periods, in accordance with Article 76 of the Labour Law which states: "The employer may fix the date of commencement of annual leave and, if necessary, divide such leave into not more than two periods. Notwithstanding the foregoing, the provision respecting the division of leave shall not apply to leave fixed for young persons."

Pursuant to your questions, it is stated that, you are entitled to an annual leave of 30 days after the completion of one year of your service period and not at the completion of the calendar year i.e. after December 31 of a given year, as per the policy of your employer. Nevertheless, your employer is within its rights to fix the commencement date of your leave and divide the same into not more than two periods of 15 days each. Following the above provisions of law, you may proceed on annual leave for 15 days now, but you shall be entitled to avail another leave of 15 days within the course of this year.

New family visa must after job change

I am working as a sales executive and my limited contract expires on October 12 this year, but I have given three months notice to my employer stating that I do not want my contract renewed. My new job is that of a sales engineer with a

“After cancelling the visas of your family members, they may exit the country within a period of 30 days

salary hike of Dh4,000. I renewed my family visa two months back. Can I transfer my family visa after I get my new job? If yes, could you tell me the procedure?

It is understood that you will complete the employment period of your limited employment contract on October 12, 2013 and that you have already notified your company of your intention not to renew your contract upon its expiry; and further to your designation of a sales engineer with your new employer along with a salary hike of Dh4,000, it may be assumed that you shall not be imposed with a labour ban. Thus, on expiry of your limited contract period, your current sponsor may cancel your visa with the Ministry of

Labour and General Directorate of Residency and Foreigners Affairs. Upon such cancellation, you may obtain a new employment visa from your employer.

Further, on cancellation of your existing visa, the residency visa of your family members whom you have sponsored in the United Arab Emirates are also required to be cancelled by the General Directorate of Residency and Foreigners Affairs. Pursuant to cancellation of the visas of your family members they may exit the country within a period of 30 days failing which a penalty will be imposed for each day of stay beyond the free period. Subsequently, when you secure new visas for your family members, they may re-enter the country. Alternatively your family members may stay in the United Arab Emirates and you may apply for their residence visa while they are in the United Arab Emirates.

You may contact the General Directorate of Residency and Foreigners Affairs to obtain further information on the procedure for application of visa and the fee-structure for issuance of visas to your family members.

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