

It's the employee's prerogative to sign amended contracts



LEGAL VIEW Ashish Mehta

I work for a free zone company and have completed a year out of a 2-year unlimited contract. At this point, the employer is trying to force us to sign a paper on which we agree to work on night shifts. This request was not included in our contract or offer letter. My question is, can the company change the terms of contract midway? And, does the labour law apply here where it is stated that women cannot work after 10pm?

You have not stated in which free zone you are located in. Certain free zones have their own regulations pertaining to employees and others follow the Federal Law No. 8 of 1980 of UAE (the "Employment Law"). It is assumed that you fall within the authority of the Employment Law.

Article 27 and Article 28 of the Employment Law deals with em-

ployment of women and night shifts, which reads as:

"Women may not be required to work at night. The term 'night' means a period of not less than 11 consecutive hours from 10pm to 7am." But, Article 28 provides for an exception to the forgoing. "The following cases shall be excepted from the clause prohibiting women to work at night — a) In the event where the work in the establishment is stopped due to force majeure b) Work in responsible managerial and technical jobs c) Work in medical and other services as may be decided by the Minister of Labour and Social Affairs if the working woman does not normally carry out a manual job."

On perusal of the forgoing, it can be stated that unless you fall within the aforementioned exception or in the event that you sign the amendment to your labour contract you

may not work in the night shift. It is recommended that, if you are being forced/coerced into signing an amended terms employment contract you should contact the relevant authority at the free zone for the purposes of a resolution between you and the employer.



Know the law

If you (employee) are being forced/coerced into signing an amended terms employment contract you should contact the relevant authority at the free zone for the purposes of a resolution between you and the employer.

Visa renewal and criminal case
A criminal case has been filed against me, a case in which my boss is also involved. As of now my passport is in police custody in Dubai, and my residence visa is expiring next month. What should I do now? What are the options open to me?

It appears you are released on bail by the public prosecution which has retained your passport. It will be in their custody at least until investigations are done and you are found not guilty of a crime. In that case, public prosecution will acquit you from the complaint and will release your passport through the police station concerned. However, if your passport continues to be held, you could file an application with the public prosecution to arrange for presentation of your passport at the office of the General Directorate of Residency and Foreigners Affairs, for renewal of your visa.

Contracts relevant after approval of employment visa
I would really like your expert

opinion regarding my employment as I'm literally in limbo and have nowhere to go.

I've an employment contract signed by myself and my employer dated November 27, 2016, but till date I haven't received any mail or call for my joining. When I called the HR I was initially told that my visa is up for management approval, so it might take a few weeks.

I waited for a month and a half and I recently called them and I was told that the hiring is on hold for now, and that if I would like I could take up another job. They also said as soon as they resume hiring I would be the first they call. I really want to understand what my legal position here is.

Normally, all employment contracts have a clause which states that it is valid and effective subject to the approval of the employment visa from the relevant authorities. You may notify the company that you have waited for a long time and are now looking for another em-



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ployment as the company has put on hold your employment.

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