

# Filing complaint not valid reason to fire an employee



**LEGAL VIEW**  
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**Q:** I am employed as an accountant on unlimited period employment contract by a mainland company at Dubai. My employer does not adhere to labour laws including keeping the original passport of employees, compensating for working on public holidays etc. The employer also does not follow leave policies as stipulated by the law. Will I get fired if I lodge a complaint with the Ministry of Human Resources and Emiratisation?

**A:** An employer cannot keep employee's passport in its custody without the consent of the employee. Further, the employee should be compensated adequately for working on public holidays declared by the UAE government or on a weekly rest day. This is in accordance with Article 81 of the Federal Law No. 8 of 1980 Regulating Employment Relations in the UAE (the 'Employment Law'), which states, "Where the circumstances of the work make it necessary for an employee to work on public holiday or rest day in respect of which he is entitled to full or partial pay, he shall be granted compensatory leave in respect of such days, together with a bonus equal to 50 per cent of his remuneration. If he is not compensated for such days by leave, his employer shall pay him a bonus equal to 150 per cent of his basic remuneration in respect of the days employed."

In continuance, an employee is entitled for 30 days of annual leave. This is in accordance with Article 75 of the Employment Law, which states "Every employee shall, within each year of service, be granted a period of annual leave of not less than:

(a) Two a month, where the employee's period of service is more than six

months but less than one year;  
(b) 30 days a year, where the employee's period of service is more than one year."

Further, you may approach the Ministry of Human Resources and Emiratisation (MoHRE) and file a complaint against the employer. This is in accordance with Article 155 of the Employment Law, which states: "Where a dispute occurs between one or more employers and all or certain of their employees and the parties fail to settle it amicably, they shall observe the following procedures:

1. The employees shall submit their complaint or claim in writing to the employer and at the same time send a copy of it to the ministry;
2. The employer shall reply in writing to the employees' complaint or claim within seven working days from the date of receipt of the complaint.
3. Where the employer fails to reply within the prescribed time-limit or where his reply does not lead to a settlement of the dispute, the competent ministry shall, either of its own motion or at the request of one of the parties to the dispute, mediate for an amicable settlement.
4. Where the complainant is the employer, he shall submit his complaint directly to the ministry, which shall mediate between the parties."

If an employer terminates the services of an employee for filing a complaint with the ministry against the employer, then such termination may be considered as arbitrary dismissal. This is in accordance with Article 122 of the Employment Law, which states: "A employee's service shall be deemed to have been arbitrarily terminated by his employer if the reason for the termination is irrelevant to the employee and more particularly, if the reason is that the employee has submitted a serious complaint to the competent authorities or has instituted legal proceedings against the employer that has proved to be valid."

## Landlord must refund security deposit after flat is vacated

**Q:** I was residing in a rented flat with my family at Discovery Gardens, Jebel Ali, Dubai. I had paid a security deposit of Dh3,000 to the owner

## Know the law



The landlord may obtain from the tenant a security deposit to ensure maintenance of the real property, provided that the landlord undertakes to refund such deposit or remainder thereof to the tenant upon the expiry of the lease contract

of the flat at the time of signing the tenancy contract. My tenancy contract expired on March 22 and I had notified the owner three months prior to the expiry of contract of my decision to vacate the flat. After vacating the rented flat, I requested the owner on numerous occasions to refund my security deposit. How can I get my security deposit back from my landlord?

**A:** It is assumed that you have an original receipt from the owner confirming payment of the security deposit. The owner should refund the security deposit to you at the time of vacating this flat. This is in accordance with Article 20 of the Law No. 26 of 2007 regulating the relationship between landlords and tenants in the Emirate of Dubai (the 'Rental Law'), which states: "When entering into a lease contract, the landlord may obtain from the tenant a security deposit to ensure maintenance of the real property upon the expiry of the lease contract, provided that the landlord undertakes to refund such deposit or remainder thereof to the tenant upon the expiry of the lease contract." Based on the aforementioned provision of rental law of Dubai, you are entitled for refund of the security deposit.

You may approach the Dubai Rental Dispute Centre with all the relevant documents including security deposit receipt and file a complaint against the owner.

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