

# No objection letter can help avoid ban



**LEGAL VIEW**  
**ASHISH MEHTA**

I am a professional accountant and associate cost and management accountant from Pakistan. I have been working here for four months and would like to know if I can switch jobs if I can get my degree certified from the government of Pakistan. Will there be any ban on me? If yes, what would be the procedure to avoid that ban?

It is understood that you are a cost and management accountant qualified from Pakistan; however, you have not mentioned whether you are employed on a contract for a limited duration or unlimited

duration. In response to your question we assume your employment falls under the ambit of Federal Law No.8 of 1980 (the "Federal Law").

You may terminate an employment contract for unlimited duration in accordance with Article 113 of the Federal Law No. 8 of 1980 which states, "A contract of employment shall terminate in any of the following cases:

> if both parties agree to its termination, on condition that the worker's consent is given in writing;

> On the expiry of the period prescribed in the contract, unless

the contract is expressly or tacitly extended in accordance with the provisions of this Law;

> If either of the parties of a contract concluded for an unlimited period, expresses his intention to terminate the contract; provided that the provisions of the Law regarding the period of notice are observed and on grounds accepted for the non-arbitrary termination of the contract.

Further, you are required to furnish a notice period of at least 30 days in accordance with Article 117 of the Federal Law which states:

(1) Both the employer and the worker may terminate a contract of employment of unlimited duration for a valid reason at any time following its conclusion by

giving the other party notice in writing at least 30 days before the termination.

(2) In case of workers working on a daily basis the period of notice shall be follows:

a. One week, if the worker has been employed for more than six months but less than one year;

b. Two weeks, if the worker has been employed for not less than one year;

c. One month, if the worker has been employed for not less than five years.

You may terminate an employment contract for limited duration in accordance with Article 116 of the Federal Law which states: "where a contract is revoked by the worker for reasons other than those specified in ar-

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article (121), he shall be required to compensate the employer for any prejudice the latter sustains as a result: provided that the amount of compensation shall not exceed half the worker's remuneration for three months or the residual period of the contract whichever is shorter unless

the contract contains a provision to the contrary."

There is no restriction on a person to take up new employment if such person has completed one year of employment with his current employer and is offered a higher salary and designation as per his qualifications.

The minimum salary required to be offered by your new employer in correspondence with your educational qualifications has been stipulated by the Ministry of Labour as follows:

> Dh5,000 for high school diploma holders,

> Dh7,000 for post-secondary school diploma holders, and

> Dh 12,000 for Bachelor degree holders.

Since you have not completed one year with your current employer you are likely to get a ban by the Ministry of Labour. However if you legalise your degree of cost and management accountant, in Pakistan and meet the minimum salary requirement of the Ministry of Labour, the ministry may lift the ban at their sole and absolute discretion.

Further, you may also avoid the imposition of a labour ban, should you obtain a no objection letter from your current employer. It would be prudent to contact the Ministry of Labour for any further queries you may have.

#### Residence visa cancellation

I am working for a real estate company. I have a Dubai visa and brought my family on family visa. They stayed with me for a year and then went back to India. Now six months have already passed. My question is, do we need to cancel the visa, if I can't bring my family back? In that case what will be the penalty for cancellation?

It is understood that your family had been residing in the UAE on residence visas for about a year before departing for India, and six months have lapsed from the date of their departure.

A residence visa issued by the government of the UAE automatically lapses if the visa holder stays out of the UAE for a continuous period of six months from the date of departure of the visa holder.

In order to cancel the residence visa of your family members you may obtain a document from the General Directorate of Residency and Foreigners Affairs which will confirm the date your family last departed from the UAE. You need to pay the fee of Dh130 per person, as currently levied, to cancel the visa of your family members. Alternatively, you may present the original passports of your family members to the General Directorate of Residency and Foreigners Affairs to cancel their visa. However, you must take into consideration whether the government of India imposes an