

# FAQ

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## COVID-19 related issues

### *1. Can I lose my job if I miss work because I tested positive for Covid-19?*

No. If your employer has decided to let you go because you tested positive for Covid-19, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance

### *2. My employer has taken my passport and is keeping it with them. What should I do?*

Your employer cannot withhold your passport from you. You should immediately lodge a complaint at Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

### *3. I am not sure if my work visa has been renewed or not because my passport is with my employer. What should I do?*

Your employer should provide you with details of your work visa status upon request.

Your employer cannot withhold your passport from you. You should immediately lodge a complaint at Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

### *4. My employer says they do not have any work for me and I have been asked to work for another company. What should I do?*

Your employer cannot transfer your employment agreement to another company without your consent.

You can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance

### *5. What happens if my employer temporarily closes its business (eg a guesthouse)?*

You are still entitled to your monthly salary and other benefits according to your employment agreement as long as you are employed. If your employer has not paid you the same, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance

#### ***6. Can you be asked to take a no-pay leave?***

You cannot be forced to take a no-pay leave. If you have been, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance

#### ***7. My employer is asking me to sign a letter which says I agree to take a no-pay leave? Do I have to sign it?***

You do not have to sign such a letter or any similar document. If your employer is insisting you sign such a document, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance

## **Wages**

#### ***8. Can my employer deduct from my wages?***

Yes, your employer may deduct from your wages. However, the deductions may only be made for absenteeism from work during official work hours for the time absent from work.

If any other deductions were made to your wages, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

#### ***9. I have not received salary, allowances or services charges. What can I do?***

Except for temporary employees, all other employees must be paid at least on a monthly basis. In general, temporary employees must be paid on a daily basis.

If you are a Muslim employee, your employer has the discretion to provide an allowance of 3,000 Rufiyaa (Three Thousand Maldivian Rufiyaa) as a Ramadan bonus payable before the beginning of Ramadan.

If you have not received your salary, allowances or service charge, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> and or file a claim at the Employment Tribunal. Contact us if you need any assistance.

#### ***10. Are there any prohibited actions related to my salary?***

Yes. Your employer cannot do the following with your salary,

- (a) Ask you to pay back to the employer any wages paid to you; and
- (b) Do anything which may prove a direct or indirect obstacle to any benefit accruable from wages paid or payable to you or any part of such wage; and

- (c) Require you to sign a receipt to the effect that you have received wages where you haven't; and
- (d) Do anything which is an obstacle to your freedom of action in connection to your wages.

You can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> if any of the above prohibited actions were taken by your employer and or file a claim at the Employment Tribunal. Contact us if you need any assistance.

***11. If I work outside of the normal agreed working hours or on any public holidays, am I entitled to additional pay?***

Yes, if you work outside of the normal agreed working hours or on a public holiday you are entitled to be paid at least an amount equivalent to half of the minimum wages earned on a normal day of work in addition to over time.

If you have not received the above pay, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/>. Contact us if you need any assistance.

## **Termination**

***12. Can I be dismissed without reasonable cause?***

No. You will be considered to have been dismissed without reasonable cause if your employer fails to show appropriate cause for dismissal. The cause of dismissal must relate to your failure to maintain work ethics and inability to carry out employment duties and responsibilities at work.

You can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a wrongful dismissal case at the Employment Tribunal. Contact us if you need any assistance.

***13. What is the notice period before dismissal?***

If you were employed for more than;

- (a) Six months but less than a year, you can only be terminated after giving a minimum of 2 weeks' notice.
- (b) One year but less than five year, you can only be terminated after giving a minimum of 1 months' notice.
- (c) Five years, you can only be terminated after giving a minimum of 2 months' notice

Where the above notice was not given to you prior to dismissal, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

#### ***14. Can I be terminated from employment without notice?***

Yes, you can be terminated without notice but only after you are paid with wages and other benefits for the required notice period.

You can also be terminated without notice during the probation period. The probation period is a term not exceeding three months from the date you were employed. During this period you may also terminate the employment agreement without notice.

If you were not paid with wages and other benefits for the required notice period, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

#### ***15. Can I be terminated from employment due to reasons of bankruptcy of my employer?***

If you have been terminated from employment due to reasons of bankruptcy of your employer, the employment agreement will be terminated at the expiry of one month of such an event. If you proceed with recovery of any unpaid wages and other dues through the Employment Tribunal, you as an ex-employee will be given priority over other creditors.

Therefore, lodge a claim at the Employment Tribunal at the earliest and file a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/>. Contact us if you need any assistance.

#### ***16. Do I get paid if I was dismissed from employment?***

Yes, your employer must settle all payments due to you within seven days from the date you were dismissed from employment.

If you have not received the payments, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

## **Discrimination and Forced Employment**

#### ***17. Can I be discriminated against at the workplace?***

You cannot be discriminated based on your race, color, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, family obligations, age, or disability.

If you were or are being discriminated based on the above, you can file a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/>. You can also lodge a claim at the Employment Tribunal. The onus is on you to show that you have been discriminated against. Contact us if you need any assistance.

#### ***18. I was forced into employment. What can I do?***

It is prohibited to use threat of punishment, undue influence, or intimidation to force you into employment.

You can file a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/>. You can also lodge a claim at the Employment Tribunal. Contact us if you need any assistance.

## **Work hours**

### ***19. What are normal working hours?***

No employee can be required to work more than forty-eight hours a week and required to work more than six consecutive days a week, without being provided with twenty-four consecutive hours of leave.

If you have been made to work outside these hours without overtime pay, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

### ***20. Are there employees who can be made to work extra hours of the normal agreed working hours?***

Yes. The following persons can be required to work outside of the agreed normal working hours.

- Persons working in emergency situations
- Crew of sea going vessels/aircraft
- Imams and other employee at mosques
- Persons on on-call duty during hours of duty
- Persons in senior management posts

However, the employer must pay for overtime. If you belong to any of the above categories and have not received overtime payment, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

### ***21. Can I be refused annual leave without any reasonable grounds?***

Upon completion of one year of employment, you are entitled to thirty days of paid annual leave.

Where you have not been provided with the same, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

## **Employment Agreement and Employer's Duties**

### ***22. Do I have to have an employment agreement with my employer?***

There must be a written employment agreement between you and your employer. You should have a copy of the agreement with you. If you do not have one ask your employer to provide you with an employment agreement to sign.

If your employer refuses to provide you with an employment agreement, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

### ***23. Do I have to be provided with a job description?***

Where your normal weekly working hours exceed 16 hours or your work term exceeds 6 weeks, you must be provided with a job description by your employer within 1 month of commencing employment.

If your employer has not provided you with a job description, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance.

### ***24. Is the employer responsible for workplace safety?***

Yes, the employer has to implement measures for the safety and protection of employees at the work place without charging any fee from employees.

If your employer has not implemented such safety measure, you can lodge a complaint at the Labor Relations Authority at <https://lra.gov.mv/dv/complain-form/> or file a case at the Employment Tribunal. Contact us if you need any assistance