

Qatar Labour Law: termination of employment



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Labour Law

Law No. (14) of 2004 (Labour Law) sets out the ways in which an employee's employment can be terminated. Employment may be terminated with or without any reason being given on the part of the terminating party. In addition the Labour Law sets out the disciplinary powers of an employer.

The Labour Law (Article 3) excludes various individuals and entities which are subject to alternative legal and regulatory provisions. This article only considers the provisions of the Labour Law and the individuals whose employment it governs.

Termination

The Labour Law (Article 49) provides that the employment of an employee, if he is employed for an indefinite term, may be terminated by either the employer or the employee giving written notice to the other. No reason for such termination will need to be given by the party serving notice. After an employee has successfully complied with the terms of any probation period, notice must generally be at least one month for employees who have been employed by the same employer for 5 years and 2 months for employees who have been employed for more than 5 years. The effect of such termination will be for the employer to pay the employee his wages and other benefits due to him in full for the full notice period provided the employee performs his work as usual or the employer can pay the employee in lieu of notice. If the employer, in its discretion, asks the employee not to work for some or all of his notice period the employer will still be obliged to pay the employee in full.

If an employee is employed for a definite or fixed term, both the employer and the employee must agree to terminate the employee's employment before the term has expired if there is no specific reason for such termination. If an employer seeks to terminate employment and an employee does not agree to the same the employer may have to pay the employee his wages and other benefits in full for the remainder of the unexpired term.

In addition to termination where neither party is required to give a reason for terminating employment, the Labour Law sets out the circumstances in which either an employee or an employer can terminate employment by giving a reason. Such termination can be with or without written notice being served.

The Labour Law (Article 51) permits an employee to terminate his employment with immediate effect if, amongst other things, his employer has breached the terms of the employee's employment, has physically assaulted him, has misled him and/or if to continue employment would put him in danger and the employer is aware of such danger.

The Labour Law (Article 61) permits an employer to terminate an employee's employment with immediate effect if amongst other things the employee has assumed a false identity or nationality or submitted false certificates or documents, committed an act which causes gross financial loss to the employer, disclosed confidential information, is found drunk or under the influence of drugs during working hours or is absent from work without legitimate cause for more than 7 consecutive days or 15 days in one year.

Disciplinary powers

The Labour Law generally requires employers to put in place appropriate policies and procedures to govern the employment of their employees. In relation to matters of discipline the Labour Law (Article 58) gives an employer, employing more than 10 employees, powers to put in place disciplinary policies and procedures and the sanctions which will be applied to employees who breach them. Such policies and procedures must be approved by the Labour Department of the Ministry of Labour and Social Affairs, made available to all employees and take effect after 15 days.

Sanctions and disciplinary procedure

The Labour Law (Article 59) specifies various permitted sanctions which employers may impose on employees ranging from written warnings to dismissal without payment of Gratuity. Only one penalty may be imposed in respect of each breach and only those specified in the Labour Law may be imposed. Any penalties imposed should be recorded in writing.

The Labour Law (Article 62) requires that some form of disciplinary procedure is carried out before a sanction is imposed, which should as a minimum involve *a.* writing to the employee to set out the reasons for considering disciplinary action, *b.* meeting with the employee to give him a substantive explanation of the reasons for considering disciplinary action and to give him an opportunity to make any representations he has, and *c.* confirming the decision in writing following the meeting.

The Labour Law provides that an employee may not be charged with a disciplinary offence after more than 15 days have lapsed since the employer became aware of the breach.

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