

Legalese

ABSCONDING

By Attorney Fajer Ahmed

Absconding by definition, according to Merriam-Webster, is to depart secretly and hide oneself. The word absconding is a harsh word and is usually used for someone that is running away from something or even escaping from jail, but the general public seems to use the word in Kuwait to describe an offense of leaving an employment contract without agreeing with the employer on the termination methods. This can be very misleading. Also, from experience, I have seen employers misuse their power to file absconding cases against their employees unrightfully. Today, I will be talking about my experience handling legal cases related to absconding.

For lawyers, dealing with absconding cases is a nightmare. Many also say that the procedures and consequences for absconding cases in Kuwait are inhumane. Recently, the Kuwait Social Work Society spoke about absconding, and I hope to see more organizations and public figures speak about what is right for the people who live in Kuwait and make Kuwait a better place.

Power abuse

Question: I did not abscond from work - I was actually terminated verbally. I was told that I was not needed anymore and that I should just not come to work anymore. I have read your posts previously and I knew I needed a termination letter in writing. So I went back to my work and asked them for a written letter stating that I was terminated, but they refused to give it to me. They removed my desk and did not even give me a place to sit in, so I stopped going to work, and now I have an absconding case against me. What does this mean? Does it mean deportation?

Fajer: It is so unfortunate that this actually happens and it happens more often than you think. Some wicked employers have found a way against the system using legal loopholes to abuse their power. It is a sick power game that continues to happen. With this said, there are strict punishments for employers who abuse their power. Also, an absconding case can only be filed after three different inspectors are sent to your workplace and see that you are not there for seven consecutive days.

Unfortunately, absconding can very easily end with deportation. A very smart way of avoiding absconding when you are in this situation is to go and file a complaint at the Shuoon (Manpower Authority) when you are told that you are terminated. Going to a lawyer is important here, in order for you to avoid such issues. I know this means you have to bear costs, so I offer the following advice to those who are in such a situation:

1. If your salary is less than KD 150, you can call 1802-234.
2. If you cannot afford a lawyer for the case but can spare a consultation fee, then ask your lawyer how much the consultation fee is, and through the consultation they can guide you through the process.

I highly suggest that you continue going to work (even if it is difficult) until you file a complaint at the Shuoon about the situation.

For any legal questions or queries, email ask@fajertlawyer.com.



MOTORIST KILLED, THREE INJURED IN ACCIDENT

By Hanan Al-Saadoun

KUWAIT: An Egyptian man died and three others were injured when their vehicle flipped over and caught fire on King Fahd Road near Hadiya. Firefighters rushed to the scene in response to an emergency call, then worked on tackling the flames while helping the victims out of the burning vehicle. Paramedics pronounced one of the victims dead on the scene and left his body to be taken to the forensic department, then transported the injured people to hospital. A case was filed to investigate the causes of the accident.

GOVT EMPLOYEES, COMPANY REPS ARRESTED ON VISA TRAFFICKING CHARGES

ASSOCIATION URGES MORE INCENTIVES TO KUWAITI NURSES

By A Saleh

KUWAIT: Ten public servants and 30 company representatives were arrested and referred to public prosecution in 2016 on charges of receiving huge bribes to add more laborers on fake companies' files and aid visa trafficking, according to a document issued from the office of Minister of Social Affairs and Labor and Minister of State for Economic Affairs Hind Al-Sabeeh.

Every private company in Kuwait has a file in the Public Authority for Manpower's database which stipulates the number of employees a company can hire. Based on that number, a corresponding number of work visas is issued to serve the company's labor recruitment needs. But there has been many cases in the past in which some companies managed to bribe people working in the authority and who have access to the system in order to illegally increase the number of allowed employees; which is normally given after an evaluation study for a company's needs. Visas generated by the extra slots in this case are often sold to laborers looking for a job in oil-rich Gulf countries - a practice commonly known as 'visa trafficking.'

Local authorities have taken efforts to tackle this problem over the past few years, as hundreds of people were arrested and companies closed after they were dis-

covered to be involved in visa trafficking. Those efforts have been recognized internationally but they still fall short of being considered effective in limiting this illegal practice. "The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so," reads the US Department of State's 2016 Trafficking in Persons Report, which ranks Kuwait in Tier 2 (Watch List).

In other news, minister Sabeeh reportedly gave new instructions to make it mandatory for a person to have a bachelor's degree or diploma in mechanics in order to be eligible to open a tire repair shop at any co-op society in Kuwait. Furthermore, the guidelines also stipulate that only a pharmacist who has a practicing license in Kuwait is granted a license to open a pharmacy.

Kuwaiti nurses

Kuwait Nursing Association's (KNA) Chairman Bandar Nashmi Al-Enezi urged the Cabinet to pass a special payroll cadre for nurses, which was already approved by the Civil Services Commission (CSC) three years ago. He also stressed that nurses in Kuwait had the worst salaries in all GCC states. "Approving the new payroll system will help encourage more Kuwaitis to join nursing, because there is already a paucity of 1,600 nurses from the entire nursing community of 24,000 from various nationalities," he explained, noting that the nursing field needs around 22,000 Kuwaitis to cover the shortage. Enezi said the profession annually needs 300 new nurses, who unlike other professions, can be directly recruited by CSC after graduation. He also noted that some Kuwaiti nurses have already completed postgraduate studies and specialized in certain areas such as pediatrics, maternity and surgical nursing.

Projects' requirements

Kuwait Petroleum Corporation's (KPC) Managing Director for Human Resources Bader Al-Sharad submitted the corporation's future projects' requirements of land and industrial sites to Kuwait Municipality. In a letter sent to the municipality, Sharad explained that as part of KPC's keenness on executing its strategic plan to help boost the national economy, Kuwait National Petroleum Company's (KNPC) wishes to conduct feasibility studies for projects such as expanding refineries' capacity and future petrochemical projects. Sharad explained that land was needed for expanding refining capacity by 1.7 million bpd by 2025, provided that the sites overlook the sea.

2,700 megawatts

The Ministry of Electricity and Water's (MEW) Assistant Undersecretary for Electricity Projects and Power Plants Operation and Maintenance Fouad Al-Oun said the ministry has so far accomplished over 80 percent of the maintenance operations at various power and water desalination plants, and expected producing 2,700 megawatts more than the predicted maximum power consumption during the summer. Assistant undersecretary for electricity distribution grids Jassem Allengawi stressed that his sector is well-prepared for the summer and that maintenance operations had been already done on over 20 percent of the secondary power transforming units.

Rotten fruits

The Ministry of Commerce and Industry (MoCI) commercial control and consumer protection sector raided a factory producing fresh juices, said assistant undersecretary Eid Al-Rasheedi, noting that the factory was using rotten oranges and a large quantity of inedible fruits in the process.



Social Affairs Minister Hind Al-Sabeeh



SMUGGLED ORANGUTAN REPATRIATED

KUWAIT: An orangutan that had been smuggled into Kuwait has been repatriated to Indonesia this week through the efforts of the Embassy of the Republic of Indonesia in Kuwait in cooperation with the Kuwait Zoo and Directorate of Biodiversity Conservation Ministry of Environment and Forestry of the Republic of Indonesia as well as BOS Foundation.

The two-year-old male orangutan, named Taymur, was rescued in June 2016, after his owner was arrested. The animal was found to be in a very bad state, intoxicated and uncared for. He was transferred to the Kuwait Zoo where he has been cared for ever since. Taymur is the third orangutan found to be illegally brought to Kuwait within the last two years. The orangutan is an endangered species.

Keeping exotic animals as pets has become a popular trend in the Gulf states, though several have outlawed the practice. In January, the United Arab Emirates warned owners of exotic or dangerous pets that they have a six month amnesty to hand them over or face fines and jail time. Reports of individually-owned lion cubs, tigers and cheetahs roaming city streets or attacking their handlers are common.

In 2014, a Filipina domestic worker died in Kuwait after being attacked by her employer's pet lion. Nearly two years later, in 2016, a young Kuwaiti man died in Saudi Arabia after being attacked by a pet lion he was attempting to train.



THE INTERNATIONALLY-RENOUNDED ARTIST YANNI. JACC CONCERTS FOR THE RICHEST? TICKET PRICES TRIPLED BY SCALPERS

By Athoob Al-Shuaibi

KUWAIT: Internationally-renowned artist Yanni, who is famous for his modern classical music, will be performing in his first concerts in Kuwait at the Jaber Al-Ahmad Cultural Center (JACC) this weekend. The musician has a large fanbase in the Gulf region, but his fans were let down after tickets for his two concerts were all sold out within an hour of their release. Fans expressed their displeasure and suspected a mass ticket purchase by scalpers in order to sell them at sky-high prices. A recent report by Al-Rai newspaper said prices of tickets had reached KD 1,000.

So I decided to investigate by pretending to be willing to buy a ticket only a few days before the event. I tweeted my request with the hashtag Kuwait. In less than 30 minutes, private offers began to pour in by scalpers. It is clear that they keep a watchful eye on social media. Two of them were using bogus names - one of them had three VIP tickets, while the other offered me two.

Meanwhile, a third was using both Twitter and Instagram to sell the tickets publicly under an authorized website's name. However, if you want to make a purchase, you must do it through them privately. The account owner sent me a ticket price list ranging from KD 200 to KD 550. They also mentioned that VIP Premium/Premium Plus tickets are available on request and all prices are negotiable.

Later, another man sent me a direct message, offering one ticket, but with his name on it. He wanted KD 400, because, as he described himself: "I am not one of those scalpers." But the next day, he tried to remind me that I would miss the chance of getting the ticket at the same price, and that I have less than 24 hours before he raises the price!

The JACC ticket black market is not an illusion or a rumor spread by a bunch of people who could not afford them. It is a real crisis that must be addressed in respect for the status and the name of the late Amir Sheikh Jaber Al-Ahmad Al-Sabah.



KUWAIT: Kuwait Fire Services Safety and Vocational Health Supervisor Lt Col Fayez Al-Nasser visited the Acting Chairperson of the Medical Council Fatima Al-Najjar to thank the council for its important role in dealing with all government ministries and authorities.



KUWAIT: Kuwaiti Army Chief of Staff Lieutenant General Mohammed Al-Khader meets with Commander of the Iraqi Naval forces Major General Ahmed Jasim Maarj. —KUNA

KUWAITI ARMY CHIEF MEETS IRAQI NAVY COMMANDER

KUWAIT: Kuwaiti Army Chief of Staff Lieutenant General Mohammed Al-Khader met yesterday with the visiting Commander of the Iraqi Naval forces Major General Ahmed Jasim Maarj and his accompanying delegation. During the meeting, they discussed several issues of mutual concern, mainly in the military field, the Defense Ministry's Moral Guidance and Public Relations said in a statement. The meeting was attended by Commander of the Kuwaiti Naval Forces Major General Khaled Ahmad Al-Kandari. —KUNA