

Legalese

TERMINATION INDEMNITY

By Attorney Fajer Ahmed

One of the most common concerns or topics that I deal with is employment law. Disputes are very common between employers and an employee and since I have experience as an employer and an employee, I can sometimes understand where these disputes arise from. We have cases at the firm from end of service benefits, to transfers, to receiving passports, and so on. If you do have an issue at work, please do not stress, there is always a solution for everything. The best thing to do is to research and try to reach an amicable deal with your employer.

Today I am going to discuss the most common issues in Kuwait for expats and what is the best legal way to deal with them.

Visa transfer

Question: I know that I am entitled to end of service benefits, but my employer refuses to give me any benefits, claiming that I need to transfer my visa first. Is this true?

Fajer: It is very common for employers to state that the end of service benefits will not be given to the employee unless a transfer is first done. I do not think this is fair, transfers can take a long time at the Ministry of Social Affairs and Labor (MSAL) and employers need to give what is rightfully due to employees. I always advise that when you ask for a transfer in MSAL, also request your indemnity. The Kuwaiti law has given many privileges to the employer and therefore I honestly think that even though the process of obtaining the rights can take a long time, you should ask for your rights in any way possible.

Question: What can I do in order to obtain my end of service benefits?

Fajer: I always advise my clients to first try and negotiate with their employer. If the employer does not want to negotiate, then also ask your lawyer to negotiate on your behalf. If not, then your lawyer can go to court. Before your lawyer takes the issue to court, your lawyer will have to go through MSAL, which is also a safe place for both parties to negotiate.

Time and cost

Question: How long does the process take and how much does it cost to go to a lawyer? Does the court pay me back what I paid the lawyer?

Fajer: The process takes from eight months to two years, depending on the issue itself. The cost also depends on your lawyer and what work your lawyer agrees to do for you. Please note that employment can be costly. The court does rule legal fees for the winning party but the legal fees are inadequate and are way lower than what a lawyer would usually charge.

Question: What do I need to keep in mind when transferring my visa? My transfer is taking way longer than I anticipated and now that my visa has expired, I am worried about the consequences.

Fajer: The first thing to keep in mind is that the process does take a long time and if you do not have permission from your previous employer, then it will take even longer.

The second thing to keep in mind is that your passport should have at least one more year before it expires, otherwise your new residency will not be transferred. You will also need to pay any late fees; they are calculated on a per day basis for every day passed since your visa expired.

I hope the above helps. Should you have any further queries, please feel free to email me at ask@fajtherthelawyer.com

CITIZEN DEMANDS COMPENSATION FOR VEHICLE DAMAGED BY RAIN

PROPOSAL TO ALLOCATE SITE FOR FOOD BANK

By Meshaal Al-Enezi

KUWAIT: A female citizen yesterday filed the first compensation claim case only 48 hours after heavy rainfall submerged many vehicles around Kuwait. In his argument, the citizen's lawyer Mohammed KhoraiBOT said his client had been through indescribable suffering because of the disaster, saying that she almost lost her life. KhoraiBOT demanded financial compensation for his client for her brand new luxury vehicle that she had bought only two weeks earlier.

Food Bank

Municipal Council member Ali Al-Moussa yesterday proposed allocating a special site to be used as the headquarters of the 'Kuwait Food Bank' at the nongovernmental organizations site in Jleeb Al-Shuyoukh. Notably, the food

bank was founded upon instructions from His Highness the Amir Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah with the aim of boosting public awareness of the importance of food, encouraging voluntary work, improving charity work and professionalism and taking part in aid campaigns in famine and war-stricken spots worldwide.

Youth project

The Secretariat General of the Supreme Council of Planning and Development Council's signed the youth project agreement yesterday with the United Nations Development Program (UNDP) yesterday, in presence of Minister of Commerce and Industry and Minister of State for Youth Affairs Khaled Al-Roudhan. The agreement was signed by the council's Secretary General Khaled Mahdi and UNDP's Resident Representative in Kuwait Zineb Benjelloun.

Commenting on the agreement, minister Roudhan said that it comes within the development plan strategy of investing in youth potentials. Roudhan highlighted that there is a global concern in investing in youth potentials and minds and providing the best working environments for them.

Case adjourned

The court of cassation yesterday adjourned the 'Abdali cell' case in which 24 citizens and an Iranian are facing charges of colluding with Iran and Hezbollah and possessing explosives till May 14 to issue its verdict. The public prosecution demanded strict penal measures for all the accused. In a different case, the court of cassation rejected a contest filed by a Qatari man sentenced to seven years with labor for blasphemy. Notably, the defendant had been arrested by Qatari security authorities and handed over to Kuwait.

MINISTRY WARNS OF RISING ENERGY CONSUMPTION RATES

By A Saleh

KUWAIT: The Ministry of Electricity and Water (MEW) warned about growing electricity and water consumption rates in Kuwait, and predicted the total annual subsidies needed for these utilities to reach KD 10 billion, even after applying the new consumption tariffs. The ministry also urged the public to take serious efforts towards achieving conservation, reducing their electricity and water consumption and building energy-saving houses.

In a letter sent to Minister of Commerce and Industry Khaled Al-Roudhan, Minister of Electricity and Water and Minister of Oil Essam Al-Marzouq told him that MEW consumption rates were alarmingly increasing and so are the sums needed to subsidize them. He also expected subsidies to reach KD 10 billion once the Public Authority for Housing Welfare (PAHW) finishes building 250,000 new under-construction housing units. MEW also demanded the use of energy-saving materials to

build new smart homes that save electricity and water and including them in the conditions on providing citizens with the KD 30,000 construction material subsidy.

Land plots

The Ministry of Interior's Acting Undersecretary Major General Mahmoud Al-Doussary called for allocating special land plots to build police aviation departments in remote areas to the north and south of the country. In a letter sent to Kuwait Municipality, Doussary urged the municipality to allocate the northern site along Saad Al-Abdullah Road and the southern one 14 km before Sabah Al-Ahmad City along Wafra Road.

Retirement

Ten lawmakers demanded allocating one hour in tomorrow's National Assembly session to discuss the government and Civil Service Commission's regulations on retirement.

EMPLOYMENT LAW FOR CHILDREN OF KUWAITI MOTHERS ALL-INCLUSIVE: CSC

KUWAIT: A recent edict granting children born to Kuwaiti mothers greater employment rights does not discriminate on the basis of their fathers' nationalities, Kuwait's Civil Service Commission (CSC) said yesterday. CSC noted in a statement that the law, which grants children of Kuwaiti mothers precedence when it comes to employment in the government sector, is only effective in the event no citizens have been registered for vacancies listed at the CSC.

Moreover, the statement pointed out that certain provisos are in place as it relates to the process of employing non-Kuwaitis and stateless people. On the process of filling up vacancies in the government sector, the statement noted that "priority is given to citizens first, followed by those with Kuwaiti mothers." The statement also clarified that salaries largely hinge on the job itself and that monetary bonuses are dependent upon the occupation. —KUNA



Sheikha Al-Zain Al-Sabah



Dr Mohammad Al-Zuhair



Major General Sheikh Mazen Al-Jarrah Al-Sabah

YOUTH AND TOURISM FORUM KICKS OFF TODAY

KUWAIT: The first Kuwaiti Youth and Tourism Forum kicks off today at the Kuwait Regency Hotel, under the patronage of Minister of State for Cabinet Affairs, Acting Minister of Information Sheikh Mohammad Al-Abdulla Al-Sabah.

In this regard, representatives of state departments sponsoring the two-day forum stressed the need for cooperation to make sure that the forum becomes a success. Sheikha Al-Zain Al-Sabah, Undersecretary of the Ministry of State for Youth Affairs, said that officials have to speed up the process of supporting and encouraging all opportunities for achieving youth people's aspirations.

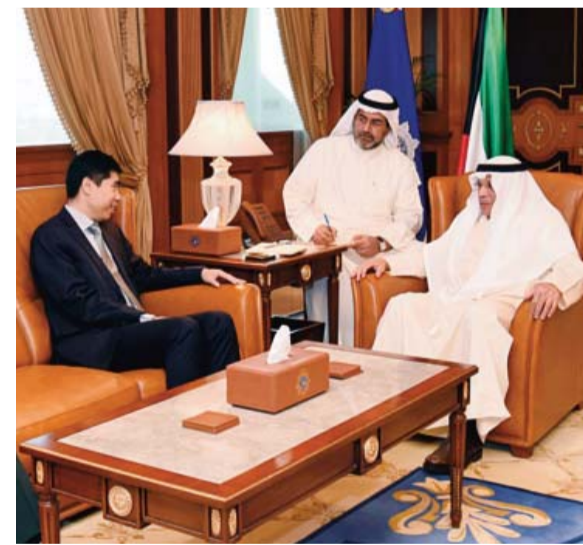
Meanwhile, Dr Mohammad Al-Zuhair, Chairman of the Board of Directors of

the National Fund for Small and Medium Enterprises (SMEs Fund), stressed that Kuwait is in dire need to discuss all possible means of motivating the youth and encouraging them to invest in productive sectors and projects.

In the meantime, Major General Sheikh Mazen Al-Jarrah Al-Sabah, the Interior Ministry's Assistant Undersecretary for Passports and Citizenship Affairs, stressed that the forum is an opportunity to promote Kuwait's image as a touristic destination. He added that the Interior Ministry is a major supporter of tourism through the facilities it provides in issuing tourist visit visas for both Arabs and foreigners.



The Civil Service Commission



KUWAIT: Deputy Prime Minister and Interior Minister Sheikh Khaled Al-Jarrah Al-Sabah received yesterday the ambassadors of the United States Lawrence Silverman, Russia Alexey Solomatina and China Wang Di. The minister discussed during the separate meetings with the ambassadors matters of mutual concern between Kuwait and their respective countries.

AMERICAN UNIVERSITY of KUWAIT

FACULTY OPENINGS (2017-2018 AY)

The College of Business and Economics at the American University of Kuwait (AUK) invites applications for faculty positions in the following fields:

ACCOUNTING
(Position Code No. 17-1601- AUKWEB 02):
Rank Assistant Professor or higher. Ph.D. in Accounting is required, preferably from an AACSB accredited business program. Holders of CPA or other professional certifications are preferred.

MANAGEMENT
(Position Code No. 17-1701- AUKWEB 02):
Rank Assistant Professor or higher, depending upon qualifications and experience. Ph.D. in HRM, Management, or Organizational Behavior is required, preferably from an AACSB accredited business program.

MARKETING
(Position Code No. 17-1301- AUKWEB 02):
Rank Assistant or Associate Professor. Ph.D. in Marketing is required, preferably from an AACSB accredited business program.

INTERNATIONAL BUSINESS MANAGEMENT
(Position Code No. 17-1302- AUKWEB 02):
Rank Assistant or Associate Professor. Ph.D. in International Business, or a closely related field is required, preferably from an AACSB accredited business program.

A strong teaching record and evidence of research accomplishments, including publications in legitimate peer reviewed journals and in line with the College's drive for AACSB Accreditation, are expected. Faculty duties include teaching, research, student advising, and service to the department, college, and university. All-but-dissertation candidates are also encouraged to apply, subject to completion by the time they join AUK. Priority given to Kuwaiti nationals.

AUK offers competitive compensation, as well as an attractive and comprehensive benefits package. Contracts are issued for 3 years and are renewable.

Candidates should submit a current CV, writing samples (two), graduate transcript, teaching evaluations, three letters of reference, and a cover letter describing how their teaching and research fits within the mission of the American University of Kuwait and the disciplines of Business and Economics.

Application packages are to be submitted electronically to: faculty@auk.edu.kw (max. 10 MB per e-mail).

In completing your application, please quote the position code number. Incomplete applications will not be considered.

www.auk.edu.kw