

What's On

legal clinic

PRO BONO LEGAL ADVICE

Paid leave

I'm a non-Muslim working woman, working for the same company for 28 years. My husband passed away while I was on my annual leave. In the Labor Law, article 77 it is mentioned that "The non-Muslim working woman, whose husband has died shall be entitled to a paid leave of 21 days". Can you please advise me if I'm entitled for such leave.

Name withheld

Answer: You quoted the labor law correctly and as a non-Muslim working woman you are entitled to 21 days paid leave which should be distinct from your annual leave just as maternity leave is distinct from the annual leave. You can therefore apply for the 21 days after exhausting your annual leave and returning to Kuwait.

Bangladesh visa

I would like to inquire about family visit visa for Bangladesh. Is there still a ban for Bangladeshis family visit visa? or it is open if I meet the requirement and conditions for family visit visa. I have a valid Kuwait residency and my salary is KD 911/- in work permit. I would highly appreciate it for your kind legal advice.

Name withheld

Answer: The truth of the matter is that Kuwaiti visas (any type) for Bangladeshis and nationals of five other countries are not banned but have some restrictions put on them and this requires applicants to have their applications vetted by the Ministry of the Interior before approval or rejection. In a nutshell the status quo remains with regard to the issuance of visas to Bangladeshis. The mantra has been and remains: No ban but restrictions on the issuance of visas to Bangladeshis. With this explanation, you can go ahead and put in your application for a family visit visa but be prepared to go through the process of MoI vetting and approval.

Driving licence

I am a technician in KNPC. I have a diploma in engineering. I came to Kuwait in August, 2018. Can I apply for driving licence? I saw a news that technicians working in oil field are exempted from criteria of 2 years residency and graduate recruitment.

Name withheld

Answer: As per a Ministerial Decree No. 5598/2014, issued on Nov. 25, 2014, non-Kuwaiti applicants are eligible for private or public driving licence provided they have legally stayed in the country for at least two years, receive a monthly salary of not less than KD 600 and have a university degree. Resolution No. 3 of the decree however specified the categories excluded from meeting some of the conditions based on their social and their functional circumstances.

According to the resolution the first category excluded from the conditions of two-year residence, salary and university degree covers over a dozen segments. These include non-Kuwaiti women married to Kuwaiti men including widows and divorcees provided they have children, non-Kuwaiti men married to Kuwaiti women and have children. Bedouins with valid security cards, students provided they are registered at any of the country's universities or applied education institutes, members of the diplomatic corps, professionals in sports federations, clubs and government sectors, drivers and company representatives who hold valid legal driving licences issued by their countries or any other country, domestic workers who have been working for a period of not less than five consecutive years in a similar capacity provided they change their profession to driver, technicians working in the oil field, pilots and sea captains and their assistants, mortuary attendants, nursing staff, physiotherapists and medical technicians, housewives as well as sons and spouses of judges, counselors, prosecutors and experts, faculty members of universities and institutions, doctors, pharmacists and general managers and their assistants.

From the exhaustive list provided on exemptions, it is clear that as a technician working in an oil field, you are exempted from meeting all the requirements mentioned earlier.

Compassionate

I would like to inquire about the compassionate leave an employ-

ee is entitled to get in the event of death of a close relative.

I work for a private company and my company refused for any compassionate leaves, instead they deducted the leaves from annual leave when I took leave to mourn for my maternal grandmother's death.

Please let me know as per Kuwait's labour law, how many days of paid compassionate leave can be taken.

Name withheld

Answer: Article 77 of the Kuwait Labour Law deals with compassionate leave and it states as follows:

"In the event of a first and second degree relative's death, the worker shall be entitled to a three-day fully paid leave.

The Muslim working woman whose husband has died shall be entitled to a fully paid iddat leave for four months and ten days from the date of death. During this leave the working woman shall not be entitled to work for another employer.

The non-Muslim working woman whose husband has died shall be entitled to a paid leave of 21 days.

It is clear from the above quoted article that you were entitled for a three-day paid leave to mourn your grandmother. The company would have broken the law if you took the permitted number of days and the company still went ahead to deduct those number of days from your annual leave. If on the other hand you spent more than three days, then the company acted within the law if they deducted the extra days spent from your annual leave.

US tourist visa

I am working in KNPC, having salary of KD 1,050.

My mother and father have US tourist visa for 10 years. I want them to visit Kuwait next month.

So do I need to apply for family visit visa for my parents or On Arrival Visa will be given to them because they have valid USA tourist visa of 10 years?

Looking forward for positive response soon.

Name withheld

Answer: The On Arrival Visa is given to citizens who hold valid passports of the countries that qualify for such a visa. Your parents holding 10-year tourist visas do not make them US citizens and hence they can't be issued with visas on arrival in Kuwait. For them to visit Kuwait, you have to apply for visas for them here before they take off from where they are.

Yellow category

I came to Kuwait on Farm visa (Mazra) and my current employer asked me to leave the country as they were ready to bring me on their shoon visa from my country. I also brought my wife on family visa few months ago. I have worked for more than 3 years with my current employer. 2 years on the visa I was brought and one year on shoon visa of different company but under same kafil/sponsor. I am getting better opportunity now but my kafil is not allowing me to leave the company even after several request attempts as they brought me from my home country on their visa. He gave me two options either I continue to work with him or finish my visa and leave.

My question to you is what is advisable for me in this case.

1. Can I get my visa transferred to another company by any means?

2. Does my wife's visa stay valid if I finish my current visa, exit the country and come back on new visa?

Name withheld

Answer: Legally you have worked only one year for the sponsor as you cancelled the earlier farm visa and came back on a shoon visa as you indicated. Under the shoon visa you have worked for only one year and still have two more years to complete before you can ask for release. Till then, your hands are tied and you can't do anything as regard being released except with the acquiescence of the current sponsor.

With regard to your second question, please note that your wife's visa is tied to your's. This means that your visa status will affect your wife's visa status as well. In short your wife's visa cannot stay valid if you cancel yours and exit the country.

The Arab Times invites questions on all aspects of Kuwaiti law. If you face a problem, or need specific advice on any legal matter, from commercial and investment law to divorce and labour, send questions to the Managing Editor, Arab Times, P.O. Box 2270, 13023 Safat, Kuwait, or Fax to 24818267. E-mail: arabtimes@arabtimesonline.com



Photos from the event

PIC sponsors 'cancer recovery' honoring ceremony

Petrochemical Industries Company (PIC) has sponsored "Cancer Recovery" honoring ceremony held by the "First Step Disease Prevention Team", which aims to raise awareness and promote healthy culture in the community at the company's Bubyan Club.

The ceremony included honoring women who have recovered from cancer to inspire a new spirit of hope in them, where they reviewed the experiences of their disease and treatment, in addition to honoring those who supported them to overcome the stage of the disease.

Abeer Marafi, Manager of Communication and

Services Department in PIC company, said that the petrochemical industry company pays special attention to health and support and launch many health awareness initiatives and campaigns to promote health awareness as part of its social responsibility towards the local community.

Marafi explained that prevention is better than treatment and keep pace with the month of October, "Breast Cancer Awareness Month" is increasing interest in this disease and provide the necessary support and awareness of its seriousness and early detection and treatment,

where the development in the means necessary for diagnosis and treatment is one of the most important factors encouraging early detection of the increase of Healing opportunities.

She pointed out that the concerted efforts from various parties contribute to reduce the incidence of breast cancer, for a healthy society and healthy generations.

Marafi concluded her speech with advice to attendees, saying: "Your life is honest in your hands, always be alert and careful early examination periodically, prevention is better than treatment."

Lifestyle

'Try to keep a cushion in your account'

Speedier payment systems could curb costs

By Liz Weston

Here's an illustration of the many ways slow payment systems can inconvenience you and cost you money.

Let's say Homer is two days from payday. The family checking account at First Bank of Springfield is on fumes. There's just enough in the account, Homer thinks, to gas up his Plymouth sedan and buy Bart a Squishee at the Kwik-E-Mart.

But Marge checked the account balance too, and thought she could safely buy groceries. Because Homer and Marge didn't realize they were spending the same money, one of the transactions triggers an overdraft fee. Plus, they forgot the power bill is due, and utility owner Burns charges a wicked late fee.

Homer hits up Lenny and Carl for a loan, but Lenny uses Venmo, Carl uses PayPal and Homer uses only Zelle. Lenny writes Homer a check, but it's from National Bank of Springfield, so First Bank puts a hold on the deposit. Desperate, Marge breaks into Lisa's piggy bank for money to pay the power bill, but has to pay a fee to "expedite" a same-day bill payment.

The animated "Simpsons" television show might use this scenario to get laughs, but it's not funny for Americans who pay billions of dollars in overdraft charges and late fees, thanks in part to antiquated payment systems. The most vulnerable people turn to high-cost payday loans to bridge cash flow gaps, and some leave the banking system altogether because of high, unpredictable fees.

It doesn't have to be this way. Many other countries have real-time payments that clear almost instantly. Federal regulators urged US banks to update their payment systems, but the banking industry has balked.

Finally, after years of nagging, the Federal Reserve announced in August it's developing its own service, FedNow, that will allow all US banks to offer real-time payments. Big banks, predictably, aren't happy.

That's because the largest banks have already created a real-time payment system through a payment-processing company they own called The Clearing House. The big banks have yet to convince a critical mass of other institutions to make the investments

Don't let online shopping bust your budget

By Lauren Schwahn

Services such as Stitch Fix and Amazon's Prime Wardrobe have put try-before-you-buy shopping on the map. The concept is simple: Shoppers get apparel, accessories or other goods delivered to try, which they can either send back or purchase.

"For many customers who do not enjoy the hustle and bustle of driving to the mall, parking, going through shelves, picking out items and hitting a dressing room, perusing from the comfort of the couch and selecting items to be delivered to the door to try on can be very convenient," says Casey Taylor, a partner in the retail practice of Bain and Company, a global management consultancy.

But sneaky fees and easy-to-miss return windows can lead shoppers to spend more than they bargained for. Here's how to take advantage of try-before-you-buy shopping while leaving your budget unscathed.

Watch Out For Nonrefundable Fees

"Try before you buy" isn't always as straightforward as it sounds. In some cases, just because you choose to try an item rather than purchase it upfront doesn't mean it won't cost anything — even if you send it back.

The personalized styling service Stitch Fix charges a \$20 styling fee for each shipment. That fee gets credited toward any item you keep from the box, but will not be

required to connect to it, however.

Meanwhile, a bunch of person-to-person payment systems — PayPal, Venmo, Square Cash, Zelle and so on — promise to move money more quickly between individuals. Many require both parties to have an account, and the cash can sometimes take days to transfer. We're still a long way from everyone having the ability to pay anyone instantly.

The current landscape underscores why the Federal Reserve needed to step in, says Lauren Saunders, associate director for the National Consumer Law Center.

"It's just really important that a public entity that answers to everybody, and not just the biggest banks, have a strong role in making sure that the payments work for everybody," Saunders says.

Only the Fed, which is the US'

refunded if you return everything. Nordstrom's Trunk Club has a \$25 styling fee that works the same way. These fees can be dangerous because they incentivize shoppers to keep products they might not actually want or need.

"We hate to feel like we're losing something. If we feel like we've already spent money to get a service and we can get that money back with a purchase, we're going to be kind of mentally calculating a price reduction in that item we're considering," says Kit Yarrow, a consumer psychologist and author of "Decoding the New Consumer Mind: How and Why We Shop and Buy."

Check retailer policies and FAQs for styling fees, shipping charges or other nonrefundable costs before you commit to a service. Yarrow recommends considering alternatives, such as making a regular online purchase with a retailer that offers free returns or limiting try-before-you-buy orders to once a season or less. That way, you're more likely to find something you need and less likely to throw money down the drain.

Mark Return Deadlines

Missing the return window can leave you stuck with unwanted items and the bill to match. Take online glasses retailer Warby Parker, for example. Its free home try-on service allows shoppers to get up to five frames delivered. If a customer fails to ship the box back by the end of the trial period, five days after de-

livery, they're on the hook for the full price of each frame.

This system can spell trouble for indecisive or forgetful folks.

"Maybe you think about it and you think a little too long and you end up keeping them rather than sending them back in time and so you've now purchased them through inertia rather than through desire," Yarrow says.

Opt Out of Automatic Deliveries

Amazon's Personal Shopper by Prime Wardrobe and many other try-before-you-buy programs give consumers the option to schedule repeat deliveries. While getting a treat on a regular basis is enticing, subscriptions often have a way of spiraling out of control. Spacing out these orders can spare your budget.

"After your fifth or sixth or seventh box, you might have all the clothes you need for a little while," Taylor says. "Do you really need a box this month or might you do every other month or one a season?"

All this isn't to say you should avoid try-before-you-buy shopping entirely. As with all expenses, you can approach it thoughtfully and set limits that you're comfortable with.

"It can work if you do it the right way, which is to not overdo it, to be really specific about your objective and to not go too far down the lane of obligation," Yarrow says. (AP)

an extra \$100 can help avoid overdrafts.

Have Access to Credit
Charging an emergency expense or getting a cash advance from a credit card is ultimately a lot cheaper than a payday loan.

Decline the Bank's 'Courtesy Overdraft' Coverage

This coverage, also sometimes known as "bounce protection", "courtesy pay" or "overdraft privilege", is an expensive option that can trigger multiple \$35 fees. Opting out means ATM and debit card transactions that exceed your balance will be declined. Or you can choose the less expensive "overdraft protection" that links your checking account to your savings account or a line of credit. (AP)