

legal clinic

PRO BONO LEGAL ADVICE

No contract

I am an Indian national working here in Kuwait for the last one year, was hired from India. Have no written contract with the company for emoluments. The salary shown in the work permit is KD 330 and I am getting only that. In short the company is neither paying any food allowance nor accommodation allowance. Is it right?

Name withheld

Answer: Unless your contract specifically states that you would be paid food, accommodation allowances or any other allowance, the sponsor is not obliged to pay that and this even makes it less so in your case as you don't have a contract but have agreed to work for the past one year in spite of that.

Termination

I need your legal advice. One of my friends (Filipino national) started working in a salon in the month of June 2019. Her residency to salon was transferred at the time of joining. After two and half months on 9th of August they terminated her, saying she is not meeting work requirement etc within the probationary period. At the time of termination, they asked her to sign a paper which she signed but she has taken photo copy of that paper which they asked her to sign. After a few days, HR department of the company also called her to come to sign another paper of termination, which she did also and got copy of that paper as well. She worked for 9 days in August and they told her she could get her money as soon she transfers her visa to new company.

The current situation is that she has still not been able to find a new job. Recently the HR manager of the salon texted her asking her to transfer her visa by 29th of August otherwise they will be forced to put a case of absconding on her.

She texted them back and asked them to give her some more time to find a new job; so far she is sitting at home without any job. Need your advice on what she has to do in this situation.

Name withheld

Answer: We advise that your friend write to the company officially (not by text) and pleading with them to give you more time to land a job and transfer your visa to the new company. Let the company know that the 20 days given to your friend to find a job and transfer her visa is not enough to accomplish that. As for the threat to report your friend for absconding, we do not think that the company stands on enough sound legal grounds to embark on such a mission. Tell your friend to make sure that she keeps intact the termination letter as well as the text message threatening to report her for absconding. These two items will be very valuable in exposing your employers if they go ahead to report your friend for absconding or in case you want to file a case against the company for not giving you enough time to look for a new job and transfer your residence.

Visit visa

I intend to invite my parents to Kuwait on visit visa for one month. I wish to know if there is still age limit restriction? My mom's age is 65, can I take visit visa for her? Salary package is KD 450.

Name withheld

Answer: There is no longer any age restriction imposed when applying for a visit visa but now the minimum salary required to apply for such a visa has been raised to KD 500. This means that your salary package of KD 450 is not enough to invite your mom on a visit visa.

Family visa

I am working as a medical lab technician in a private hospital in Kuwait. My basic salary is KD 420. Can I sponsor my wife and child with this salary?

Name withheld

Answer: In accordance with a new decision issued by the Ministry of Interior recently, the minimum monthly salary required to obtain a family visa has been increased to KD 500 from KD 450. Some categories of workers are however exempted from meeting this condition. Answering your question directly, laboratory technicians in the public sector are among those who qualify for exemption. But as you are working in private hospital, we are of the opinion that you do not qualify for exemption and as your salary is below the minimum required, you can't sponsor your wife and child on family visa. To clarify any doubts you may have about our expressed opinion, you can seek further clarification from the General Department of Residency Affairs.

I am from Bangladesh, working in a local shop in Kuwait about 2 years and 4 months. My visa type Article 18 Visa and my salary is KD 400 in work permit and my designation is sales executive.

My wife is staying in Kuwait and her sponsor is her father. Its been 5 years we are married and we have a 3 years 8 months old kid in Bangladesh where we got married.

I want to know if there is any procedure to get family visa or I have to have KD 450 salary in work visa to apply for family visa. And if my salary is increased to KD 450 then what will be the procedure.

It would be my pleasure if you kindly help me out by giving me advice. Thanks in advance.

Name withheld

Answer: For your information, the minimum monthly salary required to be able to apply for a family visa has been increased from KD 450 to KD 500 to be able to apply for a family visa you should therefore, be earning KD 500. This means that your KD 400 which you hope to have it increased to KD 450 won't be enough for you to sponsor your family.

For a woman to be married and still be under the sponsorship of her father is against the laws of Kuwait. We therefore, advise that you take steps to correct this anomaly especially that both of you are now in Kuwait. To do this the only avenue opened to you is to seek the transfer of your wife's residence from her father's to your's. We must however caution that success on this target is not guaranteed and there is also a possibility of your father-in-law running into problems for sponsoring a married daughter.

Annual leave

May I know if it is right or legal for a company to have a rule of only 15 days annual leave should be carried out on the following year. For example at the end of 2019 my accumulated annual leave is 20 days but only 15 days will be carried or added on my leave for 2020. Appreciate your response.

Name withheld

Answer: The company is wrong with their interpretations and executions of the rule regarding accumulated annual leave. Indeed what the law says is that you cannot have more than sixty days accumulated days within a year which you can avail of. The law goes on to say that any excess days after the sixty days permitted will be kept and paid as part of your end of service benefits. In short your company's rule of only 15 days of accumulated leave that can be carried over to the next annual leave has no legal basis and should be challenged for the correct procedure to be followed.

Visa transfer

I am a doctor, presently residing in Kuwait as a dependent on my husband (Article 22). I arrived in Kuwait at the end of October 2018. I now have a job and the company asked me to get the transfer of residence done from Article 22 to 18. I have been told that since I am transferring the residence before one year of residence in Kuwait, I will have to pay KD 300 as penalty.

I would like to ask you, who has to pay the KD 300? Is it supposed to be paid by the company who is employing me? Or does it have to be paid by me personally?

I kindly request you to please help me in this matter.

Name withheld

Answer: The rule says that to transfer from Visa 22 to 18, the applicant should have spent at least one year in Kuwait since first entry. The rule also says that university degree holders could however apply for such transfers at any point of time. Being a doctor therefore we are at a loss as to why the company is talking about non-completion of one year and the payment of KD 300. Having said the preceding, we must add that the issue should not be about who pays the KD 300 but about who needs a job. In this respect, the company would not have told you to pay the KD 300 if they had any intention of paying the amount if indeed such an amount is to be paid. Indeed, if you need the job then you have to go according to what the company says. On the other hand if you feel the company is fleecing the money from you without any justification, then you are free to turn down the company's request.

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



Al Jahra Gate is one of the remaining four gates that once lined Al Soor Street protecting the city from invaders. (Mishal AlAwadhi – KUNA)

Millennial Money

Secret for long-lasting marriage

Couple goals start with a money summit

By Kelsey Sheehy

Spreadsheets and savings goals aren't sexy. That's probably why great love stories, when retold, don't delve into household finances. But money is a central part of any relationship. And how you deal with it (or don't) can determine whether your own tale is a short story or a novel.

"Getting on the same page financially is crucial to being happy and having a long-lasting marriage," says Marie O'Keefe, a financial advisor at Northwestern Mutual.

That's not just lip service. A whopping 82% of engaged and newly married couples say they feel closer to their mate when they're in agreement about money, according to a survey by Northwestern Mutual and The Knot.

But that same survey found that only 37% of couples actually talk about their finances monthly. If that sounds like you and your partner, it's time to schedule a money summit.

"I'm a huge proponent of financial summits, especially when you're moving in with each other or getting engaged, because that's when your lives begin to merge," O'Keefe says.

If you're combining households, you need to tackle day-to-day tasks like making a budget and divvying up financial responsibilities. You also need to hit the big picture stuff, namely debt and financial goals, like saving for a house, retirement, vacation, a baby or all of the above.

That first meeting might be a doozy – you have a lot of ground to cover and potentially some financial baggage to unpack – but once you get into a groove, your summits will get easier. These guidelines can keep your talk on track, even when things get uncomfortable.

Put It On The Calendar Don't spring a major financial conversation on your partner. Instead, schedule it so you both can come to the table prepared mentally and emotionally.

Not every summit needs an hour or even 30 minutes – Marla Mattenson, a relationship expert, has a 15-minute check-in every Friday with her partner – but some topics warrant more time and attention.

If you're buying heads on a financial goal, for example, or need to make major adjustments to your budget, debt or retirement plan, give yourselves enough time to unpack those issues.

Mattenson suggests building in some buffer time, so you're not going straight from your summit into dinner with friends.

"You might have emotions you need to deal with after the meeting," she says. "Have some 'me' time or some 'us' time built into the after-meeting time."

Have An Agenda

Giving your summit some structure will make it easier to stay on task. Mattenson likes the "rose, bud, thorn, earth" approach.

● **Rose:** Start with the stuff that's going well. Did you stick to your budget or hit a savings goal? Celebrate that!

● **Bud:** Next, move onto new things to consider. Do you want to get a puppy? Need a new car? Did you just get hit with a big medical bill? Now's the time to figure out how that fits into your financial plan.

● **Thorn:** Talk openly and honestly about any challenges getting in the way of your goals.

● **Earth:** This is the big picture stuff – your goals and visions for the future, and any steps you need to take to achieve them.

Stick to your time, even if you don't get to everything on your agenda. Better to carry things over

than to carry on for hours, getting tired and frustrated as the meeting drags on.

"You're not going to solve everything in the first meeting, or the third, or maybe even the 10th," O'Keefe says. "Write down the things you still need to talk about and come away from each meeting with an action plan."

Set The Mood

Turn off your phones. Turn off the TV. Turn on some music. Sit down next to each other and talk.

"You want to get into the good vibes of your relationship unit," Mattenson says. "Sitting next to each other, it's like the two of you working together on an issue, rather than against each other."

Agree to be honest, kind and judgment-free. And be attentive to any tension bubbling up. If you're getting tense or your partner is getting defensive, call a timeout. Acknowledge the tension, defuse it (a hug does wonders, Mattenson says) and get back to your agenda.

"If you get into negative talk, pause and go back to kind words," Mattenson says. "Remind yourselves that the most important thing is the relationship and that you're in it together." (AP)

Parenting

'Life challenges not limited to one kind of people'

Sotomayor encourages kids to 'Just Ask!' in new book

By Jessica Gresko

Supreme Court Justice Sonia Sotomayor has said that the seed for what has become her latest children's book was planted the day a woman called her a drug addict.

Sotomayor, who was diagnosed with diabetes at age 7, had gone to the bathroom of an upscale New York restaurant to give herself an insulin shot. She was in her 30s but hiding her diabetes. Another diner came in and saw her and later, as Sotomayor was leaving the restaurant, she heard the woman tell a companion: "She's a drug addict."

Outraged, Sotomayor confronted her, explaining that the shot was medicine, not drugs: "If you don't know something, ask, don't assume," Sotomayor said.

From that exchange comes the title of Sotomayor's latest book, "Just Ask! Be Different, Be Brave, Be You," released Tuesday and intended for kids age 4 to 8. The book introduces readers to children who face what Sotomayor calls "life challenges" as they work together to create a garden rich with different flowers and plants, a metaphor for their own differences.

A young Sotomayor begins the book by talking about her diabetes and encouraging children to ask about other kids' differences. Other children introduce their own challenges, including attention-deficit/hyperactivity disorder, autism, blindness and Down syndrome.

"Differences provide not just beauty in life, but they're important

to the quality of the world we live in. It's richer because of our differences. We're not lesser because of it. We're stronger because of it. My book celebrates the many ways in which kids and adults are different and do things differently," Sotomayor said in an interview ahead of the book's publication.

Stories

Sotomayor, who was appointed to the Supreme Court by President Barack Obama in 2009, said she has wanted to write the book "forever" and that she was also motivated by hearing the stories of friends who have children

with chronic conditions. One child, she said, was separated from other students at school when it was time to eat because he had a host of allergies. Another friend's child who has Tourette's syndrome and therefore ties she can't control was told she was badly behaved by a shopper at a store.

"Those experiences struck me as a reason for me to go ahead with the book that had been in my head," Sotomayor said. She said she was particularly touched by a child in her life who, after learning about how Sotomayor had confronted diabetes, set up a study area in her room and said she wouldn't let her own challenges

stop her.

Sotomayor, the Supreme Court's first Latina justice, said she believes readers will see themselves or someone they know in her book. And she noted that her book's children are culturally and ethnically diverse because "life challenges are not limited to one kind of people."

The book is illustrated by Rafael López, who himself has dyslexia and a son with high-functioning autism. A child named Rafael in the book who has asthma is painting rocks, a subtle nod to the illustrator. Another subtlety, the book's character Vijay, who is deaf, is signing the word "grow" to a newly planted tree.

Sotomayor has come out with a string of books over the last year. Her memoir, "My Beloved World," came out in 2013. In 2018, she released a version for middle school readers and a picture book. Each of her books is also available in Spanish.

Sotomayor said for now she's taking a book-writing break, but she's making several book-related appearances before the court ends its summer recess and begins hearing arguments again Oct 7.

Sotomayor said it's important to her to continue to speak to and write for children. She has ideas for future books, likely related to civics, she said.

"I truly believe that if I can inspire the younger generation to see themselves as positive agents for change... that I will leave a more lasting legacy than what I can do as a judge," she said. (AP)



US Supreme Court Justice Sonia Sotomayor reaches out to hug a child during an event promoting her new children's book 'Just Ask!' in Decatur, Ga, on Sept 1. (AP)