



محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad Al Thani,
Emir of the State of Qatar

Neutral Citation: [2021] QIC (RT) 3

IN THE REGULATORY TRIBUNAL
OF THE QATAR FINANCIAL CENTRE

27 June 2021

CASE Nos RTFIC0003/2020 and RTFIC0001/2021

BETWEEN:

INTERNATIONAL FINANCIAL SERVICES (QATAR) LLC

Appellant

v

QATAR FINANCIAL CENTRE
EMPLOYMENT STANDARDS OFFICE

Respondent

FURTHER DECISION OF THE REGULATORY TRIBUNAL

Before:

Sir William Blair, Chairman

Justice Laurence Li S.C.

Justice Muna Al Marzouqi

DECISION

1. The Tribunal refers to its decision dismissing these appeals dated 19 May 2021. The parties were asked to agree the sums due to Ms A and Ms B. The ESO quantified their claims by way of Payment Orders issued on 26 May 2021, and IFSQ indicated, on the same day, that the calculation of the amounts due was accepted.

2. However, IFSQ did not make payment raising various grounds of objection, dated 26 and 30 May 2021, on the basis that payment should await the completion of QFCRA investigations into the affairs of the company, and its current financial position. Neither of these are valid objections. The QFCRA investigation is into the company's affairs, not those of the complainants in this case. The financial position of the company cannot be a ground to withhold payment in circumstances where the Tribunal has determined that sums are due to both Ms A and Ms B. The Tribunal decided on 31 May that: *“The Tribunal has taken note of the email exchanges following the issuance of its decision. The reasons given on behalf of IFSQ for delaying payment are not valid in the Tribunal's view, and if payment is not made it will issue orders for payment in accordance with the ESO's Payment Orders.”*

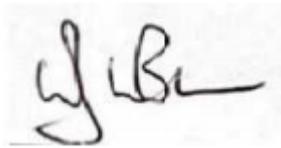
3. In addition to making Payment Orders in respect of the sums due under the complainants' contracts of employment, the ESO imposed financial penalties on IFSQ for contraventions of Articles 16 and 23 of the Employment Regulations. Article 16 deals with whistleblowing and Article 23 deals with termination of employment with notice. Article 57(2)(E) of the Employment Regulations empowers the ESO to impose a financial penalty on an employer. The penalties were in the total sum of USD 3,000 in respect of both Ms A and Ms B. The amount is in accordance with Schedule 1 to the Employment Regulations which provides for maximum financial penalties in the event of contraventions of the Employment Regulations. The maximum penalty for breach of Article 16 is USD 3,500; the maximum penalty for breach of Article 23 is USD 1,500.

4. IFSQ has been given a full opportunity to state why the penalties should not be payable. In objecting to the penalties, IFSQ contended that the issue of penalties falls outside the scope of the appeals. The Tribunal considers however that the issues as to whistleblowing and termination with or without notice were central to the appeals, and given the conclusions of the Tribunal, the ESO was fully within its rights to impose these modest sums as penalties.
5. In imposing penalties, the ESO stated that should payment be made to Ms A and Ms B within 10 days of notification of the Payment Orders, the ESO would waive the penalties. IFSQ objects to this timeline, but the Tribunal considers that it is reasonable. There is no requirement on the part of the ESO to give time to pay, nor to offer to waive the penalties imposed, and if the 10-day period is deleted, the penalties would be payable immediately. The offer of a waiver is a reasonable one on the facts of this case and offered a way of bringing this matter to a close.
6. Finally, IFSQ states that it intends to appeal to the Appellate Division of the Court and applies for a stay pending appeal. The power to stay a decision pending appeal is given by Article 25.4 of the Regulatory Tribunal's rules of procedure. No draft Notice of Appeal has been produced as is often done when such an application is made. Notwithstanding, there are no grounds in the Tribunal's view to order a stay pending appeal in this case. The monies due to Ms A and Ms B under their contracts of employment have been outstanding for many months, and payment should now be made.

Decision

- (1) IFSQ is forthwith to make payment in accordance with the Payment Orders issued by the ESO on 26 May 2021 in Complaint No. 17/2020 and in Complaint No. 18/2020.
- (2) A stay pending appeal is refused.

By the Regulatory Tribunal,



Sir William Blair, Chairman



Representation:

The Appellants were represented by Mr Rudolf Veiss.

The Respondent was represented by Mr Jonathan Parker, Clyde & Co, Doha.