

Other Voices

What is missing from the equation?

By Dr Rawda Awwad

Over the past couple of years, it has reached a point for many that watching the news becomes an agonizing endeavor. Some viewers tear up, others implode in despair or explode in anger; we shake our heads in disbelief, and stare into space as there is nothing more to think about, the brain is frozen in time as if it downloaded an infected file, a few "pop" the invariable pill — there are plenty on the market to numb the inevitable. And then there are those who made a decision that watching the news is just bad for their health, and have resorted to watching yet another re-run of Star Trek for the million and one time and wish for alien contact, or just turning into a Klingon.

The world stage has turned into a comedy of errors — no pun intended, and the actors, well: the interesting but quite disconcerting fact is that many of those "actors" are considered by world standards very well "educated".

When we do manage to lend an ear to the news, and when those actors lend utterances to their thoughts, they sound nothing short of "simplistic," to put it elegantly. And no, I don't agree with that this is a simple ploy in making politics more palatable to "ordinary" folks.

More worrisome is that the "ordinary" folks, many of whom are now parroting these simplistic versions of how the world should work and what should be done, and even more simplified versions of problem solving, have at the very least received basic schooling — but have also earned college degrees.

Despite increasing accessibility to education globally, and our belief that education is the key to progress, positive and constructive development and change, we, for many reasons, find ourselves in a global quagmire: a world that has turned into a political, economic and social cesspool, to say the least, in which everyone has an opinion and apparently an "educated" one at that. The important question is, what is

missing from the equation?

As university faculty, educators and researchers, regardless of our discipline, it is imperative for us to raise the question as to where our part is in all of this. Our disciplinary focus and background render us experts. We are all highly qualified based on educational standards, and that's the reason why we are where we are. But qualifications and teaching and researching in the discipline are simply not enough.

More recently, literature on this subject talks about the gradual shift of universities/colleges toward market-driven disciplines, the consequences of which are multi-faceted. We have to remain pragmatic; universities have to survive, and when economics make their demands, it is in the interest of universities to respond. I have no issue with this, nor should anyone else. However, in this process, one thing cannot be sold to the highest bidder and that is the responsibility that the university carries in creating an environment that enable "Bildung." It's a German term for which there is no adequate translation: in part, it refers to an educated populace, but it is not quite that; and it means culture, and it is not quite that either. It is a term that has morphed into a range of defining practices and has been complicated by philosophers and intellectuals alike. It comes from the German term "to build," and it is no accident that it was coined with the context of nation-building, and specifically gained intellectual traction during the enlightenment and within 19th century political circles and the expansion of the suffrage. In short, it ended up shaping an educational initiative which integrates the arts and sciences with research to achieve both comprehensive general learning and cultural knowledge, which to this day is applied.

Regardless of its usage and the complexities associated with its mere definition, the thrust of its meaning resides in a notion of "the cultivation of the inner self that is capable of establishing a more civil and humane society."

When talking about education and catering to our student needs, we to be cautious in that students don't mistake our celebration of individualism with reckless individualistic thinking: notions of what is in it for me? Does it serve me? Does it suit me? Does it make me feel

good? Can I benefit from it?

Although these thoughts are certainly not blasphemous, yet when not combined with a sense of community and service, such attitudes embody the potential for disaster.

In short, what does this all mean for us as educators? As members and leaders of the academic community, it is incumbent upon us to continue in every way possible to create a "college culture" (again a loaded term) that goes beyond the teaching of the disciplines. When we talk about culture or "Bildung," or the combination thereof: it is sort of hard to define. You recognize it when it exists and its absence is also quite visible and turns any educational institution into a teaching/learning machine without context. We are then rendered soulless.

A university is not a university without its faculty, and a learning "culture" cannot be created without its faculty. The faculty will define a university and will define education at large. Through an infusion of faculty experience, know-how, commitment, values and the questions that faculty raise in classes, through research and service, faculty have set the tone and will continue to do so inside and outside the scope of the physical classroom. Faculty will always be the imperative, the make-or-break point, and, therefore, universities will continue to expand upon what already has been built, to develop on what already has been conceived, and to create the new both inside and outside of the scope of the physical classroom.

My desire to find an M class planet and engage in deep space exploration will probably remain to be an unreasonable obsession that I will struggle with for the rest of my life. In the meantime, I look forward to a new academic year, and for many in the higher education arena; I welcome you to a new beginning.

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— Editor

legal clinic

PRO BONO LEGAL ADVICE

Payroll calculation

First of all thanks a lot for guiding expatriates with your legal advice service through the Legal Clinic column — I am seeking your clarification for my issue, please help.

I am working in the Human Resources Department of my company and have been in charge of payroll process for a period of time. During my experience in that field, with that company and some others, I found many way of calculating the payroll.

I regularly read your legal responses which has inspired me to contact you as I have found no other channel to give me advice on my case. Therefore, I am attaching an excel file which shows the different methods of calculation of the payroll.

I am seeking your comments and advice which is suitable for both employees and company in according with the Kuwait Labor Law.

Your assistance on this issue will be very much appreciated as it will be very helpful to me.

Name withheld

Answer: If you are in the Human Resources Department of your company and are connected with preparation of the company's payroll, then the first thing you need to do is get a good translated copy of the Kuwait Labor Law.

We say this because once you make the correct calculations, your company will want proof that you are using the correct method for calculation of the payroll ... because most companies (even some of the good ones) have shut their eyes to the correct method and are using a method which benefits them financially ... well, which company owner wouldn't but then there is only one way to make the payrolls — "the correct way" — although we are sure that even if you give proof of the correct method most companies won't use it.

But before we go on, we must stress that Articles 55 to 62, plus the second paragraph of Article 67 are very important in the calculation of the dues of an employee.

While it is obligatory to follow the rules laid down in the Kuwait Labor Law, not everything is contained in these laws, especially the ministerial decisions and explanation of various laws by the Ministry of Social Affairs and Labor.

So, here is the correct method (after including all the explanations and various decisions of the Ministry of Social Affairs and Labor) of making the payrolls and also the salary to be used in the calculation of both the indemnity and leave salary of the employees.

Before we detail the procedure, we like to make it clear that you can always (officially through the company) approach the Legal Department of the Ministry of Social Affairs and Labor.

We will not, however, individually discuss the various copies of the payroll you sent and only detail the correct procedure.

For calculating the monthly salary of the employees, you must include every day of the month. For example, if a month is of 28, 30 or 31 days then the total salary of the individual must be divided by those number of days to get the daily wage.

The issue of subtracting the weekends is not considered during the preparation of the normal monthly payrolls. In the preparation of these payrolls the total days of the month are considered and not only the working days.

So, if a month is of 30 days and a person's monthly salary is KD 300 his daily wage will be considered as KD 10. In such a case — for example — if a person is absent for three days KD 30 will be deducted from his salary.

But things are different in the calculation of the daily overtime, annual leave salary and indemnity.

Since, you have months of both 30 and 31 days and also one of either 28 or 29 days (February) every month is considered to have 26 working days.

This is important because some months have 5 Fridays (weekends off) like in this year we find 5 Fridays in January, April, July, September and December. For uniformity the working days are taken to be 26.

So, while calculating overtime, annual leave and indemnity we take the working days as 26.

So, if an employee has 30 working days paid leave a year the salary is first divided by 26 and only then multiplied by 30 to arrive at the leave salary. For example, if an employee is earning KD 300 monthly you need to divide this first by 26 = KD 11.540. You then multiply this figure by 30 = 11.540 x 30 = KD 346.200. So, this will be his annual leave salary for the 30 working days.

Now, in case of indemnity, a person gets 15 days salary for each of the first five years of service for a total of 75 days. These 75 days are first divided by 26 and then multiplied by the salary = 75 / 26 = 2.88 months salary for these five years and not 2.5 months salary as some companies calculate.

We hope that you are now clear on the issue but you are welcome to send any number of questions to the Arab Times Legal Clinic if doubts persist.

Indemnity

I would like you to compute my indemnity. I am planning to finish my work contract in April 2017. I have been working for 18 years in a private company and my basic salary is KD 435 only and I have a housing allowance of KD 50 only.

I just want to know if my housing allowance will be included in the computation of my indemnity.

Name withheld

Answer: The Kuwait Labor Law clearly mentions that the calculation of indemnity will be made on the "last remuneration". The stress is on the word remuneration. The law, in this connection, doesn't use words like basic salary, salary or pay.

Now the word "remuneration", as defined by the Labor Law, includes the basic salary plus all the allowances paid to an employee regularly. As such, for the calculation of indemnity the figure of KD 485 will be used i.e. the basic salary plus the allowance.

This is how your indemnity will be calculated:

Total salary: KD 485
Service: 18 years

For the first five years service you get 15 days pay for each year = 75 days

But these 75 days have to be divided by 26 (working days in a month)

= 2.88 months salary
For the remaining 13 years service you get one month's salary for each year = 13 months salary

Total = 13 + 2.88 = 15.88 months salary
= 15.88 x KD 485 = KD 7,701.800

As you have completed over 10 years service, you will get the full above amount regardless whether you resign or your services are terminated.

Driving license

My driving license was issued on Dec 18, 2012 for 10 years with designation "Driver" and salary KD 400. But now my designation in my new company is being changed to Technical Assistant with the salary KD 400.

Please advise whether after my designation change my driving license will get cancelled or not? I have heard somewhere that this rule is implemented for the licenses issued after April 2013. I always see you give the correct answer, so awaiting for your valuable reply.

Name withheld

Answer: A very senior Kuwait Traffic Department clarified this issue not very long ago when he said that the decision on change of designations would affect only those licenses which were issued after April 1, 2013. He added that all the licenses issued before this date would be renewed automatically.

The designations affected are driver, housewife, Mandoub (company representative) and student. If you have obtained a driving license — after April 1, 2013 — for the above four designations you will lose your license if you change the designation on the work permit.

But as you got the driving license before the above date, your driving license "should not" be cancelled if you change your designation.

Residence transfer

I would like to thank the Arab Times for the valuable advice which the expatriates are getting from your Legal Clinic column.

I also have one question about the project visa transfer procedure.

I came from India to Kuwait on January 2010 on a project visa. This project lasted till April 2015 and for some reason the company cancelled this contract.

After 2 months I transferred to another company with a different sponsor but on a project visa only and this June I have already finished one year. So my question to you is whether I can transfer to another private sector firm after I resign from this company or do I have to remain on a project residence?

Name withheld

Answer: No, you will not be allowed — according to the current laws — to transfer to the private sector and will have to remain on project residence.

Rental contract

I am living in a 2-bedroom apartment. My contract was signed on Nov 1, 2015.

My monthly rent is KD 300 but now I want to move to another apartment. I informed the landlord on Sept 3, 2016 that I would vacate this apartment before Sept 25, 2016.

I was told that as per contract I have to inform the landlord 1 month in advance otherwise I have to pay the next month's rent (ie October 2016). I was also told that the contract period is 1 year and I must pay for the whole year.

Elaborating on the issue I was told that I have to pay for another month since I had paid the rent for 11 months only.

I have already paid the rent for

September 2016 for both the apartments (where I am living currently and where I am moving).

I am attaching the rental contract, the last two months rent receipts and a copy of the written notice which I gave to the landlord.

Please advise on what my position is according to the Kuwaiti Rents Law and what legal action can be taken against me if I do not pay my current landlord the rent for October 2016.

Name withheld

Answer: As per your contract you are required to give a month's notice before vacating your apartment. So, you have no option but to pay the rent for October.

Talking about the rent for the whole year, that situation doesn't come into play now because with the payment of the rent for October you will have paid the rent for the whole year. If you don't pay for the month of October, you could land in court ... you have no way out.

But for the information of our other readers we need to discuss the issue of the year contract as this point is very important.

All our readers must ensure, when they rent a flat, that they clear this issue with their landlords because they could end paying rent for the unused part of the contract.

Normally, the landlords just ignore the one-year part and just accept the one-month notice but then there are some who stick to the letter of the contract and try to get all the money they can. So, get this point cleared.

Name 'mismatch'

First of all I would like to thank you to this amazing "Legal Clinic" department for their services, which are very helpful to all of us ... and I am a regular reader of the very popular "Arab Times" since 2004.

I have a problem which has become very critical now as I am having a "mismatch" on my passport & academic certificates as I will attempt to explain below.

I will be very grateful if you can guide me on how to make the corrections on the Kuwait documents, since I can make the correction on my passport as per my academic certificate from my home country (Bangladesh). I am holding a Bangladeshi passport and have been living & working in Kuwait since October 2003.

My problems are following:

On passport:
Name: Ahammad Ullah

Motayed
Father's name: Nur Ullah

Mottled
Date of birth: Dec 7, 1978

On certificate:
Name: Ahammad Ullah

Mooted
Father's name: Nurulla

Motaed
Date of birth: Dec 7, 1982

Note: My certificate and passport copy are attached for reference. The above mistakes happened because we didn't have any mandatory birth certificate before 2008.

Name withheld

Answer: We are not worried what difference there is between your passport details and the details on your certificates. Because those are the corrections you have to get done from your embassy or your country.

We are concerned with correcting the details on your Kuwait documents and matching them with your passport details.

This is not too difficult. You have to approach the Immigration Department in your area first. You will have to fill a form with the details you want corrected.

You will then be directed to the Fingerprints Department to confirm that you are the "same person" with "different names". Once you get the security report, you have to go back to the Immigration Department which will make the corrections in its computer system. To this computer system are connected all the important departments of Kuwait.

The Immigration Department will also put a new residence sticker in your passport. This means the required corrections have been made. You can now approach all the departments — for Civil ID and driving license — to have all the details on these documents corrected. You won't face any problems.

Visit visas

My wife is pregnant and my basic salary is KD 425 ... can I get visit visas for my parents on her delivery?

Name withheld

Answer: Yes, you will be able to get visit visas for your parents as you meet the salary requirement but please remember that you will have to use the visa within one month of its issuance and that your parents will be able to stay in the country for one month only.

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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

Finance studying possibility of restructuring workers salaries

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Kuwait Today

Prayer Timings

Fajr	04:23
Sunrise	05:42
Zohr	11:57
Asr	15:00
Maghrib	17:32
Isha	18:49

Weather

Expected weather for the next 24 hours:

By Night: Fair with variable wind changing to light to moderate north westerly wind, with speed of 06-26 km/h.

By Day: Hazy with light to moderate north westerly to light variable wind, with speed of 06-26 km/h.

Station	Max Exp	Min Rec
Kuwait City	35	25
Kuwait Airport	35	21
Abdaly	34	21
Bubyan	35	20
Jahra	35	22
Falilaka Island	33	22
Salmiya	33	27
Ahmadi	32	25
Nuwaisib	35	21
Wafra	35	21
Salmy	33	21

4 days forecast - Weather

Monday, Oct 3

Expected weather.....Hot
Max Temp.....36°C
Min Temp.....22°C
Wind Direction.....NW-N
Wind Speed.....08-26 km/h

Tuesday, Oct 4

Expected weather.....Hot
Max Temp.....37°C
Min Temp.....23°C
Wind Direction.....NW-VRB
Wind Speed.....06-26 km/h

Wednesday, Oct 5

Expected weather.....Hot
Max Temp.....38°C
Min Temp.....22°C
Wind Direction.....NW-VRB
Wind Speed.....06-26 km/h

Thursday, Oct 6

Expected weather.....Hot
Max Temp.....37°C
Min Temp.....22°C
Wind Direction.....NW
Wind Speed.....08-26 km/h

Marine Forecast

Station	Max Exp	Min Rec	Sea Surf	Today's Waves
South Dolphin	32	25	3ft	SE
Umm Mudasrah	32	28	3ft	SE
Beacon M28	-	-	3ft	SE
Beacon N6	31	23	3ft	SE
Qaruh Island	32	29	3ft	SE

Umm Al-Maradim	31	28	-	3ft	SE
Sea Island Buu	-	-	-	-	-
Salmiya	33	26	-	3ft	SE

4 days forecast - Marine

Monday, Oct 3

Expected weather.....Hot
Sea state.....Slight to moderate
Wave height.....1-3 ft
Max Temp.....36°C
Min Temp.....22°C
Wind Direction.....NW-N
Wind Speed.....08-26 km/h

Tuesday, Oct 4

Expected weather.....Hot
Sea state.....Slight to moderate
Wave height.....1-3 ft
Max Temp.....37°C
Min Temp.....23°C
Wind Direction.....NW-VRB
Wind Speed.....06-26 km/h

Wednesday, Oct 5

Expected weather.....Hot
Sea state.....Slight to moderate
Wave height.....1-3 ft
Max Temp.....38°C
Min Temp.....22°C
Wind Direction.....NW-VRB
Wind Speed.....06-26 km/h

Thursday, Oct 6

Expected weather.....Hot
Sea state.....Slight to moderate
Wave height.....1-3 ft
Max Temp.....37°C
Min Temp.....22°C
Wind Direction.....NW
Wind Speed.....08-26 km/h

Tide times at Shuwaikh Port

1st high tide:.....13:00
2nd high tide:.....01:00
1st low tide:.....19:15
2nd low tide:.....07:30
Sunrise:.....05:42
Sunset:.....17:33

Recorded yesterday at Kuwait Airport

Max temp.....35°C
Min temp.....19°C
Max Rh.....10%
Min Rh.....10%
Max Wind.....NW 39 km/h
Total Rainfall in 24 hrs.....0 mm

Recorded yesterday at South Dolphin

Min/Max/ Air Temp.....25/32°C
Min/Max Rel Hum.....21/70%
Wind Direction/Wind Speed.....N/44 km/h
Prev Wave Dir/Max Wave Ht.....N/2 ft
Min/Max Sea Surface Temp.....27/28°C
Sea Current.....Upwelling

— Director General of Civil Aviation, Meteorological Dept.

deaths

Jawaher Nasser Khather Al Khather, 53 years old, wife of Adel Rajab Saleh Al Shuwaie, buried on Sunday. Condolences: (Men) Rawda, Diwan Al Khather, Opp 4th Ring Road, Tel: 97833997 (Women) Sabah Al Salem, Block 4, Street 1, House 14, behind Cooperative Society No. 3; **Makiya Abdullah Ali Al Qatan,** 74 years old, widow of Husein Ali Al Qatan, buried on Sunday. Condolences: (Men) Mansouriya, Huseiniyat Al Aema, Tel: 99090480 (Women) Abdullah Al Mubarak, Block 1, Street 135, House 7, Tel: 99800118; **Abdullah Mohammad Abdul Rahman Al Harazi,** 81 years old, buried on Sunday. Condolences: Kaifan, Block 5, Street 56, House 6, Tel: 66474747; **Badriya Thaar Abdullah Al Otaihi,** 43 years old, wife of Fahad Al Adam Al Jabri, buried on Sunday. Condolences: (Men) Adan, Block 8, Street 23, House 9, Tel: 55520002 (Women) Sabah Al Salem, Block 13, Street 2, Avenue 6, House 2, Tel: 99433633; **Husein Mansour Mohammad Al Mansour,** 65 years old, buried on Sunday. Condolences: (Men) Da'ya, Bahrana Mosque, Tel: 25518293 (Women) Sabah Al Salem, Block 10, Street 2, Avenue 4, House 24, Tel: 99451172; **Muneera Saleh Al Araji,** 84 years old, widow of Saad Saud Al Batah, buried on Sunday. Condolences: (Men) Hiteen, Block 2, Street 212, House 54, Tel: 94446011 (Women) Sabah Al Salem, Block 4, Street 13, House 10; **Nasser Fahad Abdul Aziz Al Semaif,** 81 years old, buried on Sunday. Condolences: (Men) Shuwaikh, Diwan Abdullah Ahmad Al Sumait, Block 4, Ahmad Al Fouzan Street, House 19, Tel: 99283638 (Women) Dahiyat Abdullah Al Salem, Block 3, Street 32, House 10, Tel: 55552290; **Daleel Husein Ibrahim Hadi,** 80 years old, widow of Abdullah Falah Fathel Al Ajmi, buried on Sunday. Condolences: (Men) Qasser, Block 1, Street 6, House 10, Tel: 65559900 (Women) Saad Al Abdullah, Block 9, Street 945, House 5; **Abdul Latif Abdullah Abdul Mohsen Al Rashied,** 77 years old, to be buried on Monday after Asr prayers. Condolences: Salmiya, Block 7, Street 4 (Al Mutaz) House 23, Tel: 99052622- 50509997; **Sheikha Haji Jaseem Al Shamali,** 60 years old, buried on Sunday. Condolences: (Men) Da'ya, Huseiniyat Al Shamali, Block 4, Hamza Street, House 18, Tel: 51556557 (Women) Shaab, Huseiniyat Sayed Shebr, Block 5, Street 51, House 3, Tel: 99432175.

Oct 2, 2016