

# Complaint Against Qatar

## 329th Governing Body Session (March 2017)

The Government of Qatar (GoQ) was given one year to report back to the GB on the measures undertaken to follow-up on the assessment of the high-level tripartite visit (HLTV) to the country in March 2016. In a communication to the ILO on 20 February, the Government purports to have introduced several reforms. However, the kafala system and the exit permit requirement remain fully in force. The GoQ continues to deny the right to freedom of association and demonstrates that it has taken no steps in this regard.

- The GoQ submission to the ILO contains false and misleading information. For example, it is stated that “...Law No. 1 has repealed the exit permit.” This is not true. The exit permit remains in force, with workers obliged to seek the permission of their employer/sponsor to leave the country.
- Employers are still able to stop workers changing employer for a period of up to five years.
- Information concerning occupational morbidity and mortality included in the GoQ submission is incomplete and highly misleading.
- The GoQ report contains no information on any dissuasive sanctions against any employer for non-compliance.
- The confiscation of workers’ passports remains commonplace. More than 230 migrant workers interviewed in an Amnesty International report published in 2016 said they were not in possession of their passport.
- The report refers to five key areas of potential technical cooperation between the ILO and Qatar discussed during the Office mission to Qatar in February 2017, concerning non-payment of wages, labour inspection and occupational health and safety, recruitment and contracts, protection from forced labour and “voice” for workers. The only possible reason for this is that Qatar is still not compliant in these areas.
- The GoQ is actively blocking the realisation of agreements between multinational construction operators in Qatar and the BWI concerning operations in Qatar.

The following assessment of the claims made by the GoQ, against the recommendations of the HLTV and complemented by additional relevant information, demonstrates the need for a continuation of the process underway in the Governing Body and the adoption of the draft decision including deferral of consideration on the appointment of a Commission of Inquiry until the November Governing Body meeting.

### ***(1) Assessment of the HLTV: Remove restrictions preventing migrant workers from terminating their employment relationship (Kafala system)***

GoQ report falsely claims that Law No. 21 of 2015 abolished the kafala system. Workers continue to be dependent on the consent of their employer for termination of their employment contract. The CEACR stated in its most recent report that “Law No. 21 of 2015 does not seem to foresee termination by the expatriate worker before the expiry of the initial contract without approval of the employer nor does it set out reasons and conditions for termination general, other than in a few very specific cases”. The GoQ was once again requested to remove restrictions on termination of employment.

The GoQ Report does not refer to the removal of restrictions as requested by the CEACR and the HLTV. The report refers to number of transfers but it is unclear how many applications were made and on what grounds the change of employment was granted or not granted. NGOs reported cases where workers are still required to obtain a no objection certificate despite the entry into force of Law No.21. In some cases, employers prolonged the contracts of workers (from a 2-year contract to a permanent one) without notifying them to make it impossible for them to change their employer.

**(2) Assessment of the HLTV: Wage Protection System should be implemented in SMEs.**

GoQ Report: Refers to an “inspection campaign” from September 2016 to February 2017. Number of companies which have joined the WPS is listed (36 117) but impossible to assess coverage without information on total number of companies. Recorded 692 companies which had failed to pay due wages. Only 26 cases were referred to public prosecution. There is no information provided demonstrating that workers received their wages in arrears and employers were fined in a dissuasive manner in all other cases.

**(3) Assessment of the HLTV: Broader range of measure to improve access to complaints mechanisms.**

GoQ Report: No substantial additional measures implemented yet. Report refers to an action plan to increase number of equipment from 10 to 90—but no action taken. ITUC tested a kiosk in October 2016- only 4 types of complaints can be filed (wages, leave, bonuses and tickets). Form could be printed out but workers still needed to file complaint in person at the Ministry of Labour. Report refers to a programme to make more technology available to a workers but this has not been launched yet.

Report gives data on the number of complaints filed in 2016 in table 18 but indicates the year 2014 as the data source casting a doubt on the credibility of the data provided.

No information on remedies provided to victims and how grievances have been dealt with provided.

**(4) Assessment of HLTV: Need for collaboration with sending countries to abolish worker paid recruitment fees.**

GoQ Report: Refers to MoUs with 36 countries without indicating whether these agreements tackle recruitment fees and how their implementation is monitored and followed-up upon.

**(5) Assessment of HLTV: Practical efforts to prevent passport confiscation need to be stepped up.**

GoQ Report: No information on additional measures taken to prevent passport confiscation practice provided. More than 230 migrant workers interviewed in an Amnesty International report published in 2016 said they were not in possession of their passport. Statistics provided for the year 2016 show that only 21 employers were fined out of 232 lawsuits submitted in relation to passport confiscation.

**(6) Assessment of HLTV: Penalties should be imposed to employers who violate the terms of the employment contract (contract substitution)**

GoQ Report: No information provided about penalties imposed for contract substitution.

**(7) Assessment of HLVT: By-laws should be adopted to introduce clear criteria for exit permits.**

GoQ report falsely claims to have “repealed the exit permit” with the adoption of Law No. 1 of 2017. Workers continue to be required to “notify” their employer who then still has the right to object their exit. The criteria for the objection are not specified in the legislation.

[https://portal.moi.gov.qa/wps/PA\\_moi\\_doc\\_services/eService/forms/exitPermit/PermitFormE.jsp](https://portal.moi.gov.qa/wps/PA_moi_doc_services/eService/forms/exitPermit/PermitFormE.jsp)

“This service allows nationals and residents, holding smart ID cards, to issue exit permits for those persons who are under their personal sponsorship and have personal ID numbers. Applicants can choose to apply for single or multiple exits.” <http://portal.www.gov.qa/wps/portal/services/inviduallandingpages/exit+permits/applyforqatariexitpermit>

**(8) Assessment of HLVT: Effective application of dissuasive penalties**

GoQ Report: No information about dissuasive penalties. It lists the number of cases heard in courts and the number of cases under investigation but does not refer to the penalties imposed against employers who have committed the infractions and the remedies provided to victims. The length of proceedings is also not indicated and neither is there any information about legal aid provided to workers.

There is no information about the methodology of labour inspections. The number of translators still stands at 4, clearly not sufficient for a migrant labour force of 1.8 million. No information about the amount of fines handed down as a result of inspection results. Infringement reports were only drafted in 1.2% of the cases detected without any information provided about why all other cases were not pursued. The report claims that a hotline will be launched where workers can bring up their complaints—this had been announced in 2010 already.

## **Additional claims and information:**

Legislative reforms on domestic workers and worker dispute mechanisms.

The GoQ Report refers to these reforms but has refused to make a copy of these legislative amendments available. In fact, the domestic worker bill is still not been decreed and it is unclear when it would come into force.

## **Occupational health and safety.**

The GoQ report contains a number of unsubstantiated claims concerning occupational health and safety. These cannot be independently verified since the government ceased making available even the very limited morbidity and mortality statistics concerning migrant workers that it previously published. The low numbers of injuries and deaths reported for migrant workers, 582 in total last year, are in contradiction of the most recent available figures for emergency room treatments in Qatar – 2,800 per day, or more than 1 million in 2014. <https://dohanews.co/hmc-report-demand-for-emergency-medical-care-in-qatar-surges/> This would mean that only 0.06% of total emergency room treatments are attributed to occupational causes.

The GoQ claims omit any reference whatsoever to occupational disease, despite the recommendations of a 2014 report commissioned by the GoQ itself – recommendations which have not been acted upon by the GoQ in the 3 years since the report was published:

*“Going forward, it is crucial that the State of Qatar properly classifies causes of deaths. It is critical to collect and disseminate accurate statistics and data in relation to work-related injuries and deaths. If there are any sudden or unexpected deaths, autopsies or post-mortems should be performed in order to determine the cause of death. If there are any unusual trends in causes of deaths, such as high instances of cardiac arrest, then these ought to be properly” studied in order to determine whether preventative measures need to be taken.*

*Given that varying statistics are being extrapolated to support claims of significant mistreatment of migrant workers in the construction sector, we would suggest that the State of Qatar provide for a definitive study into the number of deaths from cardiac arrest in order to collate evidence to verify the actual cause, and take any preventative steps which may be appropriate.”*

<http://www.engineersagainstopoverty.org/documentdownload.axd?documentresourceid=58>

The injury statistics also confirm the presence of North Korean workers in Qatar in 2016. Marzuki Darusman, the special rapporteur on human rights in North Korea has described such employment of North Korean migrant workers as amounting to forced labour.

## **Supreme Committee World Cup arrangements**

The GoQ refers to the agreement between the Qatar Supreme Committee and the BWi, which covers around five thousand workers working in World Cup stadiums. This represents just 0.25% of the migrant workers in Qatar. Efforts by multinational construction operators to reach agreements with the BWi and local joint venture partners concerning their overall operations in Qatar are being blocked by the GoQ.

## **Proposal for technical cooperation**

The proposal for technical cooperation between the GoQ and the ILO, discussed between them in February, highlighted five areas: non-payment of wages, labour inspection and occupational health and safety, recruitment and contracts, protection from forced labour and “voice” for workers. The fact that the Office and the GOQ are contemplating technical cooperation in these five areas shows that the GoQ is not compliant on those matters.

## **Amnesty International 2016 report**

Amnesty International’s report in 2016 (covering 12 months up to March 2016) included interviews with more than 230 migrant workers at one site in Qatar. All of them had paid recruitment fees, 228 of them had been cheated on wages, most of them reported fear of reprisal, forced labour was identified and abuses of the exit permit system were also identified. Some of the companies holding workers’ passports returned the passports to the workers after Amnesty raised the issue with them and with the Supreme Committee.

## **Workers' accommodation**

While some new accommodation for workers is now being provided, in particular for those working on World Cup stadiums, the majority of migrant workers in Qatar continue to live in squalid labour camps. 11 workers died and 12 were injured in a fire in a labour camp in south-western Qatar in June 2016. Several hundred workers from the Philippines, India, Sri Lanka and Bangladesh lost their possessions in two labour camp fires (at Al Shahaniya and Al Saliya) in March 2017 – this was the third fire in one of the two camps. The employer of one of the groups of workers offered initial compensation of QR 200 (US\$56) per workers. Embassy representatives have asked the employer to provide further compensation, and workers have had to rely on community charity collections for their immediate needs such as clothing, toiletries, bedding and food.