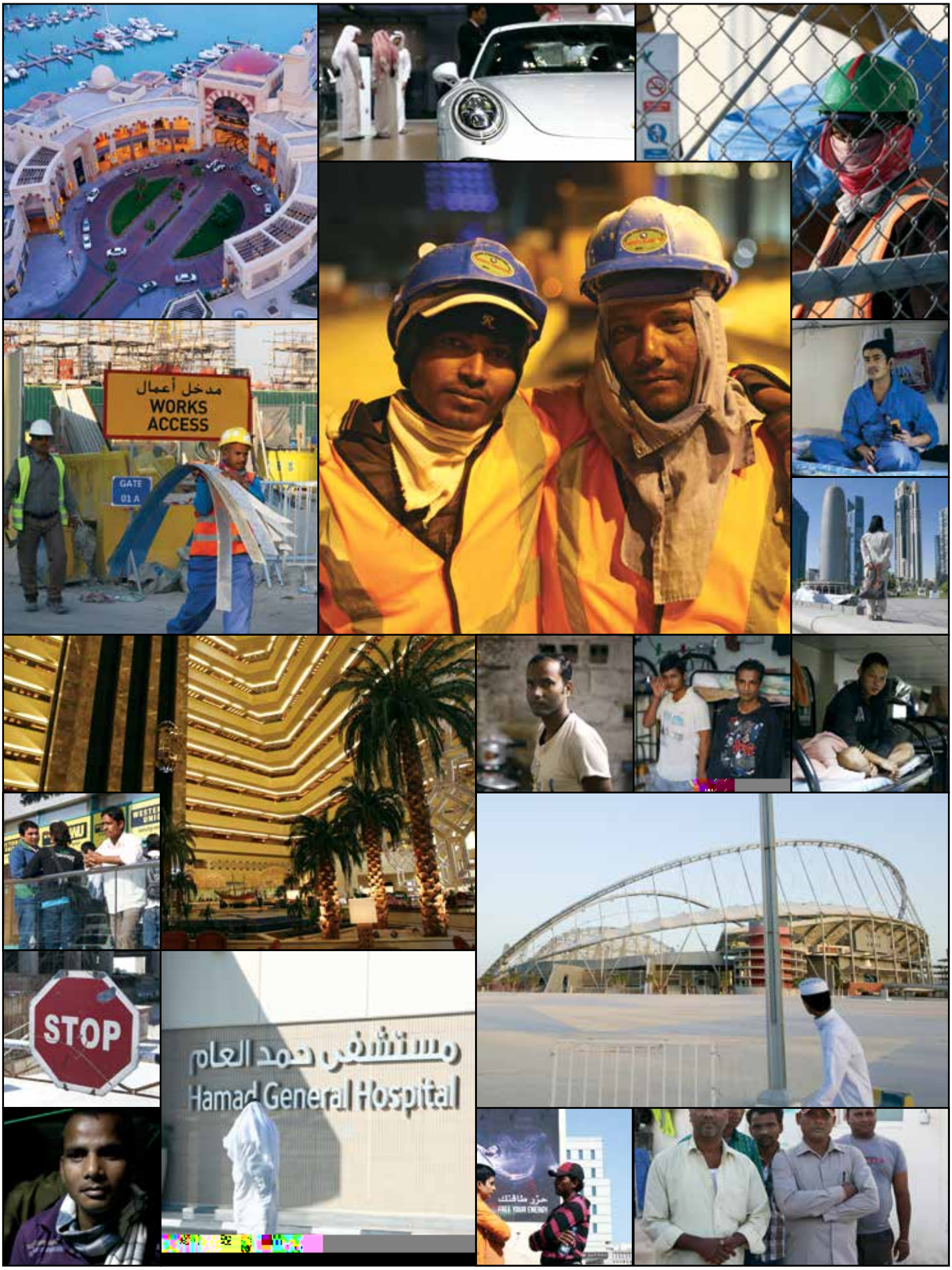


THE CASE AGAINST QATAR

Host of the FIFA 2022 World Cup | ITUC Special Report | March 2014

Front cover main photo: Benjamin Crowe.
Inset photos from left to right: Matilde Gattoni, Benjamin Crowe, Benjamin Crowe.



Montage photo credits: ITUC, Benjamin Crowe, Matilde Gattoni

CONTENTS

1. How FIFA and the 2022 World Cup can be a catalyst for change 6

2. The ITUC case files 7

3. Worker fatalities 14

4. Inadequate responses 16

5. A broken system 20

- Recruitment agencies 20
- Corporate behaviour 20
- Qatari legal system 20
- Detention centres 23
- Minimum wages 25
- Labour inspectors 25

6. International law 28

Appendix : Sample Contract Provisions for Qatar 2022 Contractors 31

Foreword - Trapped in Qatar

> "Qatar is a country without a conscience."

Qatar is a country without a conscience.

While there are many highly educated and many generous Qatari citizens, the reality is that there is only a facade of government. Qatar is run like a family business. Ministers with little power try to manage portfolios that democratic governments usually manage, but with only the shadow of a civil service.

Fundamental rights and freedoms do not exist for workers in Qatar whether for poor migrant workers or highly paid professional expatriates. Foreign workers are enslaved – owned by employers who hold the power of recruitment, total control over wages and conditions of employment, the authority to issue ID cards (not having an ID card can lead to prison) and the ability to refuse a change of employment or an exit visa to leave the country. This is known as the kafala system.

Poor migrant workers living in squalor, are forced to work long hours in unbelievable heat six days a week. Kept in an apartheid situation they are dying in unprecedented numbers.

Foreign embassies in Qatar are forced to keep quiet about the mass deaths of their citizens out of fear of retaliation by the authorities. Diplomatic sources say they have been urged to play down or deny work-related fatalities, with the threat of turning off the flow of remittances from Qatar to home.

Women and children without husbands or male sponsors, and the victims of abuse, including rape, are imprisoned in detention centres that are crowded and unhygienic. Detainees have no knowledge of what fate awaits them. Embassies are not given full access to the detention centre, and no records of who has been detained are available.

There is no effective labour compliance system in what is effectively a police state. The minuscule labour inspectorate is no match for the vast number of worksites and labour camps in and around Doha.

The ITUC recently visited several thousand workers in ten labour camps to the east and south of Doha. Labour camps are run by slum landlords who rent them to companies, or are managed by the companies themselves. A camp boss or company security guard patrols the camp. Many do not even provide fresh water. I tasted the salty water used for drinking and washing.

The Industrial Area, 25 km from downtown Doha is a grid of 52 streets lined with buses to transport workers to sites, JCBs and hazardous machinery. Behind the compounds with the machinery are single and sometimes double story buildings with rooms of eight to twelve workers, one toilet and washing area and one kitchen. Sixty percent of labour camps in the Industrial area are home to Nepali workers.

Grown men said they were treated like animals, living like horses in a stable.

Saniya is 35 km from Doha and has a similar set of ramshackle buildings, industrial equipment and homes. Generators provide power, and raw sewage can be seen running by the camps. Al Wakrah, 27 km south of Doha, home of one of the World Cup stadiums, has numerous labour camps.

Blue overalls and men's clothes hanging out to dry are ugly clues to the squalor of the labour camps that Qatar chooses not to acknowledge.

It is clear that no inspector has visited the labour camps we saw for a long time, if ever.

An ineffective court system, made worse by employer delaying tactics, can mean that years pass before a judgement is issued, while workers are trapped without income and without support.

Workers are trapped in a broken system.

Tragically a small number of Qatari power brokers have chosen to build the trappings of a modern economy off the backs of exploited and enslaved workers.

Qatar must change. FIFA can make a difference by making the abolishment of kafala and the respect of international rights a condition of Qatar hosting the World Cup in 2022.

If FIFA demand Qatar abolish kafala and respect fundamental international rights, it will happen.

This ITUC special report shows further damming proof of how far Qatar will go to deny workers their rights. New evidence includes:

- salty water being provided to workers in camps for cooking and washing,
- employers demanding deposits of US$275 are paid by workers before they are allowed to leave for holidays,
- over 2500 Indonesian maids a year fleeing from abusive sponsors,
- workers in squalid accommodation at the Al Wakrah stadium.

Let me introduce some of these workers to you. These cases documented by our legal team, show the serious abuses of 1.4 million migrant workers in Qatar.

Sharan Burrow

General Secretary, International Trade Union Confederation



Photo: Benjamin Crowe

"If FIFA demand Qatar abolish kafala and respect fundamental international rights, it will happen."



1. How FIFA and the 2022 World Cup can be a catalyst for change

Qatar is a government which takes no responsibility for workers.

$140 billion of infrastructure is forecast to get Qatar ready to host the 2022 World Cup. Qatar's own estimates are that 500,000 extra workers will be needed in the run up to the World Cup.

Frequent contacts with Qatar authorities since late 2011 have shown no political will or progress towards Qatar implementing labour-related commitments of the Qatar National Vision 2030 to reform kafala and ratify a further fourteen ILO conventions.

FIFA has said it expects international norms of behaviour from all hosts and expects that the FIFA World Cup can trigger positive social change in Qatar, including improving the labour rights and conditions of migrant workers. On 21 November 2013, FIFA called on "economic and political leaders to join the football community in contributing to ensure that the International Labour Organization's core labour standards are introduced quickly, consistently and on a sustained basis in Qatar."

What Qatar is Not Doing

Qatar's response to public criticism and to official contacts over the past three years has been piecemeal, anarchic and focused on public relations:

- Despite public promises, there has been no change to the kafala law;
- There have been no moves to bring legislation into line with international standards on freedom of association and collective bargaining;
- Qatar has refused to work with reputable international labour hire companies, whose involvement would help to clean up the exploitative, chaotic and abusive way in which migrant workers are recruited in sending countries;
- "Workers Charters" promoted by Qatar in the media over the past year have made no difference – the death toll is increasing and exploitation is still rampant;
- Qatar has announced plans to re-house 28,000 migrant workers in better accommodation – i.e., 2% of the migrant workforce. Previous initiatives of this type have faced years of delays due to ineffective planning processes – getting a permit for a skyscraper is much more easy than for a labour accommodation facility; and

> **"Qatar has the financial means to support important reforms and effectively implement a wide range of measures."**
>
> Gabriela Knaul, UN Special Rapporteur on the independence of judges and lawyers.

Qatar has implied in its public relations that it has been holding discussions with the ITUC on its "Charters". The ITUC rejects this mischaracterisation of its efforts to engage in serious dialogue with Qatar.

Recommendations for Migrant Workers' Rights in Qatar:

- End the kafala system;
- Introduce laws to allow freedom of association and collective bargaining for all workers in Qatar;
- Put in place effective grievances procedures;
- Clean up the recruitment system and work with responsible international recruitment agencies; and
- Ensure a minimum living wage, and end the race-based wage discrimination which is rife in Qatar.



2. The ITUC Case Files

*Names of the workers have been changed to protect their identities. Under Qatar's draft media law, statements (whether true or untrue) harming the commercial reputation of a person or company can be considered a crime.

CASE 1

Freedom of Movement

[Job]	Cleaner
[Sector]	Hospitality
[Name]	Julie*
[Country]	Philippines
[Age]	26



Photo: Benjamin Crowe

I'm 26 years old and came to Qatar in January 2009 through a recruitment agency based in Manila, which charged me US$ 1000.

When I first arrived in Qatar, my living conditions were horrible. For three months, I and 15 others who arrived together were forced to sleep on the floor on a thin mattresses . We complained to the Qatar National Human Rights Committee about this and were moved into another accommodation. But even now eight people share one bedroom, sixteen people share a bathroom and thirty-five people share a kitchen.

Summer temperatures reach 50 C / 122 F between June and September

I signed up in Manila to be a waitress. However, our company forced some of us to work two shifts, first working as cleaners in schools all morning, from 6:00 am -12:00 pm, and then working in hotels in food service and housekeeping from 3:00 pm -12:00 am in some of the most luxurious hotels in Doha. The company driver picked us up at 1am. We got so little sleep. We worked 26 days a month, all but Fridays, and even then our manager would yell at us to work on our one day off.

1.4 million migrant workers in Qatar

I have to return to my labour camp by 23:00. If I return late, my employer makes salary reductions without notifying me.

After being in Qatar for five years, I would like to take my annual leave and go back home for a short visit. The company practice is that the manager demands a deposit payment of US$ 275 – an amount which I cannot afford in addition to the price of the ticket.

All I want now is an NOC (Non Objection Certificate) letter so I can change employer. My manager has become very angry because of the complaints from workers and told us that they we should stop complaining because the sponsor is a very powerful man and he would not allow us to get another job if we decided to look for something else.

A co-worker from Nepal died last year in our accommodation. At the time he was under a lot of stress and had not been paid for a couple of months.



Photo: Benjamin Crowe

CASE 2

Kafala

[Job]	Quantity Surveyor
[Sector]	Construction
[Name]	Mat*
[Country]	Malaysia
[Age]	42

I came to Qatar in 2008 to work as a senior quantity surveyor. After the two-year project finished, my first sponsor gave me a Non Objection Certificate (NOC) to move to another company. When my second project finished two years later, that employer gave me an NOC to move to another company.

After a year of service at my new company, I wanted to apply for my annual leave in August 2013. I wasn't able to get my leave approved; it was always rejected by the company HR department and the Executive Director. They said they were unable to find a replacement and would not sign my exit permit to take my leave.

Finally I managed to get an exit permit in October, as I had a newborn baby and needed to get documents signed at home. While I was on vacation, I was told I had thirty days leave. But the company still deducted my salary while I was away on leave and refuses to pay it back, saying that they will pay it next year.

They have still not paid me for my leave. I asked the company for my NOC if they were unable to give me my rights and terms in my contract. They said that I couldn't leave the company because there was no one to replace me. I volunteered to help them find a replacement but they refused. I now have an offer of employment, but the company refuses to give me my NOC even though I have a job offer from the tender department in a public office.

I got advice form the Qatar National Human Rights Committee, but they said the company has the right not to give me my NOC. They told me to complain to the Labour Department if I have an issue related to salary and annual leave. Do I have any rights in this country?

Kafala explained

Under the kafala system, employers enjoy near total control over the movement of workers in their employ, including over their ability to reside in Qatar, to change jobs or even to leave the country. Workers under such control are often afraid to report abuses or assert their rights for fear of retaliation, which further contributes to their situation in forced labour.

CASE 3

Wage discrimination

[Job]	Junior clerk – call-centre administrator
[Sector]	Facilities
[Name]	Abhik*
[Country]	Nepal
[Age]	27

I came to Qatar in 2007 to work for a facilities management company. There are about 650 workers from different countries, such as the Philippines, India, Egypt and Sri Lanka, employed in the company.

We all do the same job, but some workers earn more than others. For example, colleagues who I trained earn US$ 824 while I am earning $460. I believe I am discriminated against because of my nationality, but I am unable to leave this company because I would need the permission of my sponsor.

I am also a human being and deserve equal treatment after having invested years of work into the company, but my managers won't listen to this. Do I not have fundamental rights under international conventions?

Photo: Benjamin Crowe



Qatar is on track to award US$ 24 billion of new contracts in 2014

CASE 4 Deportation

[Job]	Driver
[Sector]	Transportation
[Name]	Benigno*
[Country]	Philippines
[Age]	39



Photo: Benjamin Crowe

I came to Qatar in February 2012 to work for a transportation company. There are about 5000 workers employed with this company.

I signed a contract with a recruitment agency in the Philippines authenticated by the Philippines Overseas Employment Administration and promising a payment of US$ 484 per month.

But when I arrived in Qatar, my employer told me this contract was invalid. He confiscated my passport and then presented me with another contract with a payment of US$ 376 per month. We refused to sign this contract because we were misled into this situation. However, I still started to work for the company because I have to pay back my debts back home of US$ 471.

My colleagues and I are aware of the injustice that is done to us, but we are afraid to complain to the authorities. We see that workers who do complain are either blacklisted, deported or threatened. Our managers told us that workers who go on strike get deported within 12 hours.

For me this means that I have to accept whatever conditions my employer imposes on me. Recently, we were told that we're not allowed to drive faster than 80 km per hour because of the traffic regulations. To get my work done, I now have to work during my lunch break as well.

CASE 5 Salary

[Job]	Driver
[Sector]	Transportation
[Name]	Robert*
[Country]	Kenya
[Age]	37

I came to Qatar in 2012 to work as a licensed driver. I did not have to pay a recruitment agency to come to Qatar, but instead I went through a long application process involving several interviews with the Ministry of Labour in Kenya.

Both my passport and driving license were confiscated on arrival to make sure that I could not work for someone else. Often I have to carry out tasks such as cleaning or maintaining buses which are not part of my job description and for which I don't get paid. In addition, I have to share my bedroom with five other people.

Qatar is the richest country in the world on a per capita basis

At the moment I am earning US$ 550 per month, which largely goes to my family in Kenya, so together with my colleagues we asked for a salary increase. Our managers promised us an increase which never materialized. I don't feel like there is anything we can do because the government doesn't care about any of these abuses.

As Kenyan migrants we can only meet for social events but not to discuss any of the problems we have at the workplace, since people are scared to speak about it in public.



Photo: Benjamin Crowe

CASE 6 Fraudulent Contracts

[Job]	Bus assistant
[Sector]	Transport
[Name]	Belinda*
[Country]	Philippines
[Age]	32

I came to Qatar through a recruitment agency "Vital Recruitment" in the Philippines stipulating that I was going to work for the bus company and earn US$ 400. My contract said that I would be provided with a part-time job according to my qualification.

To pay for the $823 the recruitment agency charged me for the contract, I had to take a loan with a lending agency. But when I arrived in Qatar, I was only paid $247. It is impossible to live on $247 and pay my debts, so I took a part-time job in a sales and marketing company. My employer told me I owed 40 per cent of my salary from my part-time job to him.

90% of workers have their passports confiscated by employers



Photo: Benjamin Crowe

When I first arrived, I had to share a bedroom with 11 persons with no space for my personal belongings.

I find this situation unbearable and would like to change my employer. With a college degree I am convinced that I could find another job, but it is impossible to get an NOC from my sponsor.

I have complained to my embassy, which has not provided any assistance in this regard. My sponsor is a very influential person, so I am scared to go to the Ministry of Labour or the National Human Rights Committee.

CASE 7 Grievances

[Job]	Technician
[Sector]	Fire protection company
[Name]	Ramon*
[Country]	Philippines
[Age]	32



Photo: Benjamin Crowe

The company has provided us with extremely inadequate accommodation. The kitchen is not hygienic, the bedrooms are crowded, the drainage in the showers is clogged up and most importantly there is no safety equipment or emergency exits in the building, which puts our lives under serious risk.

We have to work overtime regularly, which often means a 12 or 14 hour shift, but we only receive overtime pay for 2-3 hours daily. If we want to have a day off on statutory holidays, we need to accept a salary deduction.

Overall, salaries are extremely low, and there is a clear discrimination between the nationalities. While Nepali and Indian workers earn around US$ 164 -192, Filipino workers earn US$ 329 - 466. As a Filipino I earn $ 411 a month, but I don't receive food allowances as agreed in my contract.

Also, our employer refuses to pay gratuity payments after two years of employment, which is illegal even according to Qatari law. But none of us can file a complaint with the Labour Court, since it is impossible to support oneself financially during the process.

My passport is with my employer, but it is me who has to pay and take charge of renewing my residence permit.

CASE 8

Passport confiscation

[Job]	Construction worker
[Sector]	Construction
[Name]	Jago*
[Country]	Philippines
[Age]	34

I came to Doha through the recruitment agency Mayon International to earn enough money to send my children to school and to build my own house in the Philippines. I arrived in Qatar in October 2011 and immediately had to hand in my passport.

I am highly qualified and trained in architectural drawing software AutoCAD and therefore expected to work in architectural design. My contract stipulated that I would be paid US$ 330 per month and that I would be provided with accommodation and a food allowance.

On arrival in Qatar I found out that I would work as a construction worker in a residential construction for 60 hours per week and that I would be paid US$ 261 per month. In the beginning I received food but that stopped soon. When I take one day off from work, two days pay is deducted from my salary. This is also the case when I am sick.

One of my concerns is safety at work. My employer does not provide

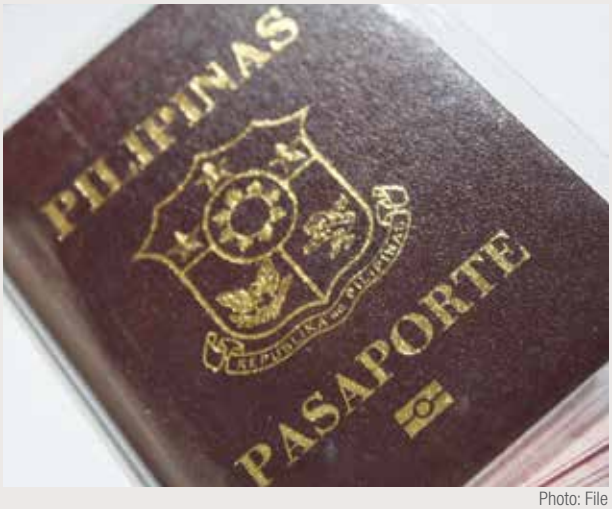


Photo: File

any boots or other safety equipment, not even a uniform. I have been lucky so far not to have suffered an injury at work, but I have seen many colleagues who did. This is especially worrying me because my employer didn't give me a medical card, and I can't afford to go to hospital on my current salary.

I am fed up with the situation and don't see why I should suffer these conditions. I handed my resignation in, but my employer just ripped the letter up and threw it into the bin. He also told me I wouldn't get my passport back.

Qatar's Billion Dollar Spending Spree

Qatari World Cup 2022 and government infrastructure projects

- New Hamad International Airport US$ 35 billion
- New Doha Port – the world's largest green field port construction project, US$ 8 billion



Photo: ITUC

- Qatar Rail – $40 billion rail construction project of three subway lines, two light rail systems and a high-speed rail network
- Ashghal Public Works Authority – US$ 40 billion new roads
- 9 – 12 World Cup stadiums – US$ 5 billion
- Inner Doha re-sewerage strategy – US$4 billion

Commercial projects

- Qatari Diar's Lusail City – a 35 square km world-class city for 200,000 people $30 – 50 billion project budget
- 20 skyscrapers are under construction
- Barwa City – 6000 apartments, 128 buildings, 250 bed hospital and a hotel US$ 8.2 billion
- Msheireb Downtown Doha – 226 buildings, 27,600 residents US$ 5.5 billion 31 hectare site
- Doha Festival City – US$ 1.65 billion retail site
- 110 hotels are under construction

CASE 9

Employer refuses to repatriate workers

[Job]	Maintenance
[Sector]	Construction
[Name]	Francis* and Jeff*
[Country]	Philippines
[Age]	28, 31

We have worked in Doha for two years. During this time our passports were confiscated and we did not have a residence permit, as our sponsor failed to apply for one. Even though we regularly worked 60 hours per week, we were not paid for overtime, and our managers made unjustified salary deductions.

Our situation deteriorated further when the company closed down in December 2012. We both wanted to go home and knew that our employer has to pay for our repatriation according to the law and our employment contract.

9 -12 stadiums will be refurbished or constructed for the 2022 World Cup



Photo: Benjamin Crowe

But no repatriation was arranged, and we continued to live on the company site until November 2013. We were unable to go home or to look for another job because we didn't have our passports. We asked the Ministry of Labour for advice and were then referred to the Immigration Department, which helped us to go back home. But the whole process almost took a year, which means that we had to spend all our savings and had to return home with nothing.

Case 10

Discriminatory legal system

[Job]	Accountant assistant
[Sector]	Bookstore
[Name]	Michael*
[Country]	Philippines
[Age]	25

I was carrying out my job as an accountant assistant to the satisfaction of my company from August 2008 to October 2012.

My contract ended in August 2012, so I handed a resignation letter to management. When my employer refused to pay pending wages, I complained to my embassy about it. I didn't expect my employer to retaliate against my legitimate request by accusing me of fraud.

Police arrested and interrogated me on 23 November 2012 without providing me with a lawyer. There was no chance that I could have escaped legal proceedings because my employer was illegally holding my passport, but I was still not granted temporary release pending trial. A lawyer took my case on a pro-bono basis but had to pay US$ 137 to get a power of attorney.

For more than three months no admissible evidence was submitted to court that could have incriminated me. Nevertheless, the court gave several extensions to my employer to provide evidence.

Qatar estimates 500,000 more workers will be needed over the next eight years

Finally, the court asked for an independent expert report on the matter. The expert produced a report without once interviewing me. The entire report was based on the statements and documents provided by my employer. They claimed that money was missing from the accounts, though I did not handle any cash for the company and had no reason to tamper with the accounts. Earlier, the company had lost all of its accounting records, which we had re-entered on overtime.

After waiting for over a year in jail, I was informed in late February 2014 that I was to be sentenced to three years in jail and face a US$ 2746 fine.

CASE 11

Workers paid only when company paid

[Job]	Construction worker
[Sector]	Construction
[Name]	Ayush*
[Country]	Nepal
[Age]	31

With nine other construction workers from Nepal, I am trapped in Qatar and desperately want to return home. We are employed by a construction subcontractor owned and managed by an Indian citizen.

Our contract expired, yet the employer has not paid our salaries of between one to three months, nor has he provided the end of contract benefits or the tickets home. Each time we come to the office, it is always "come back in a couple of days and you will have your pay and tickets".

We recently learned that our employer was not paid by a Qatari construction firm for one of his contracts and has a cash-flow problem. In fact, the manager himself is trapped, as he was arrested and detained for a few days for bouncing a cheque because of the non-payment of the contract.

We have worked hard and just want what is due to us and to go home. We are stuck now in cramped accommodation, with poor food and no clean drinking water. We are treated like animals.



Photo: Benjamin Crowe

CASE 12

Health and Safety

[Job]	Carpenter
[Sector]	Construction
[Name]	Raju*
[Country]	Nepal
[Age]	27

I had been working in Doha for four years….it was raining that day. The work was going very fast. We had no safety glasses.

I was hit in the eye with a nail. After the accident the foreman told me to go outside. I came back to the labour camp. I was in a lot of pain and couldn't see, so some friends took me to the emergency room.



Photo: Benjamin Crowe

There are no collective bargaining agreements in existence in Qatar today

The doctor told me I had damaged my retina. I cannot see out of my left eye and it is difficult to work.

I spent eight days in hospital and then started work again. I was signed off work for ten days. I continue to go to hospital for check-ups. The hospital doctor has been helpful; he told me how damaged my eye is, and that I should get compensation. He is a good doctor, from Pakistan.

I have made a case in the labour court, but have had to go there many times to get the right papers lodged. It took me nearly six months to get the correct papers together. I had to pay for translation of the papers for court.

I have been back to labour court again and again. One day I am told to go to the high court, the next the police station and then back to the doctor, and only now do they accept the papers to apply for compensation.

On the 11 March I will go back to court. I was given a verbal translation of the court paper from Arabic to Nepalese, but nothing in writing.



3. Worker Fatalities Are Increasing

4000 workers could die before a ball is kicked in the 2022 World Cup.

The ITUC estimates at least 4,000 more workers will die before the start of the World Cup in 2022. The estimation of deaths in Qatar is conservative and based on the tragic statistics collected by two embassies only – Nepal and India – which account for around 50% of the total migrant workforce.

The figure of 4,000 possible deaths is based on mortality trend data from the Indian and Nepalese embassies over the three most recent years, taking into account some 500,000 extra workers (cited by official sources in Qatar) in the years leading up to the World Cup.

Whether the cause of death is labelled a work accidents, heart attack (brought on by the life threatening effects of heat stress) or diseases from squalid living conditions, the root cause is the same – working conditions.

191 Nepalese workers died in 2013 working in Qatar compared with 169 in 2012 based on Nepal Government figures. 400 Nepalese workers have died since 2010 when Qatar won the right to host the World Cup.

218 Indian nationals died in 2013 working in Qatar according to figures from the Indian Embassy in Qatar. 237 workers died in 2012 and 239 in 2011. On average about 20 Indian migrants died per month in 2013, peaking at 27 in the hottest month, August.

Migrant workers make up more than half the population of Qatar – 1.4 million in a country of 2.068 million people.

According to diplomatic sources the Qatari government is harassing embassy officials to keep quiet about these deaths in order to keep the flow of labour coming.

> **On average about 20 Indian migrants died per month in 2013, peaking at 27 in the hottest month, August.**

CASE STUDY: Adrian*, Construction Manager, Qatar

"Site safety is the worst I have encountered in 30 years in construction. The welfare facilities are the worst I have ever encountered in and out of construction.

Numerous accidents are not being reported. I complained and recorded everything which was falling on deaf ears. I reported safety concerns to an outside agent working with various government parties. I also reported this to the head of H&S, who said he would take it up.

There was a night shift, and the night shift were sleeping on site so that they didn't have to go to camps. The site stank of urine constantly; the work was being done from unsafe scaffolding.

I went on site one morning at 5:00 am and there was blood everywhere. I don't know what happened, but it was covered up with no report. When I reported this, I was told that if I didn't stop complaining, I would be dismissed.

There are far too many inexperienced operatives on site from

Photo: ITUC



rogue agencies who claim to be experienced trades people.

There is a lack of safety procedures because of this inexperience, and this cannot be put right because they do not understand what safety is. Most don't even know how to put on a harness."

CASE STUDY: Bhupendra, Driver, Qatar



"I was driving a water tanker at Umm Salal.

I was joining the battery cables to jump start another vehicle. Suddenly, a vehicle from behind smashed against ours. I was unconscious. I woke to see a steel frame being fitted into my leg, while being brought out of the operation theatre in hospital.

I was told my leg could be amputated due to infections. I was then discharged from hospital. I had open wounds from plastic surgery. So from my room at the labour camp I had to go every day to a medical centre and get the dressing changed every day for three weeks.

But the company did not help at all.

The wounds got worse. The doctor examined me and found the wounds had got worse. He scolded me for not getting the dressing changed.

He questioned why I had not followed his advice. I told the doctor that it was not my fault.

I told him I didn't have a vehicle. Walking to hospital was impossible, and I did not have the money for transport, and the company did not help at all.

I fought through the labour court for two years for compensation. I had to rely on handouts from friends."



Photos: Matilde Gattoni

Worker fatalities – mega sporting events

4000 workers could die before a ball is kicked in the 2022 World Cup

2022 Qatar World Cup **1200** workers have died since the World Cup was awarded in 2010, on available data from just two countries.

2018 Russia World Cup:
5 workers killed

2014 Brazil World Cup:
7 workers killed

2014 Sochi Winter Olympics:
60 workers killed

2012 Ukraine/Poland European Football Championship:
20 workers killed

2012 London Olympics:
No fatalities

2010 South Africa FIFA World Cup:
2 workers killed

2010 Beijing Olympics:
10 workers killed

2004 Athens Olympics:
40 workers killed

2000 Sydney Olympics:
1 worker killed



4. Inadequate Responses

Numerous ITUC meetings with government officials on workers' rights and conditions have resulted in no action.

In response to the rising death toll and growing public pressure, Qatar has released two charters for workers , the Qatar Foundation Mandatory Standards (April 2013) and the Supreme Committee Workers' Welfare Standards (February 2014). While these documents do set standards, Qatar's weak and outdated labour laws are unchanged – workers remain totally under the control of the employer.

Qatar Foundation Standards

The Qatar Foundation Mandatory Standards (QFMS) attempts to ensure that, in a number of areas, the labour rights of migrant workers performing work on a QF-funded construction project are protected.

Freedom of Association

The language provides for nothing more than "study and discussion" of the terms and conditions of work – a term borrowed from Article 126 of the Labour Law. This offers nothing more than being able to ask the employer whether it may implement the issues under study and discussion.

There is no indication in the QFMS that the employer will actually negotiate with the workers and reach an agreement over the terms and conditions of their employment.

Further, there are no protections for those workers who are "elected representatives", to protect them against any potential retaliation.

Kafala System Remains in Place

The elimination of recruitment fees, written information on their employment terms, withholding of passports, information about their rights and responsibilities and the use of authorised recruitment agencies only are set out in the provisions, but there is no evidence to show how these can be successfully enforced.

Some of these practices, such as the withholding of passports, are already illegal under Qatari law but are completely disregarded in practice.

The QFMS do not allow workers to freely transfer employment or to leave Qatar. The only way that migrant workers will be truly protected is if the kafala system were revoked or substantially reformed.

Welfare Adherence Plans

The QFMS provides that every contractor must submit with its bid a detailed Welfare Adherence Plan.

The first line in the enforcement of the Welfare Adherence Plan is the contractor itself, by means of a self-audit.

While the contractor has a duty to ensure that all laws and contractual provisions are respected, self-auditing and reporting is almost certain to fail to detect violations or other grievances and it will not lead to satisfactory remedies.

The QF does also perform periodic audits (though it is not clear how often), either itself or through a third-party auditor appointed at its discretion. At no point is there any audit of the labour conditions by a truly independent party with any power to enforce the law or the additional terms of the contract.

In the absence of any independent inspection, the auditing undertaken under the QFMS will not be credible. Years of experience with social auditing in many countries have borne this out.

Additionally, while the QFMS make clear that adherence to these laws and standards referred to therein is a key condition for the selection and retention of the contractor and subcontractors, the QFMS does not clearly state what constitutes a material breach of the contract.

This substantially diminishes confidence in the standards, and the trust that the QF will move to enforce the terms of the contract in case of a breach.

Working Hours

It is well known that construction workers in Qatar spend several hours every day both waiting at pick-up points and taking company-provided transit to and from the worksite. Thus, even if workers worked no more than eight hours a day as provided in the QFMS (which rarely occurs in practice), their actual hours per day spent on work are much more if factoring in the waiting and transportation time. The QFMS should have taken the opportunity to address transportation time, instead they are silent on the matter.

Heavy work in the harsh summer heat of Qatar has been the cause of many heat-related illnesses and deaths. Summer temperatures reach well over 50 degrees centigrade. The law provides that workers should not work between 11:30 am to 3:00 pm from 15 June to 31 August, though the heat can be punishing well before then, as it was this summer. Unfortunately, the law is not always respected by employers.

Accommodation

Sections 13 and 14 of the QFMS on worker accommodation provide for spacious and livable dwellings, capping occupancy at an adequate level, and basic utilities, sanitation, laundry and kitchen space, as well as recreational facilities, medical care facilities and religious structures.

However, in our visits to dozens of labour camps, we have yet to see such structures meet these specifications. The typical room housed 8-10 men in bunks in squalid conditions. One room, above a water bottling factory, housed 26 men.

The accommodation required for the projected 500,000 further workers Qatar needs will take considerable time to build.

Al Wakrah Stadium: ITUC site visit February 2014

The Supreme Committee is responsible for the entire 585,000 m2 Al Wakrah precinct development. It has denied any responsibility for the workers at the existing stadium. The Supreme Committee claims that the Qatar Olympic Committee will now provide new accommodation for the workers.

"We are pleased that these workers will be re-housed after the ITUC exposed their situation and raised the case with FIFA. It is regrettable that the Supreme Committee's "successful inspection" in January did not detect these workers.

That the sporting community of Qatar thought it was reasonable to house workers in these conditions inside the Al Wakrah stadium in the first place appals us." Sharan Burrow, General Secretary ITUC.



Workers from India, Nepal and Thailand sleeping in rooms under the bleachers (stadium seating), with more than ten in a room. The kitchen facilities were unhygienic. The workers had their passports withheld and were paid US$ 220 a month.





Photos: Benjamin Crowe

Supreme Committee Standards

Like the QFMS, the Supreme Committee's Workers' Welfare Standards (SCWWS) look impressive but do not hold up to scrutiny.

The charter is a sham for workers

Like the QFMS, it sits within a legal framework that facilitates trafficking and prevents freedom of association. It has no credible enforcement mechanism, meaning that workers cannot count on the words on paper being realised in practice. Further, its scope is limited, appllying only to service provided for the construction of facilities by the SC and other activities directly under the control of the SC associated with hosting the World Cup. This language excludes much related infrastructure required for the 2022 World Cup, and projects on which the SC has signed stakeholder agreements.

Freedom of association

The SCWWS provides that the contractor's welfare officer, its senior management, a health and safety representative and one worker representative for each nationality meet in a monthly forum at the accommodation site. The issues that may be raised are limited to accommodation, transport and health and safety. Importantly, the forum does not meet at the worksite and cannot address collective worksite concerns as they arise. Worse, the scope of the forum excludes any discussion of wages, hours of work, leave, and areas of potential concern or interest outside the three areas above. Depending on the diversity of the workforce in the accommodation, worker representation may in fact also be quite limited. It is inconceivable that this forum will be an effective means for workers to assert their rights and interests and have these responded to in a timely manner by management.

The welfare officer is also appointed to address grievances at the accommodation site, not the worksite. It remains unclear what authority he will have as a representative of the contractor to address grievances against the employer. The standards also provide for one social worker for every 3500 employees, meaning the social worker is able to spend at most 41 seconds per week dealing with each worker.

Kafala system remains in place

While containing language against recruitment fees and contract substitution, the SCWWS still do not provide workers the remedy of changing employers where there is a violation of the law or the employment contract. In such case, a worker may terminate his or her contract and return home at the employer's expense. However, most workers need to stay in Qatar to earn money. The absence of a clear right to a No Objection Certificate(NOC) in case of a violation remains a real problem.

The language on health and safety is ambitious but impossible to implement. It would require for example camps with a total area of eight million square meters for the 500,000 additional workers that Qatar says will be required to build the World Cup. Shockingly, the SCWWS has no reference to "heat" in regard to working conditions in a country where workers toil in temperatures up to 50 degrees for half the year.

Again, the SCWWS has a very weak compliance machinery, which relies largely on self-audits. The SC can undertake random inspections, but it is unclear how many inspectors it will employ, whether they will be adequately trained, and how often it will conduct these snap inspections. Similar questions apply to the independent external monitor appointed by the SC. The

The Supreme Committee for Delivery and Legacy Workers' Charter

SC is committed and shall require its contractors and subcontractors to adhere to the following principles in their treatment of all workers:

Health and Safety → but there is no credible enforcement.

Employment standards → but migrant workers have no rights to collectively bargain or join a trade union.

Equality → but does not provide a guarantee of a minimum wage.

Diginity → but denies workers the freedom to change employers.

Unlawful practices → will only continue with these provisions, which reinforce a system of forced labour with kafala.

Working and living conditions → continues to treat workers as animals.

Wages → does not provide for a minimum wage to end the racially based system of wages.

Grievances → provides no collective representation for workers to be heard or compliance system.

SCWWS makes clear that it does not want to punish contractors that commit violations but rather to self-remedy – which contractors certainly are not doing today. If the contractor does not comply, the workers' welfare committee may at its discretion recommend that contractual measures be taken.

The Standards also provide for a telephone hotline for worker complaints, but with no detail of who will answer the phones, or how grievances will be handled. The existing hotline has been a complete failure, and no person has ever answered the hotline when the ITUCcalled it.

Numerous ITUC meetings with Qatari officials have resulted in no action

During the past three years the ITUC has initiated dozens of discussions with the Qatari Government.

These meetings have included meetings in Geneva at the ambassadorial level, meetings in Qatar with the Labour Minister, numerous conversations with other officials inside and outside Qatar as well as formal correspondence.

The ITUC has repeatedly offered Qatar solutions to the most serious breaches of workers' rights.

1. **Freedom of association :** An offer to assist to introduce unions beginning with the construction sector , if there is a government commitment to ensure workers are not punished for exercising collective voice.
2. **An end to the enslavement of the kafala system:** Support from major global recruitment companies to manage ethical recruitment and support employers with employment arrangements.
3. **An effective compliance system for labour complaints:** Support from major governments to assist in establishing an independent labour court or tribunal.
4. **An end to racially based wages:** Support from the ILO to establish a minimum living wage and the right to collective bargaining.

Tragically there is no decision-making power with the various ministries, and those who do hold power refuse to fix a broken system.

The Qatar National Human Rights Committee operates within this broken system. While it has some employees with good intent, the inadequate laws, ineffective court system and total impunity for employers mean it operates within a system of enslavement.

> **"Indians make up the largest community in Qatar... twice the number of Qatari nationals. If we look at the numbers of Qataris who died... of natural causes... over the past two years, we see that numbers of deaths among the Indian community are normal"**
>
> Ali Bin Sumaikh al-Marri, Qatar National Human Rights Committee

Workers in Qatar have no confidence in this body. They see it as an arm of Government and fear exposure to their employers if they make a complaint.



5. A broken system

A kafala system that enslaves workers and an inadequate labour law does not provide the foundation needed for Qatar to develop the infrastructure required for the 2022 World Cup.

Workers and employers are operating in a broken system.

Recruitment agencies

The ITUC has met many labourers who have migrated to Qatar. Every one of them has been charged a recruitment fee, from an average around US $1,000 to several times more in extreme cases. These fees are paid to unscrupulous, sometimes unlicensed agencies, which make promises of high wages and good working conditions in the Gulf. Of course, these promises are rarely realised. Workers often borrow large sums of money at high rates of interest to pay the recruitment fee. The outstanding debt is what often forces workers to remain in abusive situations – a fact that employers are all too aware of and take advantage of. In many cases, the family home or the assets of relatives and friends are collateral. Governments in sending countries of origin share a heavy responsibility for this.

International law, in particular ILO Convention 151, prohibits agencies charging workers recruitment fees. Qatari law also prohibits Qatari agencies from charging fees, but does nothing to stop overseas agencies from doing so. Employers, who should be paying the fees, are well aware of the situation and are taking advantage of it. At the same time, Qatari employers frequently disregard the initial offers of employment provided by the recruiter, and write up a new contract with wages that are far lower for different work. Recruitment agencies do nothing when these original terms are disrespected.

Photo: ITUC



Corporate behaviour

A culture of silence operates across all companies and contracts in Qatar.

Global construction companies are told by clients to sign confidentiality agreements to stop them speaking about working conditions on their sites.

Gagging clauses are written into employee contracts which call for the silence of staff members "in perpetuity."

Slavery, forced labour and the failure to adhere to international rules in Qatar pose significant risk for construction companies, World Cup sponsors and global brands operating in Qatar.

Corporate ownership in Qatar requires international companies to have a Qatari sponsor with a 51% shareholding. Business leaders require sponsorship and are caught up in the same broken system as workers.

Qatari legal system

One of the biggest problems with the labour law is the fact that migrant workers are explicitly excluded from its scope. Domestic workers, an entirely migrant workforce, are wholly excluded from the law and thus have no rights. This fact is underscored by a notice posted in the Embassy of Indonesia which states that 5-10 domestic workers from Indonesia seek refuge there every day. While they may technically be able to enforce an employment contract in court, it is almost inconceivable that a domestic worker would have access to the courts, the means to bring a case and the means to sustain herself during the litigation. Rather, many domestic workers find themselves without wages, food and adequate accommodations. Some have in fact been severely beaten or tortured by their employers. For all migrant workers, as explained in this report, are prohibited from exercising the fundamental right to freedom of association.

The grossly inadequate enforcement of the law by the government further undercuts the limited rights that are available on paper. The government claims to conduct regular inspections of worksites and labour camps, but workers we talked to could not recall seeing an inspector. And the widespread and

CASE STUDY: Exploitation at international universities, Education City Campus

In recent years, many prestigious universities, including Georgetown, Cornell, Northwestern, Carnegie Mellon and University College London, have started to offer degree programs at the Qatar Foundation's Education City campus in Doha, Qatar.

Universities are lending their considerable prestige to a government that has instituted a legal framework that facilitates the exploitation of migrant workers such that many are victims of trafficking for forced labour.

Unsurprisingly, given that trafficking for forced labour is widespread and systematic in Qatar, workers at Education City also allege elements of trafficking for forced labour, including burdensome recruitment fees, contract substitution, and withholding of passports.

Angel* is from the Philippines and has been employed as an office assistant for roughly two years. Her current salary is US$ 275 per month, though she was promised by her recruiter that the salary would be considerably higher. Indeed, she was told she would work in a hotel, not the university, and be able to make a lot of money. She was required to pay $666 to recruiters for her job.

Photo: Matilde Gattoni



Roshan* has worked as a cleaner in Education City for several years, and at the current university for nearly two. He migrated from Sri Lanka upon paying a recruitment fee, and was told he would earn US$ 330). However, after years of work, he earns only US$ 220 today. The cleaning contractor has withheld his passport. He lives together in a room with ten men in a labour camp far from the campus.

CASE STUDY: Zahir Belounis, Al Jaish Football Club

Professional footballer Zahir Belounis was trapped in Qatar for nearly two years. Zahir captained his Qatari team to the top of the league, but became a victim of modern-day slavery when his club refused to pay his outstanding salary, and then refused to sign an exit visa allowing him to leave the country.

> **"The kafala system is not for our time. I went through two years of torture. But what is important is the future. Qatar needs to change."**
>
> Zahir Belounis

Photo: ITUC



CASE STUDY: Qatar Airways

Swedish journalist Johanna Karlsson exposed the denial of individual freedoms for flight attendants of Qatar Airways.

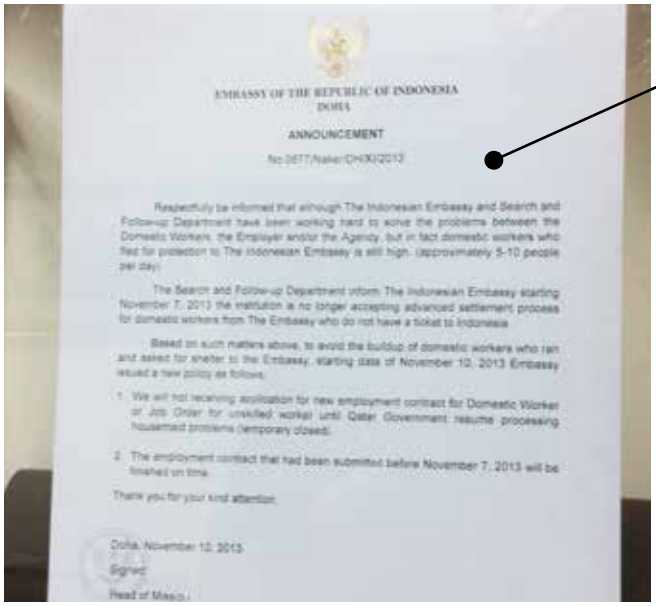
Former employees – two cabin crew and one pilot – spoke about surveillance, curfews and the imprisonment of crew.

Under the strict kafala system, flight attendants are often denied exit visas for their leave as a form of punishment. All movements in and out of accommodation are kept under surveillance, with strict curfews imposed. Relationships between consenting staff are denied: one woman was imprisoned for three nights and deported after she spent the night with her boyfriend.

Photo: File



Photo: ITUC



EMBASSY OF THE REPUBLIC OF INDONESIA
DOHA

ANNOUNCEMENT

No 3677/Naker/DH/XI/2013

Respectfully be informed that although The Indonesian Embassy and Search and Follow-up Department have been working hard to solve the problems between the Domestic Workers, the Employer and/or the Agency, but in fact domestic workers who fled for protection to The Indonesian Embassy is still high. (approximately 5-10 people per day)

The Search and Follow-up Department inform The Indonesian Embassy starting November 7, 2013 the institution is no longer accepting advanced settlement process for domestic workers from The Embassy who do not have a ticket to Indonesia

Based on such matters above, to avoid the buildup of domestic workers who ran and asked for shelter to the Embassy, starting date of November 10, 2013 Embassy issued a new policy as follows:

1. We will not receiving application for new employment contract for Domestic Worker or Job Order for unskilled worker until Qatar Government resume processing housemaid problems (temporary closed).
2. The employment contract that had been submitted before November 7, 2013 will be finished on time.

Thank you for your kind attention.

Doha, November 10, 2013

Signed

Head of Missio...

...in fact domestic workers who fled for protection to the Indonesian Embassy is still high (approximately 5-10 per day)

consistent nature of the complaints from hundreds of workers interviewed in numerous camps, from confiscation of passports, non-payment of wages, refusal to provide ID (exposing workers to criminal charges), to squalid accommodation, could not exist were the labour inspection as robust as claimed. The government also touts its ability to blacklist companies, but in camp after camp, workers described how their employers violated the law with impunity. While an increase in the number of inspectors has been announced, it is clear that the force is insufficient for the immense task. The lack of inspectors who speak the range of languages found in the camps further limits their capacity. Even if somehow the camps and worksites we visited were inspected, it is clear that the inspectorate has little power to enforce its findings or to monitor their implementation. Many violations of the labour law carry no specific fine. While sanctions exist for the exaction of forced labour and for trafficking, including penal sanctions in the latter case, they are not effectively enforced.

Workers who want to bring a claim against their employer face a long and frustrating process. Initially, they can file a claim with the Labour Relations Department, which is supposed to mediate a solution between the worker and employer. If that fails, the complaint is brought to the Labour Court, though one could go directly to the court. However, workers have difficulty accessing the complaints process. When the ITUC has tested the hotline (available in English or Arabic), it was not answered, ringing for a long time and then allowing the caller only to leave a voicemail. Workers often find it difficult to get the time off or the

CASE STUDY: Al Jazeera Education Channel

No one is free in Qatar. Freedom is denied for both migrant workers and expat employers.

Mahmoud Bouneb was invited to set up a new children's channel for Al Jazeera by founder Sheikha Moza, wife of the former Emir of Qatar.

After setting up the channel and winning numerous awards, on Tuesday 27 September 2011 Mahmoud Bouneb, General Manager, and Malika Alouane, Director of Programming, were abruptly fired without any prior notice or warning. On that day their corporate email accounts and internet access were denied and a travel ban was imposed by the employer.

A week later, on 5th October 2011 Haitham Quedeih, Financial Controller, was suspended and terminated. A further 120 staff members were sacked in the following weeks without any explanation.

On 30th October the company filed a case at Qatar's General Prosecution against Mahmoud and other directors accused of "corruption, dilapidation and embezzlement of public funds". All salaries, medical insurance and allowances were stopped in October 2011. No settlement or end of service duty was paid.

Two audits, by Ernst & Young and the National Audit Office, have cleared them of any criminal charges. However, the State Prosecutor has decided to press charges and maintain the travel ban on the three.

For nearly 900 days Mahmoud, Malika and Haitham have been trapped in Qatar. They are deprived of their freedom and cannot seek medical help abroad.

Photo: File



transportation necessary to file a claim in person in Doha when the complaints department is open. In any case, employers often fail to appear in the complaints process, allowing the claim to languish. Workers who do press claims have been the subjects of retaliation at work, including false criminal charges.

If they are successful in lodging a complaint, documents are in Arabic and thus workers are easily confused by the process. At best, someone provides an oral translation. Where mediation fails, to the extent the employer engages in the process, workers must engage in a lengthy and costly court process, which means justice is essentially out of their reach.

> **"I am particularly concerned about the vulnerable sections of the population, such as migrant workers in the construction industry or domestic workers, for whom obstacles to access justice in cases where their rights have been violated seem to be almost insurmountable.**
>
> **I have heard of court fees that have to be paid….. and expert fees that need to be paid…which will allow them to go further with their complaints."**
>
> Gabriella Knaul, UN Special Rapporteur on the Independence of Judges and Lawyers.

Detention centres

The consequence of being effectively owned by another human being – the kafala system – is to be at risk of losing personal freedom.

Being a woman in Qatar is to forfeit equal stature but being a migrant woman worker who is the victim of domestic abuse, sexual assault or is an unmarried mother is to be at risk of police roundup and incarceration without charge in what is known as "the detention centre".

The detention centre is a single room and can house a thousand women and children. They have no access to legal counsel and are subject to arbitrary processes and are denied basic necessities unless they have personal resources.

Embassy representatives who do visit in an attempt to locate possible citizens are not allowed past a certain gate, so there is no guarantee anyone will know the detainee is there.

Days, months or years of incarceration – this is perceived as a legal solution in a country with no respect for individual rights and freedoms.

US government sources dating back to 2007 said, "The number of detainees in overcrowded facilities is 1600. Many detainees had never seen a judge since their arrival. Very little has changed in the Department's attitude toward arbitrary and indefinite detention of expatriate laborers and domestic workers."

International authorities must intervene. This misuse of the law is against fundamental human rights.

CASE STUDY: Aini*, domestic worker, Qatar

Aini worked in a Qatari house where she was beaten senseless for two years, her body and face a map of torture. She was rescued by a courageous driver and a generous expat working in Qatar who took her to the hospital where even seasoned medical staff were reduced to tears.

Multiple operations including head surgery gave her a fighting chance, but her employer is yet to be punished.

> **"Tragically the authorities are well aware that brutality is the fate of too many domestic workers and yet they are excluded from any legislative rights.**
>
> **While thousands of women flee from their employers every years, they don't matter enough for the Qatari authorities to even keep records.**
>
> **One country, Indonesia, reports that more than 2500 maids run away from abusive employers every year."**
>
> Sharan Burrow, General Secretary, ITUC



Photo: ITUC

Detention and deportation explained

Many companies do not supply workers with an ID card, which is compulsory. Without a valid ID card, workers can be detained by the police in countrywide sweeps.

The detention centres are kept for absconded workers whose ID and paperwork is not in order. There are an unknown number of people in the detention centre at any one time.

The deportation centre is for those serving time before they can leave the country. Workers spend up to 90 days in the deportation centre, enough time to save up to get their ticket home, as their employer will not honour the terms and conditions of their contract with a ticket home.

Detained in Qatar

Rachel* came to Qatar from Europe and held a professional job in a government Ministry. The Minister changed, staff were terminated and she was promised an NOC (right to transfer employment). Happily she started work in another setting only to find six months later that the documents when they arrived were missing a stamp.

Upon returning to her former worksite, the new administration refused to fix the problem, and after she complained, she found herself the subject of a deportation order. But since she has a bank loan, she cannot leave, so she became locked in detention with no procedural process to change her status and no money to pay out the loan. She is trapped in Qatar.

Nita* is a domestic worker and the subject of repeated abuse from her sponsor. When it became too much and she feared for her health and even her life, she ran away. Reported as a runaway, she was picked up by the police and taken to the detention centre. She has no idea of her fate.

Sarah* is a domestic worker who is married and, unbeknown to her, was pregnant when she left her home behind in a desperate bid to earn money to help her family. She has a husband but just not in Qatar. She is perceived to be in breach of Qatari law and has been incarcerated.

CASE STUDY: Gina*, domestic worker, Qatar

"Working in a Qatari house is very hard. When I worked for my first employer, there was no food and my salary was always late.

They are not following the contract, because the contract says we have US$ 400 salary, but they only pay us US$ 200.

My second sponsor's driver attempted to come inside my room and rape me.

He offered me money, but I don't like that. That is not my work. I come here abroad to work for my family, not for doing anything else.

That's why I ran away from my sponsor house.

When I ran away from my sponsor's house, I didn't take anything with me, only some of my clothes and US$ 5.50 – money for the taxi, so that I can go to another place.

When I see a Qatari man, I am always afraid because I am thinking they will catch me and put me in jail, and send me to the Philippines.

Running away from your sponsor is very difficult because I don't have any legal papers, and then I cannot get a good job.

No one will hire me because they are afraid – that if they find me in the house I am working for, they will also be deported and have penalties.

But it's very hard for me to hide. And sometimes I'm afraid that my car is checked by police, or called by police, that's why I want to be legalised, I want my passport."



Photo: Matilde Gattoni

CASE STUDY:

Qatar Deportation Jail - Eyewitness account

"The Qatar Deportation Jail is located on the outskirts of the city of Doha on Salwa Road and tucked in behind the Search and Follow up Department. One would think the objective of a deportation centre is to "deport" as quickly as possible. But that is not the case in Qatar's Deportation Centre. Men and woman can sit detained in this jail for months and some over a year. Let's first remember that the vast majority of these men and woman are not criminals. They are victims of a sponsorship system that is not only abusive but is modern day slavery – that is alive and well in 2013 in Qatar.

The government-run facility is no better than the labour accommodations you will find in Saniya. About a 1000 woman are stacked into an area that is maybe 2000 square feet. There is one public telephone and about 10 washrooms. There is so little room that woman are sleeping in the hallway on mattresses, or mattresses are put under the beds to accommodate more human bodies. You will easily find two to three women sleeping to each single mattress. A jail is not a place you would think to see babies. But there are babies there also. Aside from the sleeping area, where the women are locked in, there is a small area where the food is brought each day. There are no fire extinguishers and certainly no way out except through the locked door to the sleeping area. The women are left to sit day and night, weeks and months with absolutely nothing to do but wait.

The sponsors seem to have so much power that if they don't feel like bringing a ticket, they don't have too and can leave you to sit in this jail as a form of punishment."

Minimum wages

Qatar recently announced the signing of migrant worker MOUs with 30 more countries, most recently Yemen. The government still refuses to take responsibility for the wage-setting process.

When the Philippines government insisted on decent wages for domestic workers, Qatar effectively imposed a recruitment ban on new domestic workers from the Philippines. Wage levels are often based on the nationality of the worker rather than the work they do – a blatant violation of discrimination standards in ILO and other international standards.

The minimum wage is put on the visa sponsor application, but the same wage is not used in any contracts, and no monitoring is undertaken by the government.

The minimum wage for most countries is US$ 247 (900 QR) including Nepal, Malaysia, Sri Lanka. The Filipino minimum wage has been reported as US$ 384 (1400 QR). However, workers are routinely charged additional costs for food, accommodation and transport which is taken out of their basic wage. Food costs in Qatar are said to be higher than other Gulf states, putting additional stress on workers.

Agreements on wages with sending countries are not worth the paper they are written on. As one worker from the Philippines explained:

"The recruiting agency provided me with a contract stating a monthly salary of US$ 400 but explained that I would not actually receive it. The contract needed to state at least $400 in order for the government to approve the contract and authorise the visa. I was then provided a separate contract for $275 per month and a $27 food allowance."

Labour inspectors

In 2013, the Labour Ministry had 150 labour inspectors , and an increase was announced in 2014. The government claims to have inspected 40,000 worksites in 2013, though that would be an astonishing number. With 150 inspectors, that works out to 266 inspections per inspector, almost exactly one per day per inspector over a year (assuming 260 workdays in a year). If true, inspectors would have to be working at an extremely rapid pace, likely doing no more than ticking the boxes and moving on to the next place.

In contrast, the inspectorate which is most effective and well-resourced is the Interior Ministry's Migrant Search and Deportation Unit – this unit hunts down workers who have had disputes with employers, then detains them in prison prior to deporting them.

At the invitation of the Labour Minister, the ITUC lodged a letter with the Qatar Ministry of Labour requesting it to send labour inspectors to investigate well-documented violations. None of these cases have been followed up by the Ministry.

ITUC CSI IGB

ITUC INTERNATIONAL TRADE UNION CONFEDERATION CSI CONFÉDÉRATION SYNDICALE INTERNATIONALE
CSI CONFEDERACIÓN SINDICAL INTERNACIONAL IGB INTERNATIONALER GEWERKSCHAFTSBUND

MICHAEL SOMMER
PRESIDENT
PRÉSIDENT
PRÄSIDENT
PRESIDENTE

SHARAN BURROW
GENERAL SECRETARY
SECRÉTAIRE GÉNÉRALE
GENERALSEKRETÄRIN
SECRETARIA GENERAL

Mr Nasser Abdullah Saleh Al-Hemedi
Minister of Social Affairs and Acting
Minister of Labour
P.O. Box 36. Barzan Tower,
Al Corniche
Doha, Qatar
Fax +974 4484 1000

26th May 2013

Labour Inspection Request

Your Excellency,

On the occasion of our last meeting in November 2012, we discussed the ITUC's concerns regarding labour inspection in Qatar. I had explained that we had met with several workers living and working under very difficult conditions, many of which are in fact illegal under the laws of Qatar. However, to date, labour inspectors do not appear to be making the regular, preventative inspections necessary to ensure that the country's laws are properly enforced. Further, largely due to language barriers, the complaints mechanisms are largely unavailable to most migrant workers. I had mentioned that we would be submitting a list of companies to you for inspection. Below are six companies that we would like the government to inspect as soon as possible.

1. [redacted] This company crams 350 Nepali workers in a building with only 17 rooms. The sanitation and other facilities in these quarters are inadequate for the large size of the population. Article 2 (2) of Resolution of the Minister of Civil Service and Housing Affairs No. (17) of 2005 on Conditions and Descriptions of the Expedient Workers Residences determines that one room shall not lodge more than four workers in residential complexes.

2. [redacted] This company fails to provide adequate accommodation to its workers. Six persons have to share the same room and 18 persons share the same cooking space. Even though Article 82 Law No (14) Labour Law of 2004 guarantees that "every worker shall be paid his full wage if the sick leave does not exceed two weeks," the company makes salary deductions for the days workers are unable to perform their work because of sickness. Workers have been also unable to claim gratuity payments guaranteed by the Labour Law of 2004 (Article 54) after having worked for the company for two years. In addition, management confiscates passports of migrant workers on arrival. According to Articles 9 and 52 of Law No. 4 of 2009 Regulating the Entry and Exit of Expatriates in Qatar and their Residence and Sponsorship, sponsors are obliged to return passports to sponsored persons after the procedures for issuing a residence permit are completed.

3. [redacted] Article 65 of Law No. 14 of 2004 entitles workers to the wages specified in their employment contract. However, we understand that the employer has unilaterally reduced the salaries of all workers without justification and in contravention of the employment contracts.

4. [redacted] This company employs about 5,000 migrant workers. Even though it signs a contract with workers in their country of origin and with recruitment agencies, it forces workers to sign a second contract when they arrive at a much lower salary (1,370

Bd du Roi Albert II, 5, Bte 1 • B-1210 Bruxelles, Belgique
Tel : +32 (0)2 224 02 11 • Fax : +32 (0) 2 201 58 15 • e-mail : info@ituc-csi.org • http://www.ituc-csi.org

QR instead of 1,800 QR). The company pays drivers only for the hours they actually drive and not for other work-related tasks such as cleaning and maintaining the buses. Management also illegally confiscates passports and the drivers' licences of workers. Workers who have complained about these violations in this company have been penalized by being blacklisted, physically threatened or immediately deported.

5. [redacted] This company does not provide adequate accommodation and sanitary facilities to workers. Indeed, up to 12 persons share a single room and up to 24 people share a cooking space and bathroom. Workers have to pay for gas and water even though Article 12 of the Resolution of the Minister of Civil Service and Housing Affairs No. (17) of 2005 says that "it is prohibited for the employer to subtract any amount from the workers against providing the dwelling, its equipment and maintenance." Migrant workers are also forced to sign a second contract on arrival which gives them a lower salary and different terms of reference which do not correspond to their qualifications. After their first year of employment the company threatens workers with not renewing their contracts if they do not agree to an even lower salary. The company also refuses to comply with Article 68 of Law No (14) Labour Law of 2004 which gives workers the right to annual leave with pay.

6. [redacted] This company employs about 3,000 workers. They live in inadequate accommodation without access to electricity. Indeed, workers are forced to use generators that often break down. Article 6 (2) of Resolution of the Minister of Civil Service and Housing Affairs No. (17) of 2005 on Conditions and Descriptions of the Expedient Workers Residences obliges employers to comply with the periodic maintenance of electrical conductions. Additionally, workers are not given health cards and have to pay for their medical services themselves. Articles 102 and 102 Law No (14) Labour Law of 2004 as well as Ministerial Decision 16 of 2005 stipulate that work places with more than 500 workers are obliged to provide at least a doctor and a nurse to workers. Medical care for workers shall include medical examination, necessary medication etc. Management also illegally confiscates passports of workers.

We urge your office to carry out a comprehensive inspection into these companies, observing the international standards for labour inspection found in ILO Labour Inspection Convention No. 81, which Qatar ratified in 1976. The issues raised herein are merely a guide. Proper interviews with the workers in their native languages may reveal violations beyond those described here.

We look forward to working with you on this matter and hope to see these inspections carried out soon, any violations corrected promptly and offenders appropriately fined and otherwise sanctioned. The success of these inspections will be an indication of the seriousness with which the government will approach labour issues more generally. The lives and welfare of over a million workers depend on a robust labour inspection program.

Yours sincerely,



Sharan Burrow
General Secretary



6. International law

As a member of the International Labour Organisation (ILO), Qatar has a responsibility to adhere to ILO standards.

Forced Labour

Before they arrive, many migrant workers are deceived by recruiters and sponsors who lure workers to Qatar on false promises as to the nature of the work, the wages and the working conditions. Contracts entered into prior to departure are infrequently respected upon arrival. Workers are also often deeply indebted to recruiters or moneylenders who extract exorbitant recruitment and travel fees. Upon arrival, most workers frequently have their passports withheld by their employers and are forced to live in squalid labour camps.

The government of Qatar both fails to maintain a legal framework sufficient to protect the rights of migrant workers consistent with international law and to enforce the legal protections that currently do exist. Of particular concern is the sponsorship law, among the most restrictive in the Gulf region, which facilitates the exaction of forced labour by, among other things, making it very difficult for a migrant worker to leave an abusive employer. The new Trafficking in Persons law does provide some important tools to combat forced labour in Qatar. However, as the US State Department recently noted, "Despite the passage of the new anti-trafficking law in 2011 and existing laws that could be used to punish trafficking offenders, the government did not report any clear efforts to investigate, prosecute, or punish trafficking offenses during the reporting period."

Employer Control

Law 4 of 2009 establishes Qatar's draconian sponsorship system. Under that law, employers enjoy near total control over the movement of workers in their employ, including over their ability to reside in Qatar, to change jobs or even to leave the country. Workers under such control are often afraid to report abuses or assert their rights for fear of retaliation, which further contributes to their situation in forced labour. Migrant workers have reported finding themselves in exploitative situations, such as being paid far lower than promised wages, experiencing numerous unspecified deductions from wages, not being paid at all for months and living in abysmal living conditions with dozens of co-workers crammed into small unventilated shelters without proper plumbing, water and electricity. In 2011, the Qatar Human Rights Committee surveyed over 1,000 workers, finding that 33.9 per cent of them reported not being paid on a regular basis.



Photo: Benjamin Crowe

Absconding

However, migrant workers cannot freely seek better conditions elsewhere, as they are unable to transfer employment without the consent of the exploitative employer. Of course, such consent is rarely granted. Those who nevertheless quit their job without permission must be reported to the authorities as having absconded. For the fleeing worker, it is no defence under the sponsorship law that the employer has engaged in abuse or failed to pay wages for example. The Law Combatting Human Trafficking does provide that a victim of human trafficking is exempt from the punishments of the sponsorship law. However, there is little evidence to suggest that this protection has been or can be practically applied. While workers suffering such abuse are supposed to have their sponsorship transferred if a legal action has commenced, this rarely happens in practice.

Typically, once such workers are reported as having absconded they will be arrested, detained and deported to their country of origin. While in theory the employer should pay these costs, in practice, they are borne by the individual and at times by the government or foreign embassy.

A final element of the abusive sponsorship system is the fact that migrant workers are forbidden to leave the country without the consent of the employer. Thus, even if the worker has the means to leave the country, they cannot freely do so without permission, making it difficult to leave abusive employment. A worker may get an exit permit directly from the Ministry of Interior if their

sponsors refuse to allow them to leave, but the process is obscure and difficult to access for most migrant workers. In other cases, employers will extort the workers for money in order to grant them permission to leave.

Passports

Although illegal, it is a near universal practice for employers to confiscate workers passports upon arrival in Qatar. In 2011, Qatar University's Social and Economic Survey Research Institute found that 91 percent of foreign migrant workers surrendered their passports to their employers. The reason employers withhold passports is to maintain control over workers, as they



Photo: Benjamin Crowe

CASE STUDY: Villagio Nursery Fire Impunity for Qatar Officials

In 2012 a fire at Villaggio Mall Doha tragically killed 13 children and 6 adults in the Gympanzee nursery. The owners of the nursery, Qatar's Ambassador to Belgium, Luxembourg and the EU, did not turn up to the hearing of the appeal against his (and his wife's) six-year sentence for involuntary manslaughter, prolonging the trauma for the families and also further delaying urgently-needed compensation to the families. The families of adult nursery workers (e.g., in the Philippines and South Africa) who died in the fire were dependent on remittances from the workers.

Qatar's Ambassador to the European Union, Belgium and Luxembourg, Sheik Ali Bin Jasim Thani Al Thani, and his wife Mrs Iman Hamad Abdulaziz Al Kawari, were convicted and given a six-year jail term over the appalling lack of fire safety and protection at the nursery, which they owned. Despite court orders, Ambassador Al Thani and Mrs Kawari remain in post in Brussels and have failed to appear at several trial hearings in Doha, causing lengthy delays in the trial, their absence facilitated by the Qatari Government.


Photo: File

Lax regulation and poor oversight mean that Qatar has one of the worst fire safety records of any rich country, with official figures showing that 90% of fires remain unexplained.

The charges against Sheik Al Thani and Mrs Al Kawari allege that "by their error, they caused the deaths… by not taking into account the laws and regulations … without providing the means of safety and security against fire". They are also accused of running a nursery facility without the approval of the competent government authorities and without adhering to public health and safety conditions.

The court imposed five- and six-year jail terms plus US $200,000 "blood money", which is in effect a court-imposed fine. No one has spent time in jail and the fine has not been paid.

The delay in criminal proceedings has also meant that civil action for damages, crucial in particular for the welfare of the deceased teachers' families in the Philippines and South Africa, cannot move forward.

A report into the tragedy by Qatar authorities has never been shared with the families.

> ***"I continually ask myself what kind of system is it where the laws that were created for public safety can be willfully ignored and unenforced simply because of who you are or who owns the building.***
>
> ***Why is it that it those responsible continue to be allowed to benefit financially and ignore the law whilst the victims' families not only lost their loved ones but now are being forced individually to pay for lawyers to enforce Qatar's own court imposed fines – where is the justice in that?"***
>
> Martin Weekes, father of Lillie, Jackson & Willsher who died in the Viallagio Mall fire.

would easily be able to send the passport to the Ministry of Interior and report the worker as having absconded in case the worker were to complain or escape an abusive situation.

Freedom of Association

Freedom of Association Limited for Qataris and Non-Existent for Migrant Workers.

Qatari Law: Many workers are precluded from forming or joining a union due to categorical exclusions in law. First, the code states that none of its provisions apply to workers in the following categories: government/public workers; armed forces, police, and workers employed "at sea"; casual work (defined as less than four weeks); domestic workers (including drivers, nurses, cooks, gardeners, and similar workers); family members of an employer and agriculture and grazing workers. Secondly, the law forbids non-Qatari workers from membership in a labour organisation, thus excluding more than 90% of the total workforce in the country.

ILO: Article 2 of Convention No. 87 guarantees the rights of workers to establish and join organisations of their choosing "without distinction".[1] The 2006 ILO Digest on Freedom of Association explains that this means "freedom of association… without discrimination of any kind based on occupation… [or] nationality…not only to workers in the private sector of the economy, but also to civil servants and public service employees in general." [2] Many of the excluded categories in the Qatari labour code have been previously addressed by the committee for Freedom of Association (CFA), confirming their right to form a union.[3]

Qatari Law: In addition to the categories of excluded workers, the provisions of the labour law that outline the rights of employees to join unions does not apply to enterprises with less than 100 Qatari workers employed, excluding even more workers.

ILO: The ILO has held on numerous occasions that minimum worker/member requirements must be reduced when such a rule hinders workers ability to exercise their rights.[4] Obviously, such a minimum prohibits any worker employed by a small or medium enterprise from joining a union.

Qatari Law: Further, workers in an establishment can form only a single "workers organisation", and all worker organisations must affiliate to the "General Union of the Workers of Qatar". Section 5 of the law deals extensively with the disciplinary power of employers, yet nothing in the subsequent articles mentions any form of protection for workers engaging in union activity.

ILO: The CFA has held that legislation requiring a single union or preventing the formation of additional unions "fails to comply with Article 2." [5] Additionally, the ILO has stated that the "unification of the trade union movement imposed through state intervention by legislative means runs counter to the principle embodied in Articles 2 and 11 of Convention No. 87". [6]

Appendix

Contract Provisions for Qatar 2022 Contractors

In December 2012 the ITUC and Human Rights Watch provided sample contract provisions for Qatar 2022 contractors that would adhere with international norms and standards.

Sample Contract Provisions for Qatar 2022 Contractors. [7]

1) [Contractor name] ("Contractor") shall abide by the following labor practices:

   a. Contractor shall present to its workers, before leaving their source countries, written employment contracts, in Arabic and in languages that the workers can understand, and submit to Supreme Committee 2022 copies of all such contracts, signed by workers and verifying that they have received, read, and understood the contract provisions, and that they have not paid any recruiting fees to any recruiting agent. Contractor shall ensure that these contracts include, among other terms, detailed protections on wages, hours of work, days off, salary deductions, health and safety training, and rest periods.

   b. Contractor shall obtain notarized statements from recruitment agents in Qatar and in the sending country through which it hires its workers verifying that they have not charged any workers any recruiting fees and have obtained verification of same from any recruiting agents they have used as intermediaries. Contractor shall reimburse workers who have incurred recruiting fees in contravention of this provision.

   c. Contractor shall ensure that, preferably before leaving their source countries, all project-related migrant workers receive comprehensive "know-your-rights" training in their native languages provided by trainers with an expertise in workers' rights. Contractor shall ensure that the training shall include a verbal explanation of the workers' employment contracts; relevant Qatari law, including labor law and the ban on employment-related fees for migrant workers; and means available in Qatar for obtaining legal redress; as well as relevant contact information, written in the workers' native languages.

   d. Contractor shall communicate all written and oral project-related workplace instructions and directives, in particular those related to workplace safety procedures, in languages that the workers can understand.

   e. Contractor shall take steps to adequately mitigate the risk of heat stress through the provision of rest, fluids, and shade, which takes into account the temperature and the level of exertion of the work being performed. Workers' housing shall be equipped with functioning air-conditioning units to ensure workers are able to sleep in periods of extreme heat and have appropriate and adequate fluids available to assure proper hydration.

   f Contractor shall report all cases of project-related workplace deaths and injuries to the Supreme Committee 2022 and shall maintain a comprehensive database of those incidents that shall be publicly accessible with appropriate safeguards to protect workers' privacy rights and shall include:

      i. The nationality of the worker in question;
      ii. The nature of workers' injuries; and
      iii. The employers' contribution to healthcare costs.

   g. To ensure that workers' rights provisions in all project-related contracts are upheld, Contractor shall: establish an anonymous internal complaints process through which project-related workers can lodge workers' rights related concerns, directly or indirectly, with the Contractor and ensure that project-related workers are aware of said process; and provide for independent third-party monitoring by an organization with demonstrated expertise in workers' rights. Monitors shall conduct regular, random and unannounced project site visits and follow-up visits to verify compliance with any initial monitoring visit report recommendations, all of which shall include:

      i. Anonymous worker and worker representative interviews;
      ii. Meetings with management;
      iii. A tour and observation of the workplace;
      iv. Collection and review of relevant documents;
      v. Preparation of a monitoring visit report, which shall include:
         a) In the case of an initial monitoring visit, findings and recommendations for remedial measures to be taken to remedy noncompliance and a reasonable time period for complying with said recommendations before said noncompliance is considered a breach of the present contract;
         b) In the case of follow-up monitoring visits, findings regarding compliance with recommendations for remedial measures.

   h. Contractor will not restrict its workers from developing mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment. Contractor should not seek to influence or control these mechanisms. Contractor will not discourage workers from electing worker representatives, forming or joining

workers' organizations of their choosing, or from bargaining collectively, and will not discriminate or retaliate against workers who participate, or seek to participate, in such organizations and collective bargaining. Contractor will engage with such workers' representatives and workers' organizations, and provide them with information needed for meaningful negotiation in a timely manner. Workers' organizations are expected to fairly represent the workers in the workforce.

2) Contractor shall not engage in the following employment practices:

   a. contracting with source-country recruiting agencies that impose employment-related fees or that work with subagents or brokers who charge such fees at the level of the originating town or village;

   b. failing to pay any migrant worker employment-related fees incurred, including visa, passport, and medical examination fees and any government-imposed fees, such as taxes and insurance, or failing to reimburse workers for any such fees paid, including those paid to recruiting agencies or their affiliates, in Qatar or source countries;

   c. failing to pay migrant workers for any and all travel costs associated with travel from source countries to Qatar, including from home villages to capital cities prior to international travel, including failing to reimburse workers for any such travel costs incurred;

   d. withholding migrant worker wages, including the first month or two months of wages and including as "security" to prevent their flight;

   e. failing to report workplace deaths and injuries to Qatari authorities; and

   f requiring workers to labor during any hours during which climate conditions are extreme and susceptibility to heat-related ailments, such as dehydration and stroke, is high, regardless of whether labor during such hours is legally permissible.

3) Contractor shall provide prompt redress, and if necessary, compensation, to any worker who sustains material loss or harm as the result of any breach of the above provisions.

4) Any breach of the above provisions will result in the imposition of material financial penalties on Contractor. Repeated breaches will lead to the termination of the contract between the Supreme Committee and Contractor. Depending on the severity of the violations, the Supreme Committee may suspend Contractor from eligibility for future contracts from the Supreme Committee.

End notes

[1] Freedom of Association and Protection of the Right to Organize Convention, C. 87, Art. 2 (1948), available at: http://www.ilo.org/ilotex/english/convdisp1.htm

[2] Committee on Freedom of Association (CFA) Digest of Decisions (2006 Digest) P. 209; See also the 1996 Digest, P. 205; and 308th Report, Case No. 1900, P. 182.

[3] 2006 Digest P. 219-220 (Public servants and employees "without distinction whatsoever" have the right to establish and join organisations of their choice to defend their interests); Id. at P. 899 (Seafarers should not be denied the right to engage in collective bargaining); Id. at P. 255 (All workers regardless of the length of employment, enjoy the rights under C087); Id. at P. 267 ("Domestic workers are not excluded from…" C087); Id. at P. 241, 243 (Agricultural and plantation workers should enjoy the right to organise); Id. at P. 210, 215 (Laws prohibiting unionization based on nationality or alienage violate C087).

[4] 2006 Digest P. 283-287 (Finding that even 30 workers may be too high a threshold, as the analysis must "take into account" the number of small businesses operating in the country).

[5] 2006 Digest at P. 315-317, see also P. 324

[6] 2006 Digest P. 319

[7] A contractor is any local or foreign establishment that has contracted and subcontracted workers to perform labor on or related to a project site over which the Supreme Committee for Qatar 2022 has purview.



ITUC CSI IGB

Publisher responsible in law:
Sharan Burrow, General Secretary

ITUC
5 Bld du Roi Albert II, Bte 1, 1210-Brussels, Belgium
Tel : +32 2 224 0211 Fax : +32 2 201 5815
Email : press@ituc-csi.org Web : www.ituc-csi.org

www.rerunthevote.org