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“How Can We Work Without Wages?”

Salary Abuses Facing Migrant Workers Ahead of Qatar’s FIFA World Cup 2022



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**Salary Abuses Facing Migrant Workers Ahead of Qatar’s
FIFA World Cup 2022**

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Summary

When “Henry,” a Kenyan man, received the complete list of required documents that allowed him to work in Qatar, he thought all his prayers had been answered.¹ To secure a plumbing job in Qatar, he had to take a loan at a 30 percent interest rate in order to pay a Kenyan recruitment agent a fee of 125,000 Kenyan shillings (US\$1,173). But Henry, 26, was happy because his employment contract promised him 1,200 Qatari riyals (\$329) a month, which would allow him to pay back his loan, plus an additional food allowance, employer-paid accommodation, and overtime payments for each hour of work he performed above the 8-hours-a-day limit.

Upon arriving in Doha in June 2019 however, Henry’s excitement dissipated. The first month, Henry’s employer had no work for him, which meant there would be no pay. The second month, his employer withheld his salary as a ‘security deposit’. To feed himself and his family, Henry was forced to take on more loans. Eventually, in September, he was paid for the first time. But his salary was shockingly low at only 830 Qatari riyals (\$228).

For two months, during which Henry performed backbreaking work as a plumber for up to 14 hours a day at a hotel in Lusail city, his employer paid him 30 percent less than he was owed in basic wages. “Where was my full salary? Where was the overtime money and food allowance I was owed? I was shocked, but not alone - the company had cheated 13 Kenyan workers along with me,” said Henry.

While Henry was battling the bitter realities of working in Qatar as a migrant worker, “Samantha” was getting ready to leave Qatar after being cheated of her basic and overtime salaries for two years.²

Between December 2017 and December 2019, Samantha, a 32-year-old Filipina, either scrubbed bathrooms or swept the food court in an upscale mall in Doha. She told Human Rights Watch that her employer made her work 12-hour shifts, had her and her colleagues’

¹ Name has been changed to protect identity.

² Name has been changed to protect identity.

passports confiscated and banned them from leaving the company-provided accommodations for anything other than work.

In 2017, when she had made the decision to leave behind her two toddlers to work in Qatar, she had agreed to work for a monthly salary of 1,800 Qatari riyals (\$494). The contract stated that for each hour of work above 8 hours a day, she would be paid 25 percent more than her basic wage. In reality, Samantha worked for 12 hours a day and was paid 1,300 Qatari riyals (\$357) a month with no compensation for the overtime work she performed. When she asked why her salary was less than promised and complained that the 25-day salary delays caused her family in the Philippines to starve, her employer told her “to focus on her work silently.” He also withheld her first month’s pay, saying it was “a measure of good faith, a security deposit.” A week before her return to the Philippines, she said her employer informed her he would not be paying her what he owed her in end-of-service payments, and would use her first month’s salary to buy her return flight ticket to the Philippines, instead of paying for the ticket himself as promised in her contract.

Henry and Samantha’s stories illustrate the wage abuses employers afflict on migrant workers in Qatar today. Qatar’s economy is reliant on some 2 million migrant workers - making up around 95 per cent of its total labor force - who come from countries like India, Nepal, the Philippines, Bangladesh, Kenya, and Uganda to seek better income opportunities. These migrant workers are responsible for building the stadiums, transportation, and hotels for the upcoming FIFA World Cup 2022, and they are almost solely responsible for building the infrastructure and powering the service sector of the entire country. In exchange for this labor, they are only guaranteed a minimum wage of 750 Qatari riyals (\$206) per month, which, when paid on time and in full, is barely enough for many workers to pay back recruitment debts, support families back home, and afford basic needs while in Qatar.³ On top of this, employers’ wage abuses leave many in perilous circumstances.

Human Rights Watch spoke to 93 migrant workers working for 60 different employers and companies between January 2019 and May 2020, all of whom reported some form of wage

³ QR 750 is the temporary basic minimum wage installed by Qatar. Qatar was expected to announce a permanent basic minimum wage in January 2020 but has not done so yet.

abuse by their employer such as unpaid overtime, arbitrary deductions, delayed wages, withholding of wages, unpaid wages, or inaccurate wages.

The findings in this report show that across Qatar, independent employers, as well as those operating labor supply companies, frequently delay, withhold, or arbitrarily deduct workers' wages. Employers often withhold contractually guaranteed overtime payments and end-of service benefits, and they regularly violate their contracts with migrant workers with impunity. In the worst cases, workers told Human Rights Watch that employers simply stopped paying their wages, and they often struggled to feed themselves. Taking employers and their companies to the Labour Relations department or the Labour Dispute Resolution Committees is difficult, costly, time-consuming, ineffective, and can often result in retaliation. Workers often describe taking legal action as a "Catch-22" situation - indebted if you do, indebted if you don't.

The Covid-19 pandemic has amplified the ways in which migrant workers' rights to wages have long been violated. While none of the wage-related problems migrant workers are facing under Covid-19 are novel — delayed wages, unpaid wages, forceful terminations, repatriation without receiving end-of-service benefits, delayed access to justice regarding wages, arbitrary deductions from salaries — since the pandemic first appeared in Qatar, these abuses have appeared more frequently.

While each migrant worker had a unique story, the wage abuses they face reflect a pattern of abuse driven and facilitated by three key factors: the *kafala* (sponsorship) system, a migrant labor governance system in Qatar; deceptive recruitment practices both in Qatar and in workers' home countries; and business practices including the so-called 'pay when paid' clause, which requires the subcontractor to delay payments to workers and leaves migrant workers vulnerable to payment delays in supply chain hierarchies.

Kafala at the Heart of Migrant Worker Abuse

At the heart of enabling wage abuse lies the *kafala* (sponsorship) system, which ties migrant workers' visas to their employers. This leaves workers dependent on their employers for their legal residency and status in the country, placing them in a position of vulnerability that employers can, and often do, take advantage of.

In 2017, Qatar committed to abolishing the *kafala* system.⁴ And while it has since introduced some measures that have served to chip away at *kafala*, employers are still responsible for securing, renewing, and cancelling residency permits for migrant workers, and are thus still able to severely restrict workers' ability to change jobs. The *kafala* system grants employers unchecked powers over migrant workers, allowing them to evade accountability for labor and human rights abuses, and leaves workers beholden to debt and in constant fear of retaliation. In Qatar, where workers, especially low-paid laborers and domestic workers, often depend on the employer not just for their jobs but also for housing and food, and where passport confiscations, high recruitment fees, and deceptive recruitment practices are ongoing and largely go unpunished, the *kafala* system continues to drive abuse, exploitation, and forced labor practices.

Deceptive Recruitment Practices Leave Workers Indebted and Vulnerable

The Qatari government had previously stated that the illegal yet pervasive issue of migrant workers' paying their own recruitment fees is not a Qatari problem and is one for workers' countries of origin to address. However, the profits are not limited to recruiters in countries of origin; Qatari companies, employers, and recruiters benefit when workers are forced to pay their own recruitment fees. Companies in Qatar increase their competitiveness by outsourcing the payment of recruitment fees to contractors and subcontractors, who eventually pass the buck to workers who end up paying their recruitment fees themselves. Thus, migrant workers like Henry, and 71 others in this report, told Human Rights Watch that they are already indebted when they arrive in Qatar, having paid between \$693 to \$2,613 in recruitment fees to secure such jobs. Ultimately, they found themselves compelled to work for months without pay, because they have no choice but to stay with only the promise of being paid. This indebtedness increases the 'power' of companies and employers over employees, making them even more likely to get away with abusing employees without accountability.

Harmful Business Practices Punish Workers Most

Some companies in Qatar deliberately withhold, delay, or deny workers' wages for additional profits. But other companies, typically small and medium-sized enterprises in

⁴ Qatar World Cup workers' rights to improve with end of kafala system, claims union, The Guardian, October 25, 2017, <https://www.theguardian.com/football/2017/oct/25/qatar-world-cup-workers-rights-kafala-system> (accessed May 15, 2020)

the construction industry where long and often complex subcontracting chains are the norm, may be unable to pay workers in full and on time because of payment disruptions higher up the chain. These disruptions can lead to insolvency and encourage the commonly practiced, yet unofficial, policy of paying onwards only when paid. Such problems are not unique to Qatar. But while many other countries have adopted policies and laws that aim to tackle the problem of unpaid wages for workers as a result of “pay when paid” policies, Qatar has yet to do so. Moreover, construction is the largest job sector in Qatar, and thousands of migrant workers have been left penniless due to subcontractors’ insolvency issues higher up the supply chain.

Wage Protection System Not Worth the Name

Wage abuses are amongst the most common and most devastating violations of migrant workers’ rights not just in Qatar, but across the Gulf region, where various iterations of the *kafala* system exist and where construction is often amongst the largest industries. In 2015, following the United Arab Emirates’ lead in 2009, Qatar installed a Wage Protection System (WPS), meant to ensure migrant workers are paid in a timely and accurate fashion. Today, different versions of the WPS exist in all the Gulf Cooperation Council (GCC) countries except Bahrain. Despite the WPS being advertised as an effective mechanism to address wage abuses, workers’ wage violations remain prevalent across the region.

In Qatar, the Wage Protection System is indeed a misnomer for a software that, in reality, does little to protect wages, and can be better described as a wage monitoring system with significant gaps in its oversight capacity. At best, the WPS attempts to monitor workers’ salaries and raise red flags when payments are inaccurate or delayed - at times, even these tasks are not effectively performed.

In 2018, Qatar established the Labour Dispute Resolution Committees, designed to speed up the litigation process and shorten the time it takes to resolve labor disputes. That same year, it also passed a law establishing the Workers Support and Insurance Fund, designed to ensure workers receive their unclaimed wages in cases where the Labour Dispute Resolution Committees ruled in their favor and where their company could not or would not pay them.

However, according to the findings of this report and a September 2019 Amnesty International report, the Labour Dispute Resolution Committees remain slow, inaccessible, and ineffective. As long as migrant workers continue to lack control over their own immigration status, and are severely restricted in their ability to work with another employer in order to financially support themselves to remain in the country, the right to pursue compensation is futile. Meanwhile, the Workers Support and Insurance Fund, which is intended to protect workers from the impact of overdue or unpaid wages, was established in 2018 and only became operational earlier this year.

Qatar has ratified five of the eight International Labour Organization (ILO) conventions setting out core labor standards, yet Qatar is failing to protect workers' wages. The ILO has recommended that countries such as Qatar should consider measures to protect wages including prompt payment legislation; banning unofficial 'pay when paid' policies; and introducing rapid adjudication, project bank accounts, subcontract payment monitoring systems, and joint liability systems.

The abuses Samantha faced in Qatar cannot be undone, but the wages she was cheated of can still be paid to her, and her employer can still be held accountable to prevent him from cheating others. As for Henry, his journey to Qatar is hardly a year old. The Qatari government still has time to hold his employer to account, reinstate his original contract, and pay back his outstanding wages and recruitment fees.

There are less than 1,000 days left for the first World Cup football to be kicked off a shiny, brand new stadium in Qatar, built on the hard labor of migrant workers. That leaves the Qatari authorities with just enough time to kick off wage reforms swiftly and efficiently before the first football players and fans begin arriving.

Methodology

Human Rights Watch conducted the research for this report between January 2019 and May 2020. Researchers conducted detailed interviews with 93 migrant workers from 60 different companies and employers, whose conditions are the focus of this report – 11 of these workers are female domestic workers whose salary payment conditions slightly differ from other migrant workers. Migrant workers described their migration processes to Qatar, including the contractual information they had before migrating and the work conditions they found upon arrival. They gave accounts of their experiences of working in Qatar with delayed, inaccurate, or unpaid salaries, as well as any attempts to seek redress.

Human Rights Watch reviewed the text of more than 10 migrant workers' documents in cases relating to underpayment and contract substitution and four workers' company memos relating to delayed payments. Researchers also saw text message conversations from four workers to their employers, discussing late payments and the consequent lack of money for food.

Researchers interviewed workers in a wide variety of locations, and at various times of day, in Qatar. Some interviews were conducted over the phone, especially with workers who have returned to India, Kenya, Pakistan, and the Philippines. Researchers met migrant workers in various public spaces. As workers live, work, and congregate in crowded conditions with limited private space, Human Rights Watch could not conduct one-on-one interviews in completely private settings. The workers interviewed are employed by diverse employers in various fields and include managers, surveyors, and engineers, as well as laborers and domestic workers. Despite these differences, workers reported strikingly similar forms of abuse. Human Rights Watch interviewed workers in English, as well as Hindi, Urdu, and Arabic. In each case, Human Rights Watch explained the purpose of the interview, how it would be used and distributed, and obtained consent to include their experiences and recommendations in the report. None of the interviewees received financial compensation or other incentives for speaking with Human Rights Watch.

Most of the workers Human Rights Watch interviewed expressed fear for their jobs and their immigration status if their employers found that they had spoken about their working conditions to a human rights organization. Researchers interviewed them on the condition

that Human Rights Watch would not use their names, and many requested that the name of the company that employed them not be mentioned. Their requests reflect the degree of control employers hold over workers, and workers' fear of retaliation and abuse should they attempt to exercise their rights.

Human Rights Watch sent letters to 11 companies in labor supply and construction sectors requesting their input on migrant workers' payment policies in Qatar. As of August 1, 2020, Human Rights Watch has received no response(s) from these companies.

Researchers also spoke with representatives of the Qatar National Human Rights Committee (NHRC), a government-funded human rights organization in Doha, as well as the International Labour Organization (ILO).

Researchers also interviewed professors who are experts on migration policy, migration ethics and human rights, and other human rights researchers, and reviewed relevant academic literature, news articles, and reports published by NGOs and international institutions.

The report uses an exchange rate of 1 Qatari Riyal (QR), also written as riyal in this report, equal to US\$0.27; 1 Kenyan Shilling equal to QR0.03 or \$0.009; 1 Philippine Peso equal to QR0.07 or \$0.02; 1 Indian Rupee equal to QR0.05 or \$0.01; 1 Nepalese Rupee equal to QR0.03 or \$0.008; except where a historical exchange rate is warranted.⁵

Lastly, Human Rights Watch sent letters summarizing the findings of this report, requesting an official response and providing a detailed set of queries, to relevant officials at the Ministry of Interior and the Ministry of Labor, as well as to FIFA and the Supreme Committee for Delivery and Legacy (SC). This correspondence is affixed as an appendix to this report, and relevant sections are directly incorporated into the body of the report.

⁵ This report uses the currency exchange rate from June 10, 2020 at www.xe.com.

Key Recommendations

To the Qatari Shura Council and Council of Ministers

- In line with stated commitments, abolish the *kafala* system in full, making the state the sponsor for migrant workers, and ensuring that workers' entry, residence and work visas are not tied to employers, and ensuring that workers are not ever required to obtain employer permission to change employers or leave the country, and remove absconding penalties.
- Amend the labor law to guarantee workers' right to strike, free association and collective bargaining, including for migrant workers and domestic workers.
- Amend the labor law to include domestic workers receive the same protections as other workers.
- Immediately announce and implement a non-discriminatory minimum wage for migrant workers, including calculating an hourly minimum wage, that equals a living wage that allows workers a decent standard of living for themselves and their families. A committee should periodically review the minimum wage levels so that it guarantees a living wage.

To the Qatari Labor Ministry

- Increase the capacities of the WPS Unit, the Labour Relations department, and the Labour Dispute Resolution Committee so that they can more effectively monitor and resolve cases of wage abuses in a speedy, and compassionate manner for workers.
- Improve the workings and systems of the WPS so that Salary Information Files are more detailed and comprehensive; alerts are dealt with in a strict manner; and ensure that companies are providing workers with timesheets and itemized pay slips; finalize the process of e-contracts to ensure that workers' contract details including basic wages are accurately and automatically recorded in the WPS.
- Monitor and ensure that companies are not doing business with recruitment agencies and subcontractors, in Qatar and abroad, that charge workers fees or costs for travel, visas, employment contracts, or anything else. Ensure that any recruitment costs, fees or charges that workers incur in order to migrate are reimbursed to them by their employers.

I. Background

Qatar, one of the world's wealthiest states on a per capita basis, is almost entirely reliant on some 2 million migrant workers who represent around 95 per cent of the country's total labor force and who are primarily employed in the construction and service industries.⁶ Without such workers, many of whom come from some of the world's poorest countries in search of better work opportunities, the country would grind to a halt.⁷



A migrant worker working as a shop assistant waits for customers at Souq Waqif in Central Doha. Apart from the laborers building the infrastructure of the country, migrant workers also work as cleaners, restaurant staff, security guards, shop assistants, drivers, and stewards; they shoulder the hospitality sector's efforts to accommodate the influx of people expected to visit the country in 2022. © 2019 Maham Javaid/Human Rights Watch

⁶ This is a measure of Gross Domestic Product per capita in current US dollars. Data Bank, World Bank, 2019. <https://databank.worldbank.org/reports.aspx?source=2&series=NY.GDP.PCAP.PP.KD&country=#> (accessed May 15, 2020)

⁷ Courtney Freer, "Can Gulf Economies Survive Without their Foreign Workers Post Pandemic?" *The New Arab*, May 11, 2020, <https://english.alaraby.co.uk/english/comment/2020/5/11/can-gulf-countries-survive-without-their-foreign-workers-post-pandemic> (accessed May 15, 2020).

A decade ago, in December 2010, Qatar won the right to host the Fédération Internationale de Football Association (FIFA) World Cup 2022.⁸ Qatar's initial estimates for infrastructure expenditure for the world's largest sporting event were as high as US\$220 billion.⁹ According to the International Trade Union Conference's Frontline Report in 2015, this set up Qatari and international infrastructure companies to expect a tidy sum of \$15 billion in profits.¹⁰ Since then, it is likely that the costs for the infrastructure of the World Cup will have increased. The Qatari government awarded 11 multibillion-dollar contracts in 2014 to international and local companies for the construction of the Doha Metro.¹¹ Seven new state-of-the-art stadiums with advanced open-air cooling technology are being built from scratch for the 2022 event, the majority of which are still under construction.¹² The construction of the gleaming Hamad International Airport, sprawling over 5,400 acres of land, with two of Asia's longest runways, took over a decade and cost \$16 billion.¹³ As these investments grow, so do profits.

By contrast, many of the migrant workers laboring to build the stadiums, the metro system, the highways, parking lots, bridges, hotels, and other infrastructure needed to host the millions of visitors the World Cup event is expected to attract, are paid a pittance. So are the cleaners, restaurant staff, security guards, drivers, and stewards who will shoulder the hospitality sector's efforts to accommodate the influx of people expected to visit the country.

Currently, a migrant worker's basic minimum wage in Qatar is a meager QR750 (\$206) per month, which, when paid on time and in full, is hardly enough for many workers to pay

⁸ Jamie Jackson, "Qatar Wins the 2022 World Cup Bid," *The Guardian*, December 2, 2010, <https://www.theguardian.com/football/2010/dec/02/qatar-win-2022-world-cup-bid> (accessed May 15, 2020).

⁹ International Trade Union Confederation, "Frontlines Report 2015, Qatar: Profit and Loss, Counting the Cost of Modern-Day Slavery in Qatar," https://www.ituc-csi.org/IMG/pdf/qatar_en_web.pdf

¹⁰ Ibid.

¹¹ The Law Reviews, "Projects and Construction Review - Seventh Edition" ed. Júlio César Bueno, 2017 https://thelawreviews.co.uk/digital_assets/94eabc15-f9d4-4b10-bfa1-d47553066b8e/TPCR7_full_book.pdf

¹² "Qatar 2022 World Cup stadiums: All you need to know," *Al Jazeera English*, September 18, 2019, <https://www.aljazeera.com/news/2018/10/qatar-2022-world-cup-stadiums-181025142408471.html> (accessed May 15, 2020)

¹³ Benjamin Zhang, "Take a look at Qatar's Astounding \$16 Billion Airport," *Business Insider*, September 12, 2014, <https://www.businessinsider.com/take-a-look-at-qatars-16-billion-airport-2014-9#hia-took-a-decade-to-complete-at-a-cost-of-16-billion-1> (accessed May 15, 2020)

back recruitment debts, support families back home, and afford basic needs while in Qatar.¹⁴

‘Kevin’, a 35-year-old security guard from Kenya whose family back home is harassed on a daily basis for the loan Kevin has not paid back yet, explains: “I paid 120,000 Kenyan Shillings [\$1,123] as recruitment fees for a job Qatar in 2017. At my salary and the overtime payment promised in the contract, I should have been able to pay it back in a year. But you see, the company delays payments, and never pays for overtime work, so I take more loans, to feed myself and my family back home. I keep going further and further in debt. Sometimes I think there is no way out. I will be trapped here working forever.”¹⁵

Unfortunately, many workers who came to Qatar hoping to earn enough to pay medical bills for sick parents, pay for children’s school fees, save up money to get married or build homes in their countries of origin have found themselves worse off than when they left their own countries. Too often, migrant workers suffer wage abuses at the hands of their employers, including delayed wages, punitive and illegal wage deductions, and, most debilitating yet all too common, months of unpaid wages for long hours of grueling work.

Wage abuse is one of the most significant problems facing migrant workers in Qatar and across the Gulf region.¹⁶ Apart from being forced to work long hours by employers, living in cramped quarters, paying off their debts, and being beholden to their sponsors for their jobs, food, housing, residence permits and visas, many of Qatar’s migrant workers fight a persistent battle against wage abuse. Each of the 93 migrant workers interviewed for this report has, at least once, faced issues such as delayed wages, unpaid overtime, withholding of wages, arbitrary deductions, inaccurate or unpaid wages, or some other form of wage abuse at the hands of employers in Qatar.

‘Yoofi’, a 33-year-old security guard from Ghana, said his employer has been delaying his monthly salary of QR 1,000 (\$275) since he began working in Qatar in June 2019.¹⁷ “We

¹⁴ QR 750 is the temporary basic minimum wage installed by Qatar. Qatar was expected to announce a permanent basic minimum wage in January 2020 but has not done so yet.

¹⁵ Human Rights Watch phone interview with ‘Kevin’ (pseudonym), a Kenyan migrant worker, on October 30, 2019.

¹⁶ Engineers Against Poverty, “Protecting the Wages of Migrant Construction Workers,” October 2019, https://www.business-humanrights.org/sites/default/files/documents/Part-Three-Protecting-the-Wages-of-Migrant-Construction-Workers_October.pdf (accessed May 15, 2020)

¹⁷ Human Rights Watch phone interview with ‘Yoofi’ (pseudonym), Ghanaian migrant worker in Qatar, on April 16, 2020.

have not been paid in 11 months. Every month they say the salary is delayed and so we borrow money from friends, we take credits in the market for groceries. Even then all we can afford to eat is boiled rice. And because of all the borrowing and credit we have no money to send home to our families.”¹⁸

Human Rights Watch also found cases of delayed wages for workers with higher salaries. ‘Alvin,’ a 38-year-old human resources manager at a construction company in Qatar which has been contracted for the civil, water, and masonry work on the external part of a stadium for the FIFA World Cup 2022, reported that his monthly salary of QR4,500 (\$1,235) has been delayed for up to four months at least five times in 2018 and 2019.¹⁹ “I am affected because due to the delayed salary I am late in my credit card payments, rent, and children’s school fees. I borrow money from the bank whenever payments are delayed. Even right now my salary is two months delayed. It’s the same story for all the staff on my level and even the laborers. I can’t imagine how the laborers manage, they can’t take loans from the bank the way I can,” said Alvin.²⁰

In the majority of cases where Human Rights Watch documented wage abuses, two immediate issues that arose were hunger and the lack of money to send home to families. ‘Sanyu’, a security guard with six children depending on him back home in Uganda, “came to Qatar in search of a better life” in September 2019.²¹ His contract promised he would be paid QR1,200 (\$329) a month, but between September 2019 and December 2019, he was only paid for one month of work; for the remaining three months, his employer gave him QR250 (\$68) a month in cash as a food allowance. “They think that’s enough money to survive a month in Qatar? It is not. I starve for food, my family back in Kenya starves for food. I am surviving only because Ugandan workers helped me out for food money,” said Sanyu. “These contracts we signed and the jobs that came with them are like swords over our heads. When we ask our employers when our salary is coming they say next week, but it’s already been delayed 10 times.”²²

¹⁸ Ibid.

¹⁹ Human Rights Watch phone interview with ‘Alvin’ (pseudonym), a Filipino migrant worker, in February 2020.

²⁰ Ibid.

²¹ Human Rights Watch phone interview with ‘Sanyu’ (pseudonym), Uganda migrant worker in Qatar, on 11 December 2019.

²² Ibid.

Type of Wage Abuse	Explanation	Recorded Instances
Delayed or Unpaid Wages	Employers consistently delaying monthly wages, sometimes to the point of non-payment of wages. These are often company wide.	59
Lack of Overtime Payments	If workers are performing more than 8 hours of work a day, they should be compensated at a higher rate for the extra hours. In most recorded instances, employees are not paid at all for the extra hours.	55
Contract Substitution	Workers sign employment contracts in countries of origin that promise a certain salary but upon arrival in Qatar find that they are met with a new contract with a lower salary.	13
Lack of departure payments	Migrant workers in Qatar are promised end-of-service benefits, salary in lieu of unused vacation days, and a ticket home at the of their contract. Often these are not paid.	20
Underpayments of basic payments	Employers consistently paying lower than contractually stipulated amounts, arbitrary deductions, or employers not having enough assignments for workers	35
Payment of recruitment fees	It is employers who should be paying recruitment fees for migrant workers, along with their airfare to Qatar, instead in too many cases, workers are taking personal loans to make these payments	72

The above table depicts the various types of wage abuses migrant workers in Qatar face; the numbers of recorded instances are from a pool of 93 migrant workers from over 60 different employers and companies. © 2020 Maham Javaid/Human Rights Watch

The Framework for Enabling Unpaid Wages

A combination of factors in Qatar and other Gulf countries provide for an environment where migrant workers seeking better opportunities suffer wage abuses for months, and

sometimes years, of service, often leaving them in far more dire straits than when they initially embarked on their migration journey. They include an exploitative and restrictive labor governance system; the illegal yet far-too-common practice of migrant workers paying exorbitant recruitment fees to secure jobs in countries across the Gulf region; pay-when-paid policies which allow subcontractors to delay payments to workers until they receive payments from contractors, and the lack of migrant workers' access to effective avenues of redress.

Kafala sponsorship system

The *kafala* (sponsorship) system, various iterations of which exist across the region but in particular Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, Jordan, and Lebanon, grants employers responsibility for, and therefore control over, migrant workers in at least one of five ways: their entry into the country of destination, renewal of their residence permits and work visas, termination of employment, transfer to another employer, and exit from the country of destination.²³

In Qatar, at present, a worker must be sponsored by an employer in order to enter the country and mostly remains tied to that employer throughout their stay. Employers are responsible for renewing and canceling workers' residence permits and work visas, leaving workers dependent on their employers for their legal residency and status in the country. Employers' failure to secure residence permits for workers in their employ, despite it being a legal obligation to do so within 90 days of a migrant worker's arrival, leaves workers under threat of arrest and deportation. While an employer can cancel a migrant worker's residence permit at any time by initiating repatriation procedures, a worker who leaves his employer without permission can be punished with imprisonment, fines, deportation, and arrest for "absconding."²⁴

Human Rights Watch research has shown that the serious and systemic abuse of migrant worker rights in Qatar often stem from the *kafala* system in conjunction with other harmful

²³ International Labour Organization, "Employer-Migrant Worker Relationships in the Middle East," 2017, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_552697.pdf (accessed May 15, 2020)

²⁴ If the migrant worker decides to leave the workplace without the employer's written consent they may be charged with 'absconding', which is a criminal offense. Even if a worker leaves in response to abuse they remain at risk of being treated as a criminal rather than receiving appropriate victim support; International Labour Organization, "Reform of the Kafala (Sponsorship) System, Policy Brief No 2." <https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf> (accessed May 15, 2020)

practices such as the routine confiscation of worker passports by employers, and the payment of recruitment fees by workers, which keeps them indebted for years. Alongside the prohibition on worker strikes, these factors have contributed to circumstances of forced labor, making it virtually impossible for workers to leave even abusive employers, despite often suffering non-payment of wages, long working hours, dangerous working conditions, and sub-standard housing conditions.

Despite recent reforms introduced to better protect migrant workers' rights, the *kafala* system remains an inherently abusive system for migrant workers. Measures taken so far have failed to protect workers from abusive situations, and situations of forced labor. Qatar for instance, abolished the exit permit for most migrant workers, in which employers had the right to grant or refuse a migrant worker's ability to leave the country.²⁵ However, in most cases, migrant workers cannot change jobs before the end of their contracts without their first employers' written consent.²⁶

The *kafala* system essentially provides employers unchecked powers to wield over migrant workers, leaves workers to live under constant fear, and prevents them from formally complaining to authorities. Employers, for instance, exert control over their workers by routinely confiscating their workers' passports, despite this being illegal, and by threats to report them to the police as "runaways."

In October 2017, Qatar committed to abolish the *kafala* system, among other labor reforms, as part of its technical cooperation agreement with the International Labour Organization (ILO) and to stop a complaint documenting Qatar's failure to uphold the 1930 Forced Labour Convention and the 1947 Labour Inspection Convention.²⁷ Under the gun, Qatar agreed to replace *kafala* with a system of government-issued and controlled visas for workers. Under this commitment they also agreed to lift restrictions on migrant workers' ability to change employers and exit the country without needing an exit permit from their

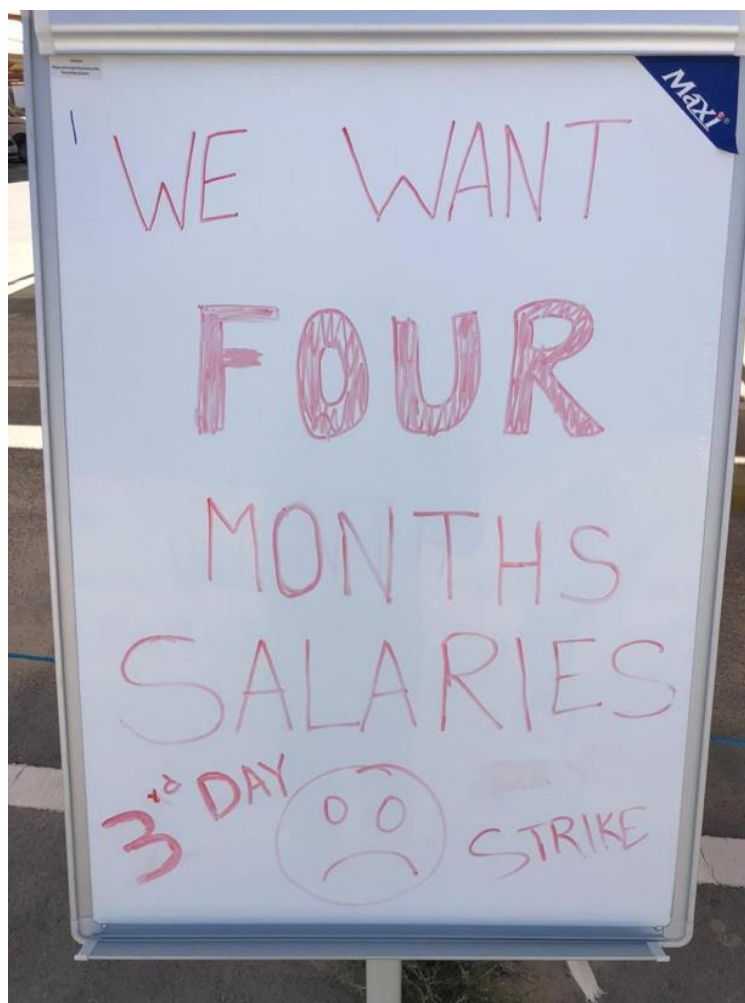
²⁵ The exit permit still applies to some migrant workers. Employers can apply to the authorities to designate up to five percent of their foreign national staff to need exit permits to leave the country; additionally, domestic workers need to inform employers if they want to leave 72 hours in advance of their departure, failure to inform employers in advance can cause workers to give up return travel fare, outstanding wages and could also result in a four-year ban from re-entering Qatar.

²⁶ Human Rights Watch, "End of Abusive Exit Permits for Most Migrant Workers," January 20, 2020, <https://www.hrw.org/news/2020/01/20/qatar-end-abusive-exit-permits-most-migrant-workers>

²⁷ Business and Human Rights Centre, "ILO decision on complaint concerning Qatar's non-observance of the Forced Labour and Labour Inspection conventions (2014-2017)," <https://www.business-humanrights.org/en/qatar-under-scrutiny-at-ILO-for-forced-labour-treatment-of-migrant-workers> (accessed May 15, 2020)

sponsor, ensure that the domestic worker law is implemented and reviewed by the ILO, and that recruitment practices are improved through better monitoring and regulation and the implementation of the Fair Recruitment guidelines in three migration corridors. However, at the time of writing, apart from reforms to the exit permit, reforms to the wider *kafala* system had still not been issued.

To date, migrant workers are banned under Qatari law from joining unions and participating in strikes.



Photograph from a strike regarding delayed wages in Doha, Qatar. Migrant workers are banned under Qatari law from joining unions and participating in strikes and so workers risk arrest in order to protest against wage abuses. © 2020 Private

Recruitment Fees: Drowning in Debt

“If I had known my life in Qatar would be like this, I would never have come,” said ‘Isaac’, 33, a Kenyan plumber in Qatar.²⁸ Isaac feels compelled to remain in Qatar, working for an employer that pays him unfairly and arbitrarily because, like thousands of other migrant workers, the \$1,125 recruitment fees he paid to obtain a job in Qatar trapped him in debt even before he arrived in the country.

Of the 93 workers interviewed for this report, 77 workers told Human Rights Watch that they are in debt from paying recruitment fees to agents in their home countries. These workers reported paying fees ranging from \$693 to \$2,613, such fees vary depending on nationality, with Bangladeshis typically bearing the biggest burden, and workers from the Philippines paying the lowest amounts.²⁹ Qatar is not the only country where migrant workers face recruitment fees. Other reports have documented a comparable range of recruitment fees that workers pay to work across the Gulf from \$400 to \$5,200.³⁰ Migrant workers told Human Rights Watch that they sold valuable assets, mortgaged family homes, or borrowed large amounts of money from private moneylenders at exorbitant interest rates to cover the recruitment fees. But the jobs they get are commonly different from, and pay less than, the ones they are promised.

The Qatari government is aware of the debts migrant workers incur on the road to Qatar and have forbidden companies from levying recruitment costs on workers.³¹ However, the law does not require employers to reimburse employment-related recruiting fees that workers have incurred and does not address the problem of Qatari employers or recruiters who work with foreign agents to charge workers fees in their home countries.³²

²⁸ Human Rights Watch phone interview with ‘Isaac’ (pseudonym), Kenyan migrant worker in Qatar, on 19 December 2019. Human Rights Watch spoke to Isaac on the telephone several times until April 2020.

²⁹ The range of recruitment fees is taken from interviews conducted for this research; International Labour Organization White Paper, “Ways Forward in the Recruitment of Low Skilled Migrant Workers in the Asia Arab States Corridor,” 2016, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_519913.pdf (accessed May 15, 2020).

³⁰ Center for Business and Human Rights, New York University, “Making Workers Pay, Recruitment of the Migrant Labor Force in the Gulf Construction Industry,” April 2017, <https://globalinitiative.net/wp-content/uploads/2018/01/Making-Workers-Pay-Recruitment-of-the-Migrant-Labor-Force-in-the-Gulf-Construction-Industry.pdf> (accessed May 15, 2020).

³¹ Qatar Labor Law No 14 of the Year 2004, article 33.

³² Faras Ghani, “Up to 10,000: What Migrant Workers Pay For a Job in the GCC”, Al Jazeera English, September 9, 2018 <https://www.aljazeera.com/indepth/features/10000-migrant-workers-pay-job-gcc-180710130540087.html> (accessed May 15, 2020)

In 2012, the Qatari government had stated that the issue of recruitment fees, while grave, is not a Qatari problem where there are procedures against such agencies.³³ The problem, they claim, is for workers' countries of origin to address.³⁴ Since then, Qatar has signed 40 bilateral labour agreements and 19 Memoranda of Understanding with countries of origin to protect migrant from paying exorbitant recruitment fees.

The profits are not limited to sending countries: Qatar greatly benefits when workers are forced to pay their own recruitment fees. For example, a 2011 World Bank study on migration from Nepal to Qatar estimated that recruitment agents in Qatar receive between US\$17 million and \$34 million in commissions from Nepal each year.³⁵ Qatar has an obligation to prohibit recruitment agencies that are operating in the country from charging fees and to actively prevent Qatari companies from relying on recruitment agencies who demand fees regardless of where the transaction takes place.

According to an ILO white paper, companies in Qatar circumvent local labor laws and increase their competitiveness by outsourcing the payment of recruitment fees to contractors and subcontractors.³⁶ Contractors can omit recruitment costs in order to minimize expected expenses in tenders they submit bids for to companies.³⁷ They then pass the buck to recruitment agencies in countries of origin, which charge migrant workers to pay for their own recruitment costs. The ILO also found that workers are often forced to pay additional inflated fees to the local agency. These fees are partly used to provide kickback payments to the employing company personnel and placement agencies in Qatar.³⁸ These kickback payments are often a way that private agencies in countries of origin are able to secure labor supply contracts.

³³ Human Rights Watch, “*Building a Better World Cup*,” (New York: Human Rights Watch, 2012) <https://www.hrw.org/report/2012/06/12/building-better-world-cup/protecting-migrant-workers-qatar-ahead-fifa-2022>

³⁴ Ibid

³⁵ World Bank, *The Qatar-Nepal Remittance Corridor: Enhancing the Impact and Integrity of Remittance Flows by Reducing Inefficiencies in the Migration Process* (World Bank: 2011) <https://doi.org/10.1596/978-0-8213-7050-6>

³⁶ International Labour Organization White Paper, “Ways Forward in the Recruitment of Low Skilled Migrant Workers in the Asia Arab States Corridor,” 2016, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_519913.pdf (accessed May 15, 2020).

³⁷ Faras Ghani, “Up to 10,000: What Migrant Workers Pay For a Job in the GCC”, Al Jazeera English, September 9, 2018, <https://www.aljazeera.com/indepth/features/10000-migrant-workers-pay-job-gcc-180710130540087.html> (accessed May 15)

³⁸ International Labour Organization White Paper, “Ways Forward in the Recruitment of Low Skilled Migrant Workers in the Asia Arab States Corridor,” 2016, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_519913.pdf (accessed May 15, 2020).

Recruitment fees play a large part in keeping debt-laden workers working for abusive employers. When workers owe thousands of dollars in recruitment fees, cannot switch jobs without employer approval and without having to go through the process of paying the fees all over again, and do not have custody of their own passports, the situation can amount to forced labor.³⁹

How Supply Chain Payment Policies Punish Workers Most

Some companies in Qatar withhold, delay, or deny worker's wages for additional profits. But other companies, typically small and medium-sized enterprises in the construction industry where long and often complex subcontracting chains are the norm, may be unable to pay workers in an accurate and timely fashion because of payment disruptions higher up the chain that lead to insolvency and encourage businesses paying onwards only when paid. Some of these subcontracting companies, while based in Qatar, may be owned and staffed by migrants from low-income countries. Such problems are not unique to Qatar and are inherent in the structure and operation of the construction industry worldwide.⁴⁰

A 2018 Engineers Against Poverty three-part report focused on addressing the prevalent issue of delayed and unpaid wages of migrant construction workers in Gulf countries. It looked at the ways current systems in the GCC were failing to protect the wages of vulnerable workers and recommended measures through which to ensure workers have an additional source of payment to fall back on if their immediate employer cannot – or will not – pay their wages.⁴¹ They reported that wage delays exist because “under the current business model, extensive subcontracting and outsourcing of labor has increased the distance that interim payments have to travel to reach the immediate employers of the workforce, which are often small firms with limited financial resources, unable to pay wages until they have received payment for the work already completed.”⁴²

³⁹ ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Qatar on March 12, 1998.

⁴⁰ Engineers Against Poverty, “Protecting the Wages of Migrant Construction Workers, Part Three,” October 2019, https://www.business-humanrights.org/sites/default/files/documents/Part-Three-Protecting-the-Wages-of-Migrant-Construction-Workers_October.pdf (accessed May 15, 2020).

⁴¹ Ibid.

⁴² Ibid.

The report describes the practice of “pay when paid”, which is commonly incorporated into contracts across the Gulf region in the absence of a 30-day payment cycle imposed by law, as one where contractors are not legally obliged to pay their subcontractors until they have received payment from the client. According to the report, those most affected are often small firms with limited financial resources that cannot pay wages until they have received payment for the work already completed, leaving migrant workers in their employ, who are at the very bottom of the subcontracting hierarchy, the most vulnerable.

In anticipation of the World Cup 2022, Qatar has seen a spurt in the growth of labor-only supply companies.⁴³ Often, these small and medium-sized companies do not possess sufficient funds to pay wages if they themselves suffer delays in payment. Often times, the report states, “while subcontractors and labor suppliers take the blame when it is discovered that wages are delayed, it is seldom considered that they may not have the funds to pay on time.”⁴⁴

“I feel bad for them, these are my people after all, they are Nepalis, and I haven’t paid their full salary in 9 months,” said ‘Priya’, a Nepalese owner of a medium-sized labor supply company.⁴⁵ “I haven’t been paid by my clients, which means I don’t have money to pay my workers. I paid basic wages to as many workers as I could.” Priya said she had been supplying workers to a construction company that she wished not to name and in December 2019 she had not received payments for work completed for nine months. “If I am not paid, how can I pay my workers?” she said.⁴⁶ She told Human Rights Watch that she has many entrepreneur friends similarly stuck.

Priya told Human Rights Watch that she is on friendly terms with the owner of the construction company that hired the workers she employs. This owner allegedly confided in Priya about how he himself had not been paid for 2 years. The construction company, a

⁴³ Annabel Short and Farah Ismail, “Construction Firms in Qatar: Only a handful make serious efforts to improve conditions for migrant workers,” Business and Human Rights Resource Center, <https://www.business-humanrights.org/en/construction-firms-in-qatar-only-a-handful-make-serious-efforts-to-improve-conditions-for-migrant-workers> (accessed May 15, 2020)

⁴⁴ Human Rights Watch interview with ‘Priya’ (pseudonym), a Nepalese migrant worker, in Doha, in December 2019; Engineers Against Poverty, “Protecting the Wages of Migrant Construction Workers, Part Two,” December 2018, <http://engineersagainstopoverty.org/wp-content/uploads/2018/12/EAP-OSF-final-for-web.pdf> (accessed May 15, 2020)

⁴⁵ Human Rights Watch interview with ‘Priya’ (pseudonym), Nepalese labor supply company owner in Qatar, on 18 December 2019

⁴⁶ Ibid.

subcontractor, is expecting payments from a large international construction company, the main contractor, which is in turn waiting for payments from a Qatari public entity.⁴⁷

Yet habitual insolvency does not let companies like Priya's off the hook. On the contrary, it underscores the risk to employees when a business model depends on payment of upstream contracts, which are regularly delayed, to cover employee salaries. Employers should ensure that they have the means to pay all their workers on time given a realistic timeline for when they can expect payment on contracts owed to them. To provide additional protection for wages from Qatar's trickle down "pay when paid" supply chain, Qatar could consider extending the liability for wages beyond the immediate employer in subcontracting chains. According to Engineers Against Poverty, if a subcontractor does not pay a labor supply company, as in Priya's case, then the main contractor, in this case, the Qatari public entity, could be held liable for this debt. This could serve two advantages: not only would it ensure workers are being paid in full and on time, but major contractors would also take greater responsibility for their subcontractor's actions, and this would weed out non-reliable subcontractors.

Qatar's Efforts to Tackle Unpaid Wages

In 2015, in an effort to tackle the prevalent issue of wage abuse, Qatar introduced amendments to its labor law and unveiled the much-touted Wage Protection System (WPS), an electronic salary transfer system designed "to ensure that employers are obliged to pay the wages of workers who are subject to the Labor Code within the prescribed deadlines."⁴⁸ The WPS was originally implemented by the UAE in 2009 and today all the GCC countries except Bahrain have rolled out different versions of the system.⁴⁹

In October 2017, in response to a forced labor complaint levelled against the country in 2014, Qatar agreed to a three-year technical cooperation agreement with the International Labour Organization in which they agreed to improving wage protection; enhance labor

⁴⁷ Ibid.

⁴⁸ Qatar Ministry of Administrative Development, Labour and Social Affairs, "An Explanatory Leaflet on the Wage Protection System," <https://adlsa.gov.qa/en/Pages/wpsleaflet.aspx> (accessed May 15, 2020)

⁴⁹ Ray Jureidini, "Wage Protection Systems and Programmes in the GCC, Gulf Labor Markets and Migration," October 2017, https://www.researchgate.net/publication/321105628_Wage_Protection_Systems_and_Programmes_in_the_GCC_Gulf_Labor_Markets_and_Migration_Research_Report_Wage_protection_systems_and_programmes_in_the_Gcc_Wage_Protection_Systems_and_Programmes_in_the_GCC_ (accessed May 15, 2020)

inspections and occupational safety and health systems; replace the *kafala* system with a system of government issued and controlled visas for workers (see above on *kafala* sponsorship system); step up efforts to prevent forced labor, and promote workers voice.⁵⁰

On wage protection, Qatar committed to enhancing the Wage Protection System (see below) and ensuring that sanctions for non-payment of wages are enforced; establishing a wage guarantee fund; adopting a non-discriminatory minimum wage; and expanding effective coverage of the WPS to cover small and medium enterprises, subcontractors and eventually domestic workers.

Since then, and to great fanfare, Qatar has introduced several piecemeal reforms.⁵¹ In regards to wage abuse, they set a temporary minimum wage for migrant workers, set up new Labour Dispute Resolution Committees designed to give workers an easier and quicker way to pursue grievances against their employers, and passed a law to establish a Workers' Support and Insurance Fund, partly designed to make sure workers are paid unclaimed wages when companies fail to pay.⁵²

Yet migrant workers remain vulnerable to abuse and exploitation. The temporary minimum wage of QR750 (\$206) per month is often too low to ensure those receiving it have “a decent living for themselves and their families,” as Qatar is required to ensure under the International Covenant on Economic, Social, and Cultural Rights (ICESCR).⁵³ Additionally, Qatar's current wage policy does not protect against the practice of wage discrimination by sex, race, or national origin.⁵⁴ Typically, governments and employers should account for

⁵⁰ International Labour Organization, *Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution*, October 13, 2017, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf (accessed May 15, 2020).

⁵¹ Human Rights Watch, “Qatar: Events of 2019,” January 8, 2020 <https://www.hrw.org/world-report/2020/country-chapters/qatar>

⁵² “Qatar to introduce minimum wage for workers,” *The Peninsula*, October 25, 2017, <https://thepeninsulaqatar.com/article/25/10/2017/Qatar-to-introduce-minimum-wage-for-workers> (accessed May 15, 2020); Amnesty International, “Qatar: New fund could bring hope to exploited migrant workers,” October 31, 2018, <https://www.amnesty.org/en/latest/news/2018/10/qatar-new-fund-could-bring-hope-to-exploited-migrant-workers/> (accessed May 15, 2020).

⁵³ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, December 16, 1966, United Nations, Treaty Series, vol. 993, p. 3.

⁵⁴ Despite the commitment Qatar has made to the ILO to providing a non-discriminatory minimum wage, we are not aware of government efforts to remedy nationality-based wage differences. Qatar has no law to combat discrimination or provide effective remedies for victims of discrimination.

the following costs at a minimum when determining the level of a living wage: a living wage : a basic food basket and meal preparation costs, health care, housing and energy, clothing, water and sanitation, essential transportation, children's education, and important discretionary expenses relevant to the national context in ensuring an adequate standard of living. Qatar should also calculate and enforce an hourly minimum wage and Qatar should set up a committee that periodically reviews the minimum wage levels so that it guarantees a living wage. Moreover, the Labour Dispute Resolution Committees do not apply to workers excluded in the labor law. They are also taking longer than expected to resolve disputes and some workers still face major hurdles in reclaiming unpaid wages.⁵⁵

The Wage “Protection” System

According to “Assessment of the Wage Protection System in Qatar”, a 2019 report authored by Dr. Ray Jureidini and issued by the International Labour Organization (ILO) Project Office for the State of Qatar, since the establishment of the WPS, 1.3 million workers and over 50,000 companies have been registered with the software.⁵⁶ However, roughly 700,000 workers remain unprotected, particularly those who work with small enterprises, and those who are deliberately excluded by the WPS such as domestic workers and agricultural workers working on small farms.⁵⁷

Evidence laid out in the report suggests that the Wage Protection System is a misnomer for a software that, in reality, does little to protect wages, and at best, can be better described as a wage monitoring system with significant gaps in its oversight capacity.

Companies in Qatar must register with the WPS in order to pay workers electronically by the seventh day of the month; employers do this by opening an account in any of the approved banks in Qatar.⁵⁸ Every month the employer submits a document titled the

⁵⁵ Amnesty International, *Unpaid and Abandoned: the abuse of Mercury MENA workers*, September 26, 2018, <https://www.amnesty.org/en/latest/research/2018/09/mercury-mena-abuses-qatar/> (accessed May 15, 2020).

⁵⁶ International Labour Organization, “Assessment of the Wage Protection System in Qatar, Report developed by the ILO for the State of Qatar,” June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726174.pdf (accessed May 15, 2020).

⁵⁷ Ibid.

⁵⁸ Payment of Wages, Penalties for Violations of Section 66, Qatar Labor Law No 14 of 2004, Act No.1 of 2015, art 66: <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/99861/119423/F122558500/QAT99861%20Eng.pdf>; Domestic workers are not covered by these provisions.

Salary Information File (SIF) for each worker to the bank.⁵⁹ This file contains the worker's identity details and how much they are owed by the company. The bank then distributes salaries into each worker's account and is meant to notify them via SMS, at which point workers can withdraw salaries using company-issued ATM cards.

The Salary Information File is also automatically forwarded to the WPS Unit at the Ministry of Administrative Labour and Social Affairs (MADLSA, or the labor ministry), where it is the job of employees called “checkers” and “blockers” to deal with any wage abuses to which the software alerts them. The checkers and blockers decide how severe an alert is, and how the employer should be penalized, if at all. There are several reasons an alert could be issued – these include a payment of below QR50, a payment delayed by more than seven days after due date, a discrepancy between the number of employees in a company and the number of employees paid that month, unpaid overtime where overtime hours are registered but not paid, and excessive deductions of more than 50 per cent of gross salary.⁶⁰

However, the current iteration of the WPS is riddled with loopholes that companies and employers use to exploit migrant workers. The above-mentioned ILO report states that wage-related grievances make up most of the complaints received by the Labor Relations Department, the Labour Dispute Settlement Committees, and the labor ministry. The report states that “wage abuses are still far too common” and evidence for this can be seen in the high rate of non-compliance with the Wage Protection System.⁶¹

The three biggest reasons that the WPS is unable to protect workers include defective formatting of the Salary Information Files, weak triggers for the alert system, and the lack of a requirement for employers to issue physical pay slips to migrant workers.

Firstly, the Salary Information File does not include the text or terms of workers' contracts. This undermines the entire purpose of the written contract, the terms upon which migrant workers made the decision to leave their homes and families and work in Qatar. The lack of

⁵⁹ A Salary Information File is an electronic file submitted to banks, by employers for each employ, that contains financial data required for the payment of wages. It is required by MALDSA to ensure the supervision and auditing of employees.

⁶⁰ International Labour Organization, “Assessment of the Wage Protection System in Qatar, Report developed by the ILO for the State of Qatar,” June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726174.pdf (accessed May 15, 2020).

⁶¹ Ibid.

contractual details renders the WPS incapable of raising flags when employers are violating promises laid down in contracts. Moreover, Salary Information Files do not contain a separate section for overtime payments, which are instead bundled into the ‘Extra Income’ category. An ‘Unpaid Overtime’ alert is only issued when overtime hours are reported, and no payment is identified alongside. This means that an employer can escape investigation by paying a meager, inaccurate amount of overtime payment.

Secondly, the WPS only issues an alert for underpayment when the worker receives less than QR50 (\$14) as their monthly wage, even though the temporary minimum wage stands at QR750 (\$206) per month.⁶² This limitation also allows employers to arbitrarily deduct exorbitant amounts from salaries without needing to offer an explanation.

Thirdly, neither the WPS nor employers offer physical pay slips to workers. Without pay slips that detail basic wages, food allowances, transport costs, bonuses, backpay, deductions, overtime payments, overtime hours, end of service payments and such, the employer can obfuscate the sum they owe to workers. This leaves migrant workers with little proof of how and when they were denied pay or benefits.

In addition, there is a large backlog in WPS monitoring due to understaffing. According to the ILO report “there are too few checkers to monitor the 52,000 enterprises registered (as of mid-2018), of which more than half are subject to some sort of alert that needs to be reviewed.”⁶³ As of November 2018, the review of high-risk alerts was up to date, but checkers were still reviewing information from January 2018, mostly on smaller enterprises.”⁶⁴

Additionally, many companies and employers have outsmarted the WPS by registering employees with inaccurate SIFs, or by completing accurate paperwork but withholding bank cards and/or ATM pins from employees.

⁶² QR 750 is the temporary basic minimum wage installed by Qatar. Qatar was expected to announce a permanent basic minimum wage at the end of 2019 but has not done so yet.

⁶³ International Labour Organization, “Assessment of the Wage Protection System in Qatar, Report developed by the ILO for the State of Qatar,” June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726174.pdf (accessed May 15, 2020).

⁶⁴ Ibid.

Finally, the WPS has insufficient penalties for violations. The joint ILO and MALDSA-issued report states that the threat of fines from QR2,000 to QR6,000 (\$550 to \$1,648) and jail time of no more than a month does not work as an immediate and sufficient deterrent, especially because companies are often given warnings and multiple opportunities to rectify the wage abuse after the system flags them.⁶⁵ Moreover, it is common for employers to set up a second company under another name if the first is denied government services because of WPS violations. WPS records are not always reviewed for awarding government contracts, thereby diminishing any power it could hold over companies.

Labour Dispute Resolution Committees

“I am scared that the [legal] process will cost too much, how will I feed myself and pay for transport to the labor ministry?”

—‘Alan’, a Filipino general cleaner working for a labor supply company, cites his fears of filing a wage-related dispute in the labor relations department.

In March 2018, the Labour Dispute Resolution Committees, designed to speed up the litigation process and shorten the time it takes to resolve labor disputes, assumed duties.⁶⁶ Their mandate includes hearing complaints regarding unpaid or delayed wages, breach of contract, and failure of employers to renew workers’ residence permits.

According to the 2017 law on Labour Dispute Resolution Committees, if workers have a dispute with their employer, they should first attempt to resolve it directly with their employer. If that fails, the worker can take their grievance to the Labour Relations department at the labor ministry, which is tasked with launching an attempt at mediation. If the department is unable to mediate successfully within seven days, the complaint is forwarded to the Labour Dispute Resolution Committees, which are mandated to hold the first hearing in the case within three to seven days of receiving it and to reach a decision, which is intended to have executory force, within three weeks of the first hearing.⁶⁷ Parties

⁶⁵ Law No. (1) of 2015 Amending Provisions of the Labour Law Promulgated by Law No. (14) of 2004, Article 145B. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102774/124352/F-1741839069/lawno1of2015amendinglabourlaw.pdf>

⁶⁶ Labor Dispute Resolution Committees were assembled under Law No.13 of 2017 that come into effect with the amendments of provisions of the Labor Law No.14 of 2004 and the Civil and Commercial Procedures Code (Law No. 13 of 1990).

⁶⁷ Currently there are three such dispute committees and each is chaired by a judge appointed by the Supreme Judicial Council and composed of two more members from the MADLSA, including an accountant; Amnesty International, *All Work No Pay: the Struggle of Qatar’s Migrant Workers for Justice*, 2019, <https://www.amnesty.org/download/Documents/MDE2207932019ENGLISH.PDF> (accessed May 15, 2020).

wishing to appeal the committee's decision can file their appeal with an appeals court within 15 days of the decision.

In September 2019, Amnesty International released a report for which they investigated the cases of more than 2,000 workers from three companies who worked for months without salaries. At least 1,620 of these workers submitted complaints to the Labour Dispute Resolution Committees.⁶⁸ None of the workers received any compensation directly through the systems set up by the committees and a vast majority of the workers went home empty-handed. The report concludes that there are several reasons for the Committees' ineffectiveness which include the understaffing of judges, travel costs, lack of pro bono legal services for workers, limited assistance from embassies, companies and employers' lack of participation in legal processes, and many others.⁶⁹

⁶⁸ Amnesty International, *All Work No Pay: The Struggle of Qatar's Migrant Workers for Justice*, 2019, <https://www.amnesty.org/download/Documents/MDE2207932019ENGLISH.PDF> (accessed May 15, 2020).

⁶⁹ Ibid.

	Received Date
Nov-2018	- Dec-13 th 2018
Dec-2018	- Feb-3 rd 2019
Jan-2019	- March-26 th 2019
Feb-2019	- May-2 nd 2019
March-2019	- June-27 th 2019
April and May 2019	- July-31 st 2019
June 2019	- Sep-8 th 2019
July 2019	- Nov-13 th 2019
August 2019	- Nov-27 th 2019
Sep-2019	- n.i.
Oct-2019	- n.i.
Nov-2019	- n.i.
Dec-2019	- n.i.
Jan-2020	- n.i.

5 months Pending

Photograph of a migrant worker detailing his history of delayed and unpaid wages between November 2018 and January 2020. Payments are often delayed for months, and rarely paid on the same date of the month, thus making it impossible for workers to plan ahead. It is important for aggrieved workers to make such detailed histories before taking their cases to the Labor Relations Department in Qatar. © 2020 Private.

Human Rights Watch also found the process to be slow, inaccessible, and ineffective. Out of the 93 migrant workers Human Rights Watch interviewed, 15 turned to the Committees for help in receiving outstanding wages. Out of these, only one worker managed to receive part of his wages.⁷⁰ When the Labour Dispute Resolution Committee was established, it was estimated that the Committee would reach conclusions in three weeks as the law provided, and the entire process from MADLSA to executory force would take six weeks. However, Human Rights Watch found that it could take months, with the longest Human Rights Watch recorded to be eight months, which can be incredibly costly for migrant workers.⁷¹

⁷⁰ Human Rights Watch interview with 'Martin' (pseudonym), Kenyan migrant worker at a café in Qatar, on December 11, 2019.

⁷¹ See also Amnesty International's report which detailed similar findings that cases took far longer of up to eight months; Amnesty International, *All Work No Pay: the Struggle of Qatar's Migrant Workers for Justice*, 2019, <https://www.amnesty.org/download/Documents/MDE2207932019ENGLISH.PDF>.

‘Mary’, 28, a Filipina barista and general cleaner, has been working in Qatar since 2012 and is one of the unlucky 14 who did not receive their outstanding wages.⁷² In October 2019, she said she complained to the Labour Relations department about her employer at a labor supply company withholding two months of salary (for August and September 2019), end-of-service benefits, and a ticket to the Philippines, which adds up to QR10,590 (\$2,908).⁷³ Her employer was notified of her complaint and was asked to come in for a mediation, but responded by placing an absconding case against Mary in early December 2019.⁷⁴ Mary was arrested and spent two nights in police custody before her employer came to collect her. In January 2020, ‘Mary’ cleared her name at the Central Investigation Department (CID) in Doha by providing witnesses who corroborated that she had not run away from the accommodations. After coming out of the CID office, she told Human Rights Watch: “I have nothing left. No money. No home [her employer turned her out of the accommodations near the end of December 2019]. No job. All I have is hope that there is justice waiting for us at the Labour Dispute Resolution Committees.”⁷⁵ Her labor dispute case moved from the Labour Relations department to the Labour Dispute Resolution Committees to an appeals court, where she was given a positive verdict in February 2020. But until July 2020, Mary has not received the payments owed to her nor has she received a non-objection certificate (NOC) from her employer that would allow her to lawfully find work elsewhere.⁷⁶

Migrant workers told Human Rights Watch they were not confident about taking concerns to the Labour Dispute Resolution Committees because they feared being deported, losing their housing, not having enough documentation to prove their case, and having employers launch false absconding cases against them. The majority of workers also

⁷² Human Rights Watch phone interview with ‘Mary’ (pseudonym), Filipina migrant worker in Qatar, on 19 November 2019. Human Rights Watch spoke to ‘Mary’ on the phone many times until May 2020.

⁷³ Mary is owed two salaries with overtime payments that add up to QR1,800 each, she is owed QR1,400 for her ticket home, and QR5,590 as her end-of-service benefits.

⁷⁴ Employers can report workers to the police as “absconders” or “runaways”. As a result, migrant workers may lose their residence permits and face fines, deportation or prison.

⁷⁵ Human Rights Watch phone interview with ‘Mary’ (pseudonym), Filipina migrant worker in Qatar, on 19 November 2019. Human Rights Watch spoke to Mary Kris on the phones many times till April 2020.

⁷⁶ When the Labor Dispute Committee was established it was estimated that cases would reach conclusions in six weeks; see Amnesty International, *All Work No Pay: the Struggle of Qatar’s Migrant Workers for Justice*, 2019, <https://www.amnesty.org/download/Documents/MDE2207932019ENGLISH.PDF>.

expressed a lack of faith in the effectiveness and speediness of the Labour Dispute Resolution Committees and the justice system in Qatar more broadly.

For most workers that Human Rights Watch spoke to, deciding whether to pursue their right to compensation in Qatar is a Catch-22 situation: They can either wait for months and sometimes years before they finally receive some or all of their due wages through the Labour Dispute Resolution Committees process, and in doing so, they must grapple with an insecure immigration status and an inability to financially support themselves to remain in the country under the *kafala* system, or they can leave the country destitute and indebted without their outstanding payments. ‘Ansar’, 42, a Bangladeshi truck driver for a construction company in Qatar, told Human Rights Watch that he went to the Labour Relations department in June 2019, after his employer withheld his salary for 8 months amounting to QR14,400 (\$3,955), from October 2018 to June 2019.⁷⁷ By December 2019, his case had reached the Labour Dispute Resolution Committees which had ruled in his favor. The Committee found that the employer owed Ansar eight months of wages, a ticket to Bangladesh, end-of-service benefits, and salary in lieu of vacation days he was not granted amounting to approximately QR22,710 (\$6,237).⁷⁸ But as of May 2020, his company has not paid him what he is owed. “I don’t have money for food or transport. I eat only when my friends can sneak me into their company canteen, on other days, I starve. The longer I stay here to wait for my outstanding salary, the more my debt rises, but if I leave now, the nine months I have been waiting for my payments will go to waste,” he said.⁷⁹

Human Rights Watch interviewed six other workers in Ansar’s company who had each filed cases with the Labour Relations department for non-payment of wages.⁸⁰ Ansar says a total of 35 people complained against the company and won their cases; none have received their outstanding salaries yet.⁸¹

⁷⁷ Human Rights Watch interview with ‘Ansar’ (pseudonym), Bangladeshi migrant worker, in a café in Qatar, on December 6, 2019.

⁷⁸ QR14,400 from 8 months of outstanding wages, QR1,800 for 30 days of vacation time, QR3,780 for end-of-service benefits, and QR2,730 for his ticket to Bangladesh, amounting to QR22,710 (\$6,237).

⁷⁹ Human Rights Watch interview with ‘Ansar’ (pseudonym), Bangladeshi migrant worker, in a café in Qatar, on December 6, 2019.

⁸⁰ Human Rights Watch interviews with ‘Ansar’, ‘Abbas’, ‘Rahul’, ‘Sulaiman’, ‘Ray’, ‘Abel’ and ‘Abdul’ (pseudonyms) in Qatar on December 6-8, 2019.

⁸¹ Human Rights Watch has copies of ‘Sulaiman’s’ and ‘Rahul’s’ (pseudonyms) contracts citing that any work above 8 hours per day would be counted as overtime work and would be compensated at overtime rates.

‘Adan’, a 45-year-old Filipino computer technician who has been working in Doha since 2010 said his employer withheld five months’ worth of wages for the months of June to December 2019. At a monthly salary of QR2,200 (\$604) this amounts to \$3,020. Adan told Human Rights Watch he has no intention of seeking redress for this violation of his right to fair wages.⁸²

“I could report my employer to the Labor ministry, I have all the requisite bank statements to prove they are withholding our payments, but the process takes about one year. How is one meant to survive without any pay for that year? Plus, I know people who went to the labor department and the Labour Dispute Resolution Committees, even after one year, no one was successful in getting payments from their companies.”⁸³

In June 2020, MADLSA and the Supreme Judiciary Council jointly established a new office within the Labour Dispute Settlement Committees, with the purpose of implementing rulings of labor cases, and facilitate judicial transactions, quickly and without the worker having to visit another office. Whether this new office will speed the process of redress for migrant workers facing wage abuses and encourage others to come forward with complaints is yet to be seen.

Workers’ Support and Insurance Fund

In 2018, the government established a fund to support workers who have suffered labor abuse and are facing financial difficulty. The Workers’ Support and Insurance Fund, according to the Government Communications Office, is intended to protect workers from the impact of overdue or unpaid wages in instances where the company fails to pay because it has gone out of business or been forced to close due to illegal activity.

According to the law mandating the fund, it would provide relief for workers who have won their cases at the Labour Dispute Resolution Committees but whose employers have failed

⁸² Human Rights Watch interview with ‘Adan’ (pseudonym), Filipino migrant worker, at a McDonalds in Qatar, on 13 December 2019.

⁸³ Human Rights Watch interview with ‘Adan’ (pseudonym), Filipino migrant worker, at a McDonalds in Qatar, on 13 December 2019.

to pay them their due compensation.⁸⁴ Instead of forcing the worker to pursue their employer further in the civil courts, the fund would provide the money owed to the worker first and then seek reimbursement from the employer, thereby shifting the burden away from the workers.

In the context of the many root problems that permit and exacerbate wage abuse in the current system, this fund could be a key measure in ensuring workers receive their dues as soon as they get a verdict from the Labour Dispute Resolution Committees instead of waiting to receive them eventually or not at all. According to Qatar's Government Communications Office in August 2020, the fund has so far benefitted 5,500 workers and disbursed 14 million Qatari Riyals (\$3.85 million) in financial relief. The fund only became operational earlier this year. Key decisions on the rules and procedures for the payment of workers' entitlement its sources of funding, the definition of workers' entitlements, and the criteria determining the nature and extent of support, have not yet been published. Of the 15 migrant workers Human Rights Watch interviewed and who took their cases to the Labour Dispute Resolution Committees, 14 are yet to be paid their dues, through the fund or otherwise.

A June 2019 interim report published by the ILO Project Office for the State of Qatar gave 29 recommendations on how to effectively operationalize the Workers' Support and Insurance Fund, including examples of similar funds from Singapore, Germany, Austria, Hong Kong, the UAE, Canada, China, India, Colombia, and the Dominican Republic.⁸⁵ Among its recommendations is that the fund should diversify its sources of funding (as of now 60 per cent of the fund's annual budget comes from fees collected for worker's permit and their renewal), recover wages from employers, address financial pressures on the Fund, define workers' entitlements, develop a criteria for humanitarian claims, and publish an annual report.

⁸⁴ Law No. 17 of 2018 Establishing the Worker's Support and Insurance Fund; copy available at https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=107337&p_classification=01.02 (accessed May 15, 2020).

⁸⁵ International Labour Organization, *Recommendations on the Establishment of The Workers' Support and Insurance Fund in Qatar: Drawing From International Experience*, ILO Project Office for the State of Qatar, June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726175.pdf (accessed May 15, 2020).

Domestic Workers

More than 174,000 migrant domestic workers employed in Qatar continue to be acutely vulnerable to abuse, exploitation, and forced labor despite the passage of a law providing legal protections to domestic workers in August 2017.⁸⁶ They are excluded from labor law protections, and thus are excluded from most recently-introduced labor reforms, including the WPS and the Labour Dispute Resolution Committees. Human Rights Watch documented the gaps in the domestic workers law which are weaker than protections for workers covered in the labor law.⁸⁷

Human Rights Watch spoke to 11 domestic workers between January and December 2019, and while each domestic worker had unique issues with their employer, the most common complaints faced by each of them were underpayments, delayed payments, and non-payments.

‘Alia’, 20, a Kenyan domestic worker, said her contract stated a monthly wage of QR1,000 (\$275), but each month between April and November 2019 her employer paid her only QR900 (\$247).⁸⁸ ‘Maryam’, 32, a Filipina migrant worker earning QR850 (\$233) per month, said for most of 2019 her employer delayed payments for up to 25 days.⁸⁹ ‘Emma’, 22, a Kenyan domestic worker earning a monthly salary of QR 900 (\$247), said that between February and September 2019 her employer only paid her four out of eight salaries owed to her.⁹⁰

None of three women have access to their passports; they have not been handed their Qatari identity cards, and they do not receive pay slips that could help them prove their wage abuses to their embassies, the Qatari National Human Rights Commission, or the labor ministry.

⁸⁶ Human Rights Watch, “Domestic Workers’ Rights in Qatar: Human Rights Watch Commentary on Qatar’s Laws and Regulations on Domestic Workers,” June 26, 2018, <https://www.hrw.org/news/2018/06/26/domestic-workers-rights-qatar>

⁸⁷ Ibid.

⁸⁸ Human Rights Watch phone interview with ‘Alia’ (pseudonym), a Kenyan domestic worker on December 10, 2019.

⁸⁹ Human Rights Watch phone interview with ‘Maryam’ (pseudonym), a Filipina domestic worker on October 20, 2019.

⁹⁰ Human Rights Watch phone interview with ‘Emma’ (pseudonym), a Kenyan domestic worker on December 10, 2019.

Additionally, all the domestic workers told Human Rights Watch that they worked around the clock, but do not receive overtime payments. “I wake up before my madam [employer] and sleep many hours after her. I work about 18 hours a day but am only paid for 8 hours. My body hurts so much and I am always so tense about my salary and my loans, I have forgotten what feeling relaxed means,” said Alia.⁹¹ Like other migrant workers, domestic workers also pay huge recruitment fees to secure jobs in Qatar. Most of the workers Human Rights Watch interviewed were in debt because of these recruitment fees.

In April 2020, the labor ministry urged employers to open bank accounts for domestic workers but did not make it mandatory for employers to pay domestic workers electronically. As of yet there is no information whether the WPS measures applicable to other migrant workers will eventually be applied to domestic workers as well.⁹²

Additional Measures to Tackle Wage Abuse

Other countries facing similar problems of wage abuses have adopted measures, some of which proved effective at providing workers with the full and timely wages they earned. In addition to improving the WPS and banning ‘pay when paid’ practices, Qatar could consider these measures as a means of adding additional layers of protection for workers’ wages.

In a 2018 ILO White Paper focused on the protection of construction workers in the Middle East, Jill Wells outlines six measures other countries have adopted to combat late or non-payment of wages.⁹³ These measures, which are summarized in the table below, are a response to the “extensive subcontracting and to the outsourcing of labor requirements to labor supply”.⁹⁴ Below, a summary of Table 4 from the 2018 ILO White Paper titled “‘Exploratory study of good policies in the protection of construction workers in the Middle East’: Comparison of policies to protect workers against late or non-payment of wages”

⁹¹ Human Rights Watch phone interview with ‘Alia’ (pseudonym), a Kenyan domestic worker on December 10, 2019.

⁹² “Ministry urges employers to open bank accounts for domestic workers”, The Peninsula Qatar, April 2020, <https://thepeninsulaqatar.com/article/28/04/2020/Ministry-urges-employers-to-open-bank-accounts-for-domestic-workers> (accessed May 15, 2020)

⁹³ “Exploratory study of good policies in the protection of construction workers in the Middle East”, International Labour Organization, Regional Office for Arab States, 2017. https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_618158.pdf; Jill Wells is the Programme Officer at Engineers Against Poverty and author of the ILO White Paper.

⁹⁴ “Exploratory study of good policies in the protection of construction workers in the Middle East”, International Labour Organization, Regional Office for Arab States, 2017. https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_618158.pdf

Measure	Speeds Payments	Protects Against Insolvency
1. Wage protection system (GCC) An electronic salary transfer system designed to pay wages directly into the accounts of workers. This promotes worker welfare, gives workers proof of non-payment through bank statements, and limits workers' incentives to strike. This measure has limited coverage.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Prompt Payment Legislation (EU Directive) Designed to tighten EU regulation on late payments owed by public or private debtors. Public debtors process their accounts within 30 days from the date of the invoice, and penalties include a high interest rate. This improves knowledge of the adverse impact of late payments. Creditors are reluctant to use this measure for fear of jeopardizing client relationships.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Ban 'pay when paid' (Construction Acts in the UK and Ireland) Governments are encouraged to introduce legislation banning 'pay when paid' clauses in all contracts and include the right of contractors and subcontractors to suspend performance for non-payment. This protects subcontractors against late payments by clients, but firms are reluctant to use this measure for fear of jeopardizing client relationships.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Introduce rapid adjudication (Construction Acts in UK & Ireland) This process ensures the payment of undisputed items while disputed items are being discussed and agreed upon. Setting up this method requires resources, but it gives certainty of date of payments to contractors and subcontractors.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5a. Project Bank Account (UK) A ring-fenced account is set up at the start of a project as the medium through which payments are made. The client pays	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

<p>funds into the account each time that payment is due. This system ensures subcontractors' payments but the system takes time to be set up.</p>		
<p>5b. Subcontract payment monitoring system (Seoul) In this all project funds are paid through a special project bank account which is ringfenced and set up by the general contractor. It needs the cooperation of banks and a 'Software Payment Verification System'. It allows direct payment from a protected account for the whole chain, but it needs enforcement by client ordinance and penalties for noncompliance.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>6. Joint liability - Direct payment from client to subcontractor (EU) Making clients and principal contractors jointly liable for ensuring that subcontractors and workers receive payments. It legitimizes direct payment across links in the subcontracting chain, from client to subcontractors or principal contractor to workers. This protects workers' rights to fair wages in subcontracting processes and is most common in public works.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

II. Employers' Salary Abuses Against Migrant Workers

The Qatari government marketed the Wage Protection System (WPS), the Labour Dispute Resolution Committees, and the Workers' Support and Insurance Fund as solutions to one of the most burning issues plaguing migrant workers in Qatar: salary abuses. But five years after the launch of the WPS and three years since the committees and the fund were established, every worker Human Rights Watch spoke to reported suffering at least one, and often several, forms of wage abuse at the hands of their employers. These abuses included delayed or unpaid wages, withholding of wages, underpaid wages, lack of overtime wages, contract substitution, and employers' withholding contractually obligated departure payments.

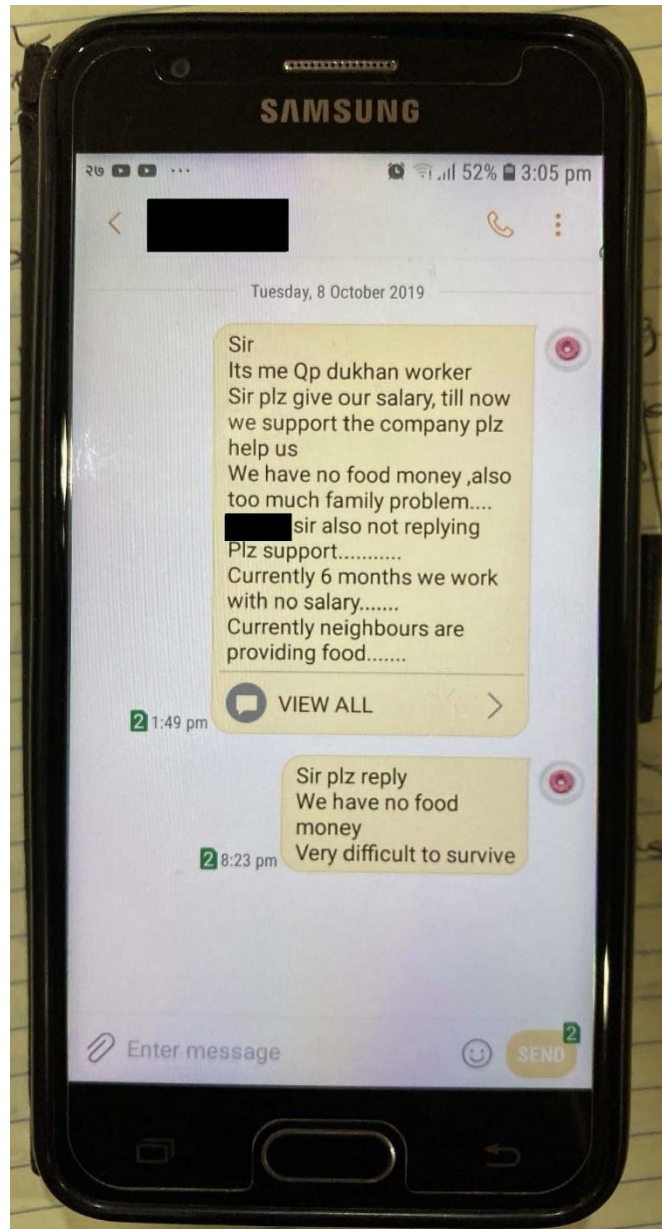
Of the 93 migrant workers Human Rights Watch interviewed from 60 companies and employers, 59 workers reported unpaid wages or serious delays in receiving their wages. Thirty-five workers said that their employers did not honor the wage amount stipulated in their contract. Even in cases where contracts were approved by the government and the employee is receiving payments through a bank account monitored by the WPS, employers found ways to violate the contract's terms regarding basic wages without any accountability. Fifty-five workers cited lack of overtime payments as a major issue they faced. Not only were their overtime hours worked recorded inaccurately, but in the majority of cases employers completely disregarded their overtime hours—although they worked up to 18-hour days, their employers only compensated them for 8 hours of a regular day's work. Thirteen workers reported facing contract substitution, and 20 workers said that their employers do not pay the required departure payments, which include end-of-service benefits, tickets to home countries, and any previously withheld or otherwise outstanding wages.

Delayed and Unpaid Wages

"They cheat us with fake promises of paying us 'soon.' They play with our lives and our children's lives."

- 'Avinash', 33-year-old Indian engineer at a construction company in Qatar⁹⁵

⁹⁵ Human Rights Watch phone interview with 'Avinash' (pseudonym), Indian migrant worker in Qatar, on 1 February 2020.



Photograph of text messages sent from a migrant worker to his employer, reminding him about 6 months of unpaid salaries, working without pay, and not having money for food. The employer did not respond to phone calls or text messages for the next two months. © 2019 Maham Javaid/Human Rights Watch

The most egregious forms of wage abuse migrant workers say they experience in Qatar are delayed and unpaid salaries. Human Rights Watch spoke to 59 migrant workers who said their salaries were delayed or unpaid. In some cases, delayed salaries meant that instead of getting paid every month as Qatari law states, workers are paid once every two or three

months. In other cases, employers delayed workers' salaries for as long as six months, often leaving workers in dire circumstances including incurring debts along the way. 'Gopal', 34, a Nepali site engineer, came to Qatar in 2015. In 2018 he began working at a fire station in the far western area of Qatar. Gopal told Human Rights Watch that his salary of QR1,800 (US\$494) per month was paid on time until February 2019 when it stopped coming altogether. In August 2019, after receiving no salary or food allowance for 7 months, Gopal went to the Labor department to begin the proceedings to receive QR12,600 (\$3,460) of unpaid wages.⁹⁶ He told Human Rights Watch he is on the brink of "starving" due to his employer's wage abuses. In December 2019 he told Human Rights Watch:

Recently my family in Nepal wanted to celebrate Diwali [a Hindu festival], my daughters wanted new clothes and bangles. I borrowed from friends to send money to them. I am so worried about all the loans I have taken this year, how will I pay them back if I don't get my salary? Sometimes I think suicide is my only option.⁹⁷

As of May 2020, Gopal's case had reached the Labour Dispute Resolution Committee and he was still waiting in Qatar for his money.⁹⁸

'Tamang', a 24-year-old Nepali delivery man told Human Rights Watch that his monthly salary of QR750 (\$206) was delayed for more than two months between December 2019 and February 2020. Tamang said his employer paid his and 52 other workers' two salaries in the middle of February 2020. By then, they were already in debt. "We were buying groceries on credit for two months and now that we have been paid, we have repaid our previous loans but have no money left over for food for this month," said Tamang.⁹⁹

Human Rights Watch interviews with migrant workers found that most abuses regarding delayed or non-payment of salaries are companywide. In other words, when one worker is facing delays, often a sizable number of the company's other employees are as well.

⁹⁶ Human Rights Watch has photos of 'Gopal's' text messages to his Kafeel (employer) reminding him that he has no money for food and explaining that he is taking food from neighbors.

⁹⁷ Human Rights Watch interview with 'Gopal' (pseudonym), Nepali migrant worker, in a café in Qatar, on 13 December 2019.

⁹⁸ Human Rights Watch phone interview with 'Gopal' (pseudonym), Nepali migrant worker, on 28 March 2020.

⁹⁹ Human Rights Watch phone interview with 'Tamang' (pseudonym), Nepali migrant worker in Qatar, on 10 February 2020.

A trading and construction company apparently delayed five months of salaries for roughly 500 managerial staffers and two months of salaries for approximately 500 laborers between September 2019 and February 2020. This company has over 25 current projects in Qatar, some of which include a stadium which will host FIFA World Cup 2022 matches, the streets surrounding the stadium, and a road-building project. Staffers at this company reported that this was not the only time salaries had been delayed.¹⁰⁰

The management staff said they reported to work without pay under threat of deductions until several staff members decided to stop working until they were paid. Staffers told Human Rights Watch that the employer and their top-level management also made similar threats to keep laborers working throughout December 2019 and January 2020. On February 9, the employees risked arrest and publicly protested against delayed wages.¹⁰¹ The senior management of the company intervened at the protest and told employees that the government has promised to pay all outstanding salaries.¹⁰² Within a week, all the employees had been paid their outstanding salaries.

In addition, unpaid or delayed wages affect workers' ability to repay loans and they can find themselves under travel bans or even prison for defaulting. One engineer at the above-mentioned company told Human Rights Watch that after his salary was delayed in September 2019, he took a loan of QR15,000 (\$4,119) from the bank in October 2019. By the time he received his delayed salaries in February 2020 he had already defaulted on his loan and his bank told him he had been placed under a travel ban and a police case had been launched against him for defaulting on his loan.¹⁰³ Eventually, he was able to pay back the loan and clear his name from the police case, but he told Human Rights Watch he missed his wife giving birth to their child in India due to the salary delays and the consequent travel ban.¹⁰⁴

¹⁰⁰ Human Rights Watch, "Qatar: Wage Protection System Falls Short," February 15, 2020, <https://www.hrw.org/news/2020/02/15/qatar-wage-protection-system-falls-short>

¹⁰¹ Migrant workers are banned under Qatari law from joining unions and participating in strikes and so the unpaid workers risked arrest to protest for their salaries.

¹⁰² Human Rights Watch has copies of emails from the upper management of the company to staffers citing that Qatar's Ministry of Finance has deposited money into the company's bank account to pay outstanding salaries.

¹⁰³ Human Rights Watch phone interviews with 'Arjun' (pseudonym) during January and February 2020.

¹⁰⁴ Human Rights Watch phone interviews with 'Arjun' (pseudonym) during January and February 2020.

Employers Withholding Wages to Migrant Workers

Human Rights Watch spoke to seven workers who reported that their employers deliberately withheld their wages as “security deposits.”¹⁰⁵ This practice falls directly under the ILO’s indicators of forced labor, which the ILO’s Forced Labour Convention describes as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹⁰⁶

‘Kapil’, a 27-year-old worker from India, is an engineer in Qatar. The company he worked for in Qatar shut down in June 2018, and he said he felt lucky when he was one of the few transferred to a sister company. But after his first month at the new company, Kapil did not feel as fortunate. “The first month my monthly salary of QR2,500 (\$686) was withheld. They do this to everyone who joins the company. They feel it keeps workers from running away, like a security deposit.¹⁰⁷ In my opinion it is a form of blackmail,” said Kapil. “I know the company was not short on cash because for the next seven months they paid us on time.” Kapil also explained that withholding wages has an adverse psychological impact on workers. “When we know they have our salary, we are more scared to ask for our rights. This is how they control us,” said Kapil.¹⁰⁸

Another worker who earns a monthly salary of QR800 (\$219), ‘Suleiman’, 29, who came from India in 2017 to work in Qatar told Human Rights Watch that all the laborers in the construction company he works for are not paid the first month’s salary.¹⁰⁹ “I arrived in January 2018, but I received my first salary in March. That salary was for the work I did in February. They said my January salary was a security deposit that will be paid when I

¹⁰⁵ Workers may be obliged to remain with an abusive employer while waiting for the wages that are owed to them. The fact of irregular or delayed payment of wages does not automatically imply a forced labour situation. But when wages are systematically and deliberately withheld as a means to compel the worker to remain and deny him or her of the opportunity to change employer, this points to forced labour. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

¹⁰⁶ ILO Convention No. 29 concerning Forced or Compulsory Labor (Forced Labor Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Qatar on March 12, 1998.

¹⁰⁷ Withholding and non-payment of wages, including for a sizable deposit, constitutes a restriction which may prevent the workers from leaving if they change their minds. However, deposits of a reasonable amount do not constitute forced labour if the workers are informed of the conditions for return of the deposit, and that the deposit is indeed refunded once they have fulfilled these conditions. https://www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS_DOC_ENT_HLP_FL_FAQ_EN/lang-en/index.htm

¹⁰⁸ Human Rights Watch interview with ‘Kapil’ (pseudonym), Indian migrant worker, in a café in Qatar, on 11 December 2019.

¹⁰⁹ Human Rights Watch interview with ‘Sulaiman’ (pseudonym), Indian migrant worker, in a café in Qatar, on 6 December 2019.

leave,” said Suleiman. “By the time people leave, there are so many other missing salaries and overtime payment discrepancies that this first month’s salary is lost.”

Human Rights Watch also documented instances of labor supply companies withholding wages. ‘Rachel’, 30, a Filipino migrant worker, employed by a labor supply company in Doha since 2017, worked as a cleaner in Doha for QR 1,500 (\$411) per month.¹¹⁰ Rachel’s employer rarely paid her on time. In September 2019, as Rachel’s two-year contract with the company was ending, the labor supply company stopped paying altogether. “They said either I keep working with them for my remaining three years, or I can leave without two months of outstanding payments amounting to \$822,” said Rachel, detailing how her employer withheld her wages as a form of blackmail.¹¹¹

Fooling the WPS: Keeping workers’ ATM cards

In order for the WPS to effectively monitor workers’ wages, workers must receive their salaries through ATM cards and their bank accounts. What the WPS does not account for is that some employers forcibly take away employee’s ATM cards, along with the PINs, and make withdrawals on a worker’s behalf. Human Rights Watch spoke to seven workers who said their employers kept their ATM cards.

‘Saleem’, 36, who works as a foreman in a company that does plumbing, construction, and electrical wiring projects, said, “They gave us ATM cards, but then they took the cards and the PINs from us. The salary we are handed in cash is not the salary stated on our contracts.” Saleem’s initial contract, the one he signed in Bangladesh before arriving in Qatar, promised him QR1,700 (\$466) a month. When he arrived in Doha, the new contract the company presented him with stated his monthly salary as QR600 (\$164). But Saleem is not paid QR600 per month, he is paid QR1,500 (\$412). “My employer put this low payment in the WPS to save himself from a large end-of-service payment. This is how he is cheating the government and me,” said Saleem.¹¹²

¹¹⁰ Human Rights Watch phone interview with ‘Rachel’ (pseudonym), Filipina migrant worker on October 15, 2019.

¹¹¹ Human Rights Watch phone interview with ‘Rachel’ (pseudonym), Filipina migrant worker on October 15, 2019.

¹¹² Human Rights Watch phone interview with ‘Saleem’ (pseudonym), Bangladeshi migrant worker in Qatar, on 6 January 2019.

Employers confiscating ATM cards and withdrawing money on a worker's behalf appears to be a common way of delaying or withholding payments that the WPS is unable to monitor. It also allows employers to keep some of the payment for themselves.

Delivery men, who told Human Rights Watch that their jobs are dangerous due to traffic accidents and extreme heat, have also had employers keep their ATM cards from them. "Fifty-one delivery men at my company, and myself, have not been paid in over two months. We are told we have ATM cards with our names on them, but we have never seen them. One colleague receives messages on his cell phone every month saying his salary was deposited and withdrawn from his accounts," said 'Tamang', 24, a migrant worker from Nepal who earns QR750 (\$206) per month. "But he has never withdrawn his salary himself." Tamang told Human Rights Watch that his employer cashes out their money and withholds it until he is ready to give out the amount he wants to distribute to the workers, successfully cheating the WPS.¹¹³

This phenomenon signals a problem in the broader working conditions under which migrant workers in Qatar work: the control employers have on migrant workers under the *kafala* system. The WPS was not designed to uncover this kind of practice, and employees themselves are unlikely to make a formal complaint because they fear losing their jobs in retaliation. According to Dr. Jureidini in the aforementioned 2019 ILO report, "These employers are more likely to be SMEs [small to mid-size enterprises] and smaller subcontractors. The process allows them to delay the payment of salaries for weeks or months. A recent report on the same phenomenon in another country in the region shows workers receiving 35-40 per cent less than what is owed to them."¹¹⁴

¹¹³ Human Rights Watch phone interview with 'Tamang' (pseudonym), Nepali migrant worker in Qatar, on 10 February 2020.

¹¹⁴ International Labour Organization, "Assessment of the Wage Protection System in Qatar, Report developed by the ILO for the State of Qatar," June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726174.pdf (accessed May 15, 2020).

Underpayments of Basic Salary

“The contract is a meaningless, dummy paper that companies use to fool the government.”

– ‘Joshua’, 41, Filipino document controller at a construction company

Human Rights Watch found 35 cases where employers apparently violated the terms of employer-employee contracts by paying workers less than they were contractually obligated to. This included cases where employers paid migrant workers reduced payments (salaries less than what workers were promised); carried out arbitrary deductions; and implemented “warehousing” of migrant workers (freezing workers’ salaries while employers searched for new clients and contracts – this often results in paying workers by the day instead of the contractually obligated monthly payments).

Reduced payments

Human Rights Watch found eight cases of reduced payments, in which workers were paid less than what was stated in their contracts.

‘Janet’ came to Doha in 2015 after signing a two-year contract for a monthly salary of QR2,500 (\$686) plus food allowance. She was working as a chef for a government institute. “Instead of the amount in my contract, I was paid QR1,800 (\$494) without food allowance. Most of the time my salary was two weeks late and even then it was not complete. I never received pay slips that explained why I wasn’t receiving my full salary,” said Janet.¹¹⁵

Thus, companies can persistently pay workers less than promised and escape accountability, because the system does not “incorporate the details of the remuneration package agreed in an employment contract.”¹¹⁶

A Kenyan security guard, ‘Moha’, 38, faced a similar situation to Janet. His contract promised him QR1,700 (\$466) per month, which he received for a year and half on the job

¹¹⁵ Human Rights Watch phone interview with ‘Janet,’ (psuedonym), Filipina migrant worker in Qatar, on 9 September 2019.

¹¹⁶ International Labour Organization, “Assessment of the Wage Protection System in Qatar, Report developed by the ILO for the State of Qatar,” June 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_726174.pdf (accessed May 15, 2020).

between January 2018 and June 2019. In June 2019, he said his salary was inexplicably reduced to QR1,350 (\$370) per month. “The company did not explain why they reduced our salary. It is a violation of the contract, but we fear that if we [Moha and his colleagues] complain to the Labor department we will lose our jobs. So, we just keep working with our heads down,” said Moha. The security company Moha works for has over 900 employees, and Moha states that the security guards, who number in the hundreds, faced the brunt of reduced salaries.¹¹⁷

Arbitrary Deductions

Human Rights Watch spoke to 12 workers who reported that their employers arbitrarily deducted varying amounts of money from their salaries.

Under Qatari law, employers can make salary deductions for several reasons, including if a worker damages machinery or property or if the worker previously took a loan.¹¹⁸ However, workers Human Rights Watch spoke to did not complain about legally specified deductions. Rather, workers’ complaints about arbitrary deductions largely included two problems. First, since most employers in Qatar do not hand out pay slips, workers have no way to calculate, note down, or prove how much of their salary was deducted. Second, employers rarely provide explanations for deductions.

‘Akmal’, 31, an accounts officer from Pakistan, told Human Rights Watch that his employer deducted QR200 (\$55) from his monthly salary of QR2,500 (\$687) for 18 months since he joined the company in February 2017. He was verbally told the deductions were to make up for his visa fees and his end-of-service payments, but his employer did not add this information to his pay slip so Akmal had no proof of this wage abuse. “People like me, we have to surrender,” he told Human Rights Watch.¹¹⁹

¹¹⁷ Human Rights Watch phone interview with ‘Moha’ (pseudonym), Kenyan migrant worker in Qatar, on 20 October 2019.

¹¹⁸ The reasons employers can make salary deductions include loan repayment and loss or damage of machinery or products. However, there are limits to these deductions: If employers are deducting wages due to a loan repayment, they cannot exceed more than 50 per cent of workers’ aggregate wages. If the deduction is larger than 50 per cent of the wage, it must be made over a series of months. If the deduction is for loss or damage of machinery or products, it cannot exceed more than 7 days of the worker’s wages; Law No 4 of the year 2004, Qatar Labor Law, Wages, The Disciplinary Power of the Employer, available at <https://qatarlaborlaw.com/qatar-labor-law/#regulation-of-the-employment-of-workers> (accessed May 15, 2020).

¹¹⁹ Human Rights Watch Interview with ‘Akmal’ (pseudonym), a Pakistani migrant worker, in a café in Doha, Qatar on March 31, 2019



Abdul Latif, a Pakistani migrant worker, is the only person willing to be identified and photographed for this report. Most migrant workers wished to remain anonymous for their own protection; even those already in their home countries after experiencing wage abuse in Qatar believe they may one day return to the Gulf and hence asked for anonymity. Abdul Latif has retired and returned to his home country. © 2019 Maham Javid/Human Rights Watch

In other cases, employees suffer from deductions for not cleaning their rooms or staying out past company-imposed curfews. “My company loves deducting my salary. They deduct if my bed is not made, if I am 10 minutes late to my accommodations, if I talk back to a supervisor,” said ‘Jenny’, 27, a Filipina migrant worker working as a cleaner for a labor

supply company since March 2018.¹²⁰ Her monthly salary is QR1,200 (\$330) and each month she loses about QR150-200 (\$41-54) through arbitrary deductions.

Almost all workers whose employers obligated them to work overtime (55 people) told Human Rights Watch that they faced the threat of deductions if they refused overtime work. Instead of being paid overtime for the extra hours, which is required under Qatar's labor law, they were threatened with penalties if they refused it.¹²¹

Other reasons for employers deducting workers' pay involved unsystematic cuts for being sick, despite the labor law allowing workers paid sick days.¹²² Most employers demand a note from the hospital in order to grant workers sick days, but workers say that commuting to the hospital for a note is too expensive.

An overarching concern around deductions was that they were unexplained. "Sometimes they deduct money from our salaries without telling us why. When you ask HR [human resources] why they did that, they won't answer you," said 'Tim', a 30-year-old valet from Kenya who worked in Qatar from April 2018 to April 2019 for a monthly salary of QR1,500 (\$411).¹²³

Warehousing

Human Rights Watch spoke to nine workers who said they had been "warehoused" during their time in Qatar. A practice by employers is to not pay workers because they have no work for them, a practice commonly referred to as "warehousing". This is a problematic term as it objectifies the workers and is a practice that breaches workers labor rights. Oftentimes, labor supply companies are the formal employers of migrant workers, especially in the hospitality industry in Qatar. Once full-time work contracts are signed, the companies send workers on a short-term basis to construction contractors, hotels, restaurants, malls, schools, offices, etc. Contractually, labor-supply firms are bound to pay

¹²⁰ Human Rights Watch Interview with 'Jenny' (pseudonym), a Filipina migrant worker, at a Metro station in Doha, Qatar on 15 December 2019

¹²¹ Under Article 74 of Law no 14 of 2004, Qatar Labor Law, workers may be required to work additional hours provided that the actual working hours per day shall not exceed ten hours unless the work is necessary for the prevention of gross loss or dangerous accident or for the repair or alleviation of the consequences of the said loss or accident.

¹²² Article 82 of Part 6 of the of Law No. 14 of 2004, Qatar Labor Law, available at <https://qatarlaborlaw.com/qatar-labor-law/#regulation-of-the-working-hours-and-leave> (accessed May 15, 2020).

¹²³ Human Rights Watch phone interview with 'Tim' (pseudonym), a Kenyan migrant worker, in August 2019.

their workers regardless of whether they have clients, but across various sectors this law is disregarded. Human Rights Watch found that when firms in Qatar do not have enough clients, they “bench” or “warehouse” their workers without pay.¹²⁴

‘Kahil’, a 36-year-old from Ghana, is one such worker who was not paid by his employer. Kahil came to Qatar in 2018 to work for a labor supply company that provides security guards and bouncers to hotels, malls, and schools. He read, understood, and signed his contract, which promised him QR1,500 (\$412) per month. But this did him little good. Kahil said his labor-supply company did not have regular clients for him so for the first three months he could not work or earn a salary. Eventually he was assigned as a security guard in a mall, but because work was irregular, he would work a month and then be sent to his accommodations without pay for a month.. He said, “I have gone as long as three months without getting paid, others in my company have gone eight months without pay.”¹²⁵

For the months he was not assigned any work, he had no money to send back home to his family and to the people he took a loan from to pay recruitment fees for his job in Qatar. He did not even have money to eat in Doha. “Why did they bring me here without a job? How will I survive? Going back home empty handed is not an option,” said Kahil. He told Human Rights Watch that his company employs at least 30 security guards who were all benched with him. They all have bank accounts and ATM cards, but their salaries rarely arrive.¹²⁶

‘Royal’, 43, a security guard from Kenya, has been in Qatar since January 2019 and has a similar story: “I work as a security guard in different malls and hotels in Qatar. My company does not have assignments for me for months, and without an assignment, there is no salary to send home,” said Royal. Through 2019, Royal said he only worked for a total of five months. His company pays him every month, on time, through his bank account, but in the months he is without an assignment, instead of paying him the QR1,300 (\$357) stated in his contract, they pay him QR420 (\$115), a measly food allowance. “I hear it’s the same

¹²⁴ Ray Jureidini, “Wage Protection Systems and Programmes in the GCC, Gulf Labor Markets and Migration,” October 2017, https://www.researchgate.net/publication/321105628_Wage_Protection_Systems_and_Programmes_in_the_GCC_Gulf_Labor_Markets_and_Migration_Research_Report_Wage_protection_systems_and_programmes_in_the_Gcc_Wage_Protection_Systems_and_Programmes_in_the_GCC (accessed May 15, 2020).

¹²⁵ Human Rights Watch phone interview with ‘Kahil’ (pseudonym), Ghanaian migrant worker in Qatar, on 5 April 2019.

¹²⁶ Human Rights Watch phone interview with ‘Kahil’ (pseudonym), Ghanaian migrant worker in Qatar, on 5 April 2019.

for security guards in all companies in Doha. When there are no clients you just stay in your accommodation and pray that the company finds a client,” said Royal.¹²⁷

Human Rights Watch found one company that pays workers QR17 (\$4) a day when they do not have any assignments for them— this is barely enough money for three meals a day, moreover it makes it impossible for such workers to be able to send money home to their families or to pay back debts.¹²⁸

Lack of Overtime Payments

“I worked day and night without any overtime pay.”

— ‘Joshua’, 41, is from the Philippines and worked at a construction company in Qatar from August 2018 to December 2019, without any overtime payments.

Human Rights Watch interviewed 55 workers who said they did not receive overtime payment. Qatari labor law states that ordinary working hours should be 48 hours per week at the rate of eight hours a day, except for in Ramadan when maximum working hours cannot exceed 36 hours a week.¹²⁹ Regarding overtime, the law states that workers can be required to work for 10 hours a day and for these additional two hours, the rate would be basic wage plus at least 25 per cent of basic wage.¹³⁰ Except shift workers, those working between 9 p.m. and 6 a.m. should be paid basic wage plus at least 50 per cent of basic wage. Further, the law states that a workday should not exceed 10 hours unless the work is necessary for the prevention of gross loss or dangerous accident or for the repair or alleviation of the consequences of the said loss or accident. The law also grants a 24-hour period of rest every week to the workers, and in the case that the worker is made to work on their rest day they should be paid basic wage plus at least 150 per cent of their basic wage.¹³¹

In practice, however, Human Rights Watch found that employers routinely violate Qatari labor law stipulations regarding overtime pay. Human Rights Watch found that for the

¹²⁷ Human Rights Watch phone interview with ‘Royal’ (pseudonym), Kenyan migrant worker in Qatar, on 9 December 2019.

¹²⁸ Human Rights Watch phone interview with Edwin, Kenyan migrant worker in Qatar, on 13 July, 2019.

¹²⁹ Regulation of Working Hours and Leave, Part 7 of Law No 14 of 2004, Qatar Labor Law, available at <https://qatarlaborlaw.com/qatar-labor-law/#regulation-of-the-working-hours-and-leave> (accessed May 15, 2020)

¹³⁰ Ibid.

¹³¹ Ibid.

majority of migrant workers interviewed complaining about overtime payments. Their complaints rarely centered around not being paid at the contractually stated rate of overtime payments but rather on not being paid for their overtime hours at all.

‘Akash’, 36, a Nepali migrant worker, is working for a labor supply company that provides cleaners to Metro stations across Doha. He told Human Rights Watch that he signed a contract to work for 8 hours a day for QR900 (\$247) a month. He said that his contract stated that for the months that the worker consistently puts in 10-hour days, he will be compensated with QR1,120 (\$307) per month.¹³² Akash said:

“For QR900 (\$247), we are made to work 12 hours a day – my shift is from 7pm to 7am. Everyone from my company who works at the Metro has 12-hour shifts. If you include commute time, we spend 14 hours a day at work, and have about 5 hours to sleep every night. We do not get paid for these extra 4 hours a day. It’s as if we never put in that extra work.”¹³³

Cleaners and security guards reported to Human Rights Watch that most companies do not use timesheets, without which it is difficult to legally prove that you were denied overtime pay. Construction companies were more likely to have workers sign in and out of timesheets. Companies that do use timesheets, however, often prevent workers from accessing them. Of the 82 migrant workers Human Rights Watch interviewed, only five construction workers said they had access to their timesheets. These five workers, with the help of their timesheets, have launched cases against employers for lack of overtime payments and delayed payments.

Workers also reported that companies that use timesheets and timecards sometimes put incomplete or incorrect information in the employees’ bank records. “Employers can write the wrong number of hours of overtime to the bank. We can’t tell the bank it [number of overtime hours] is missing or wrong, who will believe us migrant workers?” said ‘Adan’, a 45-year-old technician from the Philippines who said he works 12 hours a day for 6-day

¹³² Human Rights Watch has a copy of the advert that was posted in a Nepali newspaper by ‘Akash’'s labor supply company. It cites the exact terms in his contract.

¹³³ Human Rights Watch phone interview with ‘Akash’ (pseudonym), Nepali migrant worker in Qatar, on 18 December 2019.

weeks, and sometimes has to work on Fridays as well.¹³⁴ Although his salary with overtime should be QR2,200 (\$604), he said he does not get paid more than his basic wage of QR1,700 (\$466) per month despite the extra hours of work he performs.

‘Daniel’, 39, a Kenyan security guard, has been in Qatar since August 2018. He signed a contract to work for eight hours a day for QR1,200 (\$329), with additional payments at overtime rates for any work over 8 hours a day. But Daniel told Human Rights Watch that from January 2019 till October 2019, he worked 12-hour shifts, 6 days a week and was not once paid for his overtime work.¹³⁵ In fact, his February 2019 salary was never paid at all. “Working overtime every day and never getting paid for it is affecting me in a big way. I have to take loans from friends. I can’t pay school fees for my children. It’s the same for all of us at this company, there are about 3,000 of us affected. It’s quite a challenge. But what options do we have?” said Daniel.¹³⁶

Contract Substitution

“They gave us new contracts with less pay and said we can either sign or go back to Kenya. We are in an open-air jail in Qatar.”

– ‘Declan’, a laborer from Kenya who faced contract substitution

Human Rights Watch spoke to 13 workers who said they faced contract substitution in their migration journey to Qatar. Many migrant workers are disappointed and desperate when, upon reaching Qatar, they are obliged to accept contracts that do not match the terms in the contracts they signed in their home countries. The fraudulent practice of contract substitution, which some recruitment agencies, employers and labor supply agencies engage in, can make workers vulnerable to forced labor, especially if workers have taken debts to pay recruitment fees.

¹³⁴ Human Rights Watch interview with ‘Adan’ (pseudonym), Filipino migrant worker, at a McDonalds in Qatar, on 13 December 2019.

¹³⁵ Human Rights Watch has a copy of ‘Daniel’s’ (pseudonym) bank statement from January 2019 to October 2019. No payment is higher than QR1287 (\$353), most payments are around QR1,100 (\$302). The February 2019 payment is missing.

¹³⁶ Human Rights Watch interview with ‘Daniel’ (pseudonym), in a mall in Qatar, on December 8, 2019.



ISO 9001:2008
No: AQQ-10152

ISO 14001:2004
No: AQQ-20043

OHSAS 18001:2007
No: AQQ-30054

EMPLOYMENT OFFER

Employee No:
Date: December 17, 2018

To

Qatar ID No

Further to your application, we are pleased to offer you an Employment with our organization with following terms and conditions.

Role : Assistant Hydraulic Mechanic

Employer : Extreme Piling Tech

Start Work :

Compensation:

- | | |
|---|-----------------------|
| 1. Basic Salary | : QAR. 2000.00 |
| a. Accommodation | : Provided by Company |
| b. Transportation | : Provided by Company |
| c. Mobile Allowance | : QAR. 500.00 |
| d. Food Allowance | : QAR. 500.00 |
| e. Other Allowance | : QAR. 500.00 |
| Total Salary with full Allowance | : QAR. 3500.00 |

Benefits

1. Health Card : Covered by Health Insurance – Hamad Hospital
2. Vacation : Employee is entitled for paid Leave of 21 days for every one year of service. Vacation period shall be entitled after the completion of one-year of service. Employee is entitled to a round trip ticket to home country every two years.
3. End Service : As per Law

Working Hours : 8 Working Hours daily, 6 days a week, if Employee has to work exceeding normal working hour will calculate without overtime as "Other Allowance" covers overtime works in case it is required.

Probation Period : 6 Months

Duration of Contract : Open Duration

Governing Law : The Labour Law and other laws in Qatar govern the offer and the Contract that will follow it. Any disputes between the two parties have to be settled in Qatar Court only.

Photograph of an employment contract between a construction company and a migrant worker in Qatar. Employment contracts should state the breakdown of wages including basic salary, food allowance, transportation, and end-of-service benefits, among others. © 2019 Maham Javaid/Human Rights Watch

To address the prevalent issue of contract substitution, Qatar introduced Qatar Visa Centers (QVCs). The first center opened in Sri Lanka in October 2018, since then QVCs have been established across a handful of cities in India, Pakistan, Sri Lanka, Bangladesh, Nepal and Philippines.¹³⁷ Once the visa is approved by Qatari authorities, the centers are supposed to be a one-stop shop for medical tests, biometric testing, and signing e-contracts with their employers. This way the contract they sign in their home countries is the one the employer is forced to abide by.¹³⁸

The Qatari government also has taken other measures to prevent contract substitution, including encouraging labor-sending countries to use certified recruitment agencies, using model contracts as examples to follow, and ensuring that the labor ministry certifies all employment contracts.¹³⁹ So far, these measures have been unable to stamp out this abusive practice, but when these measures are implemented in a widespread manner there may be progress.

‘Joseph’, 27, arrived in Qatar in August 2019 after signing a contract to work 12 hours a day for QR900 (\$247) a month. He told Human Rights Watch that he knew 12 hours of work was illegal, but this was the best offer he could find in Kenya. Plus, the contract promised food, accommodation, and transport, so he believed he could save enough money to send back home. “When I got to Qatar, things went from bad to worse. We were made to sign a new contract, a second contract. This one stated that we would work 12 hours a day for QR 750 (\$206) [a month],” said Joseph. “We [Joseph and his employer] argued a bit but eventually I signed the new contract. If you are not Qatari, you have no power. You work when you’re told to work, and you sign what you are told to sign.”¹⁴⁰

¹³⁷ Qatar Visa Center Homepage, accessed May 15, 2020, <https://www.qatarvisacenter.com/>

¹³⁸ It is possible to have work contracts electronically linked to the WPS, but since it is not mandatory, it is not a common practice; Ray Jureidini, “Ways Forward in Recruitment of Low-Skilled Migrant Workers in the Asia-Arab corridor,” International Labour Organization White Paper, 2016, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_519913.pdf (accessed May 15, 2020).

¹³⁹ International Labour Organization, *Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution*, October 13, 2017, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf (accessed May 15, 2020).

¹⁴⁰ Human Rights Watch phone interview with ‘Joseph’ (pseudonym), Kenyan migrant worker in Qatar, on 19 December 2019.

The company also did not offer food or a food allowance, he said. Back in Kenya, Joseph's wife and one-year-old son keep waiting for him to send money, but after buying his own groceries and sending back the installments for the loan he took to pay the recruitment fees for his job, he had little left to send his family.¹⁴¹

'Martin', who lives and works alongside Joseph, was also cheated off his initial contract. With his "new" contract, he can only send home QR200 (\$54) each month, because he earns \$150 less than promised in the original contract he signed. He is also not provided the promised food allowance. "I feel so ashamed sending home such little money, but they cheated us, they pay us less than they said they would, what can I do?" said Martin. "After working 12 hours a day, for such little pay, and knowing that we were cheated, we feel bad all the time. I know my body is still alive, but my soul is dead."¹⁴²

Martin and Joseph say they wish they could go home. The new contract is no better than a "jail sentence."¹⁴³ But Martin believes he is under too much debt to go home, a debt he took to come to Qatar. "This is slavery. We are stuck in these jobs because of laws and signatures that keep us here. What is freedom? Freedom is talking to people, mingling with people, going to places when you feel like it, choosing your job, getting paid fairly, I cannot do any of this. I'm not allowed to talk to anyone, not the locals, not the tourists. It's such a hard life out here. We are trapped here," said Martin.¹⁴⁴

The practice of contract substitution is an old one and it continues to adversely affect workers' salaries. The problem can be addressed if all contracts are attested and linked electronically to banks at the Qatar Visa Centers. "If workers' contracts, their Qatar Identity Document number's and their bank account numbers can all be linked together at Qatar Visa Centers, the authorities could really clamp down on wage cheating," said Vani Saraswathi, founder of Migrant Rights. "To do this, banks would have to be more inclusive and treat all workers as direct clients, and that is possible."¹⁴⁵ Currently, low-paid migrant workers cannot open their own accounts, only their employers have the authority to open accounts for them.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Human Rights Watch phone interview with 'Martin' (pseudonym), Kenyan migrant worker in Qatar, on 19 December 2019.

¹⁴⁴ Ibid.

¹⁴⁵ Human Rights Watch phone interview with Vani Saraswathi, founder of Migrant Rights, on April 27, 2020.

Employers Withholding of End-of-Service Payments

Human Rights Watch spoke to 20 workers who had either been denied their departure payments or believed they would ultimately be denied these payments based on the experiences of their colleagues.

Under the labor law, when a worker's contract ends the employer has two weeks to pay the worker their end-of-service benefits, outstanding payments, and a ticket to return to their home country.¹⁴⁶ If the worker is terminated before the contract ends, the employer should pay their wages and other outstanding sums within seven days from the last day of employment.¹⁴⁷ Qatar's labor law also outlines that end-of-service benefits can be agreed upon between the employer and the worker provided it is not less than three weeks of wages for every year of employment. The worker's most recent basic wage is the base for the calculation of end-of-service benefits.¹⁴⁸

'Jon', 28, a Filipino migrant worker, came to Qatar in 2018 on a general cleaner visa and has completed his two-year contract with his labor supply company on a monthly salary of QR1,800 (\$494).¹⁴⁹ When Jon spoke to Human Rights Watch, he said his employer was refusing to hand over Jon's end-of-service payment amounting to approximately QR1,500 (\$412). "My company delays the departure payments till you are fed up of waiting and you accept the ticket back home without end-of-service payments," said Jon.¹⁵⁰ He has seen it happen to six other colleagues whose contracts ended recently. He told Human Rights Watch:

I think I am in depression. I want to go home to my two daughters, but how can I go home without money for my family? My daughters hardly know who I am. It's not their fault, I have been in Qatar for most of their lives. I am not

¹⁴⁶ Under Qatari law, end of service benefit is called gratuity. The minimum gratuity a migrant worker should receive is three weeks of basic wage multiplied with the number of years of service. The Individual Labor Relationships, Part 4, Article 54, Law No 14 of 2004, Qatar Labor Law. <https://qatarlaborlaw.com/qatar-labor-law/#wages>

¹⁴⁷ The Individual Labor Relationships, Part 4, Article 54, Law No 14 of 2004, Qatar Labor Law. <https://qatarlaborlaw.com/qatar-labor-law/#wages>

¹⁴⁸ Ibid.

¹⁴⁹ Human Rights Watch interview with 'Jon' (pseudonym), Filipino migrant worker, in a mall in Qatar, on 16 December 2019.

¹⁵⁰ Ibid.

asking for a favor, I just want what was in the contract – I want my ticket and my end-of-service benefits.¹⁵¹

In other cases, Human Rights Watch found that employers do not pay workers an accurate amount of end-of-service benefits. They do this by misstating the worker's basic wage in their bank documents.

'Jasmine' worked with a labor supply company providing cleaning services between 2015 and 2019. When Jasmine's contract ended and she was returning to the Philippines, she received a payment that was much smaller than what she expected. When she enquired with human resources, she learned that her end-of-service benefits had been calculated using a basic wage that was QR1,100 (\$300) per month instead of her actual basic wage of QR1,400 (\$382) per month.¹⁵² "They delayed our payments; they mistreated us a lot, they didn't let us take vacations to visit home, and now we have lost a lot of our end-of-service payment," said Jasmine. "The system cheated us."¹⁵³

Impact of Covid-19 on Migrant Workers' Wages

While none of the wage-related problems migrant workers are facing under Covid-19 are novel, including delayed wages, unpaid wages, forceful terminations, repatriation without receiving end-of-service benefits, delayed access to justice regarding wages, arbitrary deductions from salaries, the Covid-19 pandemic has exposed and amplified the ways in which migrant workers' rights to wages have long been violated. Some employers have used the pandemic as pretext to withhold wages or refuse to pay outstanding wages to workers who are detained and forcibly repatriated. Those seeking legal recourse have seen their cases delayed as courts close or limit functions during the lockdown; others face the choice of staying in Qatar without work indefinitely awaiting justice or giving up on legal recourse and returning home without owed wages. The Qatari government has failed to ensure that protections against wage abuses are properly implemented.

¹⁵¹ Ibid.

¹⁵² This is made possible because workers' contacts are not electronically linked with the WPS, hence allowing employers to enter a basic wage that may not comply with the worker's contract.

¹⁵³ Human Rights Watch phone interview with 'Jasmine' (pseudonym), Filipina migrant worker in Qatar, on 18 June 2019.

Qatar's first confirmed case of Covid-19 was detected on February 29, 2020.¹⁵⁴ By the second week of March, Doha's Industrial Area, home to about 50,000 migrant workers, was put under a strict lockdown, with the perimeter of the 'Industrial Area' guarded by the police in an attempt to stop the spread of the virus.¹⁵⁵ The government said those who had tested positive for the virus causing Covid-19 were being kept in quarantine. But panic spread among the industrial area as thousands of migrant workers "found themselves locked down in cramped, unsanitary dorms, deprived of income and unable to return home because of travel restrictions."¹⁵⁶

After a surge of reported cases on May 5, the Ministry of Public Health singled out migrant workers, saying that "most of the new cases were migrant workers infected because of coming into contact with individuals who were previously diagnosed," stigmatizing migrant workers and putting them at increased risk of targeting and discrimination.¹⁵⁷

On March 16, Qatar announced a QR75 billion package of incentives for the economic and financial sector, while specifically marking QR3 billion of that for worker's wages.¹⁵⁸ Qatar had moved fast to introduce policies to curb wage abuses under the pandemic and the associated lockdown, but interviews showed that these policies were not implemented effectively.

One of the policies announced by the government was that workers under quarantine would continue to receive full salaries in addition to food and water, masks, and sanitizers. Qatar also launched a new hotline service to receive workers' complaints during the pandemic. However, on May 7, the *Guardian* reported that a worker who was trapped

¹⁵⁴ "Qatar reports first coronavirus case in citizen who was in Iran", *Al Jazeera English*, February 29, 2020, www.aljazeera.com/news/2020/02/qatar-reports-coronavirus-case-citizen-iran-200229144225648.html (accessed May 15, 2020).

¹⁵⁵ "Qatar: Drive-through testing to 'allow understanding of virus'", *Al Jazeera English*, May 13, 2020, <https://www.aljazeera.com/news/2020/05/qatar-drive-testing-understanding-virus-200512092746551.html> (accessed May 15, 2020).

¹⁵⁶ Ben Hubbard, "Coronavirus Fears Terrify and Impoverish Migrants in the Persian Gulf," *The New York Times*, April 13, 2020, <https://www.nytimes.com/2020/04/13/world/middleeast/persian-gulf-migrants-coronavirus.html> (accessed May 15, 2020).

¹⁵⁷ "Qatar: MoPH reports 951 new coronavirus cases, 1,924 total recoveries", *Gulf Times*, May 5, 2020, <https://menafn.com/1100119285/Qatar-MoPH-reports-951-new-coronavirus-cases-1924-total-recoveries> (accessed May 15, 2020).

¹⁵⁸ "Qatar to stop all incoming flights, shuts public transport, QR75bn incentives for private sector," *The Peninsula Qatar*, March 15, 2020, <https://thepeninsulaqatar.com/article/15/03/2020/Qatar-to-stop-all-incoming-flights-shuts-public-transport-QR75bn-incentives-for-private-sector> (accessed May 15, 2020).

in the Industrial Area for almost two months (March-May 2020) complained about running out of food. His company had told him that he would not be paid for April 2020 but that he would be given money for food, but the promise did not materialize.¹⁵⁹ The government, however, said that “1,000 trucks loaded with [food] goods enter the Industrial Area” daily.¹⁶⁰ However, at least two workers in the Industrial Area that Human Rights Watch spoke to said they did not receive any food from the government or their employers and had to fend for themselves during the lockdown.

According to the *Guardian*, those outside the Industrial Area also face destitution and starvation or increased risk of exposure to the virus.¹⁶¹ “A group of “live out” domestic workers from Nepal, who work in private homes during the day but return to their own rooms at night, told the *Guardian* they have been left destitute after they refused to move in with the families they serve, fearing both the virus and the risk of abuse, which is common among domestic workers in the Gulf. In response, the women said the company which directly employs them forced them to sign a paper stating the company is no longer liable for their salaries. Since early March [till May 7], they have each received just 100 rials (£22).”¹⁶²

Another policy highlighted that for businesses that have not stopped working due to Covid-19, workers should continue to receive their basic salaries including any other wage allowances included in their contract. Among the cases documented by Human Rights Watch, for those who continued to work regular hours, the wage abuses they faced were not particularly novel to the Covid-19 pandemic. Workers who were experiencing wage abuses before the virus spread continue to have their wages delayed and overtime hours ignored. Most construction businesses in Qatar remain open during the pandemic. An engineer, ‘Alvin’, 38, a Filipino migrant worker employed by a construction company which

¹⁵⁹ Pete Pattison and Roshan Sedhai, “Qatar’s migrant workers beg for food as Covid-19 infections rise” *The Guardian*, May 7, 2020, <https://www.theguardian.com/global-development/2020/may/07/qatars-migrant-workers-beg-for-food-as-covid-19-infections-rise> (accessed May 15, 2020).

¹⁶⁰ Ciarán Fahey and Rob Harris, “Qatar says it’s working to protect laborers from coronavirus,” AP News, April 7, 2020, <https://apnews.com/39079d7a3e608058c02f9510f95856f8> (accessed May 15, 2020).

¹⁶¹ “Qatar’s migrant workers beg for food as Covid-19 infections rise” *The Guardian*, May 7, 2020, <https://www.theguardian.com/global-development/2020/may/07/qatars-migrant-workers-beg-for-food-as-covid-19-infections-rise>

¹⁶² Pete Pattison and Roshan Sedhai, “Qatar’s migrant workers beg for food as Covid-19 infections rise” *The Guardian*, May 7, 2020, <https://www.theguardian.com/global-development/2020/may/07/qatars-migrant-workers-beg-for-food-as-covid-19-infections-rise> (accessed May 15, 2020).

has been contracted for work on the external part of a stadium for the FIFA World Cup 2022, told Human Rights Watch that his monthly salary of QR4,500 (\$1,235) along with that of his colleagues has been delayed for up to 4 months since 2019 and continues to be delayed for up to two months through the pandemic.¹⁶³ ‘Micah’, 27, a Kenyan security guard who works 12 hours a day during the pandemic for a monthly salary of QR1,400 (\$385) said he didn’t receive a single salary from February 2020 to May 2020, but he added that such delays have been common in his labor supply company since early 2019.¹⁶⁴

For businesses that have had their work suspended due to precautionary measures put in place because of the virus, employers and workers can agree that workers take unpaid leave, apply their annual leave, reduce working hours, or agree to temporarily reduce the salaries.¹⁶⁵ This policy failed to acknowledge the power imbalance between workers and employers. One cleaner from Nigeria who earns QR900 (\$247) per month told Human Rights Watch that her employer did not hold any conversation with her or her colleagues about a temporary halt to their salary. The news that she would no longer be paid a salary was delivered to her via a WhatsApp voice note. “On April 21 we got a voice note from our boss saying that he can’t pay us more than a QR200 [per month] food allowance because he has no money,” said ‘Trizah’, 23, who has been working in Qatar since January 2019.¹⁶⁶ “He says he doesn’t want to borrow money from government to pay us. He says why should only he suffer under the weight of loans, we are all in this together.”

Similarly, ‘Isaac’, 33, a migrant worker from Kenya, who has been working as a plumber in Qatar for a monthly salary of QR750 (\$206) since June 2019 reported that on April 15, 2020, his employer informed him that his work hours and hence his monthly salary are being reduced. “This decision was not an agreement, it was an order from above which we have to silently suffer,” said Isaac.¹⁶⁷ Human Rights Watch spoke to seven other workers from different companies who said their wages had been reduced in the wake of the pandemic without any discussions.

¹⁶³ Human Rights Watch phone interview with ‘Alvin’ (pseudonym), Filipino migrant worker, on June 1, 2020.

¹⁶⁴ Human Rights Watch phone interview with ‘Micah’ (pseudonym), Kenyan migrant worker, on June 10, 2020.

¹⁶⁵ “Qatar to stop all incoming flights, shuts public transport, QR75bn incentives for private sector,” *The Peninsula Qatar*, March 15, 2020, <https://thepeninsulaqatar.com/article/15/03/2020/Qatar-to-stop-all-incoming-flights-shuts-public-transport-QR75bn-incentives-for-private-sector> (accessed May 15, 2020).

¹⁶⁶ Human Rights Watch phone interview with ‘Trizah’ (pseudonym), a Kenyan migrant worker, on April 21, 2020.

¹⁶⁷ Human Rights Watch phone interview with ‘Isaac’ (pseudonym), a Kenyan migrant worker, on April 15, 2020.

The government also announced that employers may terminate employment contracts as long as they comply with the provisions of the labor law, which includes adhering to the notice period, and paying all outstanding salaries and benefits and the return ticket.¹⁶⁸ However, there are reports about how workers were repatriated from Qatar without being paid what they were legally owed. On April 15, Amnesty International reported that “Qatari authorities rounded up and expelled dozens of migrant workers after telling them they were being taken to be tested for COVID-19.”¹⁶⁹ The report detailed that the workers were rounded up from different parts of Doha and taken to a detention facility. Amnesty International spoke to 20 men who were expelled without any Covid-19 testing who said that they were apprehended along with hundreds of others.

“Of the 20 people interviewed, only two said they have been contacted by the companies they worked for, offering to pay their salaries. One man said he was given cash by his company whilst in detention, but a police officer took it for ‘safekeeping’ and failed to return it. The other man said his company asked him to open a bank account to send him his wages. All of the workers left Qatar without receiving their owed salary and end-of-service benefits, a particular concern as many will have spent huge sums on securing jobs in Qatar and may well be paying back high-interest loans.”¹⁷⁰

Qatar’s Government Communications Office responded to Amnesty International’s report regarding repatriated workers, citing that “the repatriated individuals were engaged in illegal and illicit activity.”¹⁷¹

¹⁶⁸ “Qatar to stop all incoming flights, shuts public transport, QR75bn incentives for private sector,” *The Peninsula Qatar*, March 15, 2020, <https://thepeninsulaqatar.com/article/15/03/2020/Qatar-to-stop-all-incoming-flights-shuts-public-transport-QR75bn-incentives-for-private-sector> (accessed May 15, 2020).

¹⁶⁹ Amnesty International, “Qatar: Migrant workers illegally expelled during COVID-19 pandemic,” April, 15, 2020, <https://www.amnesty.org/en/latest/news/2020/04/qatar-migrant-workers-illegally-expelled-during-covid19-pandemic/> (accessed May 2020).

¹⁷⁰ Ibid.

¹⁷¹ Qatar Government Communications Office, News Release, “Statement by the Government Communications Office in response to Amnesty International’s report regarding repatriated workers,” April 15, 2020, <https://www.gco.gov.qa/en/2020/04/15/statement-by-the-government-communications-office-in-response-to-amnesty-internationals-report-regarding-repatriated-workers/>.

Additionally, Human Rights Watch spoke to ‘Rama’, 37, a Nepali food server at a university in Qatar. She has been working in Qatar since June 2019. “My labor supply company has not paid me or the other workers our monthly salary of QR900 (\$247) since October 2019, then the virus came and now they are saying they will send us home, without any outstanding pays or end-of-service benefits,” said Rama.¹⁷² She says there are at least 30 other female food servers with her who have not been paid since November 2019.¹⁷³ “Once we are sent home it’s over. We will never see the money we are owed.”

Lastly, the pandemic also affected workers who are waiting for court hearings and decisions about wage-related cases. Workers who have cases pending in the labor relations department and Labour Dispute Resolution Committees have faced delays as some courts have closed during the pandemic, and others are only offering limited and urgent services. ‘Varun’, 27, who has been a site engineer in Qatar since 2016, first reported his employer for wage abuses to the labor relations department in August 2019.¹⁷⁴ In June 2020, he told Human Rights Watch his only reason of still being in Qatar was to receive seven outstanding salaries from February 2019 till August 2019, end-of-service benefits and his return ticket to India. “If my employer would pay me what he owes me, I would go home to my parents who need me during this pandemic, but now because of Covid-19 the wait has become longer,” said Varun.¹⁷⁵ Human Rights Watch spoke to two other workers who also found out their Labor Dispute Resolution Committees’ hearings regarding wages abuses were delayed due to Covid-19.

¹⁷² Human Rights Watch phone interview with ‘Rama’ (pseudonym), a Nepali migrant worker, on May 4, 2020.

¹⁷³ Ibid.

¹⁷⁴ Human Rights Watch interview with ‘Varun’ (pseudonym), an Indian migrant worker, in a café in Qatar, in December 2019 and phone interview in June 2020.

¹⁷⁵ Human Rights Watch phone interview with ‘Varun’ (pseudonym), an Indian migrant worker, in June 2020.

III. Qatar's International Legal Obligations

Qatar became a member of the ILO in 1972 and has ratified five of the eight ILO conventions setting forth core labor standards. Conventions ratified cover the elimination of forced and compulsory labor, elimination of discrimination in employment and occupation, and abolition of child labor.¹⁷⁶

The ILO Protection of Wages Convention, 1949 (No. 95)⁷ and the ILO Protection of Wages Recommendation, 1949 (No. 85)⁸ aim to guarantee and protect the rights of workers in respect of wages. To date, 98 countries have ratified ILO Convention No. 95, which addresses: (i) the form and method of wage payment; (ii) the freedom of workers to dispose of their wages; (iii) the duty to provide information; (iv) wage guarantees; and (v) enforcement.¹⁷⁷

According to the ILO Convention on Forced Labour (No. 29), forced or compulsory labor “shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹⁷⁸ According to the ILO, “menace of penalty” can include: “...financial penalties, denunciation to authorities—including police and immigration—and deportation, dismissal from current employment, exclusion from future employment, and the removal of rights and privileges.”¹⁷⁹ Examples provided by the ILO of the involuntary nature of work include: physical confinement in the work location, psychological compulsion (order to work

¹⁷⁶ ILO Convention No. 29 concerning Forced or Compulsory Labor (Forced Labor Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Qatar on March 12, 1998. ILO Convention No. 105 concerning Abolition of Forced Labor (Abolition of Forced Labor Convention), adopted June 25, 1957, 320 U.N.T.S. 291, entered into force January 17, 1959, ratified by Qatar on February 2, 2007. ILO Convention No. 111 concerning Discrimination in Respect to Employment and Occupation, adopted June 25, 1958, 362 U.N.T.S. 31, entered into force June 15, 1960, ratified by Qatar on August 18, 1976. ILO Convention No. 138 concerning the Minimum Age for Admission to Employment (Minimum Age Convention), adopted June 26, 1973, 1015 U.N.T.S. 297, entered into force June 19, 1976, ratified by Qatar on January 3, 2006; ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Worst Forms of Child Labor Convention), adopted June 17, 1999, 38 I.L.M. 1207, entered into force November 19, 2000, ratified by Qatar on May 30, 2000.

¹⁷⁷ General Survey of the reports concerning the Protection of Wages Convention (No. 95) and the Protection of Wages Recommendation (No. 85), 1949 (ILO, Geneva), 2003, <https://www.ilo.org/public/english/standards/relm/ilc/ilc91/pdf/rep-iii-1b.pdf> (accessed May 15, 2020).

¹⁷⁸ ILO Convention No. 29 concerning Forced or Compulsory Labor, adopted June 28, 1930, entered into force May 1, 1932, art. 2.

¹⁷⁹ ILO, A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights of Work (Geneva: ILO, 2005), p. 6.

backed up by a credible threat of a penalty), induced indebtedness (by falsification of accounts, excessive interest charges, etc.), deception about types and terms of work, withholding and non-payment of wages, and retention of identity documents or other valuable personal possessions.¹⁸⁰

In May 2018, Qatar ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) but with a range of formal reservations depriving women and migrant workers of some of the treaties' protections. According to Article 7 of the ICESCR Qatar, as a state party, "recognizes the right of everyone to the enjoyment of just and favorable conditions of work" which ensure fair wages and equal remuneration for work of equal value, a decent living for themselves and their families, equal opportunity for everyone to be promoted, and rest, leisure, and reasonable limitation of working hours and periodic holidays with pay. And, under Article 11 of the ICESCR Qatar should "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."¹⁸¹ In its reservations, to the ICESCR, Qatar said it would interpret the term "trade unions" in accordance with its national law. Article 116 of Qatar's Labor Law allows only Qatari nationals the right to form workers' associations or trade unions, depriving migrant workers of their rights to freedom of association and to form trade unions.

¹⁸⁰ Ibid.

¹⁸¹ United Nations Office of the High Commissioner, International Covenant on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 2, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> (accessed May 15, 2020)

IV. Recommendations

To the Shura Council and the Council of Ministers

- In line with stated commitments, abolish the *kafala* system in full, making the state the sponsor for migrant workers, and ensuring that workers' entry, residence and work visas are not tied to employers, and ensuring that workers are not ever required to obtain employer permission to change employers or leave the country. This includes:
 - Amend article 8 of Law no. 21 of 2015 regulating the entry and exit of expatriates and their residence to ensure that the employee is not entirely dependent on the recruiter for a residency permit; and remove the language in article 8 providing the exception of in cases where the worker requests in writing that the employer keep their passport, thus ensuring that workers do not have to hand over their passports to employers in any case whatsoever.
 - Decriminalize the act of "absconding" by amending article 11 of Law No. 4 of 2009. The employer should no longer be allowed or required to file a case of "absconding" when a migrant worker chooses to leave their employment. Employers who have placed false "absconding" charges should be denied from sponsoring visas for more migrant workers. Repeal provisions from the Sponsorship Law that penalize those who shelter "absconding" workers.
- In the interim before *kafala* is abolished, for employers that are solely responsible for workers permits, ensure that any delay in making or renewing the permit should not result in workers being charged overstay fees, or workers being penalized for becoming undocumented through no fault of their own; additionally ensure that the employer and their company are temporarily prevented from hiring more workers.
- Amend article 3 of the labor law, Law no. 14 of 2004, to include domestic workers ensuring that they have the same rights as all other workers, and ensure that they thereby are included under all other labor protection measures introduced by the labor ministry for workers including the provisions of the Wage Protection System (WPS).

- Amend article 120 of the labor law to guarantee all workers' right to strike, free association and collective bargaining, including migrant workers and domestic workers.
- Immediately announce and implement a minimum wage for migrant workers in Qatar, including calculating an hourly minimum wage, that equals a living wage that allows workers a decent standard of living for themselves and their families. Qatar should also set up a committee that periodically reviews the minimum wage levels so that it guarantees a living wage. Typically, governments and employers should account for the following costs at a minimum while arriving at a living wage for a family: a basic food basket and meal preparation costs, health care, housing and energy, clothing, water and sanitation, essential transportation, children's education, and important discretionary expenses relevant to the national context in ensuring an adequate standard of living.
- Ensure that compensation does not discriminate based on sex, race, or national origin including by introducing legislation to define discrimination including on the grounds of gender and national origin in line with international human rights standards and provide adequate sanctions and effective remedies for victims of discrimination.
- Revise article 145 of the labor law to increase penalties on employers who delay, withhold, arbitrarily deduct wages of employees in violation of article 66 of the labor law, as amended by Law no.1 of 2015, by increasing the minimum and maximum fines; in addition require employers to immediately compensate workers for all owed wages along with interest on back wages.
- Amend article 33 of Labor Law No. 14 of 2004 to ensure that employers, companies, or agencies in Qatar are prohibited from conducting business with agencies in migrant's home countries that charge recruitment fees.
- Introduce a law, or amend the labor law to include a new legal provision, to make it mandatory for all employers, even those not yet included in the WPS, to provide physical copies of pay slips and timesheets to all workers, including domestic workers.
- Introduce additional measures to penalize employers who force employees to work more than 10 hours a day as well as those employers who do not compensate for the hours of overtime work.
- Introduce and pass new legislation requiring companies to engage in due diligence when recruiting and hiring migrant workers, including the responsibility to ensure

that migrant workers have full and accurate information about jobs before migrating, and to protect workers from exploitative fees.

- Introduce and pass prompt payment legislation requiring all public-sector clients to pay the principal contractor within 30 days of the valuation date. Include a requirement that interest is made compulsory and automatic on late payment.
- Consider introducing legislation that penalizes the principal contractor when the immediate employer is unable to pay due to late receipt of payment for costs already incurred.

To the Ministry of Administrative Development, Labor, and Social Affairs (MADLSA)

Regarding Workers' Support and Insurance Fund

- Ensure that the Workers' Support and Insurance Fund takes into account the recommendations from a 2019 report by the ILO office that it should diversify its sources of funding, recover wages from employers, address financial pressures on the Fund, define workers' entitlements, develop a criteria for humanitarian claims, and publish an annual report.

Regarding Wage Dispute Complaint Mechanisms

- Develop reliable channels for workers to make complaints about wage abuses against employers including telephone, mail, email, and text message, allowing for anonymous whistleblower complaints too, and hire independent staffers who can promptly investigate the complaints. Develop a criteria for these complaints including name and address of company and employer, number of workers, number of salaries delayed, withheld, and unpaid, amount of persistent deductions or underpayments, number of days or weeks workers in labor-supply companies are not paid as the company has no work for them, or amount of uncompensated overtime payments.
- Build trust between the labor ministry and migrant workers by training labor department staff to be responsive to workers' wage complaints including training on communication techniques—such as interpersonal and communication skills—used to gain the trust of and effectively interview workers and their employers; and sensitizing them to the vulnerabilities of workers, as well as ensuring that they

have requisite language skills or translation assistance available to speak to migrant workers, and ensure that workers are able to file complaints comprehensively. Ensure there are male and female staff available for workers to submit complaints to. Also ensure oversight of labor department staff by monitoring staff conduct and ensuring that workers can complain, including anonymously, about labor officials' conduct.

- Ensure that there are staff present, along with translators, at the labor relations department and the Labor Dispute Resolution Committee that can guide workers about what documentation they need to prove wage abuse in their cases.
- Increase the capacities, including the translation and interpretation capacities, of the Labor Dispute Resolution Committees so that cases are resolved within the stipulated three-week timeframe.
- Establish an emergency shelter for workers who have become homeless while seeking redress against employers. Ensure shelters meet internationally accepted standards regarding access to information, freedom of movement, and services. Provide financial assistance for workers to pay for rent, food and transport while pursuing redress against their employers and until their outstanding payments have been made.
- Make public the data regarding wage disputes, breaking them down by complaints that are resolved and unresolved, and whether complaints relate to unpaid, delayed or underpaid salaries complaints, unpaid overtime work, and unpaid departure-related payments.

Regarding the Wage Protection System

- Increase the number of people hired to act as 'checkers' and 'blockers' to monitor wage abuses and deploy sanctions within three days of a flag being raised, and provide oversight to ensure that there is consistency in such monitoring and sanctions imposed.
- Introduce new alerts for violations of the Wage Protection System, including for when a single worker in a company misses a month's salary; revise the alert for underpayment of wages so it is based on underpaying the workers' stated salary which should not be below the minimum wage, as opposed to the current alert of underpayment of less than QR50 (US\$14) as their monthly wage; and revise alert

for salary deductions equal to or larger than 10 percent of the workers basic wage, ensuring that such deductions are only for valid and lawful reasons.

- Amend Salary Information Files to:
 - include details of migrant workers' contracts including details of their basic wage, food allowance, accommodation allowance, transport costs, bonuses, backpay, deductions, overtime pay, overtime hours, and end-of-service payments.
 - ensure that overtime pay is calculated a separate category in the file, with fields using the overtime rate, the number of overtime hours worked, and in accordance with higher rates for work on Fridays or during Ramadan etc.
 - ensure that the employer has to list valid and lawful reasons for any deductions of workers' pay. Such categories for deductions should be reflected in the worker's pay slip in order for them to contest it. Employers should only be allowed to deduct salary for valid and lawful reasons, for instance, employers are not allowed to deduct salaries for what they consider to be poor performance or to pay back recruitment fees.
 - automatically calculate departure payments for each worker, including end-of-service benefits, return ticket to country of origin, and salary in lieu of unused vacation days. Non-payment or delay of departure payments a month before the end of the contract expiry should raise an alert in the WPS.
 - ensure that the Salary Information File is automatically populated via e-contracts.
 - create a more simplified Salary Information File that contains all the same information but makes it more easily accessible for individual employers of domestic workers to work with.
- Ensure that Salary Information Files are converted into itemized pay slips that can be automatically issued to the worker in printed and other accessible formats, potentially via their bank. The pay slip should include the number of hours worked, the basic and net salary, all other forms of compensations and benefits broken down (e.g. food allowance), overtime hours and how it is calculated, and any salary deductions with reasons why.
- Finalize the process of e-contracts to ensure that workers' contract details including basic wages and other financial entitlements are accurately and

automatically recorded in the WPS, and that such compensation in the contracts does not fall below the minimum wage or is discriminatory against workers.

- Upon receiving WPS alerts, increase unannounced labor inspections at those work sites and the company's accommodations, since delayed or unpaid wages could signify the employer or company is carrying out further abuses at their work site or accommodations.
- Similarly, after receiving alerts from one worker with an employer or company, WPSU should make an effort to investigate other workers under the same employer since wage abuses are often company wide- Require banks to provide ATM cards and bank account details directly to workers and not their employers. Create mechanisms to monitor that employers are not withholding employees' bank cards.
- Expand the coverage of the WPS to cover all migrant workers in Qatar.
- Work with the Ministry of Interior to arrest and prosecute labor abuses that amount to forced labor, noting that there are a range of indicators of forced labor including induced indebtedness from illegal recruitment fees, punitive and illegal wage deductions, withholding wages, forced overtime, passport confiscation, and the worker not having the freedom to change or quit their jobs.
- Publish annual data on the Wage Protection System's responses including the number of wage alerts, what they related to, what their outcomes were, and what the resolutions were including what sanctions, if any, were imposed.

Regarding Recruitment Fees

- Monitor and ensure that companies are not doing business with recruitment agencies and subcontractors, in Qatar and abroad, that charge workers fees or costs for travel, visas, employment contracts, or anything else. Require employers to obtain information from recruiting agents, in Qatar and abroad, that verify that the recruiter did not charge workers they have recruited with any recruiting fees.
- Require companies to provide verification that they have paid such fees, and to reimburse workers when they have not. Prosecute and implement significant penalties for employers, recruiting agencies, and subcontractors that violate the law.

Regarding employers

- Closely review WPS records before awarding government contracts, ensuring that employers who have complied with WPS and have no violations are prioritized for such contracts and repeat WPS violators are denied such contracts, unless such companies have shown that they have provided redress and made changes to address the underlying problems that resulted in repeated wage abuses.
- Closely review if employers have placed false “absconding” charges on migrant workers, and if so deny them government contracts.
- Investigate, prohibit, and penalize the practice in which companies that do not have enough work for workers, do not pay them. Employers should pay workers full salaries throughout their employment, even if they do not have work available for them. If it is not financially feasible for employers to do so, they should allow workers to pursue employment elsewhere, paying them all outstanding salaries, gratuities, a month’s notice, redundancy payments, or early termination payments, along with airfare if the worker wishes to return home.
- Make it mandatory for all employers to have automated time sheets for employees, or ways to log overtime hours, and any employer without timesheets for all employees should be penalized. Ensure that employees are able to verify their working hours that feed into time sheets, and that employees have easy access to physical copies of these timesheets through Human Resources.
- Rigorously investigate and sanction employers who violate the labor law by denying workers legal employment contracts, fail to register on the Wage Protection System, deny or withhold workers ATM cards, withhold or delay workers’ wages, force employees to work long hours without overtime payment, or deny workers legally mandated rest days, annual leave, or sick leave. For employers who are repeat or serious offenders of wage abuses, ensure that their workers can leave and work for a new employer of their choosing. Where these cases amount to forced labor or other criminal abuse, refer employers for prosecution.
- Monitor employers and companies who are not allowing workers to take their three weeks of paid annual leave and ensure that employees are being given their outstanding payments before they go on annual leave.
- Ban ‘pay when paid’ clauses in contracts in both the public and private sector with the right of contractors and subcontractors to suspend performance for non-payment.

- Require all contractors to pay their subcontractors according to the schedules set out in contracts which, in the case of small subcontractors and labor suppliers should be within 30 days.
- Experiment with Project Bank Accounts (PBAs) to speed payment and protect against insolvency and explore the possibilities of making payment from a PBA directly to the workers.
- Consider joint liability schemes whereby clients and principal contractors are jointly liable for protecting subcontractors and workers against late or non-payment of money owing to them; and legitimize direct payment across the subcontracting tiers, for example from clients to subcontractors and/or contractor to workers employed by a subcontractor in the case of default.

Regarding the Covid-19 Pandemic

- Ensure that migrant workers who are unable to work, either due to preventive quarantine or testing positive for COVID-19, continue to receive their full wages
- In light of their acute vulnerability, ensure domestic workers are provided with access to timely and adequate protective measures and healthcare, including emergency shelter, and receive sick pay if they are unable to work due to illness.
- Ensure that migrant workers can file petitions remotely with the Labor Disputes Settlement Committee during the pandemic.
- Ensure that workers who have outstanding delayed or withheld payments are urgently paid and for those wishing to immediately return home and still seek unpaid wages, ensure that there is documentation and measures in place for them to do that.

To the Ministry of Interior, Qatar

- Work with the labor ministry to raise awareness among migrant workers arriving in Qatar about their rights including the right to accurate and timely payment through the WPS, overtime and gratuity payments, and the avenues of redress available to them, including through the Qatar Visa Centers, airports, and during processes to issue residency visas.
- Work with labor ministry to arrest and prosecute employers who commit labor abuses that amount to forced labor, noting that there are a range of indicators of

- forced labor including induced indebtedness from illegal recruitment, punitive and illegal wage deductions, withholding wages, forced overtime, passport confiscation, and the worker not having the freedom to change or quit their jobs.
- Build trust between the interior ministry and migrant workers by training ministry staff to be responsive to workers' complaints including training on communication techniques—such as interpersonal and communication skills, used to gain the trust of and effectively interview workers and their employers; and sensitizing them to the vulnerabilities of workers, as well as ensuring that they have requisite language skills or translation assistance available to speak to migrant workers, and ensure that workers are able to file complaints comprehensively.
 - In the interim of abolition of the *kafala* system, monitor employers who delay renewing workers' resident permits, and sanction employers who fail to renew workers' permits, resulting in workers becoming undocumented through no fault of their own. Ensure that workers in such situations do want to stay in the country before any permits are extended, and that workers are not made to pay overstay fees or the employer's fines are set to cover it.
 - Require employers to assist any workers who became undocumented through no fault of their own to help regularize their status, ensuring that the ministry checks with the worker that they wish to stay, and prohibit employers who fail to comply from sponsoring new workers' visas.
 - Issue a moratorium on arrests of individuals for "absconding," and suspend receiving reports of "absconding" from employers.
 - End the systematic detention of migrants awaiting deportation and explore alternatives to detention.
 - Enforce the prohibition on confiscation of workers' passports, including by consistently issuing sanctions against employers for confiscating passports. Have campaigns that state that there is zero tolerance for passport confiscation and reiterate relevant penalties under Qatari law. Publish data on the numbers of employers sanctioned for passport confiscation to reinforce that this law is being enforced. Require employers to provide lockers or other safe boxes in which migrant workers have the option to keep their passports and other personal documents which they alone can access.
 - Stop issuing travel bans on and arresting migrant workers for defaulting on loans, particularly when they are victims of wage abuses.

To Qatari banks

- Develop capacities to serve all migrant workers as individual clients, including those who earn less than QR5,000 (\$1,373) and ensure that QIIB/ATM cards and pin numbers are provided directly to workers, that they are able to receive their bank statements, and such information is not provided to anyone else. Ensure there is capacity of bank staff to provide client-based service to migrant workers without discrimination including abiding by client confidentiality of their bank account details.
- Ensure there are mechanisms in place to send text messages to workers every time salaries are deposited or withdrawn from their accounts.
- Avoid reporting migrant workers for failing to repay loans if they have faced wage abuses to the police or ministry of interior.

To Construction, Labor-Supply, and Other Companies Working in Qatar

- Ensure that there are company-wide policies and enforcement of automated timesheets for each employee. Employees should have easy access to physical copies of these timesheets through Human Resource Departments.
- Take all possible steps to ensure that workers have not paid their own recruitment fees, including but not limited to obtaining information from recruiting agents in Qatar and abroad that verify that they have not charged such fees and then verifying with workers themselves that they have not paid such fees. Reimburse workers who have paid any such fees, charges and other recruitment-related costs in contravention of local law, including if the fees were paid to labor agencies or other intermediaries.
- Penalize and terminate relationships with any contractors or subcontractors that continue to work with labor agencies or agents in Qatar or in labor-sending countries that charge workers fees and/or mislead workers regarding conditions of employment.
- Ensure that company staff or any sub-contracting company or intermediaries do not retain workers' passports or other identity documents, by ensuring that staff members found to confiscate passports face sanction, that workers have safe channels to report such a violation, and that this is made clear to all staff and workers that the company does not tolerate passport confiscation. Ensure that

workers have safe storage facilities to hold documents safely, if they wish, and that they alone can access it.

- Ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration, and that these are the same contracts that is registered with the authorities, including electronically, and with the Wage Protection System.
- Ensure on-time payment in full of workers' wages from the first month of their employment, paid into bank accounts on a no-less-than bi-monthly basis.
- Ensure that there are complaints managers or staff tasked to handle any queries about wages and compensation matters and ensure that any discrepancy is resolved quickly and urgently after a worker has made a complaint.
- Provide safe channels for workers to make complaints about wage abuses, passport confiscation, forced overtime, or other abuses, including through anonymized and accessible channels, and in languages that workers speak, and ensure that such channels exist also for workers in sub-contracting companies.
- Hire reputable independent monitors to monitor conditions of all workers employed by contractors and subcontractors on company projects. Publish annual independent monitoring reports that include remedial measures taken or planned.
- Establish conciliation and mediation procedures that lead, in the event of deadlock, to binding arbitration with sufficient guarantees of impartiality and rapidity to resolve labor conflicts, as recommended by the ILO Committee of Experts.
- Publicly pledge to respect workers' rights to freedom of association and collective bargaining. Ban employer interference in union activity and conduct designed to impede or prevent non-citizens from exercising their right to organize. Ensure that workers have the time and space to organize for union activities, including ensuring policies to prevent retaliation against anyone part of or organizing for union activity.
- In the instances that conciliation and mediation procedures fail, publicly pledge not to cancel the work visas of workers who strike and enforce such a pledge in such cases.
- Make public commitments to protect the rights of all workers associated with your projects.

To FIFA

- Publicly recognize that FIFA World Cup 2022-related construction currently underway in Qatar goes beyond the construction of stadiums; include the construction, maintenance and servicing of hotels, restaurants, roads, metro, etc, to also fall under Qatar's preparation of hosting the World Cup 2022.
- Formally raise with the Qatari government key workers' rights issues, in line with FIFA's public commitment to engage with Qatari authorities on labor rights matters, including recruitment fees that workers pay and inadequate implementation of laws meant to prohibit workers from being charged such fees; restrictions that ban or effectively prohibit workers from free association, collective bargaining, and strikes; lack of effective policies to prevent wage abuses; and the urgency to abolish the *kafala* system that leaves workers trapped to abusive employers. Seek concrete, time-bound, commitments for legal reform on these issues.
- Request immediate and full disclosure of wage disputes on construction sites for venues of the 2022 FIFA World Cup.
- Seek third-party independent verification that workers employed to construct venues for the 2022 World Cup, and related infrastructure, have not been the victims of wage abuse.
- Finance a public awareness campaign using mainstream media to raise awareness about wage exploitation, and to educate companies, countries, and football fans to these issues.

V. Acknowledgements

Maham Javaid, a fellow in the Middle East and North Africa Division at Human Rights Watch wrote this report based on research that she and Hiba Zayadin, a Gulf Researcher at Human Rights Watch, conducted.

Hiba Zayadin and Michael Page, deputy director of the Middle East and North Africa Division, and Rothna Begum, senior researcher in the Women's Rights Division, edited the report. Minky Worden, director of Global Initiatives Division, Sarah Saadoun, researcher in the Business and Human Rights Division, Julia Bleckner, researcher who provided Health edits, and Aruna Kashyap, senior counsel in the Business and Human Rights division, provided specialist review. Clive Baldwin, senior legal advisor, conducted legal review, and Tom Porteous, deputy program director, provided program review. An associate in the Middle East and North Africa Division provided editorial and production assistance, along with Travis Carr, publications and photography coordinator. The report was prepared for publication by Jose Martinez, senior coordinator, and Fitzroy Hepkins, administrative manager

Brahim El-Ansari and another translator provided Arabic translation for the report. Sakae Ishikawa, senior video editor and producer, and Grace Choi, director for Publications and Information Design produced multimedia for this report.

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Appendix I: Letter to the Qatar Labor Ministry

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July 15, 2020

HE Yousuf Mohamed Al Othman Fakhroo

Minister of Administrative Development, Labour and Social Affairs,
Ministry of Administrative Development, Labour and Social Affairs,
Doha, Qatar

Via Email: [REDACTED]

Re: Wage Abuses

Your Excellency,

I write to express our appreciation for your government's engagement with Human Rights Watch and to inquire further about Qatar's policies to prevent employers' wage abuses against migrant workers.

Human Rights Watch has promoted workers' rights around the world for more than 20 years, including across the Gulf countries. As you will know, Human Rights Watch issued a report in 2012 on the situation for workers' rights in Qatar and has reported on workers' rights in Qatar and neighboring countries since.

We welcome Qatar's commitments under the agreement with the International Labor Organization (ILO) to, among other reforms, establish a minimum wage for migrant workers, a Workers' Support and Insurance Fund to ensure workers are paid overdue wages, and to improve measures to prevent contract substitution.

In 2019 and 2020, Human Rights Watch conducted research into wage abuses in Qatar. Human Rights Watch is committed to fair and accurate

reporting and seeks to understand the perspectives of the Qatari government. We have attached a summary of our main findings based on our interviews, as well as questions we have concerning government policies and actions, particularly what measures Qatar has taken or is taking to prevent wage abuse.

We would be grateful for a written response to our questions in as complete a manner as possible by August 12, 2020. This will allow us to reflect your responses when launching our upcoming report in 2020.

Please reach out to my colleague Maham Javaid at [REDACTED] who will answer any questions you may have, and receive responses to the attached questions.

Thank you for your time and attention to this letter.

Sincerely,
Michael Page
Deputy Director
Middle East and North Africa Division
Human Rights Watch

Summary of HRW's findings and questions relating to employer's wage abuses against migrant workers in Qatar

Human Rights Watch conducted detailed interviews with 93 migrant workers hired by 60 different employers and companies, between January 2019 and May 2020. The workers interviewed are employed by diverse employers in various fields and include managers, surveyors, and engineers, as well as laborers and domestic workers. Some of these workers are also working on projects specifically for the 2022 FIFA World Cup.

Out of the 93 workers Human Rights Watch spoke, 59 workers reported unpaid wages or serious delays in receiving their wages. Twenty-nine workers said that their employers did not honor the wage amount stipulated in their contract, out of these 29 workers 9 faced warehousing, 12 face arbitrary deductions by their employer, and 8 were underpaid

without any explanation. Fifty-five workers cited the lack of overtime payments as a major issue they faced, an issue they said could be improved if all workers were provided with timesheets and pay slips. Not only were their overtime hours worked recorded inaccurately, but in the majority of cases employers completely disregarded their overtime hours—although they worked up to 18-hour days, their employers only compensated them for 8 hours of a regular day’s work. Seven workers told Human Rights Watch that their employers forcibly kept their bank-issued ATM cards, these employers also reported that this practice was companywide.

Thirteen workers also told Human Rights Watch about contract substitution—a common occurrence. This was especially concerning as workers reported paying recruitment fees on the promise of that they would earn a certain salary but which the employers never had any intention of paying, leaving such workers in debt. Twenty workers reported that employers avoided paying their gratuity, delaying these payments to the point where the worker agreed to return to their home country without their earned end-of-service benefits.

Our preliminary research finds that the power imbalance between employers and workers caused by the *kafala* system, coupled with the recruitment fees workers often have to pay make migrant workers vulnerable to wage abuse even as they arrive in Qatar. One of the major hurdles to workers’ timely wages is Qatar’s supply chain payment policies that leave workers without salaries until every contractor and subcontractor above them in the chain is first paid.

Although the Wage Protection System has been a positive step towards ensuring workers are paid accurately and on time, research shows that the system is ineffective – too many workers say they are enrolled in the system and yet suffer from months of delayed wages without any government intervention. Domestic workers are still not given the protection of the labor law and have even fewer options for legal recourse than other workers. ILO research has recommended many other measures Qatar can adopt to improve workers’ payments such as project bank accounts and subcontract payment monitoring systems.

Despite the creation of Qatar’s Labour Dispute Resolution Committees, there are a number of barriers for workers that prevent them from taking their wage-related cases to court. These include migrant workers’ lack of control over their own legal status in the country; fear of retaliation at the hands of their employers; the slow pace of the committees’

decision; and not having enough legal documentation to prove their account. In many cases of wage abuse, despite migrant workers receiving positive verdicts from the committees, workers are left homeless and penniless for months on end, with not even enough resources to feed themselves.

Lastly, we found that Covid-19 has exposed and amplified the ways in which migrant workers' rights to wages have been violated. Despite the government offering loans to employers to pay workers' wages, employers have used the pandemic as a pretext to delaying and reducing wages and repatriating workers without paying outstanding dues. Human Rights Watch spoke to 7 workers from different companies that said employers had reduced their wages due to the pandemic, meanwhile those that had been facing delayed and unpaid wages before the pandemic, continue to face that wage abuse during the pandemic.

For a report that Human Rights Watch plans to publish in 2020, we would be grateful for any response to the following requests that you could provide us by August 12, 2020:

1. What measures has MALDSA taken or is considering in order to ensure that workers do not pay recruitment fees to recruitment agencies in Qatar, or their home countries, for securing jobs in Qatar?
2. Is there a plan for turning all Qatari job contracts into e-contracts? If so, when does the MALDSA aim to implement this? In this case, what will happen to already existing contracts that are not electronic?
3. What has the non-discriminatory minimum wage in Qatar been set to, and when will it be introduced?
4. Does the non-discriminatory minimum wage apply to Qataris and foreign workers alike? Is it set for all workers alike or is it set by sector? Will Qatar establish a wage board to review this minimum wage? If so, do you have a criterion on which to review the minimum wage to ensure it is a living wage?
5. Will the non-discriminatory minimum wage also be the minimum wage fed into the Wage Protection System (WPS), meaning that if any worker receives lower than minimum wage for any month, a WPS alert will be automatically issued?
6. Between January 2019 and May 2020, how many alerts of
 - 'Total salary less than or equal to QR50 (USD14)',
 - 'Overtime hours exceeding the limit',
 - 'Deductions from salary exceed permitted threshold'

- did the WPS receive?
- 6a. Of these, how many was the WPS able to respond to?
- 6b. In how many of these cases were employers sanctioned?
- 6c. Could you please detail what sanctions these employers faced? How is it decided which employers face monetary penalties, which face imprisonment, and which face both penalties?
7. In how many cases has the WPS unit referred violators to prosecutors for cases involving forced labor? Please provide a breakdown of such cases including how many successful prosecutions, and what penalties, if any, were imposed.
 8. As of July 2020, how many blockers, checkers, and other staffers work for the Wage Protection System Unit (WPSU)?
 9. In a 2019 ILO report, it was stated the WPSU has a back log of 6 months of alerts that needed to be dealt with, what is the current backlog at the WPSU?
 10. By when can we expect WPS coverage to expand to every Qatari company and employee, including domestic workers?
 11. What is MALDSA doing to ensure that current Salary Information Files (SIF) used by the WPS are comprehensive and detailed enough to catch delayed wages, unpaid wages, underpaid wages, arbitrary deductions, lack of overtime payments, warehousing, and lack of gratuity payments? How does MALDSA intend to amend SIFs to ensure they are comprehensive enough to catch comprehensive wage abuses?
 12. Does MALDSA review company and employers' WPS records before awarding them government services and government contracts? If so, what are the minimum requirements a company or employer has to meet before receiving government services and contracts?
 13. Is there a mechanism to ensure that employers are not withholding workers' Bank/ATM/Qatar International Islamic Bank cards? If so, could you share how MALDSA ensures that workers maintain full control over their cards?
 14. Between January 2019 and May 2020, how many cases of unpaid/delayed salaries, reduced salaries, lack of gratuity payments, excessive deductions, lack of overtime payments, lack of vacations allowance, lack of food allowance, and lack of airfare, did the labor relations department and the Labour Dispute Resolution Committees receive? Out of these how many workers received positive outcomes, and of these, how many were paid their full outstanding dues?
 15. What policies exist for awarding government services and contracts to vendors?
 16. Is MALDSA considering banning 'pay when paid' clauses in contracts in public and private sectors? If so, what measures is it considering for such a ban?

17. When will the Workers' Support and Insurance Fund be fully operational? Has MALDSA taken on recommendations from the ILO report including but not limited to diversification of resources and transparency? How many workers so far has the Fund benefitted?
18. What measures has MALDSA taken or is taking to educate workers regarding the process on how to complain about employers who are delaying or withholding workers' wages, or paying inaccurate amounts?
19. Is there a channel through which migrant workers who have suffered abuse by staffers at the labor relations department can air grievances? If so, could you describe this process?
20. What measures has the Ministry taken or is taking to train its staff to listen to workers' wage-related complaints in order to build trust between the Ministry and the workers?
21. Is there a mechanism for workers to complain about mistreatment by staffers of the Ministry including staffers at the labor relations department, and the Labour Dispute Resolution Committee?

Appendix II: Response from the Government Communications Office of the State of Qatar

Human Rights Watch has intentionally misled readers of its report while performing a disservice to those they claim to be assisting.

The current report contains repeated inaccuracies around policies and does not reflect the current situation in Qatar. Nearly all individuals who come to Qatar for employment never experience any form of wage abuse. There are a few, isolated, instances where workers experience this issue. These cases have declined as laws and regulations have driven fundamental and lasting change.

Human Rights Watch reached out to the government only prior to the publication of the report. We never heard about these issues in real time or in any of our engagement with them. If notice had taken place earlier, the government would have worked to address the issues raised by the workers interviewed in the report. A backward-looking annual report does little to address the specific challenges raised by the workers.

Going forward, the government is available to work collaboratively with Human Rights Watch when they have issues related to wage abuse or any other employment concern, as we do with other NGOs.

The recommendations put forward in the report by Human Rights Watch are already being implemented or on track to begin implementation. This includes laws that remove No-Objection Certificates and the introduction of a minimum wage – the first of its kind in the Middle East. Currently, in collaboration with the International Labour Organization, upgrades are being made to the Wage Protection System and the Workers' Support and Insurance Fund.

Qatar's labour programme protects all workers in all stages of their employment cycle. The success of our approach is evident in the achievements we have made to date and the positive impact it is having on hundreds of thousands of workers and those reliant on their income."

Background information on Qatar's policies and initiatives in response to the questions submitted by Human Right Watch on 15 July 2020.

Recruitment fees

- Article (33) of Labour Law No. (14) of 2004 and its amendments state: “The person who is licensed to recruit workers from abroad for others shall be prohibited from receiving from the worker any sums representing recruitment fees or expenses or any other costs.
- Article (8) of Law No. (15) of 2017, on domestic workers, states that “An employer shall be prohibited from deducting any fees, expenses or commission from a workers’ wage in return for the procedures of recruitment from abroad”.
- These legal provisions are included within the Standard Employment Contract to be signed by both the employer and the worker to make it clear to the employer and worker that Qatari law forbids recruitment fees or any other costs to workers and domestic workers.
- The State of Qatar regulates the licensed recruitment agencies through Ministerial Decision No. 8 of 2005 to ensure that recruitment is carried out through licensed companies that respect all workers' rights, especially the prohibition of receiving any amounts from the worker in form of fees or charges imposed to recruit him/her. For this purpose, 40 bilateral labour agreements and 19 Memoranda of Understanding were signed with countries of worker origin to protect expatriates and provide them with legal protection prior to their employment.
- ADLSA has provided the embassies of the countries of origin of the workers with a list of the licensed recruitment agencies in the State of Qatar. ADLSA conducts periodic spot-checks/inspections on agencies and does the necessary follow up to ensure that workers are not exploited and that recruitment agencies are not charging any recruitment fees.
- The Ministry can cancel the licenses of recruitment agencies if violations are committed. Any agency found violating the law shall be punished and risks the cancellation of its license by a decision of the Minister of Administrative Development, Labour and Social Affairs in accordance with Article (14) of Ministerial Decision No. 8 of 2005 regulating the conditions and procedures for obtaining a license to recruit foreign workers for others.

Qatar Visa Centres

- ADLSA, in cooperation with the Ministry of Interior, has established Qatar Visa Centres (QVC) in labour-sending countries to create a unified visa system that expedites the recruitment process and protects the rights of workers. These centres facilitate the visa procedures of expatriates while they are still in their home country.
- QVC operates through an integrated electronic system to complete the procedures of medical check-ups and enrolment of fingerprints and biometric data.

- Furthermore, expatriates can review and sign their employment contracts while they are still in their home country. The e-services provided by Qatar Visa Centre are free for workers; the employer pays the costs through a direct bank transfer.

Fair labour recruitment procedures

- ADLSA implemented the Fair Labour Recruitment Procedures in the framework of the International Technical Cooperation Agreement with the International Labour Organization (ILO). These procedures promote fair recruitment practices through partnerships with Qatari private sector companies and through several capacity-building activities carried out in line with the ILO's conventions.
- Fair Labour Recruitment is also promoted through public institutions. ADLSA organised a forum in partnership with the ILO and the US State Department, in cooperation with Qatar Chamber of Commerce and Qatar Foundation for Education, Science and Community Development, bringing together senior officials from public institutions in various sectors of the country concerned with issues related to the payment of recruitment fees. The conference was concerned with studying and reviewing the efforts exerted to ensure fair recruitment procedures and raising awareness of the provision in the Labour Law that prohibits the charging of recruitment fees to workers.

Electronic contracts

- Contracts are signed digitally by applicants in their home country through the Qatar Visa Centres, which allows information to be entered directly into the Wage Protection System (WPS).
- ADLSA recently launched a supplementary digital certification service for multilingual work contracts, with the aim of providing an integrated digital alternative for attesting employment contracts. The service makes it easier for employers to conclude contracts with workers, subject to the labour law, via the website.
- The launch of this service supports ADLSA's efforts in updating and offering various electronic services that target beneficiary groups, especially with the increased demand to complete transactions via the website and "Amerni" service during the recent period.

Non-discriminatory minimum wage

- On October 16, 2019, the Council of Ministers approved the draft legislation on the minimum wage law and advanced it for review. Under the draft law, all employers must provide food, accommodation and healthcare in addition to the basic wage. The minimum wage will apply to all workers, including domestic workers.

- The draft legislation also calls for the establishment of a Minimum Wage Commission to monitor the impact of the minimum wage and propose adjustments on a periodic basis.
- When the law comes into force, employers will be obligated to adjust the wages of all employees in line with the new legislation if they are lower than the set limit, without prejudice to their initial wages.

Wage Protection System

- Law No. (1) of 2015 and the Ministerial Decision No. (4) of 2015 requires employers to transfer the wages of their employees to bank accounts through the Wage Protection System.
- Employers who fail to comply with this article will be penalised by either not being granted new work permits for employees or a freeze being placed on the processing of all applications submitted to the Ministry. Any company who violates the provisions of the law shall be punished with imprisonment for a period of not less than one month, together with a fine of not less than two thousand riyals and not more than six thousand riyals.
- Work is currently underway to strengthen the Wage Protection System by verifying the transfer of wages based on the terms of the work contract, and detecting violators through the electronic salary transfer system to ensure that the transferred salary is higher than the fixed minimum wage, once it comes into effect.
- Assessments of the Wage Protection System are conducted by ADLSA in cooperation with the International Labour Organization office in Doha and an independent expert, to identify gaps and put forward actionable recommendations for its improvement.
- ADLSA is working in cooperation with the ILO, Qatar Central Bank and other institutions on these recommendations to ensure the minimum wage is properly applied.

Delayed salary payments

- Pursuant to the provisions of Law No. (1) of 2015 and Ministerial Decision No. (4) of 2015, employers must transfer the wages of their employees to their bank account within seven days of their due date through the Wage Protection System.
- As explained above, in addition to freezing the processing of all applications, ADLSA can prevent violating companies from obtaining new work permits. The court can impose penalties against them that reach imprisonment for a month and a fine of not less than two thousand riyals and not exceeding six thousand riyals.
- We are taking action to detect transgressions through the electronic audit mechanism to ensure that the wage payment is higher than the non-discriminatory

minimum wage. This will also ensure that workers receive a detailed statement of how their wages are calculated.

- A new draft law has been approved to amend provisions of the Labour Law promulgated by Law No. (14) of 2004, including measures to increase the penalties for employers who are not paying workers' financial dues on schedule.
- If a worker's salary is delayed or involuntarily reduced, the worker should file a complaint with the Department of Labour. If the parties fail to settle their dispute, the Department will transfer the matter to the Labour Dispute Settlement Committee to find a resolution (see section below for more details).

Contracting procedures

- Effective measures have been introduced to prevent non-payment of workers' wages for contracts concluded with government agencies, namely the inclusion of a number of requirements when launching tenders and throughout the tendering process.
- This includes adjustments that require an examination of the eligibility or ineligibility of contractors or subcontractors during the tendering stage.
- Other adjustments have been made related to the financial and procedural aspects of tenders such as reducing some financial requirements for interim monthly payments and reducing the maintenance deposit charge.

Domestic workers' protection

- Article (8) of Law No. (15) of 2017 regarding domestic workers states that "An employer shall be responsible for paying the monthly wage in Qatari Riyals agreed upon with the domestic worker at the end of the month, or at the latest on the third day of the consecutive month."
- An employer shall not be considered as having met his/her duties unless he/she proves that he/she had deposited the worker's wage in his/her bank account, or handed him /her the wage in cash, by virtue of a receipt signed by the worker, which confirms his/her receipt of the wage in full, given that the cash payment is in accordance with the provisions of Article (15) of Recommendation No. (201) of the International Labour Organization stating that domestic workers have right to decent working conditions.
- ADLSA has urged all employers to open bank accounts for domestic workers. This directive is based on the government's initiative to provide banking services to all segments of society, including domestic workers. The Ministry has worked in coordination with Qatar Central Bank during the Covid-19 crisis to clarify that opening bank accounts will be free of charge. This initiative will facilitate the easy transfer of the worker's salary to their accounts and help workers to transfer funds electronically to their accounts in their home countries.

Re-employment of workers

- Qatar Chamber, in cooperation with ADLSA, has launched an online platform with a view to facilitating the re-employment of workers in the local market. The platform aims to provide an opportunity for companies seeking to hire new workers to contract with the laid-off employees from other companies. The programme is implemented under the supervision and control of ADLSA.

Personal protection of valuable items

- Qatari law guarantees the fundamental rights of the worker to have personal possession of his personal documents, including his passport and bank cards. Article (3) of Ministerial Decision No. (18) of 2014 stipulates that the Contractor shall provide suitable accommodation with facilities and individual lockable storage facilities to each worker for the safe protection of such items.
- The seizure of personal documents or bank cards of the worker, without his consent, is a form of abuse that entitles him to change the employer according to Article 22 of the Law regulating the entry and exit of expatriates. In this case, the Human Rights Department at the Ministry of Interior is responsible for allowing him/her to change employer without the current employer's agreement.

Workers' Support and Insurance Fund

- The Board of Directors of the Worker's Support and Insurance Fund has been formed, and the Fund is operational. Over 5,500 workers have so far benefited from the fund, which has disbursed 14 million riyals in financial relief.
- The Prime Ministerial Decision No. (3) of 2019 was issued, indicating that the Board of Directors of the Workers' Support and Insurance Fund was formed and headed by the Minister of ADLSA, with the Assistant Undersecretary for Labour Affairs as Vice President, as well as a representative of each of the Ministry of Interior, Ministry of Finance, Ministry of Justice, Ministry of Trade and Industry, and representatives of the Qatar Chamber.
- The Qatari legislator was also keen to diversify the fund's resources, which, according to Article 17 of Law No. (17) of 2018, consist of financial appropriations allocated by the state, returns on investment of its funds, grants, wills, and donations. The Fund receives for its annual budget 60% of the fees collected for workers' permits and their renewal.

Awareness raising initiatives

- The Ministry is making a sustained effort to promote legal provisions that guarantee the fundamental rights of workers and domestic workers, ensure their access to justice, and establish employers' obligation to pay workers' wages in a timely manner. This is being done by providing simplified legal information for the benefit of employees, employers, and recruitment agencies.

- This is partly done by facilitating direct meetings with workers, labour attachés in embassies, or through media and social networking sites, or holding meetings via radio stations speaking the languages of expatriate workers, in addition to holding several workshops to inform domestic workers, employers and recruitment agencies of their rights and duties prescribed by the law.
- ADLSA is responsible for receiving workers' complaints and responding to inquiries via the hotline, text-messaging services, and the “Amerni” smartphone application, as well as providing legal advice.

Worker grievances

- Law No. (13) of 2017 was issued to establish one or more committee called the "Committee for Settlement of Labour Disputes", which is concerned with adjudicating within a period not exceeding three weeks in all disputes arising from the provisions of the law or the work contract, which the relevant department in the ministry has referred to the committee. The committee arbitrates disputes according to the following procedures:
 - Complaints are submitted directly from the worker or the domestic worker, or by embassies, to the competent department at the Ministry of ADLSA through the form intended for that purpose. The worker fills out this form with the required data, signs it and submits the complaint to the Ministry. The workers' complaints can also be submitted on-line as the administration is providing training to workers in 11 foreign languages on how to use electronic devices.
- In addition, the Ministry is involved in ensuring that workers and domestic workers can submit their complaints online via the website and through the “Amerni” application. This procedure enables workers, who would not be able to go directly to the Ministry, to submit their complaints while ensuring that the confidentiality of those complaints is maintained.
 - After the complaints are registered online, ADLSA investigates further and in most cases, the company representatives are summoned by email., A certified copy is then sent to the worker.
 - The officer in charge of settlements provides legal advice to the worker with the help of one of the translators or interpreters in the Ministry. These services are provided free of charge to workers.
 - If the worker or employee wishes to seek a legal opinion (at any stage of the complaint), he can meet one of the legal experts at the Labour Relations Department, during official working hours, without the need to book an appointment in advance.

- If the worker believes that he has been subjected to retaliation, the officer in charge of labour complaints refers him to the competent authorities (police/ prosecution). The Human Rights Department at the Ministry of Interior is responsible for changing the employer of the worker immediately and without the consent of the first employer in the event that the employer is proven to have been abusive in any form.
- Workers can file complaints related to service level of the Ministry. The complaints can be filled online and followed up on the Ministry's website or through the "Amerni" application, while ensuring that these complaints remain confidential. Complaints may also be submitted via embassies or online devices.

Training

- ADLSA undertakes regular training programmes for officials and specialists in its departments and units of public relations and communication, as well as in a number of official bodies whose work concerns expatriate workers.
- ADLSA is organising workshops to train officers on how to engage with workers and domestic workers, and how to communicate with them and provide legal advice. Relevant officers are also trained to find consensual solutions and to settle disputes amicably between workers and employers, before referring them to the relevant judicial committees. In this context, ADLSA is keen to maintain continuous communication with the labour attachés in the embassies and heads of labour communities in the State of Qatar in order to find appropriate solutions to their complaints.
- In May and June 2020, ADLSA conducted a series of interactive sessions to enhance workers' capabilities to participate in joint committee discussions. These joint committees are composed of representatives of the company and elected representatives of workers to discuss issues related to work within the company including, but not limited to, issues related to wages.
- These training sessions were conducted with the support of the International Labour Organization Project Office in Qatar, the International Trade Unions Confederation of (ITUC), the International Federation of Building and Wood Workers (BWI), UNI Global, and the International Transport Workers Federation. (ITF).

As indicated above, many of Qatar's labour reforms were developed in coordination with the International Labour Organization as part of the ongoing three-year Technical Cooperation Agreement signed in 2017.

More recently, in direct response to the COVID-19 pandemic, several additional measures have been introduced to limit the impact of the global economic downturn on migrant workers. These measures have benefited hundreds of thousands of workers:

- The Government has guaranteed that workers in quarantine or undergoing treatment will receive full salaries. We have allocated QAR 3 billion (\$824m) to pay the salaries of workers and rents of employers, which can be accessed via their banks.
- Workers must receive free accommodation, food and healthcare from their employer. If a worker's contract has been terminated, employers must continue to provide these services until the worker has been re-employed or they can be safely repatriated at the employers' expense.
- The Government has launched and promoted new hotline services to receive workers' complaints. These complaints are promptly investigated by the labour inspectors. Through June 2020, 88% of complaints received during the Covid crisis have been resolved, with the remaining 12% under review.

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James Ross, Legal and Policy Director
Joe Saunders, Deputy Program Director

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Appendix III: Letter to the Qatar Interior Ministry

July 15, 2020

HE Sheikh Khalid bin Khalifa bin Abdulaziz Al Thani
Prime Minister and Minister of Interior,
Ministry of Interior,
Doha, Qatar

Via email: [REDACTED]

Re: Wage Abuses

Your Excellency,

I write to express our appreciation for your government's engagement with Human Rights Watch and to inquire further about Qatar's policies to prevent employers' wage abuses against migrant workers.

Human Rights Watch has promoted workers' rights around the world for more than 20 years, including across the Gulf countries. As you will know, Human Rights Watch issued a report in 2012 on the situation for workers' rights in Qatar and has reported on workers' rights in Qatar and neighboring countries since.

We welcome Qatar's commitments under the agreement with the International Labor Organization (ILO) to, among other reforms, establish a minimum wage for migrant workers, a Workers' Support and Insurance Fund to ensure workers are paid overdue wages, and to improve measures to prevent contract substitution.

In 2019 and 2020, Human Rights Watch conducted research into wage abuses in Qatar. Human Rights Watch is committed to fair and accurate reporting and seeks to understand the perspectives of the Qatari government. We have attached a summary of our main findings based on our interviews, as well as questions we have concerning government policies and actions, particularly what measures Qatar has taken or is taking to prevent wage abuse.

We would be grateful for a written response to our questions in as complete a manner as possible by August 12, 2020. This will allow us to reflect your responses when launching our upcoming report in 2020.

Please reach out to my colleague Maham Javaid at [REDACTED] who will answer any questions you may have, and receive responses to the attached questions.

Thank you for your time and attention to this letter.

Sincerely,
Michael Page
Deputy Director
Middle East and North Africa Division
Human Rights Watch

Summary of HRW's findings and questions relating to employer's wage abuses against migrant workers in Qatar

Out of the 93 workers Human Rights Watch spoke, 59 workers reported unpaid wages or serious delays in receiving their wages. Twenty-nine workers said that their employers did not honor the wage amount stipulated in their contract, out of these 29 workers, 9 faced warehousing, 12 face arbitrary deductions by their employer, and 8 were underpaid without any explanation. Fifty-five workers cited the lack of overtime payments as a major issue they faced, an issue they said could be improved if all workers were provided with timesheets and pay slips. Not only were their overtime hours worked recorded inaccurately, but in the majority of cases, employers completely disregarded their overtime

hours—although they worked up to 18-hour days, their employers only compensated them for 8 hours of a regular day’s work. Seven workers told Human Rights Watch that their employers forcibly kept their bank-issued ATM cards, these employers also reported that this practice was companywide.

Thirteen workers also told Human Rights Watch about contract substitution—a common occurrence. This was especially concerning as workers reported paying recruitment fees on the promise of that they would earn a certain salary but which the employers never had any intention of paying, leaving such workers in debt. Twenty workers reported that employers avoided paying their gratuity, delaying these payments to the point where the worker agreed to return to their home country without their earned end-of-service benefits.

Our preliminary research finds that the power imbalance between employers and workers caused by the *kafala* system, coupled with the recruitment fees workers often have to pay make migrant workers vulnerable to wage abuse even as they arrive in Qatar. One of the major hurdles to workers’ timely wages is Qatar’s supply chain payment policies that leave workers without salaries until every contractor and subcontractor above them in the chain is first paid.

Although the Wage Protection System has been a positive step towards ensuring workers are paid accurately and on time, research shows that the system is ineffective – too many workers say they are enrolled in the system and yet suffer from months of delayed wages without any government intervention. Domestic workers are still not given the protection of the labor law and have even fewer options for legal recourse than other workers. ILO research has recommended many other measures Qatar can adopt to improve workers’ payments such as project bank accounts and subcontract payment monitoring systems.

Despite the creation of Qatar’s Labour Dispute Resolution Committees, there are a number of barriers for workers that prevent them from taking their wage-related cases to court. These include migrant workers’ lack of control over their own legal status in the country; fear of retaliation at the hands of their employers; the slow pace of the committees’ decision; and not having enough legal documentation to prove their account. In many cases of wage abuse, despite migrant workers receiving positive verdicts from the committees, workers are left homeless and penniless for months on end, with not even enough resources to feed themselves.

Lastly, we found that Covid-19 has exposed and amplified the ways in which migrant workers' rights to wages have been violated. Despite the government offering loans to employers to pay workers' wages, employers have used the pandemic as a pretext to delaying and reducing wages and repatriating workers without paying outstanding dues. Human Rights Watch spoke to 7 workers from different companies that said employers had reduced their wages due to the pandemic, meanwhile those that had been facing delayed and unpaid wages before the pandemic, continue to face that wage abuse during the pandemic.

For a report that Human Rights Watch plans to publish in 2020, we would be grateful for any response to the following requests that you could provide us by August 12, 2020:

1. What measures has the Ministry of Interior taken or is taking to educate migrant workers at Qatar Visa Centers about their rights to accurate and timely wages through the WPS, overtime, and gratuity payments detailed in their contracts, and the avenues of redress available to them?
2. What measures has the Ministry taken or is taking to ensure that workers coming into the country have not paid their recruitment fees themselves?
3. How is the Ministry ensuring that employers in Qatar are not substituting their employees' contracts after they arrive in Qatar, for lower pay, and/or a higher number of work hours?
4. Between January 2019 and May 2020 how many cases of forced labor did the Ministry investigate? Out of these cases how many employers or companies were penalized? Could the Ministry provide us with details about the penalties the employers were faced with in this time period?
5. Please explain how the Ministry monitors that employers apply for and renew workers residence permits in a timely fashion? Does the Ministry penalize employers for failing to apply for or renew residence permits? How many employers have been penalized for such between January 2019 and May 2020?
6. What measures is the Ministry considering to ensure that workers are not penalized for becoming undocumented through no fault of their own? Are there any ways in which a worker can appeal an absconding report for instance?
7. When the Ministry detains workers for having 'absconded' from their employers, is there consideration given to how the employers may have launched cases against employers as a form of retaliation to wage-related complaints or other labor abuse?

- If so, can you provide data on how many “absconding” cases have been dropped as a result of finding that this was a form of retaliation?
8. Between January 2019 and May 2020, how many cases of passport confiscation did the Ministry deal with? Out of these cases, how many employers were penalized? Could you provide us with a breakdown of these penalties?

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James Ross, Legal and Policy Director
Joe Saunders, Deputy Program Director

Appendix IV: Letter to Fédération Internationale de Football Association (FIFA)

July 21, 2020

Mr. Gianni Infantino, President

CC: Mr. Federico Addiechi, Head of Sustainability & Diversity,

Mr. Andreas Graf, Human Rights Manager,

Ms. Rachel Davis, Chair, FIFA Human Rights Advisory Board,

Fédération Internationale de Football Association (FIFA)

FIFA-Strasse 20

P.O. Box 8044 Zurich

Switzerland

CC: Hassan Al Thawadi, Secretary General,

Supreme Committee for Delivery & Legacy

Via email: [REDACTED]

Re: Wage Abuses of migrant workers in Qatar

Dear Mr Infantino,

I write to express our appreciation for FIFA's engagement with Human Rights Watch and to inquire further about your organization's policies to prevent employers' wage abuses against migrant workers in Qatar.

Human Rights Watch has promoted workers' rights around the world for more than 20 years, including across the Gulf countries. As you will know, Human Rights Watch issued a report in 2012 on the situation for workers' rights in Qatar and has reported on workers' rights in Qatar and neighboring countries since.

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We welcome FIFA's and the Supreme Committee for Delivery and Legacy's commitments in the FIFA World Cup Qatar Sustainability Strategy document, to promote workers' "rights in projects and supply chains directly linked to the FIFA World Cup™". We also welcome that organizers recognize that the workforce in Qatar that is making the world cup possible comprises "full-time and temporary employees, contractor, sub-contractor and supplier employees, and volunteers, providing key services in areas such as construction, food and beverage, cleaning, event management, hospitality, transport and security".

In 2019 and 2020, Human Rights Watch conducted research into wage abuses in Qatar. Human Rights Watch is committed to fair and accurate reporting and seeks to understand the perspectives of FIFA and the Supreme Committee. We have attached a summary of our main findings based on our interviews, as well as questions we have concerning policies and actions, particularly what measures FIFA and the Supreme Committee have taken or are taking to prevent wage abuse on World Cup sites and to advocate for better protection of workers' rights, including their right to fair wages, in Qatar.

We would be grateful for a written response to our questions in as complete a manner as possible by August 10, 2020. This will allow us to reflect your responses in our upcoming report this year.

Please reach out to my colleague Maham Javaid at [REDACTED] who will answer any questions you may have, and receive responses to the attached questions.

Thank you for your time and attention to this letter.

Sincerely,
Michael Page
Deputy Director
Middle East and North Africa Division
Human Rights Watch

Summary of HRW's findings and questions relating to employer's wage abuses against migrant workers in Qatar

Human Rights Watch conducted the research for this report between January 2019 and May 2020. Researchers conducted detailed interviews with 93 migrant workers from 60 different companies and employers, whose conditions are the focus of this report – 11 of these workers are female domestic workers whose salary payment conditions slightly differ from other migrant workers.

Out of the 93 workers Human Rights Watch spoke to, 59 workers reported unpaid wages or serious delays in receiving their wages. Twenty-nine workers said that their employers did not honor the wage amount stipulated in their contract, out of these 29 workers, 12 face arbitrary deductions by their employer, 8 were underpaid without any explanation, and 9 faced ‘warehousing’ – a common practice in which workers are employed by labor supply company but due to a lack of clients they are not sent out for jobs, as a result of this they are also not paid any wages. Fifty-five workers cited the lack of overtime payments as a major problem they faced, an issue they said could be improved if all workers were provided with timesheets and pay slips. Not only were their overtime hours worked recorded inaccurately, but in the majority of cases, employers completely disregarded their overtime hours—although they worked up to 18-hour days, their employers only compensated them for 8 hours of a regular day’s work.

Seven workers told Human Rights Watch that their employers forcibly kept their bank-issued ATM cards, these employers also reported that this practice was companywide.

Thirteen workers told Human Rights Watch that they faced ‘contract substitution’, this is when workers sign an employment contract in their home country, but after reaching Qatar they find the employer has substituted the original contract with another with less favorable terms. ‘Contract substitution’ is especially concerning because migrant workers often pay their own recruitment fees, sometimes after taking a loan at high interest rates; they reported taking these loans for their fees based on the knowledge that they would be paid the amount the contract stipulated. But when the employer substitutes the contract after workers arrive in Qatar, the workers are often left in debt.

Twenty workers reported that employers avoided paying their gratuity, delaying these payments to the point where the worker agreed to return to their home country without their earned end-of-service benefits.

Our preliminary research finds that the power imbalance between employers and workers caused by the *kafala* system, coupled with the recruitment fees workers often have to pay make migrant workers vulnerable to wage abuse even as they arrive in Qatar. One of the major hurdles to workers' timely wages is Qatar's supply chain payment policies that leave workers without salaries until every contractor and subcontractor above them in the chain is first paid.

Although the Wage Protection System has been a positive step towards ensuring workers are paid accurately and on time, Human Rights Watch research shows that the system is ineffective – too many workers say they are enrolled in the system and yet suffer from months of delayed wages without any government intervention. Domestic workers are still not given the protection of the labor law and have even fewer options for legal recourse than other workers. ILO research has recommended many other measures Qatar can adopt to improve workers' payments such as project bank accounts and subcontract payment monitoring systems.

Despite the creation of Qatar's Labour Dispute Resolution Committees, there are a number of barriers for workers that prevent them from taking their wage-related cases to court. These include migrant workers' lack of control over their own legal status in the country; fear of retaliation at the hands of their employers; the slow pace of the committees' decision; and not having enough legal documentation to prove their account. In many cases of wage abuse, despite migrant workers receiving positive verdicts from the committees, workers are still left homeless and penniless for months on end, with not even enough resources to feed themselves.

Human Rights Watch also found wage abuses at FIFA 2022 World Cup Sites. In one case a trading and construction company, which is working on a World Cup stadium, delayed five months of salaries for roughly 500 managerial staff and two months of salaries for about 500 laborers between September 2019 and February 2020. Staffers at this company reported that this was not the only time salaries had been delayed. In another case, Human Rights Watch found that staffers and laborers at a construction company that was responsible for civil, water and masonry work on the external part of a World Cup stadium experienced wage delays for up to four months at least five times in 2018 and 2019. One

staffer at the company told Human Rights Watch that his company continues to work through the pandemic and his salary continues to be delayed.

We found that Covid-19 has exposed and amplified the ways in which migrant workers' rights to wages have been violated. Despite the government offering loans to employers to pay workers' wages, employers have used the pandemic as a pretext to delay and reduce wages and repatriate workers without paying outstanding dues. Human Rights Watch spoke to 7 workers from different companies that said employers had reduced their wages due to the pandemic, meanwhile those that had been facing delayed and unpaid wages before the pandemic, continue to face wage abuses during the pandemic.

For a report that Human Rights Watch plans to publish in 2020, we would be grateful for any response to the following requests that you could provide us by August 10, 2020:

1. Human Rights Watch and other organizations continue to document wage abuses of workers on World Cup sites, despite Qatar's Wage Protection System and the Workers' Welfare Standards. What information does FIFA have regarding wage disputes on construction sites for venues of the 2022 FIFA World Cup? If FIFA has such data, please provide a breakdown of wage abuse cases between January 2019 and Mat 2020, including by the type of wage abuse (unpaid wages, underpaid wages, lack of overtime pay, delayed wages), and if they are a sub-contracting company? What information does FIFA have about the reasons why such wage abuses are still occurring? And what specific steps has FIFA requested that the Supreme Committee take to prevent or respond to such wage abuses for workers in World Cup sites?
2. For workers that are not on World Cup sites but are working on construction sites or for companies in the hospitality and service industries that are necessary to hosting the World Cup, such as those working on the Metro and other infrastructure projects, in food and beverage, cleaning, event management, hospitality, transport and security, what specific measures is FIFA taking to prevent and respond to wage abuses?
3. Has FIFA engaged with the Supreme Committee, including in creating policies and mechanisms, to ensure that workers on World Cup sites receive their salaries during the Covid-19 pandemic?
4. Does FIFA have a policy agreed with the Supreme Committee, that the Supreme Committee should only recruit workers from labor supply and construction companies that have clean records regarding recruitment practices and the Wage

Protection System? If so, how does FIFA monitor this including ensuring that such companies have not previously committed wage abuses and are not currently committing wage abuses?

5. Has FIFA worked with or is working with third-party agencies independent of the Supreme Committee to ensure that workers employed to work at World Cup venues are not victims of wage abuse? If so, what has FIFA learnt from these third parties?
6. Has FIFA engaged with the Qatari government regarding policies and mechanisms on preventing wage abuses, on workers' recruitment fees, and bans that prohibit workers from free association, collective bargaining and strikes? What has FIFA been advocating with the government specifically regarding workers' rights? Please provide an update on these talks including whether such conversations relate to workers' rights that could impact workers beyond those employed at World Cup sites.
7. Is FIFA planning to finance a public awareness campaign using mainstream media to raise awareness about wage abuse, in order to educate companies, countries and football fans about these issues? If so, when can we expect such a campaign and what will it involve?

Appendix V: Response from Fédération Internationale de Football Association (FIFA)

Michael Page
Deputy Director
Middle East and North Africa Division
Human Rights Watch

Via e-mail:
To: [REDACTED]

Zurich, 21 August 2020

FIFA World Cup Qatar 2022 and wage protection

Dear Mr Page, dear Ms Javaid,

Thank you for your letter dated 22 July 2020 and we would like to echo your appreciation for the valued and constructive engagement we share with Human Rights Watch on a range of human rights-related matters.

Firstly, please let me reassure you of FIFA's ongoing commitment to human rights. Over the past few years we have embedded FIFA's statutory human rights commitment across key areas of our activities with FIFA taking a leading role in sports and having a proven record in respecting and protecting human rights in accordance with FIFA's [Human Rights Policy](#). These efforts range from fighting discrimination on and off the pitch, to the protection of human rights defenders who work to advance human rights in relation to FIFA's activities, as well as the integration of human rights requirements into the bidding, preparation and hosting of all FIFA tournaments and in other business relationships.

An important part of these activities relates to the FIFA World Cup Qatar 2022. The respective commitments, objectives and key initiatives are outlined in the joint [sustainability strategy](#) for the tournament, developed and implemented by the three tournament delivery partners FIFA World Cup Qatar 2022 LLC (Q22), the Supreme Committee for Delivery and Legacy (SC), and FIFA. Indeed, we are grateful for the helpful and important input provided by Human Rights Watch alongside many other stakeholders to the human rights risk assessment and the key initiatives developed as a result to address such risks that inform this strategy (as described in [this report](#) on the development of the strategy).

In line with this sustainability strategy and our responsibility under the UN Guiding Principles on Business and Human Rights, FIFA and the other tournament organisers work diligently to ensure respect for the rights of all workers linked to the preparation and hosting of the FIFA World Cup in Qatar. These include workers engaged in the construction of FIFA World Cup 2022 infrastructure, such as stadiums or training sites, as well as workers who deliver services for the tournament. FIFA and its Qatar-based subsidiary Q22 thereby work in close partnership with the SC, including through joint initiatives and projects.

Through this work, FIFA is aware of the importance of wage protection measures in Qatar and this is why FIFA and the other tournament organisers have put in place robust systems to prevent and mitigate wage abuse on FIFA World Cup sites, as well as mechanisms for workers to raise potential grievances and practices to provide for remediation where companies fail to live up to our standards. As part of this ongoing process, we test and review the systems in place, to ensure that they remain fit for purpose and to enable any further improvements that may be needed in the interest of the workers.

Immediately upon receiving your request for information, we kindly asked you whether you are aware of any ongoing cases of FIFA World Cup workers that may not have been addressed, and we followed up on this request three weeks later, again urging you to report any allegations so that we could investigate such allegations accordingly in the best interest of workers. In response, on 14 August 2020 you advised us of a complaint you had received from a worker of a company employed on FIFA World Cup sites. We are taking this allegation very seriously, as we do any such allegations, and are currently reviewing the information you provided together with the SC. As always, we will investigate the case fully and will take appropriate measures to address any wrongdoing by the respective company in the best interest of the concerned worker.

Once again, we kindly urge you to share any allegations you may receive with FIFA and the SC as early as possible, and ask that you also encourage workers to report any grievance they may have to the SC's Workers' Welfare hotline (see [here](#)). This will enable us to verify such information and to take appropriate action wherever it is needed, as always in the best interest of respective workers.

Please find further information below in response to the queries you raised in your letter. We hope that this information is helpful to the finalisation of your upcoming report.

For now, we trust that our efforts to protect and defend the rights of workers as detailed below, discussed in our call earlier this week, and in various public reports, will be appropriately and fairly described and contextualised in your final report and any related communications.

Sincerely yours,



Joyce Cook, CBE, OBE
Chief Social Responsibility & Education Officer

Information in relation to points raised in the 22 July Human Rights Watch letter to FIFA:

On cases of delays in payment of workers and the mechanisms in place to address these in the interest of the affected workers:

FIFA, Q22 and the SC have a zero-tolerance policy for wage abuse. When cases of late payment are identified concerning FIFA World Cup workers, usually through our own monitoring or grievance mechanisms, the systems in place to address them include:

- Direct engagements with workers who raise concerns to understand and validate claims;
- Engagements with the respective contractor and possible main contractors to resolve the issue and ensure payments are made, including through setting deadlines and attaching consequences should these not be met;
- Where the case concerns a sub-contractor, the leveraging of main contractors to step in and pay workers directly in order to shift the burden away from the workers;
- Reporting of cases to the respective authorities for further investigation and action, including in hardship cases the detention of company owners;
- The inclusion of contractors on a watch-list and, if necessary, the black-listing of companies who are then prohibited to work on FIFA World Cup sites until credible improvement of company systems have been implemented and demonstrated.

In addition to the above measures that are led by the SC as the developer of the FIFA World Cup infrastructure, and in line with its responsibility under the UN Guiding Principles, FIFA follows up closely with the SC in addressing particular cases. FIFA, Q22 and the SC discuss and review the existing systems and ways to further improve them on a regular basis. As part of this process, FIFA provides its own views, recommendations and requests concerning the SC's systems as well as the mechanisms provided by the government. Throughout the past years, the SC and its Workers' Welfare team has proven time and time again to be a very competent and credible partner that puts the interests of FIFA World Cup workers first.

On measures regarding workers who help prepare the FIFA World Cup other than those employed on FIFA World Cup sites under the SC's purview:

Over the past years, workers who were contracted by the SC to provide services to the SC or Q22, such as regarding catering, security or cleaning have benefitted from the same protection system put in place for construction workers on FIFA World Cup sites under the SC's Workers' Welfare Standards. These include the respective measures regarding wage protection.

As the tournament preparation enters a new stage and workers in several other sectors become involved in preparing the event, including for instance on hospitality, logistics, security and transportation, the protection measures are being expanded to these workers as well. The systems, which cover workers employed by companies with contracts with Q22, FIFA or the SC, include for instance:

- The pre-screening of companies during the tender process;
- The inclusion of respective clauses referring to the SC's Workers' Welfare Standards in contractual agreements;
- The conducting of capacity building with company representatives;

- The regular monitoring of compliance with the clauses and respective follow-up measures
- The provision of a grievance mechanism for workers and the requirement of contracting partners to put in place their own respective mechanisms, including formats that allow for workers' concerns to be raised in a systematic manner, such as Workers' Welfare Forums or worker committees.

FIFA, Q22 and the SC work jointly on this initiative to ensure the best possible use of capabilities and leverage amongst the three tournament delivery partners.

In addition to that, FIFA, Q22 and the SC participate actively in several platforms to promote best practice around workers' welfare in Qatar. These include for instance the Karama Initiative of large developers in Qatar, and the multi-stakeholder process on human rights in the hospitality sector involving the Qatari government, the ILO, trade unions and the Institute for Human Rights and Business.

Finally, in leading by example, the FIFA World Cup tournament organisers develop new ground for wider progress in Qatar. Various positive spill-over effects leading to better protection of tens of thousands of workers beyond those involved in the preparation of the FIFA World Cup have been observed and documented over the past years. For example, several contractors have raised their standards on all their sites in Qatar in order to meet the higher standards to become eligible for FIFA World Cup projects, or have made benefits required on FIFA World Cup projects available to all of their workforce. Furthermore, the SC is in close contact with relevant Ministries and the ILO to support the country-wide strengthening of standards building on good practice and learnings from FIFA World Cup sites. In that respect, FIFA was also encouraged to see the recent positive assessment by the UN Special Rapporteur on contemporary forms of racism of the systems in place to protect FIFA World Cup workers, who characterised these systems as 'impressive changes' and 'sweeping reforms' and recommended that the same standards are applied across the country (see [here](#)).

On measures regarding the protection of FIFA World Cup workers during the Covid-19 pandemic and FIFA's engagements with the SC in this respect:

Building on the existing systems, the SC put in place far-reaching Covid-19-specific protection measures for FIFA World Cup workers. SC representatives repeatedly presented these measures to relevant stakeholders, for instance through calls organised by the Centre for Sport and Human Rights, with participation from Human Rights Watch representatives. Furthermore, the SC published a Q&A on its website (see [here](#)). In these and other exchanges, we were pleased to see the positive feedback and recognition by external stakeholders, including trade unions and civil society organisations, about these measures.

Overall, wage-related questions have been dealt with in accordance with the existing standards and systems of the SC under the Workers' Welfare programme (see the answers to the previous questions) and in line with the Covid-19-related requirements set out by the Qatari Ministry of Public Health, and the Ministry of Administrative Development, Labour and Social Affairs. That said, additional protocols were implemented to meet the specific needs of the changed context. As an example, workers in isolation or quarantine were contacted regularly to learn about their situation, including with respect to the payment of their wages.

Over the past months, FIFA has been engaging closely and very regularly with the SC on the Covid-19-related measures in place, has provided its views and recommendations, and receives several updates per week on the situation. Our engagements with the SC were also informed by repeated exchanges with external stakeholders over the past months, such as with the International Labour Organisation, the Building and Woodworkers' International, and several civil society organisations.

On recruitment of workers and wage-related pre-screening of contractors for FIFA World Cup sites:

The SC's Workers' Welfare Programme conducts pre-mobilisation approval audits to ensure that contractors and sub-contractors proposed to be employed on their sites are in compliance with the Qatar Labour Law and the SC's Workers' Welfare Standards. These audits include an assessment of the company's track record with respect to wages through an analysis of the Wage Protection System records. Where companies are found to have had issues in the past, they are required to provide evidence of rectification and improvement of their systems, as well as comprehensive commitments to adhere to the Workers' Welfare Standard prior to being on-boarded.

FIFA considers these mechanisms by the SC to be robust and similar proceedings are being introduced in the on-boarding process of business relationships by Q22 and FIFA with respect to Qatar-based workers.

On FIFA's engagements with third parties regarding labour rights of FIFA World Cup workers and wage-related questions:

Over the past years, FIFA has developed close relationships with external stakeholders who work to protect workers' rights in Qatar. Amongst the organisations FIFA engages with on a regular basis are the Building and Woodworkers' International, the International Labour Organisation, and several civil society organisations focusing on labour rights in Qatar and the region. FIFA also mandated an external expert company to assess the remedy mechanisms in place for workers and other potentially affected constituent groups, which also cover potential complaints of workers regarding wage issues.

It should be noted that the SC, as part of its four-tier monitoring system, has for several years been working with independent entities who assess their processes and mechanisms and publish the results of these assessments. FIFA has been instrumental in helping to develop this system. For further information, we would refer you particularly to the reports published by Impactt Ltd and by the joint working group with the Building and Woodworkers' International which include observations with respect to wage protection (see [here](#)).

Such reports and feedback from external stakeholders generally confirm that late or non-payment of workers is a challenge with companies operating in Qatar. At the same time, these assessments and conversations show that the SC's systems generally provide robust safeguards against late payments of workers by companies employed on FIFA World Cup sites and provide testimony to the commitment by the SC and FIFA to address any issues that may be identified.

On engaging with Qatari government agencies regarding labour rights:

The Supreme Committee is a quasi-government entity and its head has the rank of a Minister in Qatar. This allows FIFA to raise particular matters with respect to labour rights and the governments'

mechanisms in that respect directly through its collaborative relationship with the SC. One area of discussion has over the past months been government intervention in enforcing wage protection as well as the effectiveness of the Workers' Support and Insurance Fund.

FIFA has furthermore regularly recognised the important progress made over past years while calling upon the Qatari authorities to continue with their reform agenda in collaboration with the International Labour Organisation.

On the communication about our efforts to ensure respect for labour rights of workers helping to prepare the FIFA World Cup and associated challenges:

Both FIFA and the SC have published regular updates on our labour rights-related efforts associated with the FIFA World Cup in Qatar. These reports include updates by both FIFA and the Supreme Committee on our own works. They also include reports developed by independent entities with a role to critically assess our work in that respect, such as the Building and Woodworkers' International, Impactt Ltd, and FIFA's Human Rights Advisory Board (see [here](#) and [here](#)).

FIFA and the SC have repeatedly been commended for their openness to inform transparently about their systems and related challenges in form of public reports, presentations at public conferences, as well as in exchanges with stakeholders. We will continue this approach of transparency and constructive engagement in the months and years to come, and, in this same spirit, we look forward to our ongoing meetings together, and to discussing the information provided in this letter in our next call.

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Appendix VI: Letter to the Qatar Supreme Committee for Delivery & Legacy

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July 22, 2020

Hassan Al Thawadi, Secretary General,
Supreme Committee for Delivery & Legacy

Via email: [REDACTED]

Re: Wage Abuses of migrant workers in Qatar

Dear Mr Hassan Al Thawadi,

I write to express our appreciation for the Supreme Committee for Delivery and Legacy's engagement with Human Rights Watch and to inquire further about your organization's policies to prevent employers' wage abuses against migrant workers in Qatar.

Human Rights Watch has promoted workers' rights around the world for more than 20 years, including across the Gulf countries. As you will know, Human Rights Watch issued a report in 2012 on the situation for workers' rights in Qatar and has reported on workers' rights in Qatar and neighboring countries since.

We welcome the Supreme Committee for Delivery and Legacy's and FIFA's commitments in the FIFA World Cup Qatar Sustainability Strategy document, to promote workers' "rights in projects and supply chains directly linked to the FIFA World Cup™". We also welcome that organizers recognize that the workforce in Qatar that is making the world cup possible comprises "full-time and temporary employees, contractor, sub-contractor and supplier employees, and volunteers, providing key

services in areas such as construction, food and beverage, cleaning, event management, hospitality, transport and security”.

In 2019 and 2020, Human Rights Watch conducted research into wage abuses in Qatar. Human Rights Watch is committed to fair and accurate reporting and seeks to understand the perspectives of the Supreme Committee and FIFA. We have attached a summary of our main findings based on our interviews, as well as questions we have concerning policies and actions, particularly what measures the Supreme Committee and FIFA have taken or are taking to prevent wage abuse on World Cup sites and to advocate for better protection of workers’ rights, including their right to fair wages, in Qatar.

We would be grateful for a written response to our questions in as complete a manner as possible by August 10, 2020. This will allow us to reflect your responses in our upcoming report this year.

Please reach out to my colleague Maham Javaid at [REDACTED] who will answer any questions you may have, and receive responses to the attached questions.

Thank you for your time and attention to this letter.

Sincerely,
Michael Page
Deputy Director
Middle East and North Africa Division
Human Rights Watch

Summary of HRW’s findings and questions relating to employer’s wage abuses against migrant workers in Qatar

Human Rights Watch conducted the research for this report between January 2019 and May 2020. Researchers conducted detailed interviews with 93 migrant workers from 60 different companies and employers, whose conditions are the focus of this report – 11 of these workers are female domestic workers whose salary payment conditions slightly differ from other migrant workers.

Out of the 93 workers Human Rights Watch spoke to, 59 workers reported unpaid wages or serious delays in receiving their wages. Twenty-nine workers said that their employers did not honor the wage amount stipulated in their contract, out of these 29 workers, 12 face arbitrary deductions by their employer, 8 were underpaid without any explanation, and 9 faced ‘warehousing’ – a common practice in which workers are employed by labor supply company but due to a lack of clients they are not sent out for jobs, as a result of this they are also not paid any wages. Fifty-five workers cited the lack of overtime payments as a major problem they faced, an issue they said could be improved if all workers were provided with timesheets and pay slips. Not only were their overtime hours worked recorded inaccurately, but in the majority of cases, employers completely disregarded their overtime hours—although they worked up to 18-hour days, their employers only compensated them for 8 hours of a regular day’s work.

Seven workers told Human Rights Watch that their employers forcibly kept their bank-issued ATM cards, these employers also reported that this practice was companywide.

Thirteen workers told Human Rights Watch that they faced ‘contract substitution’, this is when workers sign an employment contract in their home country, but after reaching Qatar they find the employer has substituted the original contract with another with less favorable terms. ‘Contract substitution’ is especially concerning because migrant workers often pay their own recruitment fees, sometimes after taking a loan at high interest rates; they reported taking these loans for their fees based on the knowledge that they would be paid the amount the contract stipulated. But when the employer substitutes the contract after workers arrive in Qatar, the workers are often left in debt.

Twenty workers reported that employers avoided paying their gratuity, delaying these payments to the point where the worker agreed to return to their home country without their earned end-of-service benefits.

Our preliminary research finds that the power imbalance between employers and workers caused by the *kafala* system, coupled with the recruitment fees workers often have to pay make migrant workers vulnerable to wage abuse even as they arrive in Qatar. One of the major hurdles to workers’ timely wages is Qatar’s supply chain payment policies that leave

workers without salaries until every contractor and subcontractor above them in the chain is first paid.

Although the Wage Protection System has been a positive step towards ensuring workers are paid accurately and on time, Human Rights Watch research shows that the system is ineffective – too many workers say they are enrolled in the system and yet suffer from months of delayed wages without any government intervention. Domestic workers are still not given the protection of the labor law and have even fewer options for legal recourse than other workers. ILO research has recommended many other measures Qatar can adopt to improve workers' payments such as project bank accounts and subcontract payment monitoring systems.

Despite the creation of Qatar's Labour Dispute Resolution Committees, there are a number of barriers for workers that prevent them from taking their wage-related cases to court. These include migrant workers' lack of control over their own legal status in the country; fear of retaliation at the hands of their employers; the slow pace of the committees' decision; and not having enough legal documentation to prove their account. In many cases of wage abuse, despite migrant workers receiving positive verdicts from the committees, workers are still left homeless and penniless for months on end, with not even enough resources to feed themselves.

Human Rights Watch also found wage abuses at FIFA 2022 World Cup Sites. In one case a trading and construction company, which is working on a World Cup stadium, delayed five months of salaries for roughly 500 managerial staff and two months of salaries for about 500 laborers between September 2019 and February 2020. Staffers at this company reported that this was not the only time salaries had been delayed. In another case, Human Rights Watch found that staffers and laborers at a construction company that was responsible for civil, water and masonry work on the external part of a World Cup stadium experienced wage delays for up to four months at least five times in 2018 and 2019. One staffer at the company told Human Rights Watch that his company continues to work through the pandemic and his salary continues to be delayed.

We found that Covid-19 has exposed and amplified the ways in which migrant workers' rights to wages have been violated. Despite the government offering loans to employers to pay workers' wages, employers have used the pandemic as a pretext to delay and reduce wages and repatriate workers without paying outstanding dues. Human Rights Watch

spoke to 7 workers from different companies that said employers had reduced their wages due to the pandemic, meanwhile those that had been facing delayed and unpaid wages before the pandemic, continue to face wage abuses during the pandemic.

For a report that Human Rights Watch plans to publish in 2020, we would be grateful for any response to the following requests that you could provide us by August 10, 2020:

1. Human Rights Watch and other organizations have continued to find cases of wage abuse of workers on World Cup sites, despite Qatar's Wage Protection System and the Workers' Welfare Standards. Does the Supreme Committee have data regarding wage disputes on construction sites for venues of the 2022 FIFA World Cup? If so, could you please share these details with us? Please provide a breakdown of wage abuse cases between January 2019 and May 2020, including by the type of wage abuse (unpaid wages, underpaid wages, lack of overtime pay, delayed wages), and if they are a sub-contracting company? What has the Supreme Committee understood to be the reasons for such wage abuses? And what specific steps has the Supreme Committee taken to prevent or respond to such wage abuses for workers in World Cup sites?
2. For workers that are not on World Cup sites but are working on constructions sites or for companies in the hospitality and service industries that are necessary to hosting the World Cup, such as those working on the Metro and other infrastructure projects, in food and beverage, cleaning, event management, hospitality, transport and security, what specific measures is the Supreme Committee taking to prevent and respond to wage abuses?
3. What steps has the Supreme Committee taken, including engaging with FIFA and creating policies and mechanisms, to ensure that workers on World Cup sites receive their salaries during the Covid-19 pandemic?
4. Does the Supreme Committee have a policy to recruit workers only from labor supply and construction companies that have clean records regarding recruitment practices and the Wage Protection System? If so, how does the committee ensure that such companies have not previously committed wage abuses and are not currently committing wage abuses?
5. What engagement has the Supreme Committee had with the Qatari government regarding policies and mechanisms on preventing wage abuses, on workers' recruitment fees, and bans that prohibit workers from free association, collective bargaining and strikes? What has the Supreme Committee been advocating with the government specifically regarding workers' rights? Please provide an update on

these talks including whether such conversations relate to workers' rights that could impact workers beyond those employed at World Cup sites.

Appendix VII: Response from the Qatar Supreme Committee for Delivery & Legacy



Date: 17 August 2020

Ref. No.: [REDACTED]

Michael Page
Deputy Director
Middle East and North Africa Division
Human Rights Watch
[REDACTED]

Subject: Response to letter relating to wage abuses of migrant workers in Qatar

We refer to your letter dated 22 July 2020, summarising Human Rights Watch's (HRW) findings and questions relating to your organisation's research into employers' wage abuses in Qatar.

All workers under the purview of the Supreme Committee for Delivery & Legacy (SC) are covered under the SC's Workers' Welfare Standards (WW Standards) and enforced by the Workers' Welfare Department (WWD), to ensure adherence to specific requirements for ethical recruitment, salaries and benefits and accommodation. In addition to construction workers, the scope of our programme also covers workers involved with security services, facility management, housekeeping/clinics, transport, food and beverage, among others. Through our robust Compliance and Audits mechanism, we continuously monitor companies' compliances with the requirements of the SC WW Standards and Qatar Labour Law and have enforcement measures in place to rectify any non-compliance.

Protection of wages

We continuously monitor payment of wages on our programme. When incidences of non-compliance are identified, we implement the enforcement measures made available to us through our WW Standards. We have always maintained a spirit of transparency. For example, we reference our [5th Annual Progress Report](#), in which we highlight the issue of delayed wages as a challenge we are working to overcome.

Through our forensic auditing process and the grievance mechanisms we have made available to workers, we quickly identify cases of salary delay issues. In each case, we undertook rectification options available to us, including:

1. **Reporting to the Ministry of Administrative Development Labour and Social Affairs (MoADLSA)** – the SC has reported non-compliant contractors to MoADLSA. In the majority of instances, MoADLSA has taken punitive action that included issuance of warnings to defaulting contractors, placing an administrative block on their activities and in isolated, egregious cases, arrest of contractors' owners.
2. **Payment suspension and direct payment to workers by main contractor** – based on the SC's direct instruction, some main contractors made direct payments to affected workers from the defaulting sub-contractors. In the case of one contractor, this arrangement continued for at least six months, until the sub-contractor's financial situation improved.

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3. **Watchlisting/blacklisting** – when non-compliance persisted, we placed offending contractors on our watch-list / blacklist prohibiting their mobilisation on any SC site until there was evidence of satisfactory rectification.

Our external monitor, [Impactt Ltd.](#), - a leading ethical trade consultancy firm - plays a vital role in our four-tier auditing system. As part of their quarterly audits, Impactt examines the salary disbursement records, conducts socio-economic surveys with workers, and reports any cases of non-compliance along with their root causes. The SC promptly follows up with our main contractors and their respective sub-contractors to resolve any issues Impactt reports, undertaking the rectification measures available to us outlined above. By their next quarterly audit, Impactt follows-up to ensure satisfactory closure of any non-compliances. As with our Annual Progress Report, to maintain transparency, Impactt annually releases an independent public report outlining the challenges it identified during that reporting period, including delays in salary payments. Impactt's reports, along with all the SC Annual Progress Reports, are published online at [\[https://www.qatar2022.qa/en/opportunities/workers-welfare/news-reports\]](https://www.qatar2022.qa/en/opportunities/workers-welfare/news-reports).

During the COVID-19 pandemic, the SC has implemented wide-ranging policies to ensure the welfare of our workers (<https://www.qatar2022.qa/en/about/faq#COVID-19>). The SC mandated that all workers on its programme are routinely provided with their salaries, food, transportation and accommodation in accordance with the guidelines released at the onset of the pandemic, by MoADLSA. This includes payments to workers in isolation and quarantine. High-risk workers identified by the SC (workers with pre-existing chronic conditions and those aged above 55) were promptly relocated to a separate accommodation to ensure their health and well-being. In addition, they were temporarily suspended from work, yet they continued to receive their salaries, benefits and accommodation. The SC constantly engages with all our contractors and deals with matters on a case-by-case basis when issues arise directly related to salary payment.

Pre-mobilisation and recruitment

Since January 2017, the SC has implemented a workers' welfare pre-mobilisation approval process to ensure that contractors, before they enter our sites, comply with Qatar Labour Law and the WW Standards. When shortcomings are identified, contractors are required to provide evidence of rectification prior to being on-boarded. Approval is withheld to contractors who have defaulted on WW Standard's requirements or are on our 'watch-list', until they have rectified their respective issues and provided comprehensive commitments to adhere to the WW Standards.

Concerning recruitment practices, the WW Standards are clear on the process to be followed for every contractor engaged on an SC project. SC contractors are only permitted to use recruitment agencies registered with MoADLSA. The contract between the recruitment agent and contractor must include mandatory clauses that include free recruitment and mobilisation of workers; contractors' responsibility to bear the full cost of recruitment; no retention of workers' personal documentation; and the strict prohibition of using unlicensed brokers/sub-agents.

The SC has also implemented a Universal Reimbursement Scheme to ensure recruitment fees are reimbursed by contractors to employees. The SC has collaborated with over 230 contractors to date to reimburse approximately 47,900 workers (only 29,300 of which are SC workers), with over \$31 million committed to be

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reimbursed over the following three years. In addition, 180 contractors have “formalised” their commitment by attesting it with MoADLSA. This ensures that reimbursements continue post-demobilisation.

Workers’ voice

The WW Standards require that every contractor with 50 or more workers establish Workers’ Welfare Forums (WWF) for each of their accommodation sites. WWFs provide a safe environment to raise a wide range of issues which include salary delays, accommodation, food, transport and health and safety concerns. Workers democratically elect their representatives, and collectively address their grievances to Workers’ Welfare Officers (WWO) through their representatives on a monthly basis. We have found WWF to be very effective in identifying worker grievances. The Building and Wood Workers’ International (BWI) attends WWF meetings during their Joint Working Group visits and engage with Workers’ Representatives to enhance awareness on the role of WWF, WWO and the SC grievance hotline. They have attested to the transformational nature of these forums and their effectiveness in amplifying workers’ voices.

A key component of our workers’ welfare programme is ensuring the legacy that will define Qatar’s FIFA World Cup in 2022. We work closely with MoADLSA and other partners in Qatar to continuously transfer knowledge and best practices. One clear indication of this legacy, is the announcement in April 2019 by the International Labour Organization (ILO) and MoADLSA of their intention to expand the WWF system country-wide - they will be implementing this mechanism across Qatar providing workers with Joint Committees where they can collectively raise their grievances.

We trust the information enclosed gives you the answers required and will be adequately contextualised in your report. If you seek further clarification on any of the points raised within please do not hesitate to get in touch.

Supreme Committee for Delivery & Legacy

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(above) A football match in 2011 in Doha, Qatar.

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(front cover illustration)

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In less than 1,000 days Qatar is set to host the FIFA World Cup 2022. To build – and eventually deliver – this colossal undertaking, Qatar relies heavily on migrant workers, who represent about 95 per cent of the country’s labor force. Migrant workers power the service sector of the entire country, and they are responsible for building the stadiums, the necessary infrastructure, and the grand hotels needed to accommodate fans, athletes, and reporters. These workers leave home for Qatar hoping for better livelihoods and instead are often met with crippling wage abuses.

Through a series of 93 interviews with migrant workers from over 60 employers in Qatar, Human Rights Watch found glaring wage abuses including delayed, underpaid, and unpaid wages. Often, Human Rights Watch found migrant workers struggling to make ends meet, trapped in jobs that pay them less than what they were promised, working far beyond 8 hours a day without receiving overtime compensation, and unable to access mechanisms of redress out of fear of retaliation. At the heart of these abuses lies the *kafala* system, a labor governance system that creates a deep power imbalance between migrant workers and employers.

This report calls on the Qatari government to abolish the *kafala* system, improve its wage monitoring systems, speed up its redress mechanisms, and adopt measures that ensure no migrant worker is denied the salary they have earned.