

# DRIBBBLE OR GOAL?

## Tracking the Score for Decent Work Legacy in Qatar

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BWI is the Global Union Federation grouping free and democratic unions with members in the Building, Building Materials, Wood, Forestry and Allied sectors.

BWI brings together around 351 trade unions representing around 12 million members in 127 countries. The Headquarters is in Geneva, Switzerland while the Regional Offices are in Panama, Malaysia, and South Africa.

Our mission is to defend and advance workers' rights, and to improve working and living conditions in our sectors. The BWI, above all, has a rights-based approach. We believe that trade union rights are human rights and are based on equality, solidarity and democracy, and that trade unions are indispensable to good governance.

BWI goals include 1) to promote and defend human and trade union rights; 2) to increase trade union strength; 3) to promote a stable and high level of employment in our sectors; and 4) to influence policy and strengthen the capacity of institutions and tripartite structures in our sectors.

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# Introduction

Qatar will be the first nation from the Middle East and North Africa to host the Fédération Internationale de Football Association - FIFA World Cup 2022™, the world's most popular football event. The decision was criticised by the international human rights organizations and media, global trade unions, and multilateral organizations due to Qatar's reported human and labour rights abuses.

The Building and Woodworkers' International (BWI), a Global Union Federation of free and democratic unions with members in the Building, Building Materials, Wood, Forestry and Allied sectors, was among those that criticised FIFA's decision to grant Qatar's bid to host the FIFA World Cup 2022™. This was because of concerns over the treatment of migrant workers, especially the construction workers who had dangerous and unhealthy working and living conditions.

Gulf countries, including Qatar, used the kafala employer sponsorship system with migrant workers. Employers sponsored migrant workers and controlled their legal status and their documents. This was a well-established system where governments, in many cases, facilitate employer prerogatives in labour utilisation rather than ensure workers' rights.

Qatar broke with the kafala system. It was a crucial step on a path to reform and protection of worker rights. The journey is not yet complete, but it was, nevertheless, major progress that was unprecedented in the Gulf countries.

Construction and some other services have long been dependent on migrant workers. In the 1960s and 1970's, most workers came from other Arab countries. That began to change in the 1980's and 1990's when most migrant workers came from South Asia. The numbers grew from a couple million in the first period to many millions more later. BWI has long been preoccupied with the rights and conditions of those workers. It had contacts in supplier countries but could not work in the Gulf. BWI, with 351 trade union affiliates in 127 countries with 12 million members, had member organisations in many of the countries of origin of migrants.

When the World Cup Games were awarded to Qatar in December of 2010, BWI opposed the FIFA decision and campaigned against FIFA. The campaign and associated activities were not ends in themselves, but were intended to produce change. They opened opportunities for progress, including the ability to work with migrant workers in Qatar.

The multi-faceted BWI campaign targeted key actors linked to the World Cup Tournament including the FIFA, football fan clubs, national football clubs, corporate sponsors, the Ministry of Administrative Development, Labour and Social Affairs (MADLSA), and the Supreme Committee for Delivery & Legacy (SC) – the organisation responsible for delivering the infrastructure required for the FIFA World Cup Qatar 2022™.

BWI was able to engage the government authorities in Qatar and in countries of origin such as India, Nepal, Bangladesh and the Philippines. Work at both ends of migration was critical to advance the rights and welfare of migrant workers in Qatar.

BWI's expertise in the construction industry and its relationships with Multinational Construction Companies (MNCs) also helped in engaging companies and their subcontractors operating in Qatar.

With 16 months before kick-off, the BWI is publishing a Progress Report 2021 to provide a glimpse of the collective journey of migrant workers, the global unions and other actors and stakeholders in their quest for the recognition and fulfilment of human and labour rights in Qatar.

It describes the tapestry of actions that included a Red Card campaign, challenges from courts to international venues like the Organisation for Economic Co-operation and Development (OECD) using its complaint mechanism and International Labour Organisation (ILO) procedures. It also outlines international rallies, representation of individual and collective workers' claims, and consequent social dialogue, technical cooperation, joint health and safety orientations at work sites and joint servicing of workers.

The Report highlights the cooperation with the authorities of Qatar, which agreed to ensure legislative reforms are adopted, reached agreements, and established a work environment that is conducive for progress for migrant construction workers, as well as undertaking joint inspections with BWI to improve the health and safety of stadium workers.

Finally, this Report also reiterates the Recommendations that BWI has already made as well as new proposals to improve the respect of rights and meet the demands of workers in Qatar. The Recommendations, if adopted, would ensure a football legacy of decent work - *way beyond the moment when world champions will have raised the golden World Cup.*

# Executive Summary

This Progress Report published by the Building and Woodworkers International (BWI) highlights the campaign toward achieving fundamental rights and freedoms for migrant workers in Qatar. It also narrates the role of the global trade unions, international media, multilateral organizations and football fan clubs in the campaign to achieve human and labour rights for migrant workers in Qatar.

Chapter 1 sketches some of the conditions and challenges that were faced by migrant construction workers from their home country to their workplaces in Qatar. It gives snapshots of labour cases and complaints (including case stories in non-World Cup employers – Case 1 to 5 and 7) and identify some of the decent work deficits such as long hours of work under dangerous, sometimes fatal temperature levels, and the cramped and filthy accommodations. Many migrant workers also experienced long delays and non-payment of their salaries as well as further delays in granting of their just claims. The chapter also highlights the global responses of BWI, the global trade union movement, the media, and human rights organisations.

Chapter 2 narrates the relevant actions and successes in improving Qatar's labour system, starting with the abolition of Kafala, or the sponsorship system widely blamed for the exploitative behaviour of employers toward migrant workers, reforms in the recruitment process, and improvement in occupational health and safety.

Chapter 3 tackles the important measures to create an enabling environment to sustain reforms in Qatar's labour system. The interplay of various stakeholders – ranging from trade unions to multilateral agencies to global sports bodies - is followed and how each is contributing in promoting decent work inside Qatar.

Lastly, Chapter 4 summarises the BWI Recommendations to the 3 main authorities and groups responsible for building the FIFA World Cup Qatar 2022™ legacy of decent work.

## Recommendations to the Qatar Authorities

1. Effective Enforcement of the Minimum Wage Law and the Law Abolishing the Kafala System
2. Guarantees that Employers Obey the Law on No-Objection Certificates (NOC), Stop Retaliation and Guarantee Government Coherence on Policy and Enforcement
3. Fair Recruitment
4. Enforcement of Occupational Safety and Health Regulations
5. Reform of the Labour Justice System
6. Fully Operational and Funded Workers' Support and Insurance Fund
7. Right to Representation and Workers' Committees

## Recommendations to FIFA and SC

8. Migrant Workers' Centre
9. Workers Welfare Committees and Joint Inspection in the Hospitality Sector
10. Guarantee of Timely Remedy for Workers Complaints and Grievances
11. Universal Reimbursement Scheme

## Recommendations to Multinational Companies

12. Due Diligence and Joint Inspection



# 1. Fouls, Offsides and the Global Responses

## 1.1. The Exploitation of Migrant Workers

Qatar's successful bid to host the FIFA World Cup 2022™ drew global attention to the widely reported plight of many migrant workers during that period. BWI focused on the construction industry where it is the representative global union and where nearly all workers were migrants.

At the core of human rights abuses of migrant workers was the Kafala or the sponsorship system prevalent in the Middle East that granted employers' substantial control over workers. It was widely criticized as forced labour as it prevented migrant workers from freely changing employers or leaving Qatar even if they were abused.

The Kafala made it easy for employers to exploit migrant workers through the confiscation of passports, refusal to provide "No-Objection

### Case story 1: Companies retaliate when workers complain [February 2019]

Mylene, 45, is an interior designer from the Philippines who worked in Qatar for two years. As part of the contract, her employer was to pay her service gratuity pay and provide free airfare going home. However, her employer refused to release her benefits, and told her to buy her own air ticket.

She filed a complaint with the Ministry of Labour, prompting her employer to settle its obligation and issue a plane ticket. At the immigration counter at the airport, however, she was arrested due to an absconding case filed against her by her former employer. Mylene was detained for three days, and eventually deported. Qatar also issued a ban against her return.

Certificates" (NOC) to allow workers to change employers, or exit permits, and did not provide return home tickets. Migrant workers who absconded from abusive employers were put behind bars or forced to pay fines and were deported.



Meanwhile, precarious living and working conditions of migrant workers were partly responsible for the series of accidents, serious injuries, and even deaths. However, these cases were not recorded or reported and so information did not even reach the Ministry of Labour of Qatar.

Construction sites were unsafe. There were many accidents and fatalities, although there were conflicting figures, and none was well-documented. Newspapers, electronic media, human rights organisations and trade unions were focusing on health and safety in Qatar.

The BWI undertook several missions to Qatar to examine working and living conditions. It also gathered information from Asian embassies in Qatar.

Exploitation and abuse did not begin in Qatar. It often started at the migrants' home country. To get a job in Qatar, migrant workers often paid exorbitant fees to recruitment agencies. It was common to finance the fees by borrowing money from private parties charging very high interest rates. Much of their income in Qatar went to pay off those loans denying money to their families who were often pressured by unscrupulous loan sharks.



Wage violations and discrimination were rampant as migrant workers were deprived of fair wages and grievance mechanisms, to address widespread abuses involving wages and discrimination.

**Case story 2: Ali\*(32) and Viella (34), hospitality workers from the Philippines [September 2020]**

Ali has concluded her two-year service as a cleaner in a supply company, Cleaner.com in Qatar, despite experiencing frequent delays in her salary. However, her employer refused to pay the end-of-service gratuity as stipulated in the contract. She risked being detained or deported as her Qatar ID had been cancelled and she was being forced out of her accommodation.

Viella, who worked in the same hotel for four years, had a similar problem; she could not go home without getting her end-of-service gratuity. Like Ali, she was also being forced out of the accommodation provided by the same employer.

Ali and Viella filed a complaint with the Ministry of Labour with the assistance of the BWI, which advised them not to leave their accommodations until they can move to another company.

\* not her real name

Thousands of migrant workers ended up languishing in jail or faced deportation and fines when they complained of unpaid salaries and gratuities. The unfair labour system also made it difficult to resolve their cases in a fair and timely manner.

Filing a complaint against exploitative employers was not an option for a lot of migrant workers, or even professionals. In many cases, it was a choice of staying in an abusive working relationship or ending up in jail. Employers in Qatar resorted to retaliatory actions when workers filed complaints or absconded. The Kafala system allowed migrant workers to be detained for 30 days while they awaited their deportation. The UN Special Rapporteur during his visit to Qatar in 2014 found some 300 female and male migrant workers trapped at the deportation centre.

The year 2020 was a crisis period due to the pandemic. It struck migrant workers particularly hard because of often crowded living conditions and other health and safety challenges. Qatar was no exception. In the Gulf region, a majority of COVID 19 cases were among migrants.

In Qatar, cases reduced in late 2020 but surged again in the Spring of 2021. Work continued on preparations for the FIFA World Cup Qatar 2022™, however, in some cases workers became jobless within the Qatar construction industry, but could not return home due to travel restrictions. Employers were required to provide food and accommodations for workers without employment however, some employers have not respected the rules.

Although it was not possible to send delegations to Qatar, BWI raised the issue of high infection rates for

migrant workers after the outbreak in 2020 and has kept in touch with Qatari authorities concerning efforts to control the spread of the virus as well as other health and safety issues.

**Case story 3: Starved, desperate workers [2nd Half of 2018]**

For almost half a year, more than 200 workers from Bangladesh, Nepal, India and the Philippines had not received their salaries, and barely had enough money to buy food, while stranded in a labour camp.

To make matters worse, their access to water and electricity was intermittent, forcing them to endure dangerous temperatures of up to 45C. These workers were abandoned by their employer, which had been using several names like Sattal, Asyad, Champion and Mahira Engineering.

Some of them tried to pick fights with other workers in their labour camp, just so they could escape the living hell, and be placed in jail, or be repatriated.

Finally, we stress the imperative of a strong foundation to enhance decent work in Qatar. The global instruments and conventions on human and labour rights have facilitated the opportunity for workers to make collective representations, in defining their terms and conditions of employment, and to seek redress for their grievances. This is done through their voice of solidarity - trade unions. However, Qatar bans trade unionism among migrant workers.

Workers' associations and professional associations may be formed in business establishments which employ 100 Qatar nationals, but they do not have full trade union rights. The creation of worker committees, the social dialogue of Qatar authorities with the global trade union movement, and engagement with civil society organisations are ways forward in creating an environment of shared decision-making in the world of work.

## 1.2. Global Responses

The graphic depiction in global media of workers' suffering in Qatar and direct accounts given by migrants to trade unions focused global attention on migrant workers in Qatar. An effect of the FIFA World Cup Qatar 2022™ was to put worker rights - and not just football - on the global agenda.

### 1.2.1. Human Rights Take Centre Stage

Rising global concern over the situation of migrant workers in Qatar prompted the United Nations to send the Special Rapporteur on the human rights of migrants, François Crépeau, to Qatar in November

2013. His report confirmed various forms of abuse and exploitation committed against migrant workers, who lived in substandard conditions and also paid recruitment fees, leaving them heavily indebted.<sup>1</sup>

The UN Special Rapporteur met with around 300 women and 1,050 men detained at the deportation centre and learned that most of them were forced to abscond from abusive employers.

**Case story 4: COVID-19 pandemic worsens suffering of workers [September 2019 – May 2020]**

Subodh Singh, an Indian national, has been working in Qatar since 2018. But his employer, Qatar Meta Coats WLL, stopped paying his salary since September 2019, without giving him either notice and explanation of the failure to pay him.

He sought assistance from the Overseas Friends Welfare Association (OFWA), and BWI Indian Workers Welfare Association in Qatar in filing a case in a labour court. The court granted a favourable decision in May 2020, ordering his employer to pay salaries due him.

But Qatar has imposed a lockdown, and limited work activities due to the COVID-19 situation.

"There are many challenges for migrant workers in Qatar and COVID-19 only worsened the situation," said Subodh.

While stranded in a labour camp, Subodh was worried about getting infected as thousands of workers were cramped in their accommodation facilities without proper COVID-19 health safeguards, such as wearing masks, and physical distancing. Subodh also worried about where to get his food as he stopped earning a salary in the previous year.

The Special Rapporteur reiterated the importance of private contractors and subcontractors in respecting human and labour rights of migrant workers by ending practices such as contract substitution, the confiscation of passports, non-provision of identity cards, delayed payment of wages, and poor working and living conditions.

International human rights organizations have conducted extensive investigations and confirmed the painful experiences of migrant workers in Qatar since 2010.

In a 2020 report, Human Rights Watch said that workers face wage abuses from some employers who still withhold, delay and arbitrarily deduct wages. "Employers often withhold contractually guaranteed overtime payments and end-of-service benefits, and they regularly violate their contracts

<sup>1</sup> Report of the Special Rapporteur on the human rights of migrants, François Crépeau, 'Mission to Qatar', United Nations Human Rights Council, 2014, <https://www.ohchr.org/en/issues/migration/srmigrants/pages/srmigrantsindex.aspx> (accessed 5 April 2021)





with migrant workers with impunity,” said the report, “How Can We Work Without Wages?” Salary Abuses Facing Migrant Workers Ahead of Qatar’s FIFA World Cup 2022™.<sup>2</sup>

The wage abuses, according to Human Rights Watch, are driven by the remnants of the exploitative Kafala system despite legislative changes. There are also continuing abuses including deceptive recruitment practices both in Qatar and in workers’ home countries and the practice of some subcontractors that deliberately delay payments to workers and leave migrant workers vulnerable to payment delays.

Amnesty International also found similar forms of abuse committed against workers who were building the Khalifa Stadium and the Aspire Zone to be used for FIFA World Cup Qatar 2022™.<sup>3</sup>

Another area of abuse was in the area of recruitment. In its report from 2016: “World Cup of Shame,” Amnesty International said migrant workers, desperate to escape poverty and unemployment back home, paid exorbitant recruitment fees of from 500 USD to 4,300 USD to unscrupulous recruitment agents. Recruiters also give false promises of salary levels and committed

similar wage deceptions, leaving workers with heavy loans back home, while struggling to survive in Qatar.<sup>4</sup> This is an area where far-reaching reforms by SC took place banning such fees and providing for reimbursement to workers of recruitment fees paid.

### 1.2.2. BWI’s Fair Games Campaign

BWI, as the global trade union for construction workers, launched in 2007 a global sports campaign for decent work in mega-sporting events, starting with the FIFA World Cup 2010™ in South Africa. It has since campaigned on the subsequent Summer and Winter Olympics and the top championships of FIFA and its European members.

After the FIFA World Cup Brazil 2014™, BWI shifted its Yellow Card campaign to Red Card as Russia and Qatar won the hosting bids for 2018 and 2022, respectively.

The BWI and affiliates from all continents mobilized the Red Card for FIFA campaign to expose Qatar’s widespread human rights abuses against migrant workers, a serious concern that FIFA should have considered in its decision to grant Qatar’s bid to host the FIFA World Cup 2022™. It believed that FIFA should exercise

<sup>2</sup> Human Rights Watch, “How Can We Work Without Wages?” Salary Abuses Facing Migrant Workers Ahead of Qatar’s FIFA World Cup 2022, 2020, <https://www.hrw.org/report/2020/08/24/how-can-we-work-without-wages/salary-abuses-facing-migrant-workers-ahead-qatars> (accessed 5 April 2021)

<sup>3</sup> Amnesty International, *Qatar World Cup of Shame*, 2013, <https://www.amnesty.org/en/latest/campaigns/2016/03/qatar-world-cup-of-shame/> (accessed 9 April 2021)

<sup>4</sup> Amnesty International, *Qatar World Cup of Shame*, 2013, <https://www.amnesty.org/en/latest/campaigns/2016/03/qatar-world-cup-of-shame/> (accessed 9 April 2021)

leverage with the government of Qatar to end the widespread human and labour rights abuse of migrant workers, particularly those engaged in the construction of World Cup stadiums, sports facilities and infrastructure.

In May 2015, the BWI filed a case against FIFA with the Swiss National Contact Point charged with implementing the Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises for choosing Qatar as host of the FIFA World Cup 2022™ despite the latter's documented human rights violations against migrant workers.

The OECD Guidelines set the standards for responsible business conduct of multinational enterprises operating in or from their territories of the 35 OECD member and 12 other adhering states. They set out the standard of behaviour expected of enterprises in their global operations, including respect for human rights of workers and undertaking due diligence.

The BWI considered FIFA to be a Multinational Enterprise engaged in significant international and commercial activity, and therefore covered by the OECD Guidelines. The Swiss National Contact Point agreed and accepted the case.

FIFA's Bidding Agreement for the FIFA World Cup 2022™ required Qatar to provide information under 20 different chapters, including "Sustainable Social and Human Development," but there was no requirement at that time to address human, including labour rights.

### 1.2.3. Workers' Solidarity Unleashed

The BWI collaborated with the International Trade Union Confederation (ITUC), which represents 332 national affiliates in 163 countries and territories which represent 200 million workers. The ITUC and BWI submitted a complaint under Article 24 of the ILO Constitution against the Government of Qatar. They made representations to the International Labour Organisation (ILO) on January 16 and November 21, 2013, on Qatar's non-observance of Forced Labour Convention 29, ratified in 2011. The organization said that the legal framework in Qatar is not sufficient to protect the rights of migrant workers and that the existing legal protections are not adequately enforced.<sup>5</sup>

Cases of some 210 migrant workers in Qatar were used to raise concerns on human and labour rights for the ILO complaint. These concerns related to passport confiscation, including an employer who demanded payment for the return of a passport; substitution of contracts, affecting both the level of remuneration and nature of the work; non-payment of wages; failure to be given a residence visa; and working conditions that included long working hours, physical violence, sexual abuse, and poor accommodations.

The ILO was informed that migrant workers lack access to complaint mechanisms and faced retaliation from sponsors when complaints were filed. Despite Qatar's legislation on trafficking in persons under Law No.15 of 2011, there was limited success in prosecuting trafficking offences, and no government officials had been investigated or prosecuted for complicity in trafficking-related offences. Instead, it was alleged that those arrested, detained, and deported were potential victims of trafficking and were prosecuted for violating immigration law after they ran away from their employers or sponsors.

The government of Qatar said it was taking measures to: protect migrant workers during recruitment; monitor wages; provide suitable accommodation and health care; create a suitable work environment for workers' safety; and provide continued support to workers during their stay in the country by providing information and guidance. Qatar maintained that there were enough measures in place to eliminate human trafficking under Act No.15 of 2011, which imposes punishment of up to 15 years of imprisonment and a maximum fine of QAR 300,000.<sup>6</sup>

In addition to the ITUC/BWI Complaint, worker delegates to the International Labour Conference of the ILO in 2014 submitted a complaint against the Government of Qatar under Article 26 of the ILO Constitution for failing to observe ratified Convention 29 on forced labour. Based on that complaint, the ILO Governing Body had to determine whether to establish a Commission of Inquiry.

5 International Labour Organization, *Report of the committee set up to examine the representation alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the Building and Woodworkers International*, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50012:0::NO::P50012\\_COMPLAINT\\_PROCEDURE\\_ID,P50012\\_LANG\\_CODE:3113101,en](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50012:0::NO::P50012_COMPLAINT_PROCEDURE_ID,P50012_LANG_CODE:3113101,en) (accessed 10 April 2021)

6 International Labour Organization, *Cas individuel (CAS) - Discussion : 2015, Publication : 104ème session CIT (2015) Convention (n° 29) sur le travail forcé, 1930 - Qatar (Ratification: 1998)*, [http://ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:3241918,en](http://ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:3241918,en) (accessed 10 April 2021)

After discussions between the ILO and the authorities of Qatar, including during a high-level, tripartite mission of the ILO Governing Body concerning all practices that might be considered to constitute forced labour, the ILO decided not to establish a Commission of Inquiry to investigate forced labour issues. That decision was made following the commitment by the Government of Qatar at the Governing Body meeting to protect all the fundamental rights of the ILO.

The Swiss National Contact Point (NCP) charged with implementing the OECD Guidelines for Multinational Enterprises has announced the outcome of the case submitted by BWI concerning the human rights of migrant construction workers involved in building the infrastructure and stadiums for the 2022 FIFA World Cup Qatar.



The BWI welcomed the statement and the mediation process that facilitated discussions and agreement between FIFA and BWI. The outcome covered many areas including the FIFA's responsibility to use its leverage, processes for monitoring labour conditions, establishment of an oversight body on-the-ground, and mechanisms to address workers' complaints and labour conditions. However, the real test of the success of the outcome will depend on the concrete work that is to follow. The BWI will review, together with the Swiss National Contact Point and FIFA, whether subsequent progress is adequate.

Consequently, the ILO opened a technical cooperation office in Qatar to support efforts of its government to institute labour reforms to improve the situation of migrant workers.

#### 1.2.4. Media Coverage and Scrutiny

International media organizations played a crucial role after the award of the Games in exposing the dire situation of many migrant workers in Qatar.

The global coverage and exposé galvanised the public opinion on migrant issues and the concern for workers led to expressions of concerns from fans clubs, the football players themselves, and even international institutions.

That helped to generate pressure on FIFA and support for reform in Qatar. Many media outlets also reported on legal changes made in Qatar to better

protect the rights and working and living conditions of migrant workers.

#### 1.2.5. FIFA Commits to Human Rights

In October 2015, the Swiss National Contact Point (NCP) found the issues raised by the BWI to be relevant under the OECD Guidelines for Multinational Enterprises and meriting further examination. It then offered to mediate a mutually acceptable outcome based on the complaint.<sup>7</sup>

By March 2017, the outcome resulted in FIFA accepting its responsibility to use its leverage in Qatar to ensure decent and safe working conditions for the construction workers for the FIFA World Cup Qatar 2022™ stadiums and sports facilities and coordinate the process with BWI and the SC. It also committed to seek ways to honour the principles and standards stated in the OECD Guidelines, and to strengthen due diligence processes for future bidders for the FIFA World Cup™.

In a separate process, BWI and SC signed a cooperation agreement in November 2016. The BWI and FIFA agreed to collaborate on actions to ensure decent and safe work and living conditions of migrant construction workers for the FIFA World Cup Qatar 2022™ stadiums and sports facilities.

FIFA, in cooperation with the BWI and the SC, agreed to implement a robust process to monitor labour conditions, including workers' participation and representation on the ground.

Through a Memorandum of Agreement, FIFA committed to facilitate discussions between BWI and the SC on monitoring conditions at the project sites of the FIFA World Cup Qatar 2022™. It agreed to collaborate with BWI and the SC to increase the capacity of all actors -- including contractors, subcontractors and workers -- to facilitate decent and safe conditions for migrant construction labour.

<sup>7</sup> State secretariat for Economic Affairs, *Concluded cases: FIFA-BWI 2015*, [https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik\\_Wirtschaftliche\\_Zusammenarbeit/Wirtschaftsbeziehungen/NKP/Statements\\_zu\\_konkreten\\_Faellen.html](https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/NKP/Statements_zu_konkreten_Faellen.html) (accessed 5 April 2021)

## 2. Crucial Goals but not yet for the Win

The BWI views the groundwork in Qatar as an opportunity to integrate and implement two of its strategic global campaigns: the global sports campaign for decent work and beyond, which focuses on stadiums, sports facilities and infrastructure projects related to mega sporting events; and the global campaign for migrant workers' rights.

The BWI's campaign has been multi-faceted, targeting various elements linked to the FIFA World Cup Qatar 2022™ such as FIFA, football fan clubs, national football clubs, corporate sponsors, the MADLSA and the SC. At the same time, the BWI targeted government authorities both in Qatar and in countries of origin, specifically India, Nepal and the Philippines, to promote the rights and welfare of migrant workers in Qatar. In addition, given BWI's expertise in the construction industry and its relationship with multinational construction companies, the BWI actively engaged Multinational Construction Companies (MNCs) operating in Qatar.

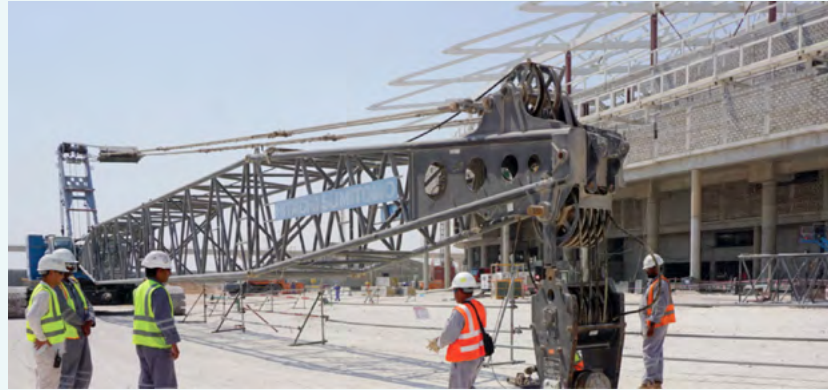
All the measures, actions and engagements of BWI with migrant workers together with the efforts of other stakeholders have shown results in Qatar. BWI has witnessed the endeavours of the Qatari authorities and has also gained insights into the dynamics of reforms and institutional interests. The national journey for decent work is ongoing but is important to point out the steps and outcomes in the related endeavours.

### 2.1. Green Patches of Decent Work



The Supreme Committee for Delivery & Legacy (SC) was established by the State of Qatar in 2011 to deliver the infrastructure and host country planning and operations to host a historic FIFA World Cup™ – the first in the Middle East. From the onset, the SC has demonstrated a clear commitment towards leveraging this once-in-a-lifetime tournament to make a difference and create lasting social change for Qatar's migrant workforce, even beyond 2022.

The green patches of decent work gains around stadium construction were delivered by the SC through its robust and comprehensive system of implementation of its Workers' Welfare Standards (WWS), developed to ensure the health, safety and welfare of



Source: SC-BWI JWG 2018 Report

its workers. The Standards are embedded in the SC's tendering process and are contractually binding.

These actions and gains have served as model for implementation for the broader labour reforms in the country. The SC's responsiveness to BWI raised issues as well as its remedial actions to problems reported by human rights groups like Amnesty International are indicators that changes are indeed possible.

#### 2.1.1. Stadium Workers: Some Scores

In 2016, the BWI and the the SC formed a Joint Working Group (JWG) as part of the partnership agreement to ensure workers at stadium construction sites are supported with rigorous health and safety standards based on the WWS.

The partnership combines the expertise of 11 health and safety professionals with experience in specialized areas, such as electrical safety, chemical safety, cranes and working at heights.

A series of inspections was done at construction and accommodation sites for three years, with a focus on occupational health and safety of workers in construction activities; health and safety compliance in workers' accommodations; and assessment of the effectiveness of the Workers' Welfare Forum (WWF) and other grievance mechanisms.

The SC adopted reforms based on the outcomes of the three-year inspection process. These included investing in the training of medical staff and workers



Source: SC-BWI JWG 2018 Report

on construction-related occupational health and safety hazards and control measures.

The SC also facilitated close coordination between medical staff in construction and accommodation sites and health and safety management in discussing occupation-related injuries and illnesses, so that risk assessments and method statements can be revised to reduce further injuries or illnesses.

Due to an increased focus on working-at-heights activities, construction sites now place greater emphasis on managing the storage, inspection, issuance and usage of personal fall arrest systems.

#### **Case story 5: Journeyed to build a grand stadium [2016]**

Haji Baros hails from Ghana. He worked in Qatar for 4 years in big projects - building Al Rayyan stadium (named Ahmad Bin Ali stadium upon inauguration) and the Al Wakrah Interchange. He was elected Workers Representative in the Workers Welfare Forum for the Larsen & Turbo, the main contractor for the Ahmad Bin Ali stadium. He won in a fair and transparent election. Among the many early issues, he benefited from the SC program to reimburse recruitment fees they paid to get a job in Qatar. Haji is a passionate football player and coach and participated in the Workers Cup organized by the Supreme Committee (SC).

The JWG also focused on chemical handling and storage, as well as using the correct personal protective equipment for certain activities, such as spray painting. Meanwhile, on-site workers' welfare facilities have been a major focus in 2019, leading in one case to an additional follow-up visit.

The JWG conducted training for 44 Workers' Representatives at Lusail and Ras Abu Aboud stadiums to improve skills and confidence when speaking up on workers' concerns at the WWF. Workers' Representatives are also part of the site safety and food committees, and this helps foster synergies in identifying and resolving problems. The

SC and BWI extended the cooperation agreement into 2020. Cooperation is expected to continue.

The SC provided comprehensive training to 490 Workers' Representatives (WRs) on roles and responsibilities, effective communication, conflict management, leadership, and health & safety. Two teams manage the Health and Safety of workers in stadium construction sites. The team under the Technical Delivery Office (TDO) manages construction sites, with focus areas including crane safety, electrical safety, working at heights, scaffolding, work platforms and heat stress management. At the same time, the Health and Safety team within the Workers' Welfare Department looks after workers' daily lives in terms of work, accommodation and transportation.

#### **2.1.2. Steps for Health and Safety**

Qatar has adopted a strict national policy on occupational safety and health to protect workers from heat stress during summer months. At least 200 labour inspectors were trained to improve compliance with stricter occupational safety and health policy. Contractors engaged in major construction sites have adopted the new health and safety policy.

In the stadiums, BWI provided support to the upskilling of labour inspectors as part of the MoU. But the key measure in this partnership are the joint inspections. As of the first quarter of 2021, BWI and SC have conducted 20 Joint Inspections of FIFA World Cup Qatar 2022™ stadium sites, which looked at the health and safety conditions of workplaces, enforcement of decent accommodation and other related facilities, and compliance with WWS, including on recruitment.

The Joint Inspections covered around 30,000 workers at its peak. The BWI inspection team is composed of inspectors from Norway, Sweden, Finland, UK, Denmark, Germany, Belgium, Netherlands, Italy, France, Switzerland, Cyprus, Australia, South Africa, India, Nepal, Ghana, Turkey and the Philippines.

The inspection report made these findings:

- The health and safety situation has improved significantly, addressing the issues of working at heights; scaffolding and harness management; safety teams, tool box meetings, facilities and housekeeping, among others.
- The heat issue has been monitored regularly with new improvements, and new technologies introduced including the StayCool revolutionary workwear.

- Health facilities and access to water and food issues are regularly monitored and improved.
- Workers' accommodations have been strictly monitored, ensuring decent rooms (at most 4 workers per room with secured drawers for their passports and personal belongings); functional health clinics and recreation facilities; clean mess halls and improved food nutrition; and free Wi-Fi connections.

The Joint Inspections took a collaborative and problem-solving approach, instead of resorting



Source: SC-BWI JWG 2018 Report

to mere policing. BWI union experts joined safety officers and inspectors to work with the inspection team. As a result, corrective measures were made on the spot. All parties convened after each inspection to make collective evaluation and plans of action, and provide appropriate remedies.

In 2019, BWI led joint inspections in 7 Stadiums and 7 related accommodations, and found 55 cases of non-compliance, of which only 3 were unresolved at the end of the reporting period.<sup>8</sup>

The collaborative nature of the JWG has also resulted in the enhancement of the SC's Incident Investigation Procedure (IIP) for work-related fatalities. In the case of the most recent fatality in 2018, the SC leveraged the expertise of BWI's health and safety experts, to ensure lessons were learned and prevent any future recurrence.

To sustain initial gains in ensuring health and safety of workers in labour camps, the BWI urged Qatar to increase the capacity of the labour inspectorate to control and monitor all construction sites, and harmonise the functions and delivery of work of the

### Summary of OHS Actions by the Supreme Committee

- Mandatory comprehensive medical checks supported by an electronic medical records system introduced in collaboration with The Phoenix Partnership, to ensure the efficient health management of workers.
- Nutrition programme to improve dietary habits amongst workers. The SC has worked with experts from Weill Cornell Medicine-Qatar to carry out menu enhancements so that workers benefit from highly nutritious meals.
- A mental health pathway in collaboration with Qatar's Ministry of Public Health (MoPH) and Hamad Medical Corporation (HMC), including targeted screenings and dedicated clinics providing free consultations and treatment for workers.
- Heat stress mitigation strategies implemented across SC sites, which has significantly lowered the risk of heat stress amongst workers. This has been well demonstrated in a heat stress study commissioned by the International Labour Organization and the Ministry of Administrative Development, Labour and Social Affairs in 2019, in collaboration with the SC<sup>9</sup>.
- Development of revolutionary cooling suits 'Stay-Qool' in partnership with UK-based apparel experts TechNiche and a local Qatar university, Hamad Bin Khalifa University (HBKU). The suits are designed to reduce thermal skin temperature by a maximum of 8°C, helping workers to stay cool and comfortable during the summer months.
- Training and up-skilling programme, in partnership with Qatar International Safety Centre (QISC), to raise awareness on trade-specific health and safety protocols, while also developing workers' technical and soft skills to equip them for the future.
- Enforced strict safety measures throughout the COVID-19 pandemic to keep workers safe, including the implementation of disinfection protocols, establishment of quarantine rooms, provisions of masks and sanitisers, and ensuring workers were social distancing. A mental health awareness campaign was also launched to support workers' wellbeing.

Workers Welfare, Health and Safety, Accommodation Standards of SC, QF, QRAIL, Qatar Public Works and MADLSA.

8 BWI-Vinci-QDVC Joint Audit Report, 2019, <https://www.vinci.com/publi/vinci/2019-01-BWI-QDVC-VINCI-Joint-Audit-Report-En.pdf> (accessed 15 April 2021)

9 International Labour Organization, Study identifies effective mitigation strategies to keep workers safe from heat stress, [https://www.ilo.org/beirut/projects/qatar-office/WCMS\\_723539/lang--en/index.htm](https://www.ilo.org/beirut/projects/qatar-office/WCMS_723539/lang--en/index.htm) (accessed 6 July 2021)

### SC recognized the following compliant contractors

1. STS & Twelvers Group has supplied manpower to the SC programme since 2017 on Education City, Al Bayt, Al Rayyan and Lusail stadiums. The group conducted direct ethical recruitment in line with the practices of the Supreme Committee, adopted the Universal Reimbursement Scheme and provided air tickets to their workers on an annual basis. The Worker Representatives were empowered, provided with business cards and identifiable helmets so they can be recognised by other workers, and are given a monthly allowance for their role.
2. Domopan Qatar has been working on the SC programme on the Doha Port project since July 2019. Domopan scored 99% and 100% in construction site welfare during the inspections by both SC and Impactt. It made significant improvements in Impactt's ethical recruitment audit, raising its compliance score from 78% to 93%. Domopan Qatar is also reimbursing recruitment fees and annual air tickets via monthly allowances to SC workers.
3. Manforce Trading and Contracting has been supplying manpower to the SC programme since the third quarter of 2016, Manforce scored 97% in ethical recruitment in the last audit by Impactt, and has implemented ethical recruitment practices in line with the Workers' Welfare Standard for the whole company. Manforce provides a monthly allowance for air travel to workers on SC sites (400+ workers). It also conducted worker elections in which more than 700 workers participated, ultimately electing seven representatives.
4. Teyseer Security Services has been on the SC programme since the second quarter of 2016, providing security services for Al Bidda, Education City and Doha Port site. It recently achieved a high audit score from Impactt (98% in ethical recruitment and 84% in accommodation), and has implemented ethical hiring practices in line with the WWS for the whole company. Annual return air travel expenses are also covered by a monthly allowance, and all workers (SC and non-SC) are covered under life insurance and a workmen's compensation scheme.
5. SOMI Qatar has been on the SC programme since the first quarter of 2018 on Al Bayt stadium. It holds the highest ethical recruitment audit score (99%) given by Impactt, for reasons that include its reimbursement of recruitment fees and payment of annual air travel expenses.<sup>10</sup>

Also recommended was the setting up of safety committees to ensure workers' participation in safety issues, including workers of sub-contractors; as well as prioritizing implementation of compulsory medical screening (which is already mandated by the SC as per its WWS) in order to ensure timely attention to health issues including heat, hours of work, nutrition and mental health.

The ILO, through a technical cooperation agreement with Qatar, has adopted a Labour Inspection Policy and an Occupational Safety and Health Policy to ensure more strategic, coordinated and data-driven approaches. The agreement enabled around 200 labour inspectors to undergo training on labour inspection skills; labour law; and forced labour and trafficking.<sup>11</sup>

The ILO said it will continue to support Qatar's efforts to protect workers' health and safety. The joint Programme of the ILO and MADLSA provides policy and strategic advice to promote a culture of prevention on OSH by strengthening national institutional capacities and by encouraging and facilitating collaboration between relevant stakeholders.

To monitor compliance with the heat stress legislation, the Occupational Safety and Health

(OSH) Unit, with support from the Strategic Office of the Labour Inspection Department, led a pilot intervention on heat stress that includes training, tracking, and sharing. A total of 25 inspectors and three interpreters were trained on compliance with heat stress legislation. Between June and August 2020, a total of 263 work sites were ordered closed for violating the law.

A national OSH policy was developed by MADLSA and the Ministry of Public Health, in consultation with employers' and workers' representatives. MADLSA also published a video animation on the safety and health of workers, and the role of government, employers and workers in promoting OSH. The video is available in 10 languages and garnered 1.2-million views in three months.<sup>12</sup>

#### 2.1.3. Ensuring Supply Chain Liability

The SC implements a zero-tolerance policy for contractors and subcontractors who fail to comply with WWS, and has imposed stringent sanctions that include exclusion from future projects and being placed on watch-lists.

Contractors are directed to conduct WWF elections for fair representation for both SC and non-SC proj-

10 Supreme Committee for Delivery and Legacy, *Fifth Annual Workers' Welfare Progress Report, 2019*, <https://www.qatar2022.qa/sites/default/files/Workers-Welfare-Progress-Report-dec-2019-EN.pdf> (accessed 7 April 2021)

11 International Labour Organization. *ILO Project Office for the State of Qatar, 2017*, <https://www.ilo.org/beirut/projects/qatar-office/lang--en/index.htm> (accessed 10 April 2021)

12 International Labour Organization. *ILO Project Office for the State of Qatar, 2017*, <https://www.ilo.org/beirut/projects/qatar-office/lang--en/index.htm> (accessed 10 April 2021)

ects; and to comply with proper remuneration and enforcement of minimum salaries, reimbursement of recruitment fees and provision of annual return air tickets — all leading to an increase in workers’ annual compensation of between 15% and 18%.<sup>13</sup>

In 2017, the SC introduced a strategic policy through which contractors and sub-contractors are subjected to a pre-mobilisation process. This has provided the SC’s Workers’ Welfare compliance team with greater visibility on all contractors, their workers and accommodation facilities, before approving contractors for deployment. This has resulted in stronger compliance and enforcement of the SC’s WWS across SC sites.

The BWI provided support to the SC audit and inspection through monthly joint health and safety inspections. A 2019 Compliance Report by Impactt – an external auditor of SC - also showed increases in worker satisfaction, concerning safety (95%) and the compliance percentage after follow-up reached 84%<sup>14</sup>. This data also corresponds to the low accident frequency rate as further reported by SC.

Contractors were also pursued to provide adequate life insurance cover for workers, to help their families in case of natural or accidental death or disability.

For its part, QDVC/VINCI has kept a strong commitment at all levels to ensure the safety and health and welfare of all workers working at QDVC/VINCI sites, regardless of whether they are directly hired by the company or by subcontractors.

#### 2.1.4. Building Responsible Recruitment

Fair recruitment is still a challenge. Policies need fine-tuning and bad practices remain. The SC, for its part, formulated the universal reimbursement of recruitment fees that were paid by migrant workers. It has put the burden on the contractors to prove that no recruitment fees were paid. It instituted additional measures to ensure fair recruitment like use of MADLSA registered agencies, having ethical recruitment clauses within the contract, obtaining signed declaration from the agent and implementing new joiner checklist wherein inquiries are made if workers were charged any fees.

SC further worked with contractors to ensure recruitment fees are reimbursed to workers - even if they don’t have proof of payment. A total amount of QAR 102.9 million will be reimbursed to 49,006 workers of which 30,000 were stadium construction workers. Likewise, at least 263 contractors have committed to



reimburse workers, including 11 contractors that will reimburse recruitment fees to non-SC workers. QAR 79.9 million has already been reimbursed. The BWI called on the Qatar government to implement a national program of universal reimbursement of recruitment fees paid by workers, putting the burden of proof on the companies or recruitment agencies and not on the migrants.

The Fair Recruitment for Hotels policy was also developed under the ILO and Qatar technical cooperation. It will serve as a guidance tool to promote fair recruitment and employment standards in the hospitality sector in Qatar. The program also supports efforts of hotel companies in Qatar to respond to labour rights challenges by implementing appropriate policies and exercising thorough and ongoing human and labour rights due diligence.

This long-running problem of unfair recruitment was dealt with in one of the BWI actions in Qatar when BWI signed in November 2017 an agreement with VINCI Construction Grands Projets, a French-based global player in concessions and construction, and its Qatar partner – the Qatari Diar Real Estate Investments Company (QDVC). Worker welfare standards and responsible recruitment practices in their construction projects have been implemented. Those policies covered more than 20,000 workers at its peak employment.<sup>15</sup>

The changes in recruitment practices were exceptional as QDVC/VINCI was able to recruit 50 percent of its workers directly. The company also reduced recruitment fees and effectively removed the cost for workers, not only fees, but other recruitment costs. They also reduced the number of intermediaries in the recruitment process.

The contractor also provided workers with NOCs, enabling workers to transfer to another employer.

A comprehensive study based on interviews with 2,500 workers was conducted to assess the reforms in the recruitment process of the two companies. Significant changes in the recruitment process include:

13 Supreme Committee for Delivery and Legacy, *Fifth Annual Workers’ Welfare Progress Report, 2019*, <https://www.qatar2022.qa/sites/default/files/Workers-Welfare-Progress-Report-dec-2019-EN.pdf> (accessed 7 April 2021)

14 Impactt, Annual External Compliance Report of the Supreme Committee for Delivery & Legacy’s Workers Welfare Standards , February 2019 <https://impacttlimited.com/wp-content/uploads/2019/04/SC-Annual-Report-2019-Issue-2-digital.pdf> (accessed 25 April 2021)

15 Building and Woodworkers International, *BWI signs an agreement with QDVC and VINCI: a world premiere on these issues in Qatar, 2017*, <https://www.bwint.org/cms/news-72/bwi-signs-an-agreement-with-qdvc-and-vinci-a-world-premiere-on-these-issues-in-qatar-871> (accessed 9 April 2021)



- QDVC/VINCI pays all the costs related to the process of recruitment and not just the recruitment fee;
- There are fewer intermediaries in the process of recruitment;
- There are mechanisms for workers to file complaints and seek reimbursement for recruitment fees;
- Matching of skills with jobs due to training during the recruitment process;
- Processes to eradicate recruitment fees have been reinforced;
- Recruitment agencies exercise due diligence (selection, clauses, evaluation);
- QDVC HR teams are being sent to monitor the sessions in country of origin;
- There is referencing and controlled use of sub-agents;
- Induction and mobilization are focused on fair recruitment;
- There are hotlines and interviews in Doha on arrival, and later in the course of employment;
- QDVC/VINCI partnered with the ILO for the two-year pilot implementation of responsible recruitment in Qatar. The project led to the dramatic reduction of recruitment fees to 240 USD, from 3,000 USD with 93 per cent of workers not paying a single fee.<sup>16</sup>

Partnerships with recruitment agencies, such as Structural Technical Services (STS), are important in improving recruitment practices. After two years, the average recruitment fees paid by Bangladeshi STS workers dropped to 268 USD from 3,408 USD following the removal of agencies or intermediaries. STS changed its business model, and as a result, STS ethically recruited at least 800 workers since 2018. The agency will also apply ethical recruitment when it hires additional 700 workers for 2021 from different countries.

### 2.1.5. Formation of worker representation structures

Freedom of association to create a mechanism of collective representation is an important element of human rights. From the Universal Declaration of Human Rights and the UN Covenant of Economic, Social, and Cultural Rights to ILO Conventions, the rights of workers to create and control their own organisations is recognised. Freedom of association has not yet arrived in Qatar as workers cannot form

### Insight

Qatar consolidated itself as a nation state monarchy from the mid-nineteenth century under Ottoman rule, became a British protectorate in 1915, then gained independence in 1971 along with Bahrain and UAE. Essentially a fishing and pearl harvesting economy, Qatar was devastated by the Japanese development of cultured pearls in the 1930s but was saved by the discovery of oil in the 1940s and subsequent production of liquid petroleum gas. The financial boom that resulted, particularly after the oil price rise of 1973, has given Qatari citizens the highest per capita income in the world today. To develop its petroleum industry along with an urban infrastructure, Qatar needed to attract not only technical, managerial, and professional people from the region and beyond, but also large numbers of lower skilled workers, particularly in the construction industry. The *kafala* sponsorship system for foreigners was initially developed by the British colonial authorities in Bahrain and spread through the Gulf states. Following the announcement in 2010 that Qatar would host the 2022 World Cup football tournament, a plethora of international human rights institutions and organizations brought attention to the need to improve the conditions of the now mostly South Asian work force, and to abandon the *kafala*.

The political will for labour reform came from the highest office in the country and resulted in the development of formal standards for migrant worker welfare. With an agreement in 2017 for technical assistance by the International Labour Organization (ILO), incremental changes have been profound. They include improved labour inspection programs, a wage protection system, large scale compliant worker accommodation, legislation and standard contracts for migrant domestic workers, anti-trafficking legislation, abolition of the exit visa, abolition of permission requirement from sponsors to change employers, improved grievance mechanisms, enterprise worker committees, a Workers' Support and Insurance Fund, Qatar Visa Centers in origin countries to streamline and prevent contract substitution, a non-discriminatory minimum wage, minimum food allowance and minimum housing allowance, reduced summer working hours and regular medical examinations. Spearheading the requirement of ethical compliance and worker welfare from its World Cup contractors, the Supreme Committee for Development and Legacy also introduced an innovative scheme that requires companies to reimburse the money their employees had paid for their recruitment. While there are limiting nuances in the implementation of the above reforms, their breadth and depth in such a short time frame is a testimony to the determination of the Ministry of Administrative Development, Labour and Social Affairs in particular. While more reforms are required and underway, the structural changes should be long-lasting beyond the World Cup next year.

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16 *BWI-Vinci-QDVC Joint Audit Report, 2019*, <https://www.vinci.com/publi/vinci/2019-01-BWI-QDVC-VINCI-Joint-Audit-Report-En.pdf> (accessed 15 April 2021)

# Timeline



**December 2010:** Qatar wins the bid to host the FIFA World Cup 2022™.

**April 2013:** BWI launches the Red Card for FIFA campaign to protest the decision of the FIFA to grant Qatar's bid to host the 2022 World Cup.



**October 2013:** BWI conducts its first of the several missions to Qatar to assess the working and living conditions of migrant construction workers building the FIFA World Cup 2022™ facilities.



**January and November 2013:** The BWI and the ITUC file complaints against Qatar before the ILO on 16 January and 12 November on Qatar's non-observance of the Forced Labour Convention.



**February 2014:** The SC issues its Workers' Welfare Standard (WWS) for stadium construction and became a benchmark of migrant labour management for the country.



**June 2014:** Worker Delegates to the International Labour Conference submit a complaint under Article 26 of the ILO Constitution seeking the establishment of a Commission of Inquiry on Qatar based on ILO Convention 29 on forced labour.



**November 2014:** Qatar introduces the Wage Protection System to ensure workers are paid fully through direct bank transfer and on time every 7th day of each month. It also provides for governmental monitoring of wage payment and to impose sanctions.



**May 2015:** The BWI files a case against FIFA before the OECD for appointing Qatar as host of the FIFA World Cup 2022™, despite the latter widely documented human rights violations against migrant workers.

**November 2016:** Supreme Committee for Delivery & Legacy (SC), the organisation responsible for delivering the infrastructure required for the FIFA World Cup 2022™ Qatar signed a Memorandum of Understanding (MoU) to improve the health and safety, as well as living and working conditions of migrant construction workers.



**March 2017:** FIFA announces the establishment of its Human Rights Advisory Board to provide guidance in implementing Article 3 (Human Rights) of the FIFA statutes.

**April 2016:** FIFA releases the commissioned report of Professor John Ruggie which dealt with embedding human rights approach in its operations and business relationship.



**May 2017:** BWI case against FIFA under the OECD Guidelines on Multinational is concluded with concrete human rights commitment of FIFA.

**February 2017:** BWI and SC conducts the first of the 18 joint inspections in Al Wakrah stadium.



**February 2016:** FIFA holds an Extraordinary Congress which approved a wide-ranging reform package that included human rights in its Statutes.



**October 2017:** The ILO Governing Body decides to close the complaint procedure under Article 26 of the Constitution (to establish a Commission of inquiry) based on commitments by the Government of Qatar to abolish the Kafala System and assurances that Qatar will protect all the fundamental rights at work.

**May 2021:** Qatar's issues new decree to extend the ban on working in open workplaces from 10:00 - 15:30 from 1 June to 15 September annually - previously 15 June to 31 August between 11:30 - 15:00. It also instructs on heat stress training, access to PPEs, and annual health checks while work must stop if the wet-bulb globe temperature (WBGT) rises beyond 32.1, taking into consideration more than ambient temperature.



**October 2018:** Qatar reforms the exit permit system by eliminating employer's permission to leave the country. At the same period, the FIFA human rights advisory body conducts an onsite audit and stakeholders' meetings in Qatar.



**February 2020:** SC declares that QAR 102.9 million will be reimbursed by SC and contractors under the Universal Reimbursement Scheme to migrant workers who paid recruitment fees. This will be done in a period of 12-36 months.

**November 2017:** Minimum wage for Qatar migrant workers is set at 206 USD. BWI and VINCI/QDVC signs an International Framework Agreement on workers' rights and welfare in Qatar. The agreement is the first of its kind in Qatar between a global union and a Qatari company.



**October 2018:** The Workers Support and Insurance Fund was established under Law 17 of 2018 to assist workers in wage claims in instances employer bankruptcy or ordered closed.

**March 2021:** The minimum wage law takes effect, which is pegged at QAR 1,000 plus food allowance of QAR 300 and accommodation allowance of QAR 500 if not provided by the employer. Altogether this can be 490 USD per month.



**December 2017:** Introduction of the SC's Universal Reimbursement Scheme.



**June 2017:** BWI holds its first global conference on sport-migration nexus where the initial assessment of SC-BWI cooperation is undertaken.

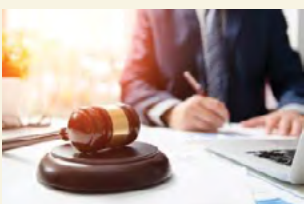


**April 2018:** BWI and MADLSA holds a national health and safety conference which included an OHS orientation by BWI members in several work sites. The ILO Office for technical cooperation in Qatar also opened during this period. BWI convenes its first Community Labour Forum (CLF) on 30th of April.

**August 2020:** The No-Objection Certificate (NOC), which was the pillar of the Kafala System, is abolished by the Qatar government under Law 18 of 2020. This allows migrant workers to change employers inside Qatar.



**April 2019:** Qatar issues guidelines and procedures for election of workers in joint workers committees. These committees bring together management and workers for communication on matters like training programs, risk prevention, OHS and productivity.



**March 2018:** Qatar introduces the Labour Disputes Settlement Committees to expedite resolution of labour cases by setting a 3-week deadline after filing of complaint.



**January 2019:** BWI and its French affiliates undertake its first on-site audit of the operations of QDVC (a Qatari company owned by Qatari Diar Real Estate Investments Company and VINCI Construction Grands Projets) at the Lusail Light Railway Transit System (LRT), and related workers' accommodation. The workers of Larsen and Turbo, which is the main contractor of Al Rayyan Stadium, elect their representatives at the Workers Welfare Forum..

and run their own organisations nor can they engage in collective bargaining.

However, BWI continues to work with the SC and construction companies such as QDVC/VINCI on developing representation through the establishment of WWFs and WWCs.

**Case story 6: Translating workers' voice to tangible benefits [April 2021]**

Structures for representation of workers to hear their voice, hopes and aspirations is at the core of empowering migrant workers. Representation entails concrete wins for workers as narrated by 3 elected workers' representatives in the Workers Welfare Committee of QDVC/VINCI.

Sushil Kumar started working at QDVC/VINCI from 2015 as a Store Assistant and is a member of the Welfare Committee. Through his representation at the committee, the salary has been increased after 2 years including for some workers whose trade category was revised to apply the salary increment. He also brought the issue of coupons during Eid and now 220 workers have received them. He is happy to be the link between the workers and the company.

Danish works at the LRT project since 2011 as Electrical Chargehand. Two significant issues have been successfully taken up and resolved through their welfare committee— the salary increment was granted and the food quality improved. He sees the welfare committee as useful because all workers cannot speak directly to the management and the committee acts as their linkage. Using face to face or virtual meetings, he has acted as a chain toward the employer to resolve workers' issues and ensure that more workers benefit in this effective system.

Solomon also spoke of the issue of a stagnant salary level and food quality. He admitted that they have to speak loudly, and this has resulted in adjustments. He is happy to be approached by co-workers informing him of their salary increases. He was so happy to share these developments and praying in the future that all the colleagues will benefit from this situation. He is honoured to be the workers' voice and the bridge before the management – creating a two-way communication system characterised by openness. While it can be gradual, he is happy both sides are willing to talk and solve problems.

The SC has instituted 113 WWFs covering 23,500 workers and it can be noted that some contractors did implement it for non-SC workers as well. At the same time, QDCV/VINCI has established WWCs in all of its project sites in Qatar covering close to 20,000 workers.

The SC's WWF are playing a significant role in ensuring workers' voices are heard. About 12 SC contractors have extended these forums to non-SC workers. Furthermore, the forums have also influ-

enced the development of joint worker-employer committees that are being implemented across Qatar by the Ministry of Administrative Development, Labour and Social Affairs.

The election of workers' representatives to both WWFs and WWCs was conducted in an independent, fair, and transparent manner. The BWI has strengthened cooperation with both organizations to help develop the competencies of worker representatives to negotiate and bargain, using the platforms of the WWFs and WWCs.

Qatar has adopted legislation allowing the election of workers' representatives to Joint Committees. MADLSA and ILO piloted 20 joint committees with representatives from employers and workers. Within a year, at least 107 workers' representatives were elected to represent almost 17,000 employees in 20 establishments.

In the last three years, elected workers' representatives have freely discussed and negotiated with management on constructive issues such as wages, overtime, reimbursement of recruitment fees, transportation allowances, as well as negotiating, in addition, on regular complaints of food, accommodation facilities, and lack of respect by supervisors.

Still there is lack of collective workers' mechanism to coordinate, learn, and develop their agendas before the employer counterpart. It is important that an independent workers' committee is established as the consolidating platform for workers' issues and grievances.

Although this falls far short of full trade union rights, it represents progress. It is a basis for further evolution.

MADLSA, in collaboration with ILO, ITUC and the global union federations, convened semi-annual meetings in April and October 2020, with the participation of the BWI, ITF, UNI Global Union and the International Domestic Workers Federation (IDWF). These meetings ensured involvement and support of the Global Unions in the implementation of the programme and underscore the Qatari engagement and recognition of the international workers movement.

**2.2. National Reforms Unfolding**

The national project of labour reforms is still unfolding after initial strides and these policy changes underscores the substantial steps made by Qatar in the Gulf Region in terms of migrant workers' rights.





### 2.2.1. Dismantling the Kafala System

The adoption of Law No.18 of 2020 on 30 August 2020, and the removal of exit permit requirements signalled the abolition of the exploitative Kafala or sponsorship system. In effect, migrant workers may now change jobs even before their contract ends, without seeking a No-Objection Certificate (NOC) from their employer.

Qatar's Minister of Interior issued a decision ending the requirement for exit permits for workers, and granting them the right to leave the country temporarily or permanently during their contract period. This decision also covers workers of ministries and other government entities, those in public institutions, domestic workers, those employed at sea, workers in agriculture and casual laborers.

Qatar's Emir also signed amendments to Labour Law No. 14 of 2004 and Law No. 21 of 2015, which remove legal restrictions on migrant workers' ability to change jobs. Law No. 19 of 2020, complemented by a new Ministerial Decision No. 51 of 2020, removes the requirement to obtain an NOC to change jobs for all migrant workers, while Law No. 18 of 2020 provides new rules on termination of employment.

At least 70,000 migrant workers initially benefited from Law No.18 during the first six months of implementation. The law also provides protection for domestic workers under a new standard employment contract.

In the available report from MADLSA and ILO, it indicated that 119,129 workers were able to change employers since September 2020. However, BWI has received reports that a number of employers have refused workers' applications to change employers and have cancelled applications in the seven months since the new law took effect.

The issue of absconding that affected many workers remains a challenge though there was an announcement in October 2020 that it will be abolished and

workers can still file complaints against abusive employers.<sup>17</sup>

It was observed that changes in the law have made no difference in the practices of many employers. In addition, reports are still coming to BWI of retaliation against migrant workers wishing to change jobs in accordance with Qatari law.

In the last four years, several labour reforms were implemented that included removing the burden from workers of paying fees to recruitment agencies. Migrant workers, not their employers, now control their passports. Also, migrant workers who perform the same work are now earning the same wages, regardless of nationality.

### 2.2.2. Waging Wage Justice

One of the historic gains of the global campaigns to reform Qatar's labour system is the adoption of the non-discriminatory minimum wage that benefits workers of all nationalities, in all sectors, including domestic workers.<sup>18</sup>

Law Number 17 stipulates a minimum basic wage of QAR 1,000 (275 USD), and minimum allowances for food and accommodation, of QAR 300 (82 USD) and QAR 500 (137 USD), respectively. Qatar is the first country in the region to introduce a non-discriminatory minimum wage, which is part of a series of historic reforms of the country's labour laws.

More than 400,000 workers or 20 per cent of the private sector are expected to benefit directly from the new law that took effect on 20 March 2021. In addition to the minimum monthly basic wage of QAR 1,000 (275 USD), the legislation requires employers to pay allowances of at least QAR 300 and QAR 500 for food and housing respectively, if they do not provide workers with these directly.

17 The Peninsula Qatar, System of reporting absconding workers to be abolished soon, <https://thepeninsulaqatar.com/article/20/10/2020/System-of-reporting-absconding-workers-to-be-abolished-soon> (accessed 25 May 2021)

18 International Labour Organization, Law No. 17 of 2020 (National Minimum Wage) [https://www.ilo.org/beirut/projects/qatar-office/WCMS\\_754880/lang--en/index.htm](https://www.ilo.org/beirut/projects/qatar-office/WCMS_754880/lang--en/index.htm) (accessed 20 April 2021)

The ILO conducted an awareness-raising campaign on the minimum wage, targeting employers and workers. It also trained the staff of the Labour Inspection Department, including the Wages Protection System Unit of Qatar, on the enforcement of the new

**Case Story 7: Abandoned, and robbed of salaries [On-going since 2016]**

A group of 37 migrant construction workers from the Philippines were among those employed to build Qatar’s most prestigious infrastructure project – the Lusail City.

In 2016, the workers from Mercury MENA sought BWI’s help because the company failed to pay their salaries for the last five to six months, and they struggled to feed themselves and their families back home.

With the support of the BWI, the workers filed a complaint with Qatar’s Ministry of Labour and won the case. Mercury MENA finally agreed to settle the back wages of QAR 1.1-million (302,115 USD) for the 37 workers. However, a month later, the company resumed its practice of not paying wages. This went on for a few months and the workers filed another labour case with the competent authorities. They all received favourable judgements on their case.

But after three years, Mercury MENA has failed to settle its obligation, and claimed that it doesn’t have the money to pay the workers’ back wages.

Three of the 37 workers hired a private lawyer who required payment for services of 50 per cent of the workers’ award. Another group of 78 migrant workers from the Philippines, India, Nepal also filed a complaint of unpaid wages and salaries against Mercury MENA, which was reported by Amnesty International.

law. The Wage Protection System monitors wage-related violations, and consequently blocked 588 companies which did not comply with the law. The number of violators that were blocked rose by at least 8,756 more companies during the pandemic.

Since a majority of the cases filed in the MADLSA entail non-payment or delayed payment of wages, the dispute settlement body should consolidate all complaints that are related to one company to facilitate a swift and fast decision.

Another big step is the creation of a Workers’ Support and Insurance Fund. Initiated by Qatar’s Emir Sheikh Tamim bin Hamad Al Thani, Law No.17 of 2018 created a Fund to cover delayed and unpaid wages of migrant workers when private companies declare bankruptcy. As of August 2020, the ILO said a total of 14-million QAR (3.85 million USD) had been disbursed among 5,500 workers.

The challenges in implementation, on the observance by employers, and on the slow imposition of penalties are widely reported by workers associations, the media, and others.

**2.2.3. Pushing the Wheels of Labour Justice**

The MADLSA has set up the Labour Disputes Resolution System to address workers complaints and violations of the labour laws. Also, several Dispute Settlement Committees were formed to conduct hearings and render decisions.<sup>19</sup>

While Qatar has established a Dispute Settlement System, distressed migrant workers face delays in the resolution of cases on account of case backlogs, employer resistance and company bankruptcies. At the same time, workers who won their cases still have to continue to wait to receive the results of favourable verdicts.

With so many documented and undocumented violations, state authorities should strive to ensure speedy redress of workers’ grievances in their borders, be they locals or guest workers. Indeed, “justice delayed is justice denied” for thousands of workers. BWI has assisted hundreds of migrant workers in cases ranging from back wages, violations of employment contracts, to redress from injuries due to workplace accidents.

In 2019, the BWI had 52 open and ongoing cases, while settling and closing 73 cases. The total amount of settlements of workers whose cases were resolved with BWI’s assistance in the past three years has reached 5-million QAR.

For its part, ILO has helped strengthen the complaints mechanism of the MADLSA by developing new online platforms for lodging complaints and internal support mechanisms to ensure that cases being transferred from conciliation to hearing are well prepared.

**2.3. Beyond the Stadiums**



In related infrastructure work done by some multinational companies, there have been concrete gains for workers. BWI International Framework Agreements (IFAs) facilitated social dialogue that had impact of workers’ conditions of employment.

**2.3.1. Advances in Infrastructure Projects**

BWI’s framework agreement with QDVC/VINCI, which has been involved in major infrastructure projects

<sup>19</sup> International Labour Organization, *Qatar issues a National Policy on Occupational Safety and Health to promote the right to safe and healthy workplaces, 2020*, [https://www.ilo.org/beirut/projects/qatar-office/WCMS\\_757298/lang--en/index.htm](https://www.ilo.org/beirut/projects/qatar-office/WCMS_757298/lang--en/index.htm) (accessed 6 April 2021)



in Qatar including the construction of the LRT has borne fruit for those working beyond the stadiums.

BWI and QDVC/VINCI's Joint Audit in 2019 noted significant progress in the areas of health and safety, workers welfare and decent accommodation, workers' committees, and compliance with employment contracts. The company provided a safety box for each worker to keep the passport, and issued no-objection certificates that allowed them to change employers.

The partnership also resulted in the setting up of a system to focus on occupational health and safety. The three mechanisms are:

- Delegation of grievance officers to address individual cases, administrative issues, and workers working for subcontractors, labour suppliers, and co-contractors. At least 60 complaints were filed in 2018.
- Creation of WWCs to address individual and collective cases of workers, mainly those directly hired by QDVC. There have been situations, however, where they have also raised issues pertaining to workers employed by subcontractors.
- Delegation of Safety Champions to address Occupational Health and Safety issues on site for all workers. These officers work closely with the HSE team on issues related to safety at the site for all workers directly hired by QDVC and those hired by subcontractors.<sup>20</sup>

For QDVC/VINCI, implementing labour reforms makes “good business sense,” making workers more productive. According to its Human Resource Director Hans Mielants, the workers have been more engaged and there is an increase in referrals. Migrant construction workers stay longer at their jobs, with 6 years being the average length of time at a job, which is high compared to others. Improved productivity of workers has also reduced costs for the company.

Based on the Joint Audit, QDVC/VINCI have been conducting health check-ups of all workers, and identifying jobs with potential health risks to workers. Also, employees with chronic diseases are identified, monitored and reassigned to other jobs to eliminate health risks.

The Joint Inspection yielded these observations:

- A robust level of compliance for the use of Personal Protective Equipment (PPE) and collective protection;
- Ratio of 1 HSE officer for every 50 workers;
- Clean site with good house-keeping maintenance;
- Regular inspections of scaffolding equipment and tools;
- Straight and step ladders are forbidden;
- There is good harness system maintenance.

Positive elements on occupational health and safety were observed during the Joint Inspection, and these include:

- Daily safety briefing at the start of every shift;
- Heat stress management through frequency of breaks during high-temperature periods;
- Buddy system — an innovative program to address depression and psychological issues of workers separated from their families and communities;
- IIF Safety Champions who ensure health and safety on site; There was no work-related fatality since the start of the LRT project in 2009.

Overall, QDVC workers were satisfied with the overall employment conditions, but worried about their job instability or demobilization due to the lack of economic prospects for QDVC.

The Joint Inspection included these observations:

- Workers are paid on time and above the required minimum wage;
- WWC representatives meet every two months with management during worktime;
- Workers have been employed with QDVC/VINCI for a long time, indicating their overall satisfaction in working for the company. The average worker seniority increased to 4.24 years in 2018, from 3.22 years in 2017. At least 428 workers received long-service awards in 2018, among them, 141 employees who joined the company before 2013.

20 BWI-Vinci-QDVC Joint Audit Report, 2019, <https://www.vinci.com/publi/vinci/2019-01-BWI-QDVC-VINCI-Joint-Audit-Report-En.pdf> (accessed 15 April 2021)

## 3. Gameplays to Sustain Labour Gains

The worldwide concern for workers in Qatar resulted in a number of initiatives that were both national and international in nature. Within the frame of “pressure makes changes,” BWI has participated in several mechanisms and processes that pursued better working conditions for migrant workers.

The global front for migrant workers defence was consolidated. The gameplays may take time to deliver the ideal results, but they have contributed, in one way or the other, in creating a better world of work in Qatar. The imperative now is to make them strong instruments so change can extend beyond 2022.

### 3.1. BWI-SC Memorandum of Understanding

The 2016 MoU between the BWI and SC was a significant milestone for the improvement of health and safety as well as living and working conditions of migrant construction workers engaged in preparation of the FIFA World Cup Qatar 2022™.<sup>21</sup>

The agreement paved the way for the BWI-SC Joint Inspection of living and working conditions of migrant construction workers. The Joint Inspection used a constructive approach — involving contractors, subcontractors and the workers in concrete problem-solving at the construction site and the accommodation sites. The experiences of the BWI union inspectors from around the world were combined with the expertise of the SC team. The joint inspections were useful in providing practical solutions. At the same time, the training of workers’ representatives has enabled workers to actively participate in improving their health and safety conditions.

A Joint Working Group was formed to protect the health and safety of more than 30,000 migrant workers in Qatar engaged for the FIFA World Cup 2022™. The group committed to implement shared responsibilities that included occupational health and safety inspections; health and safety training, and upskilling; enhancing WWFs to provide a safe place to raise concerns; empowering workers’ representatives to give workers a voice; conducting 20 joint inspections and releasing three annual reports; and building together a legacy of welfare



standards to protect workers in Qatar and in the region beyond 2022.

The MoU was critical in enabling workers to be represented in dialogues with employers and representatives of the Ministry of Labour; and in the election of workers’ representatives and training them in effectively influencing their welfare.

The BWI believes that the bottom-up approach, where workers elect their representatives, ensures workers’ empowerment and participation. This is shown in the dynamism, excitement and sense of ownership of workers in the formation of the WWFs.

The recognition of trade unions is the last missing piece to complete the labour reforms in Qatar. Nonetheless, the WWF is a good start and a work in progress, in providing a voice for workers. Sustaining capacity is achieved through training workers’ representatives, awareness building about the new labour reform, legislation, health and safety training, election of workers’ representative.

### 3.2. International Labour Organization (ILO)

In November 2017, the International Labour Organization (ILO) launched a three-year technical cooperation programme in Qatar to improve employment conditions and recruitment practices for migrant workers. The programme also supports the implementation of Qatar’s legislative measures including the abolition of the Kafala system, to be replaced by a contractual employment system; and to address passport confiscation, contract substitution, as well as restrictions on the ability of

<sup>21</sup> Building and Woodworkers International. *Supreme Committee for Delivery & Legacy and BWI sign MoU for joint inspections on 2022 FIFA World Cup projects*, 2016, <https://www.bwint.org/cms/supreme-committee-for-delivery-legacy-and-bwi-sign-mou-for-joint-inspections-on-2022-fifa-world-cup-projects-479> (accessed 5 April 2021)



migrant workers to change employers and exit the country. They were elaborated on in the previous sections.<sup>22</sup>

Key sectors were covered by ILO as it completed an impact assessment of the fair recruitment pilot project between Qatar and Bangladesh in the construction sector. It also signed a public-private partnership with Hilton International to test fair recruitment processes of migrant workers to Qatar.

A comprehensive three-day training course on forced labour and trafficking in persons was developed and delivered by trainers from the Institute for Public Administration to all inspectors. The training capacitated Qatar labour staff in identifying potential situations of forced labour. The National Committee to Combat Human Trafficking and the ILO produced a booklet on forced labour and trafficking in persons for use by officials and others who may come in contact with victims. Likewise, standard operating procedures were developed for the shelters for victims of trafficking



and exploitation. Known as Humanitarian Care Homes, these were opened in 2020. Campaign materials using traditional and social media were developed to raise public awareness on forced labour and trafficking.

To promote workers' access to justice and remedy, the ILO continues to facilitate the submission of workers' complaints to the MADLSA, and has so far lodged 91 complaints on behalf of 1,896 workers, resulting in the conclusion of 56 cases involving 1,745 workers. Information materials were developed on initiating complaints, and workshops were conducted on the Dispute Settlement Committee legal aids; and on Mediation Skills, for employees of the Labour Relations Department of MADLSA.

The ILO and the MADLSA supported the establishment of joint committees with private companies and public bodies. A total of 107

workers' representatives were elected to represent almost 17,000 employees in 20 establishments.

Social dialogue was strengthened at the national, sectoral levels, and public bodies. In collaboration with the ITUC, BWI, UNI Global Union and International Transport Workers' Federation (ITF), five interactive webinars were held from May-June 2020 on the roles and responsibilities of joint committee members in the organization on work; production and productivity; health and safety; social services; training programmes; and workplace diversity and inclusion, including in the context of COVID-19.

ILO also supported the drafting of policies and materials on the situation of workers related to the COVID-19 pandemic, including guidance on the importance of social dialogue and the roles and responsibilities of joint committee members in the context of COVID-19; temporary teleworking arrangements; and the provision of food in accommodation sites.

Information materials with frequently asked questions for workers and employers on health and employment were developed and produced, translated in 10 languages, and distributed on traditional and social media.

Information on a phased return to work titled, "Ten Action Points on a Safe and Healthy Return to Work" was developed by ILO headquarters with some Qatar-specific information and messaging – thereby helping workers assert their rights in the midst of the pandemic and in the efforts to return to a new normal.

### 3.3. International Framework Agreements

Global Unions enter into International Framework Agreements (IFAs) with some multinational companies. These are voluntary agreements which commit to the respect of labour rights and create mechanisms of problem solving and remedy. In some cases, they include joint social audits.

The framework agreements are based on a shared commitment to International Labour Standards, including occupational health and safety, and workers' rights to be represented and to bargain with employers. These agreements are a form of industrial relations to realise international trade union solidarity. The relationship that has developed with companies under these agreements has made it possible to discuss and negotiate issues of migrant workers in Qatar.

<sup>22</sup> International Labour Organization. *ILO Governing Body welcomes Qatar's commitment to bolster migrant worker rights*, 2017, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_592473/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_592473/lang--en/index.htm) (accessed 5 April 2021)



The BWI agreements with companies such as BESIX (Belgium), and We Build (formerly Salini-Impregilio, Italy) eased access to information on local situations about the migrant workers engaged in the construction of stadiums and infrastructure for the FIFA World Cup Qatar 2022™.<sup>23</sup> A similar, but Qatar-only agreement, was signed with VINCI (France), and its local partner QDVC.<sup>24</sup>

The three companies have committed to participate in regular joint inspections with BWI and the SC, and conduct audits. These three companies were also strict and vigilant on standards for accommodations.

These agreements were also critical to achieving significant progress in workers' health and safety; high standards of management of labour accommodations; and stringent enforcement of workers' welfare, including recruitment of migrant workers.

The BWI worked closely with these multinational companies to form Workers Committees and elect their representatives to be able to dialogue with employers. These agreements also supported efforts to build better working relations and forge a better understanding between BWI and the company representatives on the site.

Companies such as L&T (India), J&P (Cyprus) and CRCC (China), working on three stadia, had more violations at the beginning. Migrant workers from these companies endured non-payment or delayed wages by subcontractors, safety violations as well as a low level of recognition of the role of worker representatives. The regular and focused BWI-SC joint inspections were instrumental in improving their compliance level.

The spirit of the IFAs were also extended by companies like We Build and QDVC/VINCI to their subsequent non-stadium-related infrastructure work like the LRT and the METRO projects. These companies strictly applied Qatar's various labour standards, and did not burden their workers with the payment of recruitment fees.

### 3.4. FIFA Independent Human Rights Advisory Board

For the first time in the history of the World Cup, FIFA developed a human rights policy and agreed to establish a Human Rights Advisory Body to provide guidance in implementing Article 3 of the FIFA statutes, which provide: "FIFA is committed to respecting all internationally recognised human rights and shall strive to promote the protection of these rights."<sup>25</sup>

The Human Rights Advisory Board served as an independent advisory body for FIFA with a two-year term from 2017 to 2019, and was extended for another two years, concluding in December 2020. The BWI was on the board, along with international experts on human rights, including labour rights and anti-corruption issues from the United Nations, civil society, academia and business.<sup>26</sup>

In its final report on February 2021, the Human Rights Advisory Board said FIFA has taken action on a majority of its recommendations, with 60 per cent of them already implemented, and the remaining 40 per cent in ongoing or in advanced stages of implementation.

Based on its recommendations, the rights body believes that FIFA's implementation of systems for liaising with its Qatari partners on urgent cases involving migrant workers will likely be more sustainable over time.

<sup>23</sup> Building and Woodworkers International. *BESIX commits firmly to human rights and well-being by signing an international framework agreement on fair labour standards with BWI, 2017*, <https://www.bwint.org/cms/news-72/besix-commits-firmly-to-human-rights-and-well-being-by-signing-an-international-framework-agreement-on-fair-labour-standards-with-bwi-920> (accessed 11 April 2021)

<sup>24</sup> Building and Woodworkers International. *New IFA - Significant Progress in Protecting the Rights of Migrant Construction Work, 2018*, <https://www.bwint.org/cms/new-ifa-significant-progress-in-protecting-the-rights-of-migrant-construction-work-941> (accessed 11 April 2019)

<sup>25</sup> Fédération Internationale de Football Association, *FIFA STATUTES September 2020 Edition*, <https://resources.fifa.com/image/upload/fifa-statutes-2020.pdf?cloudid=viz2gmyb5x0pd24qrhx> (accessed 8 April 2021)

<sup>26</sup> Fédération Internationale de Football Association, *FIFA Human Rights Advisory Board provides closing report, 2021*, <https://www.fifa.com/who-we-are/news/fifa-human-rights-advisory-board-provides-closing-report> (accessed 8 April 2021)

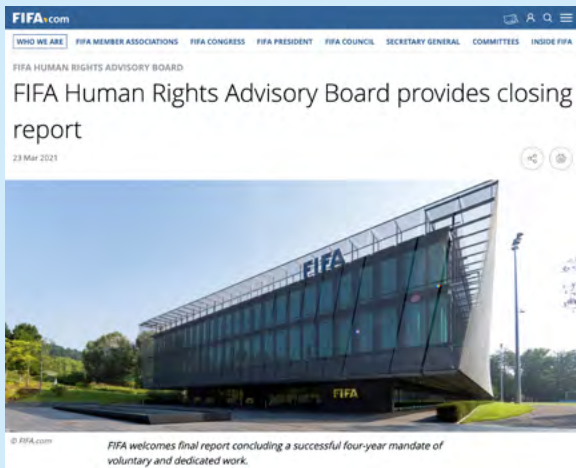


Photo from FIFA.com

FIFA said it has increased exchanges with Qatar's Supreme Committee on labour rights monitoring, particularly on workers' access to the Workers' Support and Insurance Fund. The Human Rights Advisory Body has raised concern on the heightened risk to workers as contractors are pressed to meet the deadline for the construction phase in 2021. It recommended enhanced vigilance from both the SC and FIFA, including an intensification of the joint inspection approach with the BWI.

It also advised FIFA to ensure there are no unpaid construction workers left, or still seeking remedy, by the time the competition begins. Impact Limited, an external firm contracted by the government of Qatar to review ethical compliance, cited the successful adoption of one of the recommendations of the Human Rights Advisory Board on the effective abolition of exit permits, which were abolished as of January 2020.

The rights body also advised FIFA to use its leverage to improve respect for workers' rights as its significant legacy in the FIFA World Cup Qatar 2022™. This includes cascading the changes that have occurred on FIFA World Cup 2022™ sites more widely and using leverage creatively to strengthen worker voice and break down discriminatory barriers, as well as supporting truly ethical recruitment of migrant workers.

FIFA also agreed to embed human rights oversight within its internal governance structures; and specifically, to create a functioning accountability mechanism with the mandate, expertise, capacity and incentives to ensure the integration of human rights into decision-making by relevant FIFA bodies.

### 3.5. Community Leaders Forum

To create a broader workers' voice and channel the representation needs of workers, BWI created

the Community Leaders' Forum (CLF) in 2018. It brought together migrant communities to coordinate actions and consolidate positions for reforms on labour issues and, at the same time, became the cradle of workers' voice inside Qatar.<sup>27</sup>

It became a regular congregation of migrant workers from various sectors and in its 2019 assembly, MADLSA joined around 200 participants from India, Nepal, Bangladesh, Philippines, Sri Lanka, Nigeria and Ghana in an informative and frank issue-based conversation.

Participants took the opportunity to raise pressing issues such as delay in payment of wages, rights to move to another employer, and human trafficking. Assistant Undersecretary for Labour Affairs H. E. Mohammed Hassan Al-Obaidly, who was at the forum, expressed Qatar's commitment to implement far-reaching labour reforms through partnership with the BWI.

Implementing labour reforms is not easy, according to Assistant Undersecretary Al-Obaidly, as the government of Qatar is going through a steep learning curve. He explained that they have to build consensus in the development and implementation of reform programmes and noted that the policies



and programs Qatar is pursuing should be sustained, as the country also has its national vision and plan up to 2030 and beyond.

The migrant workers expressed hope in MADLSA's commitment to ensure constructive solutions to address immediate concerns raised by workers today, as well as implementing long-term labour reforms. The FIFA World Cup 2022™ offer an important opportunity to make progress on worker rights and conditions and to strengthen cooperation between Qatari authorities and BWI.

<sup>27</sup> Building and Woodworkers International, Qatar Ministry and BWI organise Community Leaders' Forum, 2019, <https://www.bwint.org/cms/qatar-ministry-and-bwi-organise-community-leaders-forum-1273> (accessed 19 April 2021)

## 4. Eyes on the Goal: Recommendations for a Decent Work Legacy

In a few short years, Qatar has made great progress in legislation and regulation on the rights of migrant workers. These include elimination of the Kafala system, improvements in occupational health and safety, especially in FIFA World Cup 2022™ stadium construction, and the creation of committees with freely elected worker representatives. While recruitment fees is a central issue in global labour migration, Qatar has some models that can also be noted as well.

Worker representatives are being trained in cooperation with BWI. They learn about the defence of workers, including their legal protections, and about using the complaints procedure. The government has also adopted a uniform minimum wage regardless of nationality and made legal changes related to abusive practices by recruitment agencies.

However, since the beginning of this process, there have been serious and persistent problems with implementation. Rapid progress on legislation and regulation have been accompanied by a growing gap between policy and practice. Even in construction overseen by the SC where the record of compliance is the best, there are important differences on the respect for rights as well as working conditions depending on the employer as contractors circumvent rules, especially when hiring sub-contractors.

The persistent issue of high death rates among migrants requires a bold accounting and a proper classification from Qatari authorities – given concerns that many deaths are not being accurately reported. Absent this, the statistics can be a historic stain on the FIFA World Cup™. Fair wages for migrants will also eventually become a subject for global migration discussions, as the “you-will-not-get-this-wage-in-your-country” argument will come under further scrutiny in the international utilisation of labour from poorer countries.

BWI suggestions are not conceived from a distance. The recommendations are based on information provided to BWI by migrant workers and their organisations as well as from its partnerships with SC, MADLSA and multinational companies. The success of reforms can only be measured on the ground and when social partners – from sending countries to the site employers – truly respect and operationalise the principle that “labour is part of the team”.

Information on improvements in law and procedures is widely available in several languages in Qatar. Workers are the best placed to know whether reforms are being delivered.

Without implementation, laws will be respected by some employers and ignored by others. That is not a good path to the future for anybody – not for workers, for the State, or for employers. Without enforcement of law, there will be neither the flexibility/space nor incentives for employers to agree to standards that go above and beyond the law. Legal floors may become ceilings.

The 16 months that remain before the FIFA World Cup 2022™ offer an opportunity, which should not be missed, to confront corporate lawlessness and to fully implement the profound and far-reaching reforms which have been adopted. A positive worker rights legacy of FIFA World Cup Qatar 2022™ requires the political will to make things happen and a sense of urgency.

The recommendations are not limited to actions by the authorities of Qatar. There are also proposals to FIFA as well as to multinational companies operating in Qatar.

### 4.1. Recommendations to the Qatar Authorities

#### 1. Effectively Enforce the Minimum Wage Law and the Law Abolishing the Kafala System.

This should be done through regular and unannounced labour inspections and imposition of penalties and sanctions on employers and their sub-contractors and suppliers. In addition to the minimum wage, other comprehensive reforms for wage determination, including through negotiations, need to be made and implemented to ensure that the minimum wage is not, in fact, a maximum wage.

- Increase the capacity of the labour inspectorate of the MADLSA.
- Enforce the minimum wage and use the annual review to ensure that it is adequate and fair.
- Encourage employers to involve workers through their representatives.

- Adapt and generalize the SC 4-tier inspection and monitoring system which includes Self-Audits, SC Audits, Independent Monitors Audit, and MADSLA Audits.
- Take effective enforcement action against non-complying employers with penalties and sanctions, including denying public contracts to persistent violators of Qatari labour law.
- Encourage the spread of the good conduct and practices of the SC through SCURS, QDVC/VINCI and a few other companies.
- Regulate recruitment agencies and enforce policies of non-payment by workers of recruitment agency fees.
- Implement a national programme of universal reimbursement of recruitment fees paid by workers (the burden of proof should be on the employers or the recruitment agencies and not on the migrants).
- The issuance of General Administrative Orders by the highest authorities to prioritize and ensure enforcement of labour standards, require employer cooperation, and oblige government instrumentalities and departments to ban the award of government contractors to employers that violate labour laws.
- Extensive and sustained use of media to explain Government efforts and initiatives to enforce labour standards so that workers, employers, and the public are informed of their rights and responsibilities and of access to remedy.

## 2. Guarantee that employers obey the law on No-Objection Certificates (NOC), eliminate employer retaliation, and ensure government coherence on policy and enforcement

- Qatar made history by abolishing the Kafala system. That system, including the requirement that workers obtain an NOC to change employment, as well as associated issues of detention and the right to leave the country as well as expulsion, had served as the basis of charges of forced labour at the ILO.
- Historically, accusations against Qatar on forced labour and other rights have been due to the delegation of its responsibilities to employers. That is why the government asserting its authority and recognizing its responsibility was a momentous change.
- The assurances to migrant workers, the ILO, and the global community in general conflict with employers doing whatever they wish, often with impunity. Without effective and timely action, government commitments are no more than words.

- “Absconding” is not what it used to be under Qatari law, however, some employers are acting as if nothing has changed. There are charges that the Ministry of Interior, in its field of responsibility, has a different interpretation of Qatari labour law from MADLSA. As a minimum, MADLSA and the Ministry of Interior should cooperate to ensure that their actions are complementary based on coherent policy and institutional roles and follow the law.
- Absconding should be explicitly de-criminalized. In the event that employers violate the law, severe penalties should be imposed to discourage such conduct.

## 3. Enforce Occupational Safety and Health Regulations

Measures should be taken to ensure that safety and health standards and regulations and their enforcement in the construction sector follow international standards and policies and are grounded in best practices in Qatar and globally. This requires good statistics. That would help to compare performance and trends among enterprises in Qatar on issues such as fatalities, injuries, and occupational diseases as well as to compare performance with that of other countries.

Labour inspection is vital, but not enough. Employers are required, by law, to consult with workers on health and safety hazards. Participation of trained workers in efforts to protect health and safety through safety committees is crucial to achieving healthy and safe workplaces. Needed improvements include:

- **Implementation of Compulsory Medical Screening:** Companies should be required to provide an independent medical screening programme for all workers. Employers should not discriminate against workers based on the results of the screening. They should make reasonable adjustments and modifications for workers who have medical conditions based on the degree of disability.
- **Occupational Health Preventative Measures:** Robust preventative procedures around Occupational hygiene dealing with hazardous substances, and other health related issues such as MSD's, Noise and HAV's need to be considered. Together with the appropriate professional support that's needed to support and sustain such a programme.
- **Mental Health /Work Related Stress:** Programmes providing mental health support signposting workers to appropriate sources of help free at the point of contact, need to be at the

forefront of project policies. As does assessments that identify work related stressors and preventative action.

- **Training of Medical Personnel on Occupational Health:** Institute regular training programs to ensure that medical professionals working at clinics, at worksites, and at accommodation facilities are provided with continuous professional development on occupational health issues.
- **Focusing on Occupational Health Implementation:** Improve the recording and reporting of cases of occupational health by medical professionals to inform production managers and health and safety managers so that they can review working procedures and risk assessments to remove or mitigate the causes of occupational ill-health.
- **Harmonization of Workers Welfare Standards:** Harmonization of workers welfare standards and a robust mechanism for implementation by the SC, ASHGHAL, QRail and Qatar Foundation beyond the requirements set by Qatari legislation/regulations.
- **Heat Stress:** The BWI appreciates SC's comprehensive system for managing the health risks of heat stress, in addition to the minimum standards set out in Qatar's Labour Laws. This achievement was highlighted in a recently published Assessment of occupational health strain and mitigation strategies in Qatar, carried out by FAME Laboratory on behalf of the ILO, Qatar MADLSA and the SC.
- **Worker Accommodations:** Harmonization of existing standards pertaining to accommodation facilities and implemented in all accommodations.

The planning for welfare provision on the sites (dining halls, toilets, rest areas, drinking water, clinics) needs to factor in the dynamic nature of large-scale construction projects and prepare in advance for the needs of a larger workforce.

- **Occupational Safety and Health Capacity:** To ensure uniform enforcement of health and safety standards, training and certification mechanisms should be in place so that improvement in occupational health and safety is measured and is maintained.

Fatalities should be accounted for with definitive explanations of causes and circumstances. Independent actors should be able to assess the cases and numbers and a robust system of tracking worker mortality should be put into place.

#### 4. Reform Labour Justice System

The most severe challenge, one which has been the principal cause of work stoppages, is the non-payment and delayed payment of wages and other benefits. Although the government (MADLSA) has established the Dispute Settlement System to expedite worker complaints, the cases of many migrants fall through the cracks. Their cases have not been resolved due to the backlog, employer resistance, company bankruptcy and other issues.

Many workers who have won cases are still awaiting compensation. Expediting pending claims is especially important for workers who return home. In addition, employer retaliation against workers who file complaints should be addressed. Workers tell BWI, "Don't deny us the fruits of our labour." Experience shows a partial disconnect between the intention and the letter of the law on the one hand, and the reality on the ground on the other.

BWI conducted a legal assessment based on hundreds of cases discussed during its International Legal Clinic on 14 June 2019 in Doha, Qatar as well as complaints that have been referred to the BWI involving non-payment of wages, covering periods where workers rendered unpaid service for as long as four (4) to fourteen (14) months.

Recommendations for Reforming and Improving the Qatar Labour Justice System:

- Expedite enforcement of wage claims, claims for unpaid gratuity, and other monetary claims.
- Resolve at the first instance the non-payment of wages, as these are simple monetary claims that should not be subject to a tortuous process. Practices and procedures should draw on experience in countries with the most effective and rapid systems.
- MADLSA should enable workers to submit collective claims ("class actions") where the resulting decisions apply to all affected employees.
- MADLSA should have the power to issue a writ of execution and enforce it. A direct, regular employee (officer or enforcement person) should have the authority to seize assets and garnish employer bank accounts. Resources obtained in that manner could then be devoted to the full satisfaction of official judgments. Workers should not have to wait for court decisions to recover wages, although employers should be free to appeal decisions in court.
- In addition to paying wages and other claims, the employer should be required to pay a penalty.
- The MADLSA and the Higher Court should pursue corporations, related entities, parent

companies, sister companies, and their owners in cases of bankruptcy, employer name change, abscondment, etc.

- Constructive dismissal (where an employee resigns as a result of the employer creating a hostile work environment) should be found in cases where the employer fails to pay workers for more than two (2) months, and also in all other cases where continuous employment in the company become untenable or unbearable.
- Service of summons, subpoenas, orders, decisions, or any other legal document should be made by the MADLSA officer or enforcement personnel using three different means: physical service of a hard document, email, and text message (SMS).
- Online updates and follow-ups should be available; this is especially crucial for those who have already been dismissed from work or have had to leave Qatar.
- Retaliation by employers against complaining workers is a serious offense that merits serious sanctions.
- Pending claims, especially in cases of workers who are forced to return home, should be expedited. Such cases can be continued through home country regulatory policies, for example, filing complaints concerning recruitment agencies. Such complaints might, in some cases, be better handled through Qatari embassies.

## 5. Fair Recruitment

Forced labour and other human rights violations often start at recruitment. Work in this area, including enforcement measures, should take into account and address recruitment supply chain processes and working with the sending countries is crucial here. The following are key recommendations for ethical and fair recruitment:

- Most of the workforce should be direct hires, with sub-contracting limited to 2 levels, in order to limit recruitment abuses.
- Human Rights Due Diligence should be required throughout the supply chain, which includes recruitment agencies, placement agencies and service providers (cleaning companies, caterers, maintenance, gardening, etc.).
- Recruitment agencies should be barred from charging fees to workers and made to adhere to other ethical recruitment policies and practices.
- Employment contracts should be clear and transparent. All workers, especially migrants, should have written employment contracts, with all terms of conditions of employment explained clearly and in their language.

- Workers should be free to leave accommodation facilities whenever they wish.
- Workers should be free to terminate employment at any time, without incurring administrative or financial penalties (for example, their wages will not be withheld). Workers should be free to change employers in accordance with Qatari law.
  - In the event that a worker paid fees to an agency to obtain employment, employers should reimburse those fees.

## 6. Fully Operational and Funded Workers Support and Insurance Fund

If the burden of unpaid wages pending dispute settlement is to be lifted from workers, the Workers' Support and Insurance Fund needs to be fully operational and funded. If it cannot be adequately funded through the recovery of unpaid wages alone, consideration should be given to "up front" employer funding through a levy or tax. The fund could be replenished with recovered payments from non-compliant employers.

The Workers' Support and Insurance Fund should be fully financed and fully operational by the end of the second quarter of 2021. It should immediately pay unpaid wages as intended and collect those sums from offending employers. In addition, penalties should be levied on offending employers in an amount sufficient to deter such practices. Penalties should be awarded to the victims and their families.

The fund should cushion the hardship for affected workers. However, in addition, procedures should be improved and expedited whether it is to collect funds for workers or to reimburse the fund.

## 7. Right to Representation and Workers' Committees

The Supreme Committee for Delivery and Legacy (SC) has instituted 113 Workers Welfare Forums or workers committees. QDCV/VINCI has established workers committees on all of its project sites. The BWI has observed the election of worker representatives of these committees and can vouch that they were conducted in an independent, fair, and transparent manner. Workers committees are an important mechanism for workers' voice and addressing problems on construction sites and in accommodations.

The Workers Committees developed by the SC should be replicated beyond stadium construction to the rest of the country. They should also be developed in such a manner as to be functional and independent. To ensure independence and capacity, Workers' Committees should be first organized and become functional as a unit or a collective, able to determine their agendas and priorities and to consult

with their worker-constituencies before joint committees are put in place.

The election of worker representatives represents considerable progress, but it still falls short of full trade union rights. Many of the reforms in Qatar fulfil the commitment of the Government of Qatar to protect the fundamental rights at work as defined by the ILO.

However, the full protection of rights to form trade unions and bargain is not yet included in the law. Expanding worker representation with freedom of association and collective bargaining will be easier than it would have been if there had not been experience with worker committees. Those structures and the growing experience of elected representatives provide a positive environment for continuing on the path to trade union rights.

Sound industrial relations would make the construction industry more stable and sustainable. Added to legal regulations like the minimum wage and improvements in labour administration and inspection, worker representation and enforceable sectoral standards, including through collective bargaining, would create a more “level playing field”.

The development of healthy industrial relations would help improve respect for Qatari labour law and regulations. A workers’ centre could contribute to tripartite discussion of policy issues as well as constructive industrial relations between trade unions and employers.

#### 4.2. Recommendations to FIFA and SC

Recommendations 1 to 7 are also directed to FIFA as they can use their leverage to ensure that these proposals are addressed by the Qatari authorities.

#### 8. Migrant Workers’ Centre

For migrant workers to fully benefit from labour reforms in Qatar, they need to be aware of their rights and build confidence so they can exercise those rights. Migrant workers must not be seen only as beneficiaries of the labour reform. They should be actively involved in the next steps, including in its enforcement. Real participation of migrant workers in the implementation of labour reform is key to its success and sustainability.

A Workers’ Centre for migrants run by migrants is needed. It would have the support and assistance of BWI and other Global Unions. It would be a “safe place” for migrants to learn about their rights and to seek legal assistance and advice. The centre would be a location for skills training for workers

representatives, including those responsible for safety and health. It could also serve leaders in the migrant community and their organisation.

The Centre might be able to help find solutions to the problem of the bottleneck of cases in the Labour Disputes Settlement Committees (labour courts). Working with others, it could facilitate productive social dialogue and consultation with Qatari Authorities and employers’ organisations.

The SC and FIFA should use their leverage with the Qatar authorities to grant recognition, legal protection, and legal registration to the Centre. Both should also provide financial support for the Centre and in particular FIFA should expand the nature and recipients of the FIFA Legacy Fund to include the migrant workers through the Centre. Thus, the Centre would be part of the legacy of the FIFA World Cup Qatar 2022™.

#### 9. Workers Welfare and Joint Inspection in the Hospitality Sector

SC’s Workers Welfare Standards and its 4-tier auditing and inspection system should be extended to the hospitality and broader service sectors, especially to the World Cup-accredited hotels and services. Particular attention should be given to those working for sub-contractors, suppliers and employment and recruitment agencies. Measures should include:

- Auditing the compliance of sub-contractors, suppliers and agencies on WWS.
- Adapting the SC-BWI Joint Inspection mechanism combined with the inclusion of MADLSA as well as relevant Global Unions and stakeholders.
- Organizing and training worker representatives in workers’ committees, including those working for sub-contractors and outsourced workers.

#### 10. Guarantee Timely Remedy for Workers’ Complaints and Grievances<sup>28</sup>

The FIFA Human Rights Advisory Board raised concerns with FIFA about substantial delays between the identification of impacts suffered by migrant workers (particularly late or non-payment of salaries, non-reimbursement of recruitment fees and early termination of contracts), and the remediation of those impacts. While the SC has systems in place to address them on FIFA World Cup Qatar 2022™ sites, nonetheless, there have been some cases linked to FIFA World Cup 2022™ sites. This shows that there needs to be greater attention from FIFA, especially as current systems are expanded to other non-construction sectors connected with the tournament.

28 Business and Human Rights Resource Centre, *FIFA Human Rights Advisory Board provides closing report including recommendations from March - Dec 2020, 2021*, <https://www.business-humanrights.org/en/latest-news/fifa-human-rights-advisory-board-provides-closing-report-including-recommendations-from-march-dec-2020/> (accessed 19 April 2021)



The abolition of the No Objection Certificate (NOC) was a significant step; however, as with other aspects of the evolving labour law system in Qatar, the key issue remains effective implementation.

FIFA should use its on-the-ground presence in Qatar, in close collaboration with its partner, the SC, to seek to enable timely remedy for workers, particularly where damage is related to issues involving non-payment or late payment of wages or reimbursement of recruitment fees, including by:

- Continuing to ensure it is informed by the SC about identified cases, and engaging the SC with a focus on achieving the right outcome for affected workers.
- Formulating operational recommendations that support this strategic priority, including clarifying when the SC should step in to provide interim remedy under the existing provisions of the Worker Welfare Standards where the responsible parties fail to do so.
- Incorporating timely remedy into FIFA's due diligence with respect to event-related procurement and hotel accommodation, including the conditions of migrant workers in FIFA World Cup-accredited hotels as well as in the wider hospitality sector supporting World Cup-related tourism.
- Using its leverage to seek improvements in the timeliness and appropriateness of remedy delivered through relevant state mechanisms, including the compensation fund managed by the Ministry of Administrative Development, Labour and Social Affairs (MADLSA).
- Increasing engagement with local migrant workers' representatives and community groups to gather information to inform its approach.

The points from the FIFA Human Rights Advisory Board having to do with the Qatar FIFA World Cup 2022™ are summarised above. However, in its closing report, the Board also made recommendations that go beyond the FIFA World Cup 2022™ to provide that human rights remain a priority for FIFA and that they listen to independent viewpoints. The full report may be found here: <https://www.fifa.com/who-we-are/news/fifa-human-rights-advisory-board-provides-closing-report>

## 11. Universal Reimbursement Scheme

Most workers travelling to Qatar and the Gulf pay fees to cover the cost of their recruitment. Depending on the mode of recruitment and the country of origin, workers from the main countries where migrant workers originate are reported to pay between 710 USD and 2,900 USD. Paying fees makes workers and their families vulnerable to intimidation, debt bondage and other abuses. It also increases the risk of forced labour.

In recognition of this problem, the Supreme Committee (SC) launched its Universal Reimbursement Scheme (SCURS) three years ago to reimburse workers at their construction sites for fees paid. It is done without receipts being required. The SC calculates a total reimbursement by contractors of up to 28.2 million USD to 30,940 SC and 18,066 non-SC workers over that 36-month period.

Qatar should extend the scheme to the tens of thousands of hospitality workers, including those working for subcontractors or agencies. It should be provided from day one of employment regardless of the amount of time spent on site.

- The employer and employment agency should:
  - document their commitment to reimbursement (eligibility of workers and quantum to be paid) in a commitment letter.
  - obtain attestation of their Universal Reimbursement commitment letter from MADLSA.
  - pay a flat reimbursement of 1,500 USD per worker, which would be paid to the worker in a maximum of six-monthly instalments.
  - communicate (by formal letters, Q&A, access to a grievance line like the SC hotline) with all "in-scope" workers to communicate their entitlement, payment schedules and grievance channels.
- The relevant authorities should establish a specific hotline for workers to raise all recruitment-related issues. The line should be easily accessible to workers throughout the process and available in all relevant languages.
- The employers and agencies should be required to communicate the existence of the hotline and to comply with adjudications of the grievance mechanism
- The relevant authorities should provide 3rd party verification of payments made. They should work with user enterprises to resolve non-compliance issues.

Reimbursement of recruitment fees should not indemnify the employer or user firm from future claims for repayment or remedy – the grievance system is designed to provide non-judicial adjudication on such matters and may require higher levels of reimbursement or other forms of remedy.

## 4.3. Recommendations to Multinational Companies

### 12. Due Diligence and Joint Inspection

Under the UN Guiding Principles on Human Rights and the OECD Guidelines for Multinational Enterprises, companies are expected to use "due diligence" to discover adverse impacts on human rights and risks to people affected.

Where actions endangering the exercise of those rights are taken by others with which they have business relationships (including sub-contractors, suppliers, and employment agencies), they should identify those impacts and use their leverage to correct those practices. Where damage has been done, there should be adequate and appropriate remedies.

In the hospitality and other service sectors, “business relationships” responsibilities, in addition to sub-contractors, suppliers, and employment agencies, should include franchising arrangements. Many hotels, but also some restaurant chains and other services, operate through franchises where the company that owns the name does not have ownership or operating responsibilities. However, due diligence includes being vigilant on adverse impacts on human rights by enterprises to which their names are attached.

There are situations in which national laws do not protect human rights or where the protection by governments of those rights is weak or where enforcement machinery does not function. In those circumstances business is, nevertheless, expected to respect universal human rights standards, including international labour standards. They should:

- Respect international human rights, including labour standards, in construction and other sectors in Qatar.
- Require that subcontractors, suppliers and others with which they have business relationships respect those standards.
- Engage in joint inspections of workplaces in construction with BWI and work with the appropriate Global Union Federation in other sectors.
- Consult regularly with stakeholders, especially with organisations representing migrant workers.
- In the case of sponsors, endeavour to ensure that FIFA meets its human rights commitments and responsibilities.

In conclusion, the Recommendations of BWI come at a time when Qatar has made notable progress on legal rights in employment. They have also advanced the protection of occupational health and safety, especially for workers building stadiums for FIFA World Cup Qatar 2022™. This reflects the political will of the government to recognise the human rights of migrant workers and to treat them with respect.

The enactment of good laws and regulations are indispensable. However, as important as such reforms are, they do not become real to the workers protected by them unless and until they are effectively enforced. Implementation is often where the measures fall short. Although further legal reforms are necessary, the essence of BWI recommendations are on implementation.

Laws should apply to all equally. Labour law should apply to all workers. Privileges for employers should never include being able to violate the law of the land with impunity. In far too many cases, such conduct undermines the significant improvements in labour law in Qatar. If employers, in effect, are allowed to choose whether to obey the law, compliance becomes voluntary.

Under those circumstances, there is a powerful disincentive to obeying the law. Responsible companies should not have to lose contracts or have to leave the country as a penalty for respecting Qatari labour law.

In the area of further legal changes, more progress needs to be made on worker representation so that the rights of workers to form and join trade unions and bargain are protected.

In addition to protecting those fundamental rights, steps should be taken to prepare the ground so that future industrial relations systems are practicable and workable. That will depend on “hands-on” efforts to construct systems that provide for fair and peaceful resolution of conflict. The fact that so many employers are defying Qatari law means a lot of work remains to be done if an industrial relations culture is to develop.

Industrial relations, especially when they include sectoral bargaining, also enable representatives of workers and employers to determine fair wage levels and conditions beyond the minimum wage and rights and benefits provided by law. They provide flexible ways to adapt to the needs of both sides of industry.

Sectoral collective bargaining would help to create a “level-playing field” so that responsible employers would not be undercut by firms that seek competitive advantage through exploitation of workers and the violation of their rights. To that end, the government should actively promote the practice of collective bargaining.

Achievement and full application of reforms would be a formidable and lasting human rights legacy of FIFA World Cup Qatar 2022™. BWI’s dedication to its constant call for “decent work for everyone, everywhere” will not waver as it continues its work to protect migrant workers globally.

For Qatar, we call on all stakeholders to keep their eyes on the ball and sustain the efforts to advance this historic goal – *the legacy of decent work toward 2022 and beyond.* 🚫

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- IBB** • Internationale des Travailleurs du Bâtiment et du Bois
- ICM** • Internacional de Trabajadores de la Construcción y la Madera