



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: QATAR

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES, but no change reports for the 2001 and 2004 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Qatar Petroleum Workers' Committee (QPWC) and the Qatar Chamber of Commerce and Industry (QCCI) through consultations and communication of government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the QCCI.	
	Workers' organizations	2008 AR: Observations by the QPWC. Observations by the International Trade Union Confederation (ITUC). 2007 AR: Observations by the QPWC. Observations by the International Confederation of Free Trade Unions (ICFTU). 2006 AR: Observations by the QPWC. Observations by the ICFTU. 2005 AR: Observations by the ICFTU. 2002 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU. 2000 AR: Observations by the ICFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	<i>Qatar has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C.87), nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C.98).</i>
		Ratification intention	YES, since 2002, for C.87 and C.98. 2007 AR: The Government stated that it was looking forward to reaching the legal and practical level that would allow the ratification of both Conventions. Accordingly, it is cooperating with the ILO for the realization of the ILO Declaration.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

			2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (2002), the Government intended to ratify C.87 and C.98.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL	
		Policy, legislation and/or regulations	<p>• Legislation</p> <p>The Labour Code was adopted by Law No. 14 (2004), which entered into force on 6 January 2005. Chapters 12, 13 and 14 provide for the setting up of workers' organizations, the Confederation of Workers of Qatar and for the right to collective bargaining as well as the right for joint committees, joint agreements and the collective settlement of disputes. Law No. 12 (2004) on Associations and Private Institutions was also adopted.</p> <p>The new Labour Code, and in particular part XII, also grants workers the right to form certain associations in establishments not employing less than hundred workers (section 116), which are not called trade unions, but workers committees. Section 118 of the law provided also that «The Workers' Organizations shall assume the taking care of the interests of their members and protection of their rights and their representation in all matters related to the affairs of the work.»</p> <p>2003 AR: According to the Government: Legal reform is implemented in order to realize the principle and right (PR).</p>	
		Basic legal provisions	(i) The Labour Code: Law No. 14 (2004) (Chapters 12, 13 and 14); (ii) the Law No. 12 (2004) on the Associations and Private Institutions; and (iii) the Law on Societies.	
		Judicial decisions	NIL	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	<p>2005 AR: The legislation has changed since the adoption of the new Labour Code in January 2005. Prior government authorization is necessary to establish employers' organizations but not to conclude collective agreements. The PR can be exercised by all categories of employers.</p> <p>2003-2004 ARs: Freedom of association (FOA) cannot be exercised at enterprise, sector/industry, national and international levels by all categories of employers. The right to collective bargaining at enterprise level can be exercised by all categories of employers.</p>
			For Workers	<p>2006 AR: Legislation has been elaborated to regulate the creation of unions at enterprise level in both the private and public sectors. Ministerial decrees have been issued providing for the preliminary terms and procedures for the setting up of workers' organizations.</p> <p>2005 AR: Prior government authorization is necessary to establish workers' organizations but not to conclude collective agreements. Workers can exercise the PR at enterprise, sector/industry levels. The PR can be exercised by the following categories of persons: medical professionals, teachers, workers in export processing zones (EPZs) or enterprises/industries with EPZs status, migrant workers and workers of all age.</p>

				<p>2003-2004 ARs: Prior government approval is necessary to exercise the PR. FOA cannot be exercised at enterprise, sector/industry, national and international levels by all categories of workers. The right to collective bargaining at enterprise level can be exercised by the following categories of persons: (i) medical professionals; (ii) teachers; workers in export processing zones (EPZs) or enterprises/industries with EPZs status; (iii) migrant workers; and (iv) workers of all ages. However, it cannot be exercised by all workers in the public service, agricultural workers, workers engaged in domestic work, and in the informal economy.</p>
			<p>Special attention to particular situations</p>	<p>NIL</p>
			<p>Information/ Data collection and dissemination</p>	<p>According to the Government: Lack of information and data.</p>
		<p>At international level</p>	<p>2006 AR: According to the Government: FOA can be exercised at the international level. The Confederation of the Workers of Qatar can join any international organization active in the sphere of workers' organizations (article 123).</p> <p>2000-2005 ARs: According to the Government: FOA and the right to collective bargaining cannot be exercised at international level.</p>	
	<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>2005 AR: According to the Government: The new Labour Code (2004) contains detailed provisions to enforce the PR and provides for sanction in cases of breach. Moreover, additional civil, administrative and penal sanctions exist.</p>		
	<p>Involvement of the social partners</p>	<p>2007 AR: The Government stated that progress had been made especially thanks to the improvement of industrial relations and the increasing dialogue between employers and workers.</p> <p>2002 AR: According to the Government: The Labour Code allows for the setting up of consultative committees composed of employers' and workers' representatives, with a view to promoting cooperation between them.</p>		
	<p>Promotional activities</p>	<p>2008 AR: According to the Government: The Labour Department participated in a conference held in Tunis, in February 2007, concerning trade union freedoms and rights in the Arab world. This conference was jointly held by the Arab Labour Organization and the ILO.</p> <p>The Government and the QPWC also indicated that they have participated in the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards in Oman.</p> <p>2007 AR: According to the Government: (i) Various occasions and events are seized to present the Declaration and related Conventions well-known; and (ii) officials working in the field of international relations and labour standards have participated in courses, seminars and symposia on the Declaration and International Labour Standards. In 2006, the Government participated in the ILO/Gulf Cooperation Council (GCC) Fourth regional workshop on the Declaration and its follow-up which was held in the framework of cooperation between the International Labour Office and the Executive Bureau of the Ministers of Labour and Social Affairs in. A female official in the Department of Labour has been sent to Geneva to attend a course on Standards at ILO headquarters.</p> <p>The QCCI and the QPWC referred to their participation in the ILO/Gulf Cooperation Council (GCC) Fourth Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in</p>		

		<p>April 2006. 2006 AR: According to the Government: A promotional manual for migrant workers in Qatar has been prepared.</p> <p>2003-2005 ARs: According to Government: Awareness-raising activities are envisaged.</p>	
	Special initiatives/Progress	<p>2008 AR: According to the Government: A labour relations service has been established in the Labour Department of the Ministry of Civil Service Affairs and Housing. It is expected that this service will contribute to enhancing dialogue and cooperation with workers, employers, workers' committees and joint committees in enterprises.</p> <p>2007 AR: According to the Government: Progress has been made especially thanks to the improvement of industrial relations and the increasing dialogue between employers and workers. The new Labour Code is a qualitative move in relation to the principle and right. For the first time it contains a specific chapter under the heading «Workers' Organizations» concerning the provisions governing the establishment of workers' committees at enterprise, sectorial and national levels. Other chapters address collective bargaining, collective agreements and collective disputes. Article 127 of this Labour Code provides that the scope of collective bargaining and collective agreements shall embrace any matters relating to work. Moreover, the Law on Societies and Private Associations was promulgated in 2004. The second chapter of this law contains specific provisions concerning the organization rules for the establishment and functioning of professional associations. Indeed, a number of such associations have been already established as those of journalists, engineers, lawyers and physicians.</p> <p>2006 AR: According to the Qatar Petroleum Workers' Committee: The Workers' Committees are being progressively established.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2007 AR: According to the QCCI: Lack of social dialogue on the PR. The QCCI considered that tripartite discussions should be organized with a view to understand better how to respect, promote and realize the ILO Declaration in Qatar.</p>
		Workers' organizations	<p>2008 AR: The ITUC raised the following additional challenges: (i) the law allows trade unions to carry out collective bargaining, but that right is heavily curtailed by the government's control over the rules and procedures for bargaining; (ii) the right to strike is still restricted; and (iii) most migrant workers are employed in the private and semi-private sectors, where they often fall victim to abuse from their employers.</p> <p>2007 AR: According to the QPWC: Lack of social dialogue on the PR. The QPWC also supported the view that tripartite discussions should be organized with a view to a better understanding on how to respect, promote and realize the ILO Declaration in Qatar.</p> <p>2006-2007 ARs: The ICFTU raised the following challenges: (i) the 2004 Labour Code allows for the formation of free trade unions but only for Qatari nationals (one quarter of the labour force) and is restricted; (ii) unions and the right to collective bargaining were still banned in Qatar in 2004; (iii) the right to strike is recognised, but is very difficult to exercise within the new law (mostly because of the compulsory arbitration by the labour department prior to any strike action) or is restricted for categories of workers such as domestic workers and civil servants.</p> <p>2000-2005 ARs: According to the ICFTU: (i) even though workers' committee can be set up, trade unions do not exist in Qatar; (ii) collective bargaining is prohibited and the employers generally set wages, (iii) the right to strike is restricted (domestic workers are denied this right).</p>

<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the Government</p>	<p>2007 AR: The Government acknowledged the lack of social dialogue on the PR and mentioned that tripartite discussions should be organized with a view to better understanding how to respect, promote and realize the ILO Declaration in Qatar.</p> <p>In a late response to the ICFTU's observations, the Government indicated that the Labour Code provides for the workers' organizations' right to bargain collectively and conclude joint agreements on labour related matters. In the absence of an enterprise workers' committee, the workers shall select their representative to the Joint Committee through free and direct elections (Section 125).</p> <p>2005 AR: According to the Government: The new draft Labour Code has helped to overcome challenges in realizing the PR.</p> <p>2003 AR: According to the Government: The main difficulties encountered in Qatar in the realization of the PR are related to the social and economic circumstances and legal provisions. Moreover, the established laws in the country do not deal with the question of freedom of association. The vast majority of the labour force is precarious, being composed of immigrant employees with different nationalities and languages.</p> <p>2004 AR: In response to the ICFTU's observations, the Government made the following comments: (i) The new Labour Code provides that joint committees may be formed in view of negotiating and concluding collective agreements, (ii) wages are determined by an agreement between the employer and the worker; (iii) section 120 of the new Labour Law allows workers to strike if amicable settlement of the dispute, by conciliation or arbitration, between them and the employer becomes impossible, in accordance with the provisions of the Labour Law.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2008 AR: The QPWC reiterated the same request mentioned in the 2007 AR.</p> <p>2007 AR: According to the Government, the QCCI and the QPWC, ILO technical cooperation is needed to promote a better understanding of the ILO Declaration in Qatar.</p> <p>2006 AR: According to the Government: Needs for technical cooperation to facilitate the realization of the PR in Qatar exist in the following areas, in order of priority: (1) strengthening data collection and capacity for statistical analysis; (2) in case of establishment of trade unions, there will be a need for awareness raising and training. Moreover, the Government would appreciate continued technical cooperation with the ILO in following up and implementing the Declaration on Fundamental Principles and Rights at Work, including the PR.</p> <p>2006 AR: According to the Qatar Petroleum Workers' Committee: Once workers' committees are generalized in the country, the ILO technical cooperation would be needed on freedom of association and other fundamental principles and rights at work.</p> <p>2003 AR: According to the Government: Needs for technical cooperation to facilitate the realization of the PR in Qatar exist in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (2) strengthening data collection and capacity for statistical analysis; and (3) legal reform (labour law and other relevant legislation). And, in case of establishment of trade unions, there will be a need for awareness raising and training. The Government would appreciate continued technical cooperation with the ILO in following up and realizing the Declaration on Fundamental Principles and Rights at Work, including the PR.</p>
	<p>Offer</p>	<p>ILO, GCC</p>

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also encouraged Qatar to initiate the necessary labour law reform to remove the obstacles to ratification of C.87 and C.98. They acknowledged the high number of promotional activities concerning the PR in the Gulf States (and some other countries), and encouraged the Office to maintain its efforts to support these activities. Finally, the IDEAs noted that restrictions on the right to organize of certain categories of workers in Qatar (and some other countries), such as migrant workers, domestic workers, agricultural workers and workers in the informal economy, were not compatible with the realization of this principle and right» (Cf. Paragraphs 12, 32 and 38 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs listed Qatar among the countries that have been indicating their intention to ratify C.87 and C.98 for several years, with no indication that progress has been made. They also noted with interest that some progress had been achieved in the Gulf States regarding the right of workers and employers to organize freely and voluntarily, without being subjected to control by their governments (Cf. Paragraphs 33 and 36 of the 2007 Annual Review Introduction –ILO: GB.298/3).</p> <p>2005 AR: The IDEAs listed Qatar among the countries where progress was being made under the Annual review in the promotion of freedom of association and the effective recognition of the right to collective bargaining. Furthermore, the ILO Declaration Expert-Advisers noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (Cf. Paragraphs 12 and 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs stated that they were encouraged by the continuing steps taken by countries of the Gulf Cooperation Council (GCC) in relation to this PR, but noted that there was a long way to go and much to do. They further indicated that the Gulf Cooperation Council States were providing more information on the PR, but not enough on the other three PRs. This would help to illustrate the link between all four PRs. The IDEAs also wished that the positive measures taken by countries in the Gulf Cooperation Council (GCC) be expanded upon (Cf. Paragraphs 29 and 84 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Qatar for its continuing dialogue with the Office (paragraph 4 of the 2003 Annual Review Introduction). In light of requests Myanmar for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, the IDEAs called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field (Cf. Paragraph 74 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs recommended that, with a view to a more in-depth discussion of certain aspects of the Introduction, the Governing Body invite clarifications from Qatar in relation to the continuation of steps undertaken in the country, in cooperation with the Office, concerning the principle of freedom of association and effective recognition of the right to collective bargaining. Furthermore, they acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the Government (Cf. Paragraphs 41 (b) and 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped that the Government of Qatar would continue a dialogue with the Office regarding the ways in which the PR could be achieved They also recommended to the governing body that further information be requested from the Government of Qatar in relation to efforts made to promote the principle and right (Cf. Paragraphs 30 (b) (ii) and 37 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>