



Governing Body

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Institutional Section

INS

SEVENTH ITEM ON THE AGENDA

Report of the Director-General

Ninth Supplementary Report: Report of the Committee set up to examine the representation alleging non-observance by Qatar of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the International Transport Workers' Federation

I. Introduction

1. By a communication dated 5 June 2014, the International Trade Union Confederation (ITUC) and the International Transport Workers' Federation (ITF) made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by Qatar of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Convention No. 111 was ratified by Qatar in 1976 and is in force in this country.
2. The following provisions of the Constitution of the International Labour Organisation relate to representations:

Article 24

Representations of non-observance of Conventions

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

*Article 25**Publication of representation*

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

3. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organisation, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation, informed the Government of Qatar and brought it before the Officers of the Governing Body.
4. At its 322nd Session (October–November 2014), the Governing Body found the representations to be receivable and appointed a committee to examine the matter. The Committee is composed of Mr Duan (Government member, China), Mr Mattar (Employer member, United Arab Emirates) and Ms Liew (Worker member, Singapore).
5. On 10 March 2015, the Government of Qatar submitted its written observations concerning the representation.
6. The Committee met on 19 March 2015 and 11 June 2015 to examine the case and adopt its report.

II. Consideration of the representation

A. Allegations of the complainant organizations

7. In their communication dated 5 June 2014, the ITUC and the ITF state that Qatar has violated Article 1(1)(a) of Convention No. 111. The complainants allege that migrant women employed by Qatar Airways, a state-owned flag carrier, are subject to direct and indirect discrimination based on gender due to the policies and practices of the company. They indicate that 90 per cent of the workforce of the airline company – 19,000 workers employed directly by the airline – consists of migrant workers, the majority of whom are women. The complainants assert that the company makes some extreme demands on its female crew and that they are victims of direct and indirect discrimination on the basis of sex, including harassment. Regarding the definitions of these concepts the complainants refer to the Convention and the relevant comments of the Committee of Experts on the Application of Conventions and Recommendations on Convention No. 111. The complainants also indicate that, following the presentation by the ITF, in September 2013, of a document to the 38th Assembly of the International Civil Aviation Organization (ICAO) on abuses of aviation workers' labour rights by Qatar and its coverage by the media, serving and former cabin crew members contacted the ITF with stories of discrimination at the airline company. The complainants add that the representation submit examples of discriminatory practices that have been collated from these crew members and the official documentation of the company.
8. According to the complainants, employment contracts impose on female cabin crew the obligation to notify the employer in the event of pregnancy and give the right to the employer to terminate the contract of employment from the date of the notification of the pregnancy. The complainants state that, while they do not challenge the health and safety implications of flying and working on board while pregnant, as prescribed by national

regulations, they cannot accept a blanket measure that prevents women from exercising their reproductive rights at the risk of getting dismissed (in violation of national law) without provision for suitable temporary positions and/or maternity leave. According to the complainants, the right to terminate employment on the grounds of pregnancy has been exercised by the company on many occasions. It was also reported to the ITF that crew members were compelled to resign upon knowledge of their pregnancy as they did not want to face the humiliation of being dismissed and/or denied the right to repatriation assistance by the company.

9. According to the complainants, employment contracts also impose the obligation to request authorization to change marital status. The complainants refer to section 98 of the Labour Law according to which “the employer may not terminate the service contract of a female worker due to her marriage or obtaining the leave provided for in section 96 of this law”. They allege that, in practice, there is a marriage bar during the first three to five years of service in the company. Following this period, permission to get married is granted at the discretion of the company, with a negative response invariably resulting in the employee having to resign in order to get married. It was also reported to the ITF that there were a series of crew resignations in 2008 due to the promise of the company’s Chief Executive Officer to review the marriage bar, with the effect of prohibiting those employees from re-entering Qatar, even as tourists. The complainants allege that while the marriage bar is a gender-neutral provision, it is evident that it has a disproportionate impact on women and is therefore a form of indirect discrimination under the Convention.
10. The complainants further indicate that the current company code of practice for cabin crew establishes stringent obligations concerning rest periods, such as a mandatory minimum period of 12 hours of rest prior to a duty period. These measures also include the confinement of employees to company premises half a day prior to a flight, restrictions on movement from and to assigned accommodation, the prohibition to stay overnight outside of the assigned accommodation, including when off duty, and the prohibition for women employees to enter or leave the company premises accompanied by a man other than their father, brother or husband.
11. The complainants further refer to practices of broad surveillance of staff, including reports of control of social media and private activities while off duty, acts of verbal harassment and disciplinary measures, including dismissals, which according to the complainants, disproportionately affect women and go beyond national and cultural sensitivities and differences. The complainants indicate that the Penal Code (section 291) protects women against verbal harassment but they emphasize that the reported inability of crew members to seek legal redress renders this protection redundant. They also indicate that reports were made to the ITF regarding the sealing of fire escapes and windows in the company accommodation in order to prevent employees from leaving the premises undetected.
12. Finally, the complainants highlight the lack of effective mechanisms of redress and the reluctance of crew members to submit complaints due to fear of retaliation, possible termination of employment and deportation from Qatar. They emphasize that the lack of an adequate labour inspectorate impedes any form of meaningful investigation. In addition, the almost non-existence of female labour inspectors is a major hindrance in tackling gender-based discrimination at the workplace. The complainants consider that the Government of Qatar fails to ensure the effective enforcement of the protection against discrimination provided for in the legislation.

B. The Government's response

13. In its reply, the Government indicates that currently, about 80 per cent of Qatar Airways cabin crew is female. With regard to the concept of "indirect discrimination" as referred to by the complainants, the Government is of the view that Qatar Airways' policies cannot be considered discriminatory simply because the majority of employees are women.
14. The Government also submits that, in the representation, there is no specific or direct testimony cited and, despite a workforce of 9,000 cabin crew, the allegations are based on comments made by a small group of anonymous people and an unreliable article published in a newspaper. It further indicates that the allegations are based on the earlier employment contract for cabin crew, and that a new employment contract is in force since December 2014 for all new cabin crew staff. With regard to existing cabin crew, the Government states that approximately half of cabin crew members have been transferred to employment under the new contract and it is expected that the rest of cabin crew members will be transferred in the coming months.
15. With regard to pregnancy, the Government indicates that the complainants refer to the provisions of the earlier employment contract and that the company practice in relation to pregnancy was not very clear in the context of this contract. Civil aviation rules in Qatar require that all cabin crew members obtain a medical certificate and a valid flying license, which will be withdrawn by the regulatory authority on medical grounds upon confirmation of pregnancy. The airline company has a duty to inform the authority if it is established that one of its employees is pregnant. The Government maintains that the current practice is consistent with the practice of many of the big airline companies: a cabin crew member who cannot fly because she is pregnant – "pregnancy being a cause of unfitness" under Qatar's civil aviation medical regulations – will be unable to meet her contractual obligations.
16. According to the Government, the pregnant employee has complete freedom, and is even being encouraged to apply to any vacant position on the ground, with the assistance of staff members in charge of human resources. The new employment contract provides that "should other suitable ground positions with Qatar Airways be available during this period [a period exceeding 90 days of unfitness for flying duties], [the employee] may apply and undergo the recruitment process for the position if found suitable". The Government adds that these provisions do not only apply in case of pregnancy but also in other cases. In this regard, the Government indicates that since December 2014, among the nearly 100 cabin crew members who have been integrated into jobs on the ground, a few were pregnant women who obtained jobs in training, employees' welfare, housing, customers' lounges, etc. In such cases, employees are paid in accordance with their new jobs and are not entitled to receive the benefits linked to the number of flights undertaken. The Government adds that no cabin crew member who became pregnant since December 2014 left Qatar Airways, except for personal reasons. Cabin crew who transfer to jobs on the ground – those who do not wish to give up employment – are entitled to a paid maternity leave of 50 days and may take an additional unpaid leave of 60 days.
17. The Government maintains that the provisions relating to marital status in the old employment contract did not discriminate against women but were neutral in terms of gender since they applied to both men and women. The Government indicates, however, that the new employment contract no longer requires the employee to request permission to change marital status and underlines that there was no ban on marriage applied when the representation was made. The Government adds that the new contract provides that cabin crew staff is employed on a "single status" basis, which means that the employment benefits do not extend to any dependants, and that the concept of a single status contract is a common one and reflects the practice of other airline companies. According to the

Government, the purpose of the “declaration of marital status” referred to in the new contract is to ensure that accurate records are maintained in order to comply with the legislation on residence.

18. With regard to rest periods, the Government states that Qatar Airways’ policy includes a set of measures designed to guarantee that cabin crew get sufficient rest to be capable of performing their duties, the most important of which being the safety of passengers. The policy on rest periods, which may be described as being strict, is of great importance to the airline company and is applied in the same way to both men and women employees with respect to sanctions in case of violation.
19. The Government refutes the allegations of degrading treatment, harassment and surveillance of women cabin crew members, as they are based on reports from a relatively small number of staff and a single newspaper article. The Government considers it unfortunate that some inappropriate individual behaviour was made public, but asserts that such behaviour is not a characteristic of the working environment of Qatar Airways. The Government adds that, like in most other companies and public buildings, the only cameras that are operational are the security cameras at the entrance of the staff accommodation buildings.
20. The Government indicates that Qatar Airways policy forbids any sort of verbal or non-verbal harassment of its staff and provides two examples, including a case of sexual harassment, of the manner in which violations of this policy have been dealt with. It maintains that the company applies the same measures to both men and women employees out of concern for their health and safety and to protect the reputation of the company. The Government further refutes the allegations of discriminatory measures targeting only women and going beyond national cultural differences and sensitivities. The Government stresses, however, that the prohibition for women employees to enter or leave the company premises accompanied by a man other than their father, brother or husband relates specifically to compliance with a particular cultural norm in Qatar. The Government adds that the airline company is working diligently to improve its policies, practices and benefits for cabin crew staff.
21. Regarding the alleged lack of mechanisms of redress, the Government provides detailed information on the various mechanisms in place to investigate violations of the national legislation, to protect and strengthen workers’ rights and facilitate their access to justice. The Government indicates that a specific body within the Ministry of Labour and Social Affairs (MOLSA) is in charge of handling complaints from migrant workers and that an increasing number of cases are settled before they reach the courts. The MOLSA formed a workers’ counselling and guidance team that has carried out more than 150 field visits to major companies, and the Ministry also held seminars for employers and employees to inform them of their rights and duties.
22. A hotline and a dedicated email address were set up by the MOLSA to receive workers’ complaints and provide a prompt response to enquiries and settlement of the dispute. In addition, workers can submit complaints via the “labour complaints reception system”, which is available in labour offices across the country. This system functions in the languages most widely spoken by workers and permits the establishment of an Arabic version of the complaint and its equivalent in the worker’s language. The MOLSA also established an office in the courts to assist, free of charge, workers who have brought cases against their employer, providing them with the necessary human and technical resources.
23. The Government further indicates that the Ministry of Interior provides counselling, guidance and follow-up for legitimate complainants before administrative and judicial bodies to enable them to receive their entitlements, and advisory services on labour

legislation and the legislation regulating the entry, exit, residence and sponsorship of migrant workers. The Government also indicates that several other measures were recently taken to strengthen workers' rights and provide them with support, such as the launching of a programme to blacklist offending companies, in coordination with the Ministry of Interior, and the establishment of a coordination committee between the Ministry of Interior and the MOLSA, as well as of a national committee for occupational health and safety. In addition, sections in the community police liaise with company executives concerning their obligations to protect the rights of migrant workers within the framework of a company's social responsibilities.

24. Finally, the Government provides detailed information on the labour inspection system in Qatar, including the measures taken to enhance the capacities of the labour inspectorate and improve the recording and monitoring of inspection data. These measures have led to an increase in the number of inspection visits. The Government indicates that the number of labour inspectors – currently 294 – is constantly increasing, due to the growing number of companies operating in the country. The Government also indicates that an agreement was reached on the establishment of a new occupational health and safety inspection department within the MOLSA.

III. Conclusions of the Committee

25. The conclusions are based on the Committee's review of the complainants' allegations and the reply transmitted by the Government in the present procedure.
26. The representation alleges the existence of discriminatory provisions in the employment contract of cabin crew members with Qatar Airways as well as discriminatory practices against women employees. It relates to Articles 1 and 5(1) of Convention No. 111, which read as follows:

Article 1

1. For the purpose of this Convention the term "discrimination" includes –
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

...

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

...

National constitutional and legal provisions

27. The Committee notes that the Constitution of Qatar provides that “all persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion” (article 35). Moreover, article 21 of the Constitution states that “the law shall regulate adequate means to ... protect maternity”. The Committee further notes that the Labour Law of Qatar (Law No. 14 of 2004) which covers both national and foreign workers,¹ does not contain provisions specifically protecting workers against direct and indirect discrimination on the basis of the grounds set out in Article 1(1)(a) of the Convention and in respect of employment and occupation. The Committee notes however that section 98 of the Labour Law provides that “the employer may not terminate the service contract of a female worker due to her marriage or obtaining the leave provided for in section 96 of this Law” (for example, maternity leave). The Committee further notes that Law No. 4 of 2009 regulates the entry, exit, residence and sponsorship of expatriates. In this regard, the Committee notes that, under the employment contract of flying cabin attendants with Qatar Airways, the airline company acts as the sponsor for the employment and residence of the employees (clause 6 of the contract on sponsorship and residence).

Allegations of direct discrimination on the basis of sex

Allegations with regard to pregnancy

28. With regard to the allegations concerning discrimination based on pregnancy, the Committee notes that the earlier employment contract to which the complainants refer in the representation contains the following clause: “The employee shall notify the employer in case of pregnancy from the date of her knowledge or its occurrence. The employer shall have the right to terminate the contract of employment from the date of notification of the pregnancy. Failure of employees to notify the employer or the concealment of the occurrence shall be considered a breach of contract.” The Committee further notes that the new contract of employment of cabin crew staff, a copy of which was provided by the Government, states that: “The employee shall confirm and understand that as per the Qatar Civil Aviation Regulations, Cabin Crew are considered unfit to fly during pregnancy. Accordingly, the company reserves the right to automatically terminate your contract as a flying Cabin Crew Member should you become pregnant. ... Should another suitable ground position with Qatar Airways be available during this period you may apply and undergo the recruitment process for the position if found suitable.” The Committee notes that under the Qatar Civil Aviation Regulations – Medical Certification (QCAR–MED) to which the Government refers in its reply, “pregnancy shall be a cause of temporary unfitness” for cabin crew (emphasis added) (QCAR–MED 405(w)).

Discrimination on the basis of pregnancy

29. The Committee notes that security of tenure of employment falls within the scope of Convention No. 111, in accordance with the definition of “employment” and “occupation” in Article 1(3). Paragraph 2(b)(iv) of the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111) provides that “all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of security of tenure of employment”. Therefore, dismissal must not take place on any of the grounds of discrimination set out in the Convention.

¹ Except certain categories of workers (section 3).

30. The Committee further notes that distinctions in employment and occupation based on pregnancy or maternity² are discriminatory, as they can only, by definition, affect women.³ They constitute therefore direct discrimination on the basis of sex, contrary to the Convention. Protection against discrimination based on pregnancy and maternity is thus a key concern from the point of view of equality of opportunity and treatment between men and women. Equality in this context refers to the right of all women not to be treated less favourably in employment and occupation because of their sex, or due to circumstances arising from their reproductive function.
31. The Committee also notes that Article 5(1) of Convention No. 111 provides that special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination. In this respect, the Committee wishes to draw the attention of the Government to the ILO standards on maternity protection which prohibit termination of employment during pregnancy⁴ and call for protective measures to be taken when a significant workplace risk is established, providing guidance on the forms alternatives to the actual work may take. These measures include the elimination of the risk, an adaptation of the conditions of work of the pregnant worker, a transfer to another post – without loss of pay – when such an adaptation is not feasible or paid leave – in accordance with national laws – regulations or practice, when such a transfer is not feasible.⁵ While Qatar is not bound by the Maternity Protection Convention, 2000 (No. 183), it can serve as guidance to improve laws, policies and practices relating to the protection of maternity.
32. *The Committee is cognizant of the health and safety reasons behind the obligation to notify the pregnancy and the temporary impossibility for cabin crew members to fly in case of pregnancy. It considers, however, that protective measures should include action taken to ensure that a woman worker does not lose her job during pregnancy and that maternity is not a source of discrimination in employment and occupation. The Committee is of the view that termination of employment in case of pregnancy cannot be considered as a measure of protection. For the reasons highlighted above, the Committee considers that the provisions of the earlier employment contract, as well as the new employment contract providing the company with the possibility to automatically terminate the employment of women cabin crew on the sole basis of pregnancy are discriminatory under Convention No. 111, and should be removed.*
33. With regard to the possibility of alternative work, the Committee notes the inclusion in the new employment contract of a possibility to apply for another suitable position on the ground when unfit to fly (clause 10 of the contract). In its reply, the Government stresses that it is company policy that the staff of Qatar Airways responsible for the wellbeing of the workforce diligently search for alternative jobs on the ground for pregnant cabin crew members.
34. The Committee observes that the provisions relating to “another suitable ground position” in the employment contract and in respect of which the cabin crew “may apply and undergo the recruitment process”, cannot be considered to be special measures of protection or assistance. While appreciating the efforts made by the company to seek

² In so far as they do not constitute protective measures in the sense of Article 5 of Convention No. 111.

³ General Survey on the fundamental Conventions, 2012, para. 784.

⁴ Article 8(1) of the Maternity Protection Convention, 2000 (No. 183).

⁵ Paragraph 6(2) of the Maternity Protection Recommendation, 2000 (No. 191).

solutions respecting alternative employment for pregnant women, the Committee draws the attention of the Government to the fact that the provisions in the employment contract can result, in practice, in the termination of the employment of the employee concerned on the basis of pregnancy. They impose an additional burden on pregnant women in obtaining alternative employment and do not achieve genuine equality, which is an objective of the Convention.

35. *The Committee is of the view that due consideration should be given to the review of the provisions of the employment contract relating to alternative employment, in accordance with the policy highlighted by the Government, so as to facilitate the temporary transfer of pregnant employees who are temporarily unfit to fly to another position in the company which does not present a danger for her or her unborn child, taking into account their qualifications and experience. Such a review would ensure that being pregnant does not have the effect for female flying attendants to lose their job or have their contract terminated. The Committee recommends that the Government take measures to encourage the airline company to make every effort to find suitable alternative employment for crew members who cannot temporarily fly because they are pregnant or to provide for other appropriate temporary solutions, including leave. The Committee requests the Government to ensure that this policy is reflected in the employment contract of flying attendants.*

Allegations with regard to the prohibition for women employees, in the company's code of practice, to be dropped off or picked up from the company premises accompanied by a man other than their father, brother or husband

36. *The Committee notes the Government's indication that the prohibition for women employees to be dropped off or picked up from the company premises accompanied by a man other than their father, brother or husband, results from a cultural norm in Qatar. The Committee is of the view that this restriction in the company's code of practice, which only applies to women and which is not a requirement imposed on men cabin crew, amounts to discrimination based on sex. It is also of the view that the non-respect of this restriction may have a negative effect on the employment of the women concerned. The Committee therefore expresses the hope that this prohibition will be reviewed in the light of the principles of non-discrimination and equality between men and women. The Committee also requests the Government to provide, in its next Article 22 report on the application of the Convention, specific information on the nature and number of sanctions applied to female employees by the employer in case of non-respect of this rule from the company's code of practice.*

Allegations of indirect discrimination

37. The Committee wishes to refer to the definition of indirect discrimination used by the Committee of Experts on the Application of Conventions and Recommendations. Indirect discrimination refers to apparently neutral situations, regulations or practices which in fact result in unequal treatment of persons with certain characteristics. It occurs when the same condition, treatment or criterion is applied to everyone, but results in a disproportionately harsh impact on some persons on the basis of characteristics such as race, colour, sex or religion, and is not closely related to the inherent requirements of the job.⁶ In order to determine if indirect discrimination has occurred, each measure has to be examined on a

⁶ General Survey on the fundamental Conventions, 2012, para. 745.

case-by-case basis, with a particular focus on its detrimental effect on a particular group and its assessment as to whether it can be objectively justified by a legitimate aim in a particular context.

38. The Committee observes that, in general, the occupation of flying attendant is a female-dominated occupation and notes that the complainants and the Government confirm that this is also the case in Qatar. In this context, the Committee is of the view that care should be taken that the objective of the measures and policies relating to the employment of flying attendants do not reflect or are not based on stereotypical perceptions about the capabilities of and appropriate role of women in society and the labour market. The Committee points out that the Committee of Experts on the Application of Conventions and Recommendations has observed that such stereotypical perceptions, which differ according to country, culture and customs, are at the origin of types of discrimination based on sex and all lead to the same result: the nullification or impairment of equality of opportunity and treatment.⁷

Allegations with regard to marriage and change in marital status

39. The Committee draws attention to the fact that distinctions based on civil status, marital status, or more specifically, family situation (particularly as regards responsibilities for dependent persons), are contrary to the Convention when they have the effect of imposing a requirement or condition on an individual of a particular sex that would not be imposed on an individual of the other sex.⁸ The Committee notes that the employment contract to which the complainants refer in the representation provides that “the employee is required to obtain prior permission from the company, in case [he/she] wishes to change [his/her] marital status and get married”. The Committee further notes from the sample contracts provided by the Government that the provisions imposing permission to get married no longer appear in the new employment contract. The Committee further notes that other provisions relating to the marital status of employees in the new contract, such as the declaration of this status or employment on a “single status” basis, may raise other concerns but do not give rise per se to discrimination against women under Convention No. 111.
40. *The Committee expresses the firm hope that the Government takes the necessary measures without delay to ensure that all cabin crew members are transferred under the new employment contract so as to be able to get married and change their marital status without the company’s permission. The Committee notes that neither complainants nor the Government have provided information on the impact of the requirements concerning marital status in the new employment contract on women employees. The Committee therefore considers that more information is needed to determine if these requirements have a disproportionate impact on women, who make up 80 per cent of cabin crew, and could give rise to indirect discrimination against women. The Committee requests the Government to provide, in its next Article 22 report on the application of the Convention, specific information on the manner in which the requirements relating to the marital status of employees in the new contract are applied in practice and their impact on women employees, in particular with respect to their possibility of getting married without losing their job or being incited to resign.*

⁷ General Survey on equality in employment and occupation, 1988, para. 38.

⁸ General Survey on the fundamental Conventions, 2012, para. 787.

Rest periods

41. The Committee notes that the complainants describe the various rules governing rest periods established by the company's code of practice as a means to control the personal lives of its employees, the majority of which are women, and that they state that minor violations of these stringent regulations are the lead cause for dismissals. According to the complainants, the rules governing rest periods are devised and motivated by the attitudes of the company's Chief Executive Officer and the company itself towards women. The Committee notes that the Government invokes the ability of the company's employees to perform their duties, in particular ensuring the safety of passengers. The Government further asserts that violations, whether by men or women of the rules, are dealt with in the same way.
42. *The Committee is of the view that rules governing rest periods as such may not amount to discrimination within the meaning of the Convention. Nonetheless, the Committee considers that to the extent that the design and application of such rules are based or motivated by gender stereotypes and attitudes towards women, this, if it were verified, could lead to discrimination based on sex and would contravene the Convention's objective of equal treatment between men and women. The Committee notes that the complainants provide insufficient information for it to conclude that these measures are gender biased and disproportionately affect women cabin crew, and therefore constitute indirect discrimination based on sex. The Committee nonetheless wishes to draw the attention of the Government to the need, when designing the rules governing rest periods, to ensure that they are free from gender bias. The Committee further requests the Government to provide, in its next Article 22 report on the application of the Convention, specific information on the manner in which the rules governing rest periods are applied in practice, including information disaggregated by sex on the nature and number of violations reported and sanctions applied.*

Allegations of demeaning treatment of female crew, harassment and surveillance

43. With regard to the allegations of harassment, the Committee notes that the Penal Code criminalizes offensive behaviour against women (art. 291).⁹ According to the Government's reply, the policy of Qatar Airways forbids any sort of verbal or non-verbal harassment of its staff and investigations are carried out where such a case occurs. Noting that no copy of the policy was provided, the Committee emphasizes that while it is important to prohibit such discriminatory practices, it is also important to ensure effective implementation of any mechanisms aimed at putting them to an end and providing remedies to the victims.
44. In this regard, the Committee points out that, when harassment is only addressed through criminal proceedings, it may be very difficult for alleged victims to meet the higher burden of proof, especially when there is no witness, and to access criminal courts, in particular in the case of migrant workers. Moreover, penal provisions may also not cover the whole range of behaviours constituting sex-based harassment, including sexual harassment. While taking due note of the Government's statement that such behaviour is not a characteristic of the working environment of Qatar Airways, the Committee considers that particular attention should be given by the Government to encourage the company to

⁹ Section 291 of the Penal Code: "Whoever offends a female by words or makes a sound, a gesture or a display for the purpose of letting her hear the word or the sound, or see the gesture shall be punished with imprisonment for a term not exceeding one year and/or a fine not exceeding five thousand Qatari Riyals (QR 5.000)."

provide its employees, including foreign employees, with appropriate complaint mechanisms to ensure that they can obtain redress without being exposed to stigmatization or reprisals, and without the fear of being deported from the country, in cases of harassment or any other discriminatory behaviours based on the grounds set out in the Convention.

45. With regard to the alleged practices of broad surveillance of employees and control of their personal lives, the Committee notes that the Government refutes these allegations but confirms that security cameras are operational at the entrance of the staff accommodation buildings, as is common to other companies and buildings. The Committee further notes that the complainants provide insufficient information for it to conclude that the alleged practices and measures result in a disproportionately harsh impact on women employees as a particular group, on the basis of sex. However, it also notes that the complainants have provided some indication that surveillance practices by the management have specifically targeted a number of women employees.
46. *In these circumstances and taking into account the elements highlighted in paragraphs 41–45 of this report, the Committee is of the view that care should be taken to ensure that the overall application of the rules concerning rest periods and freedom of movement, including their monitoring, and the surveillance measures, does not create or contribute to creating an intimidating working environment that could expose employees to sex-based harassment, in particular women migrant employees, contrary to the Convention. Taking due note of the Government’s statement that the airline company is working diligently to improve its policies, practices and benefits for cabin crew staff, the Committee requests the Government to provide, in its next Article 22 report on the application of the Convention, specific information on the measures taken in this regard.*

Enforcement mechanisms and effective redress in case of discrimination

47. The Committee takes due note from the Government’s reply that various dispute settlement mechanisms are in place to handle complaints of migrant workers. The Committee notes that the Government did not provide information on how these procedures can be or have been used by cabin crew, in particular women. The Committee observes that access to such procedures and remedies by cabin crew members who are migrant workers may be difficult because of the fear of victimization or reprisals, including dismissal and deportation from the country, which may prevent the employees from seeking to obtain redress in case of violation of their rights. In this regard, the Committee is of the view that effective protection against reprisals for those who lodge complaints or bring cases, and for witnesses, is essential for the implementation and enforcement of the principles of non-discrimination and equality. The Committee also notes that the Committee of Experts in its 2014 observation under the Labour Inspection Convention, 1947 (No. 81), requested the Government to take measures to improve the effectiveness of existing enforcement mechanisms, including steps to provide enhanced enforcement powers to labour inspectors and promote effective collaboration with judicial authorities.
48. *While noting the Government’s statement regarding the increasing number of labour inspectors and the development of the labour inspectorate activities, the Committee observes that, given the large number of women in cabin crew staff, the appointment of trained women labour inspectors may be a positive measure to ensure the monitoring of non-discrimination and equality in the company. The Committee hopes that the Government will give due consideration to such a measure.*

IV. The Committee's recommendations

49. *In light of the conclusions set out in paragraphs 25–48 above, concerning the issues raised in the representation, the Committee recommends that the Governing Body:*

- (a) approve the present report;*
- (b) request the Government, in order to ensure that the employees concerned enjoy the protection provided for in the Convention, to take into account the action requested in paragraphs 32, 35, 36, 40, 42, 46 and 48;*
- (c) entrust the Committee of Experts on the Application of Conventions and Recommendations with following up the matters raised in this report, in particular in the paragraphs set out in subparagraph (b) above, with respect to the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);*
- (d) make this report publicly available and close the procedure initiated by the representation.*

Geneva, 11 June 2015

(Signed) D. Duan

M. Liew

K. Mattar

Point for decision: Paragraph 49