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EIGHTH ITEM ON THE AGENDA

Follow-up to the decision adopted by the Governing Body at its 331st Session to support the technical cooperation programme agreed between the Government of Qatar and the ILO and its implementation modalities

Purpose of the document

This document provides an annual progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO.

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Main relevant outcome/cross-cutting policy driver: Outcome 2: Ratification and application of international labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Provide an annual progress report to the 337th Session of the Governing Body (October–November 2019).

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.331/INS/13(Rev.).

1. At its 331st Session (October–November 2017), the Governing Body decided to support the agreed technical cooperation programme between the Government of Qatar and the ILO and its implementation modalities. This technical cooperation programme reflects the common commitment of both the Government of Qatar and the ILO to cooperate on ensuring compliance with ratified international labour Conventions, as well as achieving fundamental principles and rights at work in the State of Qatar in a gradual manner during the period 2018–20.
2. This will be done through: improvement in payment of wages; enhanced labour inspection and occupational safety and health (OSH) systems; refinement of the contractual system that replaced the *kafala* system; improved labour recruitment procedures; increased prevention; protection and prosecution against forced labour; and promotion of the workers' voice.
3. In less than a year, the programme of cooperation was put into full motion and operational work focused on key priority areas. This document presents the first annual progress report on the implementation of the Qatar–ILO technical cooperation programme, as of mid-October 2018.

Information on progress achieved in the framework of Qatar–ILO technical cooperation programme

Launch of the technical cooperation programme

4. Following-up immediately on the Governing Body decision to support the agreed technical cooperation programme, the technical cooperation agreement was formally signed by Qatar's Minister of Administrative Development, Labour and Social Affairs, Mr Issa Saad Al Jafali Al Nuaimi and the ILO Director-General, Mr Guy Ryder, on 7 November 2017.
5. During its swift start-up phase, 13 staff members (11 Professional and two General Service staff category) were recruited and relocated to Doha for the implementation of the multipronged technical cooperation programme consisting of five pillars. The Head of the programme, was relocated to Doha on 1 February 2018 and was also appointed the ILO Regional Office for Arab States Focal Point for the State of Qatar. On 29 April, the ILO Doha project office was officially inaugurated.
6. Parallel to establishing the office and its internal organization and arrangements, a governance structure was put in place to enable smooth and efficient cooperation between the Ministry of Administrative Development, Labour and Social Affairs (ADLSA) and the ILO on each of the five pillars.
7. A national steering committee (NSC) was established to advise and guide the project implementation. The NSC is chaired by Mr Issa Saad Al Jafali Al Nuaimi, the Minister of Administrative Development, Labour and Social Affairs and its members include representatives of the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Public Health, Ministry of Development Planning and Statistics, Qatar's Government Communications Office, the Supreme Committee for Delivery & Legacy (SCDL), the National Human Rights Committee, Qatar Chamber of Commerce, and Qatar Foundation for Education, Science and Community Development.

8. The Minister of Administrative Development, Labour and Social Affairs assigned his Assistant Undersecretary for Labour as the counterpart of the ILO Head of programme and formed an internal coordination body consisting of ten ADLSA focal points for liaising with the ILO team.
9. The following sections provide a progress report on each of the five pillars of the technical cooperation programme and a brief description of current partnerships supporting the implementation of the technical cooperation programme. For ease of reference, a summary of the technical cooperation programme is provided in the Appendix.

Activities undertaken under the five pillars of the Programme

Pillar One – Improvement in payment of wages

10. **From a temporary minimum wage to a permanent non-discriminatory minimum wage** – The State of Qatar adopted a minimum wage in November 2017, indicating that it was established at a temporary level as a first step, following which it would be replaced by a permanent non-discriminatory minimum wage. To this end, the programme provided technical expertise and organized a national consultation on minimum wage which resulted in the creation of an ad hoc Minimum Wage Commission, operational since September 2018. In collaboration with the ADLSA, the ILO is currently collecting and analysing available statistical data on the distribution of wages and other statistical indicators in the State of Qatar. In addition, qualitative research was undertaken with key stakeholders, migrant workers and their families in Qatar, as well as in two main countries of origin, namely India and Nepal, to analyse the level at which the minimum wage would cover the needs of workers and of their families while assessing its economic impact. The findings of these technical studies will be summarized in a report and presented for discussion to the ad hoc Minimum Wage Commission by the end of the year.
11. **Enhancing the wage protection system (WPS)** – A study was commissioned to review the performance of the WPS. Its findings will enable identifying possible improvements, in particular in respect of the identification of violations, sanctions and penalties for non-payment of wages. It will also explore how workers currently excluded from the scope of the WPS could eventually be covered.

Pillar Two – Labour Inspection and OSH systems

12. **Assessment of labour inspection and development of an OSH strategy** – An assessment of the ADLSA's labour inspection system was completed on the basis of which a targeted action plan is being prepared with the ADLSA. Building on the recommendations of the Second National Qatar OSH Conference, organized by the ADLSA in April 2018, an OSH profile for Qatar is currently being developed to inform the design of the national OSH strategy to be supported by the programme. In addition, a Memorandum of Understanding (MoU) was signed between the ADLSA and the UK Health and Safety Executive (HSE) with regards to certain capacity-building needs highlighted in the assessment carried out by the ILO.

Pillar Three – An employment contractual system replacing the kafala system

13. **Legal reform continued** – A new law suppressing the exit visa for workers covered by the Labour Law was signed by the Emir on 4 September 2018. Law No. 13 of 2018 amends

provisions of Law No. 21 of 2015 and of Law No. 1 of 2017, which regulate the entry and exit of expatriates. Upon the entry into force of Law No. 13 on the date of its publication in the *Official Gazette*, migrant workers covered by the labour law will be able to leave the country without having to obtain a permit from their employer. This marks a major milestone in abolishing the *kafala* system in Qatar. At the same time, this new law specifies that employers may submit for approval to the ADLSA of workers for whom a “no objection certificate” would still be required, with a justification based on the nature of their work. The number of these workers per company shall not exceed 5 per cent of their workforce. Also, Law No. 13 does not cover categories of workers outside of the scope of the labour law, such as domestic workers. The project provided continuously technical advice on this legal reform and will maintain high priority for its support on continued legal reforms in this area as well as on awareness raising and implementation of the newly adopted legislation.

- 14. Fair recruitment and labour mobility promoted** – The programme undertook a number of initiatives to bolster support for fair recruitment practices in line with the ILO’s *General Principles and Operational Guidelines for Fair Recruitment*, primarily through partnerships with private companies and tailor-made capacity-building activities. For example, the programme signed a public–private partnership (PPP) with the QVDC, a Qatari shareholding company with two shareholders: the Qatari Diar Real Estate Investments Company and VINCI Construction Grands Projets, to implement a fair recruitment pilot intervention between Bangladesh and Qatar in the construction sector. The aim of this pilot was to demonstrate the business case for fair recruitment practices in the construction sector. In the area of capacity building, the ILO programme conducted numerous trainings on fair recruitment principles and practices for labour recruiters, employers and ADLSA representatives. Preliminary findings of the pilot intervention were presented at a conference organized jointly with the Qatar Chamber of Commerce, the ADLSA and the Institute for Human Rights and Business on 17–18 October. This event focused on promising practices of Qatari companies in the field of fair recruitment and labour market mobility, as well as opportunities to scale-up and replicate those initiatives across sectors. The ILO collaborated also with the Embassy of the United States in Doha to advise the ADLSA and the Ministry of Interior on further alignment of the new system of electronic visas and contracts with international labour standards and good practices.
- 15. Supporting the implementation of Law No. 15 of 2017 on domestic workers** – The programme facilitated a number of national consultations on Law No. 15 of 2017 to identify implementation challenges and possible responses based on national and international good practices. To inform these discussions, a memorandum of technical comments was prepared based on a comprehensive gap analysis drawn from the ILO Domestic Workers Convention, 2011 (No. 189), and the Domestic Workers Recommendation, 2011 (No. 201), and the Conventions ratified by Qatar. Special attention was also paid to examining the impact of different contractual arrangements – including those where greater labour market mobility could be afforded to domestic workers – on various aspects of the employment relationship between domestic workers and their employers, with a view to informing the preparation of further reforms.

Pillar Four – Forced labour

- 16. Improving prevention, protection and prosecution of forced labour through coordinated action** – The ILO facilitated a workshop for the National Committee for Combating Human Trafficking to inform its strategic workplan for the corresponding pillar. The implementation of the capacity-building segment of pillar four was inaugurated with the ILO, the UNODC and the ADLSA jointly hosting a workshop on human trafficking and forced labour for Ministry staff and the ILO producing and disseminating a booklet on the indicators of forced labour in the Arabic language to relevant government offices.

17. The ADLSA, the Qatar Supreme Judiciary Council, the US Embassy and the ILO Project Office in Doha conducted initial discussions with selected judges from civil and criminal courts, as well as members of the Workers' Dispute Settlement Committees to identify areas and opportunities to enhance Qatari judiciary training programmes related to forced labour and human trafficking. As a result, a tailored module on forced labour and human trafficking will be developed for its incorporation into the mandatory training programme for all new judges.

Pillar Five – Promoting workers' voice

18. **Supporting the newly established Workers' Dispute Settlement Committees** – By a Qatar Council of Ministers' Decision, No. 6 of 2018, Workers' Dispute Settlement Committees were established within the Ministry of Administrative Development, Labour and Social Affairs. To date, three Workers Disputes Settlement Committees are fully operational. With a view to supporting their development of an in-built mechanism for continuous improvement of their performance, the ILO and the International Trade Union Confederation (ITUC) jointly organized a workshop in London on 11 July 2018 where the ADLSA and the Supreme Judiciary Council of Qatar shared and compared their experience with practitioners of well-established dispute resolution bodies from Australia (Fair Work Commission), Ireland (Labour Court), the United Kingdom (ACAS) and South Africa (CCMA). This workshop informed the development of the programme's workplan aimed at ensuring continuous improved performance of the Workers Dispute Settlement Committees.
19. **Assistance to worker(s) in submitting complaints through the ADLSA** – A protocol for ILO assistance to workers on submission of labour complaints was agreed between the ADLSA and the ILO. This was designed based on the overall objective of ensuring the effective operation of the ADLSA national complaints mechanism, as well as its sustainability. The protocol is now being jointly implemented. Accordingly, the ILO has been facilitating submission of 52 complaints to the ADLSA with regular follow-up since the start of the Programme. These complaints concerned more than 320 workers from different sectors: construction, service, domestic work, and education.
20. **Establishment of joint committees at the enterprise level** – Six construction companies expressed an interest in pilot testing the establishment of joint committees. In two of these companies, elections have already taken place and the joint committees are being established. Further, a draft ministerial decree on the organization and procedures for the formation of joint worker committees is currently being prepared.

The SCDL collaborated with contractors to establish Workers' Welfare Forums (WWFs) at all of its 24 main contractor accommodation locations and at 70 subcontractor accommodation sites. To this end, the SCDL developed guidelines – reviewed and endorsed by the Building and Wood Workers' International (BWI) – to help contractors hold worker representative elections. Subsequently, the SCDL–BWI joint working group observed elections at two accommodation sites. As of January 2018, 8,000 workers had elected representatives across 20 accommodation sites, covering 15 main contractors and 20 subcontractors. The election turnout was more than 85 per cent.¹

21. **Promoting equality and non-discrimination** – The ILO and the ADLSA organized a workshop to promote equality and non-discrimination and a better understanding of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), on equality and non-discrimination in respect of employment and occupation. The workshop also served as

¹ <https://impactlimited.com/wp-content/uploads/2018/03/SC-Annual-Report-2018-Issue-6.2-digital.pdf>.

an opportunity to reflect on current laws and practices in Qatar, leading to the identification of follow-up action, including areas where ILO technical assistance would be helpful.

Partnerships

22. To ensure coordination and the involvement of international workers' organizations in implementing the programme, the ADLSA, the ILO and ITUC and the Global Union federations (GUFs) agreed to convene meetings on a semi-annual basis. These meetings serve as an opportunity to identify areas of collaboration and concrete follow-up action. Two such meetings have already taken place (April and October 2018) which included the participation of the following workers' organizations: ITUC; BWI; International Transport Workers' Federation (ITF); UNI Global Union; General Federation of Nepalese Trade Unions (GEFONT); and International Domestic Workers Federation (IDWF).
23. The ILO–Doha is now hosting three community liaison officers representing three international workers' organizations: ITUC, BWI and ITF. Their mandate is to raise awareness on, and promote knowledge of, Qatar labour reforms among workers, support workers in documenting their complaints, and support the ILO Project Office and initiatives by the Ministry of ADLSA of Qatar. Additionally, MoUs were signed between the BWI–ADLSA–ILO–Doha and the ITF–ADLSA–ILO–Doha highlighting areas for collaboration in the State of Qatar.
24. The programme also works closely with the Qatar Chamber of Commerce, and the International Organisation of Employers (IOE), and foresees a number of PPPs to mobilize knowledge and expertise with a view to supporting programme implementation and leveraging its recommendations at the enterprise level. As previously mentioned, the programme already signed a PPP with the QVDC to implement a fair recruitment pilot intervention.
25. Additional partnerships were signed with the Swiss Government represented by the Swiss Agency for Development and Cooperation (SDC), the United Kingdom represented by the HSE, as well as the Qatar Financial Centre Authority (QFCA), in order to take advantage of their respective expertise in the implementation of the ILO–Qatar programme. These partnerships focus on areas such as labour inspection, OSH and include research, information sharing and capacity building.

Moving forward

26. The programme is now in full motion and close attention is paid by the ILO and the ADLSA, along with collaborating institutions and partners, to prioritization of action and of their appropriate sequencing to ensure impact and sustainability. This will remain key throughout the life cycle of the project. The intervention models of the five pillars will be continuously reviewed by the teams to ensure delivery while managing time pressure, expectations and the constantly evolving landscape. This would also permit the project to quickly react and adapt its interventions as required.

Draft decision

27. *The Governing Body takes note of the report on ILO activities in Qatar.*

Appendix

Technical cooperation between Qatar and the ILO (2018–20)

The Project's objectives

The Project lies within the Government of Qatar's efforts to implement numerous reforms related to laws and regulations on employment, as well as to provide additional guarantees that promote and protect workers' rights. It was developed as a result of consultations conducted between the ILO and Qatar.

This Technical Cooperation Project in Qatar reflects the common commitment of both the Government of Qatar and the ILO to cooperate on ensuring compliance with ratified international labour Conventions, as well as achieving fundamental principles and rights at work in the State of Qatar in a gradual manner during the period 2018–20. This will be done through: improvement in payment of wages, enhanced labour inspection and OSH systems, refinement of the contractual system that replaced the *kafala* system and to improve labour recruitment procedures, increased prevention, protection and prosecution against forced labour, and promotion of the workers' voice. During the life of the project, the ILO Senior Technical Advisor in charge of this project will submit an annual progress report on the project to the ILO Governing Body at its November session.

Strategic and immediate objectives

Area for action	Immediate objectives to be achieved
1. Wage protection	<ul style="list-style-type: none"> ■ The WPS is enhanced and sanctions for non-payment of wages are enforced. ■ A wage guarantee fund is established. ■ A non-discriminatory minimum wage is adopted. ■ The effective coverage of the WPS is expanded to cover SMEs, subcontractors and eventually domestic workers.
2. Labour inspection and occupational safety and health	<ul style="list-style-type: none"> ■ A labour inspection policy is implemented with a clear strategy and a related training plan for labour inspectors. ■ The enforcement powers of labour inspectors are effective. ■ Communication with migrant workers is improved through adequate interpretation facilities. ■ An OSH policy is implemented with a clear strategy, including with respect to heat related risks and is supported with an awareness raising campaign. ■ A system for registering work injuries and occupational diseases is operational.
3. An employment contractual system replacing the <i>kafala</i> system	<ul style="list-style-type: none"> ■ Law No. 21 and other relevant laws regulating recruitment and employment terms and conditions of migrant workers is implemented, reviewed, and revised in line with the comments of the ILO Committee of Experts. ■ Relevant stakeholders are fully trained on the law and its subsequent revision. ■ The domestic worker law is implemented and reviewed by the ILO. ■ The recruitment practices are improved through better monitoring and regulation and the implementation of the Fair Recruitment guidelines in three migration corridors. ■ Restrictions on migrant workers' ability to change employer and exit the country are removed.

Area for action	Immediate objectives to be achieved
4. Forced labour	<ul style="list-style-type: none"> ■ Effective policies on human trafficking are developed based on a clear definition and forced labour indicators. ■ A National Action Plan on forced labour which includes measures to address passport confiscation, contract substitution, and impediments to accessing justice for victims, is implemented. ■ Assistance is provided for the development of the national strategy on human trafficking. ■ In collaboration with the Qatar national committee on human trafficking, support is provided to improve coordination among relevant international bodies on forced labour and human trafficking. ■ Training plans are developed and implemented to build the capacity of national enforcement authorities (police, public prosecutors, judges, and labour inspectors). ■ Technical assistance is provided for the consideration of the ratification of the 2014 Protocol to the Forced Labour Convention, 1930 (No.29). ■ Awareness-raising activities on forced labour and the ILO general principles and operational guidelines for fair recruitment are carried out in collaboration with the Qatar Chamber of Commerce.
5. Promotion of the workers' voice	<ul style="list-style-type: none"> ■ The national complaint mechanisms are strengthened through the establishment of monitoring systems aimed at improving performance. ■ ILO support to workers in submitting complaints through Ministry of Administrative Development, Labour and Social Affairs to the national complaints mechanism improved the performance of the national system in ensuring fair and speedy process and absence of retaliation. ■ Expatriate workers are aware of their rights and obligations, especially with regards to the submission of complaints, the documents required and various other procedural matters. ■ Representative joint committees are established. ■ The functioning and regulation of workers' committees is improved. ■ A national awareness-raising campaign on rights at work is carried out to support capacity building for all workers, employers and relevant government officials in Qatar.