



PROMOTING FAIR RECRUITMENT AND EMPLOYMENT

GUIDANCE TOOL

FOR HOTELS IN QATAR

CHECKLIST 1

Due Diligence of Service Providers and Placement Agencies

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Promoting Fair Recruitment and Employment: A Guidance Tool for Hotels in Qatar - Checklist 1: Due Diligence of Service Providers and Placement Agencies

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ENGAGING WITH SERVICE PROVIDERS AND PLACEMENT AGENCIES¹

Key concerns

Hotels often rely on third parties to provide services and workers for security, housekeeping, landscaping and other tasks, thereby increasing the risk of indirect association with unfair recruitment and employment practices. This fragmented employment structure requires hotel companies to be particularly diligent in selecting and monitoring service providers and private placement agencies in order to identify and mitigate potential risks.

Due diligence checklist

The checklist below provides guidance on the steps that hotels operating in Qatar can take to encourage service providers and private placement agencies to comply with the relevant national laws and international standards on recruitment and employment.

It aims to help hotels engaging large numbers of agency workers to identify, prevent and mitigate labour rights abuses throughout their subcontracting networks. The checklist provides a non-exhaustive set of questions that hotels should consider incorporating into their due diligence process,² as well as good practices and reference to national law and international standards.

The due diligence checklist covers the main areas where companies are likely to risk association with worker exploitation, namely:

- Recruitment³
- Employment contract
- Passports and identity documents
- Working conditions
- Workers' accommodation
- Equality and non-discrimination
- Change of employer and return to country of origin
- Grievance mechanisms

Once due diligence standards are in place, regular and/or third-party audits of service providers and private placement agencies can help hotels in their efforts to monitor the agreed conditions and help rectify any violation. Ongoing checks can also help hotels pre-emptively identify and mitigate risks, and improve the overall skills, satisfaction and motivation of agency workers recruited by promoting good practice.

¹ For the purpose of this Guidance Tool the terms placement agencies and private employment agencies are used interchangeably. The ILO Private Employment Agencies Convention, No. 181, defines private employment agencies as any natural or legal person that provides services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person, which assigns their tasks and supervises the execution of these tasks (Article 1 b).

² In the context of this Guidance Tool, due diligence refers to an ongoing risk management process that a prudent company should follow in order to identify adverse labour and human rights impacts, prevent or at the very least mitigate them, and account for its own policies and procedures. See also Terms and Definitions section above.

³ Checklist 1 covers key questions that must be posed when conducting due diligence of service providers, including placement agencies. The next chapter and Checklist 2 go on to examine the recruitment process in greater depth

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

1. Recruitment

WHAT TO ASSESS



1.1 Service providers and placement agencies (and the recruitment agencies they may utilise), should not charge workers any recruitment fees and related costs.

QUESTIONS TO ASK



Are workers expected to pay any fees and related costs to secure employment or placement?

Are the labour recruiters used by service providers/placement agencies registered and/or licensed according to national law (in Qatar and countries of origin)?

What training is provided to workers before they start employment? Are workers charged for it?

RECOMMENDED ACTION



Develop guidance on recruitment and monitor the recruitment practices of service providers and placement agencies, such as through audits.

In service agreements with all service providers and placement agencies include a clause or clauses to prohibit the engagement of informal or unlicensed labour recruiters.

Likewise, explicitly prohibit worker-paid recruitment fees and related costs.

LEGAL REFERENCES



Articles 28-37, [Qatar Labour Law](#)

[Ministerial Decision No. 8 of 2005](#) Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

1. Recruitment

WHAT TO ASSESS



1.2 According to the international definition, recruitment fees and related costs should refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.

QUESTIONS TO ASK



What information and/or documentation is required by service providers and placement agencies regarding workers' recruitment?

Do service providers and placement agencies engage directly with their workers to ask about the recruitment process and whether they paid any recruitment fees or related costs?

RECOMMENDED ACTION



Require a breakdown of recruitment costs in bids submitted by potential service providers and placement agencies.

Include a breakdown of recruitment fees and related costs (specifying costs to be paid by each party) in service agreements with service providers and placement agencies.

Check that job advertisements in countries of origin highlight that workers should never be made to pay recruitment fees and related costs.

Ensure that workers are reimbursed for any recruitment fees and related costs paid.⁴

LEGAL REFERENCES



[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

For reimbursement of fees: [Policy of Qatar's Supreme Committee for Delivery and Legacy \(Chapter 6\)](#)

⁴ Some public institutions in the State of Qatar, such as the Supreme Committee for Delivery and Legacy, reimburse recruitment fees paid by workers. Employers could emulate this good practice.

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.1 Service providers and placement agencies should provide workers with a written employment contract and offer of employment.

QUESTIONS TO ASK



Are all workers provided with a written employment contract, with comprehensive terms and conditions of employment?

Are workers given a signed copy of the contract?

Are workers required to perform any tasks beyond what is described in the employment contract?

RECOMMENDED ACTION



Contractually require all service providers and placement agencies to provide workers with written contracts, and to provide copies of the signed and authenticated contracts to the hotel.

Check that offers of employment and contracts set out: the nature of the work to be performed; workers duties and responsibilities; regular and overtime working hours; wages; days off and annual leave; and entitlement to uniforms, protective gear and benefits including accommodation, transport, food and medical care.

LEGAL REFERENCES



Articles 38-53, [Qatar Labour Law](#)

[Article 17, Ministerial Decision No. 8 of 2005](#) Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.2 Employment contracts and offers of employment should be provided to workers before starting employment in order to avoid deception and misunderstandings regarding working and living conditions.

QUESTIONS TO ASK



Do workers receive a written employment contract and offer of employment in advance of starting the job (especially in countries where no Qatar Visa Centre is already established)?

RECOMMENDED ACTION



Ensure that Qatar Visa Centres (QVCs), which operate in Sri Lanka, Pakistan, Bangladesh, India, Philippines and Nepal,⁵ provide workers with an electronic copy of the contract before departure.

Ensure that jobseekers are provided with detailed pre-employment information, an employment offer and are given time to fully comprehend and agree to the terms and conditions of employment before signing a contract and departing the country of origin.

LEGAL REFERENCES



[Qatar Visa Centre Procedures](#)

[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

⁵ These are the operational QVCs as of July 2020; more are scheduled to open during the course of the year 2020.

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.3 Where applicable, the employment contract should be translated into a language that the worker understands.

QUESTIONS TO ASK



Do workers receive a written employment contract and offer of employment in a language that they understand?

Do service providers and placement agencies talk to workers to explain and discuss the written terms and conditions of employment? If so, at what stage does this conversation occur?

RECOMMENDED ACTION



Contractually require all service providers and placement agencies to provide employment contracts in a language that workers understand, as well as provide verbal explanation and discussion of the contract, especially in the case of illiterate workers.

Develop on-site guidance for workers on their rights and responsibilities. This should be developed in a language and format that workers can easily understand.

LEGAL REFERENCES



[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.4 Service providers and placement agencies should hold information on all workers, including copies of passports, residency permits, medical insurance cards, employment contracts, and other vital data.

QUESTIONS TO ASK



Do service providers and placement agencies maintain a comprehensive record of workers' employment, including, but not limited to, copies of passports, Qatari ID, medical insurance cards, and employment contracts?

RECOMMENDED ACTION



Contractually require service providers and placement agencies to keep records of all workers currently employed, and to make these available for assessment whenever required.

LEGAL REFERENCES



Articles 47 and 48, [Qatar Labour Law](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

3. Passports & Identity Documents

WHAT TO ASSESS



3.1 Workers should have full control over and access to their passports and similar documentation – including residency permits and personal bank cards – to ensure their mobility is not restricted.

QUESTIONS TO ASK



Are workers in possession of their personal documents and/or belongings, including passports?

Do workers have facilities (with lockable storage) that they can access at any time to store their passports/identity documents and personal belongings?

RECOMMENDED ACTION



Ensure that service agreements with service providers and placement agencies explicitly prohibit the retention of workers' personal documents.

Require service providers to provide workers with lockable storage that they can access at any time for their passport and other personal documents.

LEGAL REFERENCES



[Sections 8, 39 and 40, Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Expatriates](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

3. Passports & Identity Documents

WHAT TO ASSESS



3.2 If a worker's passport is retained for administrative purposes (e.g. renewal of residency permit), the document should be returned to the worker upon completion of the procedures.

QUESTIONS TO ASK



Are workers provided with a copy of their passport and personal documents during administrative procedures?

Do workers have full access to their passport and important documents once administrative procedures are completed?

RECOMMENDED ACTION



If a worker's documents are temporarily retained, ensure that this is only for completing administrative procedures and follow-up to check whether passports have been given back to workers.

During administrative procedures, provide workers with an exact copy of their passport and other personal documents.

LEGAL REFERENCES



[Article 3 \(2\) of Ministerial Decision No. 18 of 2014](#) to determine the requirements and specifications of suitable housing for workers

[Section 8 of Law No. 21 of 2015](#) Regulating the Entry, Exit, and Residence of Expatriates requires employers to return to the workers their passport as soon as procedures for issuing the residence permit have been completed. Violating this provision is punishable by law with a fine of up to QAR 25,000.

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

3. Passports & Identity Documents

WHAT TO ASSESS



3.3 Workers should have a valid Qatari ID (QID) and a health card.

QUESTIONS TO ASK



Do workers have a valid QID and health card?

Are workers in possession of their QID, health card and bank card?

Are workers required to pay for the issuance/renewal of the QID and health card?

RECOMMENDED ACTION



Contractually require service providers and placement agencies to ensure that all workers employed have a valid QID and a health card.

LEGAL REFERENCES



Section 8, 9 and 10, Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Expatriates

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

4. Working Conditions

WHAT TO ASSESS



4.1 All workers, including agency workers, should have a safe and healthy working environment, in accordance with the labour law.

QUESTIONS TO ASK



Is there a robust Occupational Safety and Health system and OSH governance (e.g. through a H&S committee) in place?

Do workers receive health and safety training, including detailed instructions on how to mitigate specific occupational risks?

Are workers provided with appropriate protective equipment at no cost?

Are workers provided with drinking water?

Are workplaces adequately lit and ventilated, with sufficient washing and toilet facilities?

Do workers who are exposed to specific occupational hazards undergo periodic medical examinations?

Are workers' medical records kept by the employer in a confidential manner, and do workers have access to their own records?

Are workers employed in remote areas (far from the city and not accessible by public transport) provided with transport and/or accommodation, drinking water, and food?

Are first-aid kits available at workplaces employing 5-25 workers?

Is a full-time medical nurse appointed to serve any workplace employing 100 workers or more?

Is there a dedicated clinic (with at least one physician and a nurse) for any workplace employing 500 workers or more?

RECOMMENDED ACTION



Monitor on-site working conditions of employees and agency workers. Monitoring includes regular random sampling interviews with workers on health and safety conditions. In the case of agency workers, placement agencies should work with hotels to ensure that conditions provided are in line with national and international standards.

LEGAL REFERENCES



[Qatar Labour Law](#) (Parts 6, 7 and 10)

Articles, 99, 100, 103, 104, 105, 106 of the [Qatar Labour Law](#)

[ILO Guidelines on decent work and socially responsible tourism](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

4. Working Conditions

WHAT TO ASSESS



4.2 No worker, including temporary and agency workers, should be paid below the minimum basic monthly wage. Wages shall be paid in full and on time.

Is the worker paid a basic wage and benefits that are no less than what is indicated in the contract?

Is any worker receiving less than the minimum monthly basic wage of QAR 1,000 and is the worker provided with decent accommodation and food?

If food and/or accommodation are not provided, does the worker receive the minimum allowance of QAR 300 for food and QAR 500 for accommodation?

QUESTIONS TO ASK



How are working hours, including overtime, recorded?

How are workers' payments and wage deductions recorded? Are workers' wages recorded by the Wage Protection System (registered in the Salary Information File submitted to the bank)?

Are all workers, including agency workers, paid for overtime work? According to the Qatar Labour Law regular working hours shall not exceed 8 hours daily and 2 hours overtime, if required.

Are workers paid every month?

Are workers protected against 'no work no pay' practices in contracts of employment and company policy?

Are any deductions made from workers' wages? If so, are these in accordance with national legislation?

Do workers retain their own ATM cards?

Regularly review the wages of workers (including temporary and agency workers) and ensure that these do not fall below the legal minimum.

RECOMMENDED ACTION



Give payslips to workers showing overtime hours worked, overtime pay, food allowance, accommodation allowance, bonuses and deductions if any.

Conduct online surveys and interviews with agency workers to assess satisfaction and identify potential rights violations.

Pay workers directly through personal bank accounts, as required by law.

Include protection against 'no work no pay' practices in contracts of employment and company policy.

LEGAL REFERENCES



Articles 60 and 65 - 72, [Qatar Labour Law](#)

Article 2, [Law No. 1 of 2015 amending provisions of the Labour Law](#)

[Ministerial Decision No. 4 of 2015 Issuing the Regulations for the Wage Protection System for Workers Subject to the Labour Law](#)

[Law No. 17 of 2020](#) establishing a minimum wage and minimum allowance for decent food and decent accommodation

[ILO Working Conditions \(Hotels and Restaurants\) Convention, 1991 \(No. 172\)](#) and [Recommendation \(no.179\)](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

5. Workers' Accommodation

WHAT TO ASSESS



5.1 All workers, including agency workers, should have adequate living conditions.

QUESTIONS TO ASK



Do workers live on site or are they provided accommodation elsewhere?

What are the standards for workers' accommodation? (Look at: rooms and dormitories; sanitary and toilet facilities; canteen, cooking and cleaning facilities; leisure and social facilities).

Are workers provided with transportation to and from living facilities?

Are workers allowed to enter and exit their living facilities freely, at all times? If not, does this differ for different categories of workers, such as female/male workers?

RECOMMENDED ACTION



If workers do not live on site, contractually require service providers and placement agencies to provide information about workers' living premises.

Regularly monitor all aspects of living conditions, including rooms/dormitories, sanitary, cooking, cleaning and leisure facilities.

Provide transportation to and from workers' living facilities, free of cost.

Ensure there are no curfews limiting workers' freedom of movement outside of their accommodation during their rest periods and day off.

LEGAL REFERENCES



Ministerial Decision No. 18 of 2014 to determine the requirements and specifications of suitable housing for workers

Appendix A of SC Worker Welfare Standards on Food and Accommodation (p. 51)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

6. Equality and Non-Discrimination

WHAT TO ASSESS



6.1 Female workers, including agency workers, shall receive equal pay for equal work, and shall have equal access to training and promotion opportunities.

QUESTIONS TO ASK



Does the service provider/placement agency have a non-discrimination policy? If so, how is it implemented? If not, when will a policy be put in place?

Are male and female workers, or different categories of workers, paid equally for work of equal value?

Are anti-harassment policies in place?

RECOMMENDED ACTION



Develop anti-harassment and non-discrimination policy and guidance and regularly assess compliance by service providers and placement agencies.

Contractually require service providers and placement agencies to provide evidence of workers' pay and regularly review pay rates to prevent discrimination.

LEGAL REFERENCES



Article 93-98, [Qatar Labour Law](#)

[ILO Violence and Harassment Convention, 2019 \(No. 190\)](#)

[ILO Guidelines on decent work and socially responsible tourism](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

7. Change of Employment & Return to Origin Country

WHAT TO ASSESS



7.1 Service providers and placement agencies shall ensure that all legal requirements related to termination of employment and change of employer are met.

What are the current policies and practices if a worker decides to leave the job before or at the end of contract?

Are all workers, including agency workers, aware that after completing their probation period, they can transfer to another employer before the end of their contract by:

- i. providing a one month's notice if they have worked with the employer for 2 years or less
- ii. providing two months' notice if they have worked with the employer for more than 2 years.

QUESTIONS TO ASK



Are all workers, including agency workers, aware that they can transfer to another employer during their probation period if they provide at least one month's notice, and the new employer compensates the old employer by an amount not exceeding two months of the workers' basic wage?

Are non-compete clauses included in the employment contracts of workers? If so, are non-compete clauses included for all workers or only specific categories of workers?

Given that Qatar's Labour Law restricts a non-compete clause to a former role involving clients and confidential business knowledge, and limits its application to a maximum of one year after termination of contract, are any and all non-compete clauses legal?

Work with service providers and placement agencies to develop and implement policies governing termination of employment and change of employer in accordance with national laws, and ensure workers are briefed about them.

RECOMMENDED ACTION



Take steps to ensure that workers are free to resign at any time, while respecting the notice period.

Establish a focal point to provide on-site advice to workers on termination and change of employment.

Ensure that non-compete clauses respect Qatar's legislation and are only applied to workers having access to the company's clients and confidential business knowledge, wishing to transfer within the same economic sector, and for no longer than one year after contract termination.

Ensure that contracts with service providers and placement agencies do not include clauses to restrict the labour mobility of workers.

LEGAL REFERENCES



[Law No. 18 of 2020](#) amending some provisions of Labour Law No. 14 of 2004

[Law No. 19 of 2020](#) amending some provisions of Law No. 21 of 2015 which Regulates Entry, Exit of Expatriates and their Residence

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

7. Change of Employment & Return to Origin Country

WHAT TO ASSESS



7.2 Upon termination of service, service providers and placement agencies shall bear the cost of returning the worker to his/her home country, or to a place agreed between the parties, in accordance with national law.

QUESTIONS TO ASK



What costs are covered by the service provider/placement agency in returning the worker to their country of origin or another place agreed by the parties?

RECOMMENDED ACTION



Contractually require service providers and placement agencies to bear the cost of workers' return to the country of origin (or place agreed between the parties) upon termination of employment.

LEGAL REFERENCES



Article 57, [Qatar Labour Law](#)

[Chapter Six, Law No. 21 of 2015](#) Regulating the Entry, Exit, and Residence of Expatriates

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

8. Grievance Mechanisms

WHAT TO ASSESS



8.1 Service providers and placement agencies should have in place operational-level grievance mechanisms in order to ensure that workers are able to raise concerns and seek effective remedies, free of cost and without fear of retaliation.

QUESTIONS TO ASK



What grievance mechanisms and remedies are in place for workers to raise concerns regarding recruitment and employment?

Who is the main point of contact for workers' grievances?

Are there specific time limits established for grievance procedures?

Are workers informed that they can approach the Labour Department of the Ministry of Administrative Development, Labour and Social Affairs (ADLSA) if they have any complaints against the employer?

RECOMMENDED ACTION



Work with service providers and placement agencies to establish non-retaliation grievance procedures and ensure that workers' grievances are examined free of cost in an uncomplicated and timely manner (within reasonable prescribed time limits).

Allow workers to take the necessary time off to take part in grievance procedures.

Ensure that workers accessing grievance mechanisms (at company or state level) do not face any form of retaliation or wage deductions.

Ensure that, whenever available, workers' representatives in joint committees are the first point of contact for grievances.

Ensure that workers are able to approach ADLSA to lodge a complaint, without facing any form of retaliation, at any time during the dispute.

Ensure that the representatives of service providers and placement agencies conduct site visits to collect feedback from workers deployed to hotels.

LEGAL REFERENCES



ILO Examination of Grievances Recommendation, No. 130

PROMOTING FAIR RECRUITMENT AND EMPLOYMENT

A GUIDANCE TOOL FOR HOTELS IN QATAR

Checklist 1: Due Diligence of Service Providers and Placement Agencies

