



Governing Body

323rd Session, Geneva, 12–27 March 2015

GB.323/INS/8(Rev.1)

Institutional Section

INS

Date: 16 March 2015

Original: English

EIGHTH ITEM ON THE AGENDA

Complaint alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution

Purpose of the document

This document presents to the Governing Body the information received from the Government of Qatar concerning the complaint.

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

Policy implications: These will depend on the decision taken.

Legal implications: None.

Financial implications: These will depend on the decision taken. The cost of a Commission of Inquiry would need to be approved by the Governing Body.

Follow-up action required: This will depend on the decision taken.

Author unit: International Labour Standards Department.

Related documents: GB.322/INS/14/1; GB.321/PV.

1. At the 103rd Session of the International Labour Conference (ILC), the Director-General received a communication dated 12 June 2014, signed by the following delegates: Mr Luc Cortebeek (Belgium), Ms Nermin Sharif (Libya), Mr Mazen Maayta (Jordan), Mr Mohamed Kabbaj (Morocco), Ms Keth Thapper (Sweden), Mr Sam Gurney (United Kingdom), Mr Jens Erik Ohrt (Denmark), Ms Marjorie Alexandre (France), Mr Lucien Royer (Canada), Mr Zahoor Awan (Pakistan), Mr Francis Atwoli (Kenya) and Mr Hassine Abassi (Tunisia) in which the aforementioned delegates, under article 26 of the International Labour Organization (ILO) Constitution, filed a complaint against the Government of Qatar relating to the violation of Convention No. 29 and Convention No. 81. The text of the aforementioned communication is contained in Appendix I.
2. At the 14th plenary sitting of the Conference, held on 14 June 2014, Mr Jens Erik Ohrt made a statement introducing briefly the complaint with the purpose of serving notice to the Government of Qatar and to all members of the Conference.¹
3. At the 321st Session of the Governing Body (June 2014), the Worker Vice-Chairperson, Mr Luc Cortebeek, orally informed the Governing Body of the complaint presented during the Conference.²
4. At its 322nd Session (November 2014), the Governing Body had before it a report by its Officers regarding the complaint. The complainant alleges that the problem of forced labour affects the migrant worker population of roughly 1.5 million. From the moment migrant workers begin the process of seeking work in Qatar, they are drawn into a highly exploitative system that facilitates the exaction of forced labour by their employers. This includes practices such as contract substitution, recruitment fees (for which many take out large, high interest loans) and passport confiscation. The Government of Qatar fails to maintain a legal framework sufficient to protect the rights of migrant workers consistent with international law and to enforce the legal protections that currently do exist. Of particular concern, the sponsorship law, among the most restrictive in the Gulf region, facilitates the exaction of forced labour by, among other things, making it very difficult for a migrant worker to leave an abusive employer.
5. At its 322nd Session (November 2014), the Governing Body, acting upon the recommendation of its Officers following their finding of the receivability of the complaint:
 - (a) requested that the Director-General transmit the complaint to the Government;
 - (b) invited the Office to obtain relevant information from the Government and employers' and workers' organizations of Qatar, and to report to the Governing Body at its 323rd Session (March 2015); and
 - (c) placed this issue on the agenda of its 323rd Session (March 2015) in order to decide whether further action on the complaint was required in the light of the information provided by the Office in connection with paragraph (b).³
6. By letters dated 5 January 2015 the Government, the Qatar Chamber of Commerce and Industry and the Human Resources and Personnel Affairs Department of Qatar Petroleum

¹ See *Provisional Record* No. 17, International Labour Conference, 103rd Session, Geneva, 2014, p. 13.

² See GB.321/PV, para. 58.

³ Document GB.322/INS/14/1, para. 7.

were invited by the Office to supply their observations on the complaint. The Government's reply was received in a communication dated 26 January 2015, and is contained in Appendix II. No reports were received from the social partners.

Draft decision

7. The Officers of the Governing Body expressed their concern regarding the gravity of the issues raised in the complaint and the urgency for the Government of Qatar to address the issues raised concerning migrant workers in the country. In light of the report submitted by the Government and the mission report referred to in this document, the Officers recommend that the Governing Body decide:

- (a) that a high-level tripartite mission be undertaken to Qatar before June 2015 which should report to the Governing Body at its 324th Session (June 2015); and*
- (b) to postpone a decision on setting up a commission of inquiry to its 325th Session (November 2015).*

Appendix I

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 Director-General
 International Labour Organisation
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 CH-1211 Genève 22
 Switzerland

Ch. Jombic
 12.06.14
 11.30 am
 Art. 26

12 June 2014

Complaint under Article 26 of the ILO Constitution against the Government of Qatar for non-observance of Convention No. 29 on Forced Labour and Convention No. 81 on Labour Inspection

We, the undersigned worker delegates to the 103rd Session of the International Labour Conference (Geneva, 2014) request the establishment without delay of a Commission of Inquiry against the Government of Qatar (GoQ) for its egregious non-observance of Convention No. 29 and Convention No. 81, which were ratified in 1998 and 1976 respectively.

The fact of widespread and systematic violations of Convention 29 in Qatar, namely human trafficking for forced labour, is not in any doubt. Indeed, this has been recently confirmed by the United Nations Human Rights Council (2014 Universal Periodic Review),¹ the UN Special Rapporteur on the Human Rights of Migrants,² the International Labour Organization (ILO),³ the US Department of State,⁴ Human Rights Watch,⁵ Amnesty International⁶ and countless media outlets around the world, including The Guardian. Indeed, even the international law firm hired to advise the GoQ suggests that the problems they identified could contribute to the exaction of forced labour.⁷

Since well-documented concerns regarding the regular exaction of forced labour were presented to the GoQ, it has undertaken no effective measures to stop it. At best, the government has moved from outright denial of the problem to significantly downplaying it. Earlier this year, the GoQ made vague promises to reform the kafala

¹ Human Rights Council Working Group on the Universal Periodic Review, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, February 2014.

² UN Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau, April 2014.

³ ILO Governing Body, Report of the committee set up to examine the representation alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), made under article 24 of the ILO Constitution by the International Trade Union Confederation and the Building and Woodworkers International, March 2014.

⁴ US Department of State, Trafficking in Persons Report, Qatar (June 2013).

⁵ Human Rights Watch, Building a Better World Cup, Protecting Migrant Workers in Qatar Ahead of FIFA 2022, June 2012.

⁶ Amnesty International, Qatar: 'My Sleep Is My Break': Exploitation Of Migrant Domestic Workers In Qatar, April 2014; Amnesty International, The Dark Side Of Migration: Spotlight On Qatar's Construction Sector Ahead Of The World Cup, November 2013.

⁷ DLA Piper, Migrant Labor in the Construction Sector in the State of Qatar, April 2014.

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system and to shift to a “contract system.” However, the few details available to date point to a reform in name rather than in substance. Moreover, no reforms have been enacted and no timetable has been put forward. Given the number of long-overdue promises, including legislation to protect domestic workers, the undersigned delegates remain skeptical.

The problem of forced labour affects the migrant worker population of roughly 1.5 million. From the moment migrant workers begin the process of seeking work in Qatar, they are drawn into a highly exploitative system that facilitates the exaction of forced labour by their employers. This includes practices such as contract substitution, recruitment fees (for which many take out large, high interest loans) and passport confiscation. The GoQ fails to maintain a legal framework sufficient to protect the rights of migrant workers consistent with international law and to enforce the legal protections that currently do exist.⁸ Of particular concern, the sponsorship law, among the most restrictive in the Gulf region, facilitates the exaction of forced labour by, among other things, making it very difficult for a migrant worker to leave an abusive employer.

The country’s labour inspection and justice system have proven highly inadequate to enforce the few rights that migrant workers do have under Qatari law. Indeed, the inspectorate is minuscule compared to the task (roughly 200), and is unable to speak the languages of most workers. Inspectors have little power to enforce findings and fines are far from dissuasive or in some cases non-existent. The different complaint mechanisms available are ineffective. Migrants have difficulty accessing these mechanisms, partly because of lack of information, legal aid and interpreters and partly because they fear retaliation. Indeed, the valid fear of retaliation is an important obstacle to the use of existing mechanisms, leaving many workers to suffer the exploitation. Moreover, workers working outside of Doha find it difficult to get the time off or the transportation necessary to file a claim in person in the limited hours when the complaints department is open. In any case, employers often fail to appear in the complaints process, allowing claims to languish. Workers brave enough to lodge complaints face the additional hurdle of supporting oneself through the process. Workers often have no income or legal accommodation through this process, making the pursuit of a remedy daunting at best.

Finally, not only is there no effective redress but the victims of trafficking for forced labour trafficking are sometimes further victimized by the GoQ. Authorities arrest, detain and deport potential trafficking victims for immigration violations and running away from their employers or sponsors. Some trafficking victims languish in detention centers for months because of debts or false charges of theft filed against them by employers.⁹

We note that the ILO Governing Body has already found that, “it would appear to the committee that certain migrant workers in the country may find themselves in situations prohibited by the Convention, due to several factors enumerated above, such as contract substitution, restrictions on leaving either the employment relationship or the country, the non-payment of wages, or the threat of retaliation.”¹⁰

⁸ The employment of migrant workers in Qatar is governed largely by three laws - Law 14 of 2004 (Labour Law); Law 4 of 2009 (Sponsorship Law); and, Law 15 of 2011 (Trafficking in Persons Law).

⁹ TIP Report, p. 308.

¹⁰ Id., fn. 3.

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Its decisions should also guide the work of the members of the Commission of Inquiry if and when established.

In conclusion, there has been no progress whatsoever on ensuring that laws and practices are brought into conformity with Convention No. 29, and ineffectively small steps with regard to Convention No. 81. The undersigned delegates to the 103rd International Labour Conference therefore request the establishment of a Commission of Inquiry.

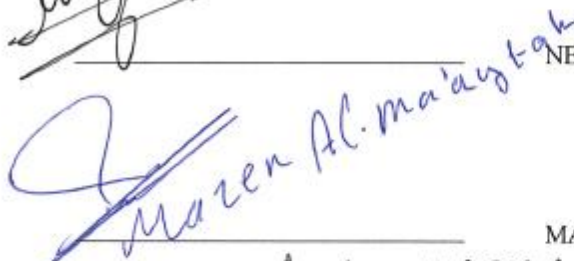
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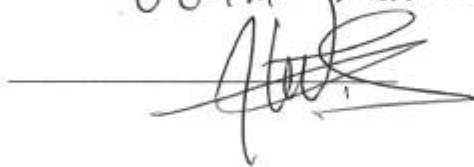
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KETH TAPPER, SWEDEN



SAM GURNEY, UNITED KINGDOM



JENS ERIK OHRT, DENMARK



MARJORIE ALEXANDRE, FRANCE



Lucien Royer

LUCIEN ROYER, CANADA

Zahoor Awan

ZAHOOR AWAN, PAKISTAN

Francis Atwoli

FRANCIS ATWOLI, KENYA

Abassi Housseine

HASSINE ABASSI, TUNISIA

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Appendix II

Information submitted by the Government

1. In its reply dated 26 January 2015, the Government provides information on measures taken to combat all forms of forced labour and human trafficking. Concerning legislative measures in particular, the Government emphasizes that forced labour is penalized by virtue of section 322 of the Penal Code (No. 11 of 2004), which provides that any person who forces or coerces a person to work, whether remunerated or not, shall be sentenced to a maximum prison term of six months and to a maximum fine of three thousand riyals, or both. Furthermore, Law No. 15 of 2011 on combating human trafficking includes forced and compulsory labour within acts of human trafficking, in addition to slavery, or practices similar to slavery or serfdom. This Law includes dissuasive penalties for acts of human trafficking, both fines to imprisonment.
2. The Government also describes various measures it has taken to combat human trafficking, in particular it has intensified its efforts in combating human trafficking through the implementation and promotion of the National Action Plan to Combat Human Trafficking for the years 2010–15, which includes a cluster of legislative, awareness-raising, research and capacity-building measures. The Government also states that it has developed the Qatari House for Lodging and Human Care whose aim is to identify the victims of human trafficking, and provide them with help and protection, which is in conformity with international standards on shelter homes.
3. With respect to reform of the *kafala* system, the Government states that the draft law which relates to the annulment of the *kafala* system and its replacement by a contract system has been explicitly announced. In addition, the term “employer” replaced the former term used which was “master of work”. This required the amendment of some legislative texts so as to allow the transfer of a migrant worker to another employer after the end of his or her labour contract, provided that the maximum duration of the fixed-term contract is five years as specified in section 40 of the Labour Code. The draft law also provides for an amendment to the provisions relating to the “release permit” (to be released from employment), which will allow a worker to request a “release permit” from the competent government body without going back to the employer. The Government emphasizes that it is seriously working towards the adoption of this draft law.
4. With regard to domestic workers, the Government indicates that a draft law which regulates the work of domestic workers has recently been formulated. It was submitted to the competent authorities in preparation for its promulgation. In view of the international developments in this area, especially the adoption of the Domestic Workers Convention, 2011 (No. 189) and its accompanying Recommendation, it was decided to re-examine the draft law so as to bring it into conformity with the new Convention.
5. Concerning the issue of contract substitution, the Government points out that the report of the UN Special Rapporteur on Human Rights previously mentioned the responsibility of the labour exporting countries with regard to assuming the high fees for recruitment from abroad, and in resorting to deception and fraud in contracts. It is through bilateral meetings of the joint committee set out in the bilateral agreements which regulate the process of recruitment from the labour exporting countries, that the Government encourages such countries to use the services of recruitment agencies certified in both countries, in order to ensure that workers’ rights are protected and that model labour contracts, which are annexed to such agreements, and prepared in conformity with the provisions of the Labour Code, are used. The Ministry of Labour and Social Affairs follows up on the work of such recruitment agencies on behalf of others, inspects them periodically and makes surprise visits in order to verify that workers are not exploited and that their rights are safeguarded.

Thirty-seven foreign labour recruitment agencies were recently closed due to their violation of the provisions of the Labour Code and the Ministerial Order which regulates the work of such agencies.

6. Concerning the confiscation of workers' passports, the Government indicates that section 9 of Law No. 4 of 2009, which regulates the entry and exit of migrant workers, their residence and sponsorship, penalizes the withholding of a migrant worker's passport, and obliges the employer to hand the worker his or her passport or his or her travel document after finalizing the residence procedures or their renewal. Section 52 of the Law provides a penalty for an employer found in violation. The Government has reinforced efforts in this area to ensure that the passports of migrant workers are handed over to them and that they are not withheld by employers; otherwise, they shall be penalized in accordance with the law. Currently, there is ongoing coordination between the Ministry of Labour and Social Affairs and the Ministry of the Interior in order to ensure that workers' passports are not being confiscated, through complaints submitted. Moreover, Ministerial Order No. 18 of 2014, determining the conditions and specifications of suitable housing for workers, provides for safe storage places which can be locked in a manner that enables workers free access, and allows them to keep their documents and personal belongings therein, including their passports.
7. With regard to the allegation that the sponsorship law facilitates the exaction of forced labour, the Government states that it guarantees a worker's freedom to conclude a contract and to leave work willingly at any time. A worker who suffers any violation may resort to numerous bodies in the Government, which will help him or her in leaving work. Some of the more important bodies in this regard are the Labour Relations Department at the Ministry of Labour and Social Affairs; the Human Rights and Public Relations Departments at the Ministry of the Interior; and the National Human Rights Committee. The Government provided a table which shows the number of cases which were submitted, and which request a transfer of sponsorship without the employer's approval in 2013 and 2014, indicating that an increasing number of workers resort to this mechanism.

Table 1. Number of cases of transfer of sponsorship

Case/transfer of sponsorship	2013	Per cent	2014	Per cent
Permanent	62	33	106	24
Temporary	125	67	344	76
Total	187	100	450	100

8. Concerning the efforts deployed to develop the labour inspection system, the Government emphasizes that it pays great attention to the mission of labour inspection to ensure the enforcement of laws which provide protection to workers employed in Qatar. The number of labour inspectors has consistently risen, increasing to 294 inspectors. The need for an increase in the number of labour inspectors comes as a result of an increasing number of companies and undertakings liable to inspection due to fast economic growth, and the resulting expansion in urbanization and investment projects. In order to increase the efficiency of the labour inspection system and to ensure that labour inspectors play their role optimally during inspection visits, inspectors are provided with handheld devices (tablets) in order to enable them to enter information and send reports directly from the inspection site. This saves time and effort, as inspectors do not have to manually enter data and information, in addition to preparing reports upon their return to their office. Inspectors are now able to go from one workplace to the next, and report directly from the inspection site.
9. The Government also refers to the establishment of a new department on occupational safety and health at the Ministry of Labour and Social Affairs. This department will be charged with: (i) registering occupational accidents and major accidents; (ii) inspecting

those undertakings prescribed by the Labour Code to verify their observance of specified procedures in order to prevent occupational accidents and diseases, and referring any undertaking found in violation to the competent bodies to take the necessary measures in this regard; (iii) providing the necessary proposals to improve the conditions of the work environment and minimizing hazards, and participating in the formulation of public policy on occupational safety and health; (iv) disseminating preventive awareness material on occupational safety and health matters among workers and employers; and (v) examining and analysing the occupational hazards and formulating instructions and guidelines for sound precautions to be taken in each sector.

10. With respect to the justice system, the Government indicates that it has set up workers' departments specialized in examining workers' lawsuits in order to expedite the procedures for their examination and to take a decision thereon. The Ministry of Labour and Social Affairs has set up an office at the State's tribunals in order to help workers with their lawsuits at no cost. This office is equipped with the necessary technical equipment in addition to qualified staff, proficient in the workers' most prevalent languages so as to communicate with workers, irrespective of their nationalities and languages. In order to expedite the decision process in workers' lawsuits, and to lighten the work burden in workers' units at tribunals, section 6 of the Law on Civil and Commercial Procedures promulgated by Law No. 13 of 1990, as amended by section 2 of Law No. 13 of 2005, specifies that, in the event of a dispute between a worker and employer, either may submit any dispute which relates to the application of the provisions of the abovementioned Labour Code to the Labour Department. Consequently, the Labour Department will take the necessary measures to settle the dispute amicably. If the dispute is not settled, the department will refer the dispute to the competent tribunal within a maximum period of seven days, as of the day of its submission. The referral shall include a memorandum which includes a summary of the dispute, the arguments of both parties and the observations of the department. The clerk of the tribunal shall refer the dispute within three days as of the day on which it was referred, and fix a session for its examination within a maximum of two weeks as of the day of its referral, in addition to notifying both the worker and employer thereof.
11. Concerning the issues of a sufficient number of labour inspectors, the Government refers to point 6 of the conclusions of the tripartite committee which was set up by the ILO Governing Body to examine the representation which was submitted by workers' organizations pursuant to article 24 of the ILO Constitution. The representation indicated that Convention No. 81 does not give a specific number of labour inspectors and that the numbers laid down by the International Labour Office are only for guidance, and that the only criterion is to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate. Thus, the tripartite committee was of the opinion that its mission lay in requesting an indication of whether the number of inspectors, the periodicity and quantity of campaigns were sufficient enough to meet the aims which are set out in Articles 10 and 16 of Convention No. 81. This conclusion is in conformity with paragraph 174 of the CEACR's General Survey of 2006, which views that measures should be taken to ensure that the number of labour inspectors is sufficient to secure the effective discharge of the duties of the inspectorate, taking into account the importance of the duties which they have to perform. The Government also refers to the ratio adopted by the International Labour Office, which is one inspector per 10,000 workers in countries with a labour market economy in spite of the guiding nature of this ratio. However, it clearly indicates that the current number of labour inspectors which stands at 294 inspectors is in conformity with the number indicated by the International Labour Office.
12. The Government also states that the Ministry of Labour and Social Affairs has provided a sufficient number of staff in the labour inspection department, able to speak the most prevalent languages of workers. A few interpreters have recently been appointed in this

department so as to facilitate communication with workers. The Ministry will also seek to strengthen the number of interpreters according to future needs.

13. With regard to the enforcement powers of labour inspectors, the Government states that labour inspectors have legal enforcement powers, which are conferred to them by the Public Prosecutor by virtue of Qatar's Penal Code so as to detect and prove the crimes which are committed in violation of the Labour Code. Consequently, the infringement reports are referred to the competent authorities to continue with the legal proceedings initiated against those found in violation. Pursuant to the Labour Code promulgated by Law No. 14 of 2004, labour inspectors have the following mandate to fulfil:
- (1) Enter any workplace without previous notice, at any hour of the day or night, to examine any books, registers or other documents which relate to workers, so as to verify their conformity with the regulations which are currently in force and to prove the acts committed in violation thereof.
 - (2) Take or remove for purposes of analysis, samples of materials and substances used or handled at an undertaking, and examine the machines and different installations to verify that there are sufficient and efficient means to protect workers from any health risks and occupational hazards subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.
 - (3) Inspect workers' housing so as to check whether they are suitable, and in conformity with the health requirements which need to be met.
 - (4) Interrogate, alone or in the presence of witnesses, the employer or his representative, or any of the workers with respect to any matters concerning the application of the provisions of this law.
14. The Government emphasizes that in 2014, the work of the labour inspectors at the Ministry of Labour and Social Affairs proved to be efficient as attested by the number of violations detected through the labour inspectors' visits carried out in the following manner.

Table 2. Inspection visits according to outcome and type of inspection in 2014

Outcome of inspection	No. inspection visits/ labour inspection	No. inspection visits/ safety and health	Total
Acceptable	29 853	10 114	39 967
Warning to remedy infringement	2 182	6 499	8 681
Prohibition	1 331	156	1 487
Infringement report	511	348	859
Total visits	33 877	17 117	50 994
No./undertakings	24 760	3 355	–

15. Regarding the absence of dissuasive fines or non-existent fines in some cases, the Government indicates that a draft law which amends several provisions of the Labour Code was approved. It includes several sections which ensure increased protection of workers' rights including stricter penalties imposed on anyone found in violation of the law while imposing a criminal penalty on any employer who violates the provisions relating to the timely payment of wages. An employer found in violation shall be sentenced to imprisonment for a maximum period of one month and to a minimum fine of two thousand riyals and to a maximum fine of six thousand riyals or to either penalty. The penalty of a fine shall be multiplied by the number of workers who are found in violation. Numerous measures have also been taken against employers found in violation; the most important of which is the inclusion of the undertaking found in violation on the list of prohibited undertakings. It is on the basis of this list that the Ministry of Labour and Social Affairs and the Ministry of the Interior stop their transactions with such undertakings. This

measure is considered to be dissuasive for the owners of the undertakings found in violation as the undertaking's transactions with the official bodies will be terminated as a result of the violation. This measure will not impinge on the certification of labour contracts so as to ensure that workers' rights are not impacted.

16. Regarding the efficiency of complaint mechanisms, the Government provides two tables indicating the number of complaints received and their outcome in 2014. According to the Government, this attests to the efficiency of the complaints mechanism. The Government points out that the number of complaints does not necessarily equal the number of complainants because in some cases, some workers submit more than one complaint.

Table 3. Workers' complaints according to type of complaint submitted in 2014

Requests of complainants	Number of complaints
Travel tickets	8 566
Wages in arrears	7 462
End of service bonus	7 198
Holiday allowance	6 976
Wages for overtime	37
Reimbursement of deductions to workers	37
Abusive dismissal	25
Wages for the entitled month	23
Warning allowance	23
Health card	22
Occupational injury	21
Suitable accommodation	19
Identity card	16
Certificate of experience	15
Food allowance	11
Compensation for death (blood money)	10
Completion of a worker's travel arrangements	9
Accepting a resignation	8
Housing allowance	6
Providing employment to a worker	5
Starting work	3
Returning to work in case of abusive dismissal	3
Requesting the reimbursement of travel ticket	2
Copy of the worker's labour contract	2
Approving the holiday leave request	2
Passport	1
Other	113

Table 4. Workers' complaints according to outcome of the complaint and sex of the complainant

Outcome/complaint	Female	Male	Total	Percentage
Settled	146	6 641	6 787	72.19
Suspended	61	1 761	1 822	19.38
Referred to the judiciary	44	738	782	8.32
Examination & follow up	–	10	10	0.11
Total	251	9 150	9 401	100.00

17. With regard to the issue of the difficulty in lodging a complaint because of lack of information, or legal aid, the Government states that a new and efficient mechanism to handle the complaints of migrant workers and to facilitate their access to this mechanism has been established. Thus, complaints are settled between employers and workers through the Ministry of Labour and Social Affairs, which summons both the employer and worker, to whom the legal aspects are explained as well as the rights which need to be given by an employer to a worker employed by him. In most cases, both parties are convinced of the Ministry's point of view. Consequently, there has been an increase in the settlement of complaints before their referral to the courts.
18. Moreover, a team specialized in providing guidance and counselling to workers was also set up at the Ministry of Labour and Social Affairs. It made more than 150 field visits to large companies where it met workers at their workplaces and at their homes so as to inform them of their rights and obligations as well as receive any complaint or observations they may have so as to remedy them without delay. Furthermore, the Ministry of Labour has held information symposia intended for employers and workers so as to raise their awareness of their rights, and obligations. It has also ensured the translation, printing and distribution of newsletters, and the distribution of the Migrant Workers' Manual among workers and the labour exporting embassies. A hotline was launched at the Ministry to receive complaints by telephone and electronic mail in order to respond to queries without delay. Moreover, accounts were opened at the social network media to serve this purpose (Facebook and Twitter). Thus, the worker can register his/her complaint and add his/her contact details for the examination of the complaint, and its response within a short deadline.
19. In addition, an office representing the Ministry was also set up in the judiciary so as to collaborate with workers who initiated legal proceedings against employers, and provide them with legal aid in addition to providing interpreters who speak the languages of the majority of workers, free of charge.
20. Furthermore, the complaints section of the Human Rights Department at the Ministry of the Interior spares no effort in providing guidance and counselling, and in sensitizing the complainants to the legal means which are available to them before the administrative or judicial bodies. Moreover, there is another approach adopted by both the Public Relations Department and the Public Department for Passports and Expatriate Affairs at the Ministry of the Interior in communicating with foreign delegations so as to raise their awareness of the rights of their migrant workers and their obligations by virtue of the Labour Code, and the law which regulates the entry and exit of migrant workers, their residence and sponsorship. The community police units also communicate with companies and executive officials regarding their obligations to protect the rights of migrant workers, set within the context of the companies' social responsibility.
21. With regard to facilitating the lodging of complaints by workers outside Doha and in the different regions, the Government states that apart from the main office of the Labour Relations Department in Doha, separate offices were inaugurated which are affiliated to the Ministry of Labour and Social Affairs. These extra offices aim to facilitate the

reception of complaints by workers who work outside the city of Doha and their swift examination, especially in the regions in which the majority of workers are concentrated such as in the industrial region and in the regions which are far from Doha such as Al-Khor. Workers may also lodge their complaints through the bodies responsible for receiving workers' complaints provided by the Ministry of Labour and Social Affairs at the branches of the Labour Relations Department in the various regions of the country. Thus, a worker can lodge his/her complaint through this body in the most prevalent languages used by the worker. The Government also stresses that the Ministry of Labour and Social Affairs has set up a hotline so as to receive any complaints by telephone.

22. With respect to the provision of interpreters, the Government states that the Ministry of Labour and Social Affairs provides several interpreters to communicate with workers and to receive their complaints either during the course of the worker's visit to the Labour Relations Department, or when the worker calls the hotline, or through any other means such as email, or the social network media.
23. As regards the fear of repatriation by any employer during the complaints procedure, the Government indicates that section 10 of Ministerial Order No. 13 of 2005 which regulates the work of labour inspection and its procedures obliges labour inspectors to treat as confidential the name or names of workers filing a complaint, if an inspection is carried out on the basis of a complaint. They are also obliged not to reveal it to the employer, even if the complaint is not signed. In addition, the labour inspectors should not reveal that an inspection was carried out on the basis of a complaint.
24. Concerning the issue of the lack of income or legal accommodation for workers during the process of lodging a complaint, the Government states that the legal system which is in force in Qatar aims to protect workers' rights by keeping a balance between the rights of employers and the rights of migrant workers. Any violations which may occur are individual practices, which the law addresses by virtue of section 12 of Law No. 4 of 2009 which regulates the entry and exit of migrant workers, their residence and sponsorship. This provision specifies that the Minister, or his representative, may accept to transfer temporarily the sponsorship of a migrant worker if there are pending lawsuits between the sponsor and migrant worker. The Minister or his representative may also accept to transfer the sponsorship of a migrant worker if there is evidence of abuse, or for the sake of public interest. For the same reasons, the Minister or his representative may accept the request of a worker who is not covered by the Labour Code, to transfer his/her sponsorship to another employer, while maintaining all his/her rights set out in the law.
25. Moreover, legal aid is provided to workers through the complaints unit of the Human Rights Department at the Ministry of the Interior. This department handles workers' complaints and their queries on a daily basis, the majority of which are related to problems which pertain to labour relationships between sponsors and sponsored workers. Thus, a large number of the sponsorship transfer requests are resolved permanently when the Ministry of the Interior accepts to transfer a worker's sponsorship based on evidence of the sponsor's abuse. Furthermore, there are numerous sponsorship transfer requests which have been temporarily resolved in the case of pending lawsuits between the sponsor and sponsored worker.
26. With regard to the alleged arrest, detention and deportation of victims of trafficking for immigration violations or for running away from their sponsors, the Government emphasizes that all residents in Qatar are treated with respect, and all national laws are applied in observing full equality. To enforce the rule of law, the Government of Qatar, like other countries, applies the penalties and procedures to any person found in violation of the provisions of the laws and regulations which are currently in force. In this connection, the Government stresses that there is no detainee who is illegally detained. Detainees, if present, are detained because they violated the laws and regulations which are currently in force in the State. In any event, the Government of Qatar treats with decency all detainees who violate the regulations governing residence. They are repatriated

humanely after verifying that no infringements which may be linked to exploitation, forced labour or human trafficking have been committed against them.

27. With respect to the issue of the protection of wages, the Government indicates that a draft amendment of a few sections of the Labour Code has been drawn up so as to impose dissuasive penalties on employers who are in violation of this Code. An employer in violation shall be sentenced to imprisonment or to a fine or to either penalty, when previously, the penalty was restricted to stopping transactions with the undertaking found in violation. Agreement was also reached on the promulgation of an Order by the Minister of Labour and Social Affairs, which relates to a wage protection system for workers who are covered by the Labour Code in addition to approving the promulgation of a second Order to be taken by the Minister of Labour and Social Affairs, which relates to the establishment of a unit on wage protection at the labour inspection department. This unit will monitor the implementation of the wage protection system which is included in the new amendments to the Labour Code. The wage protection system will oblige employers to transfer a worker's wages to the financial institution within seven days as of the day of its entitlement. In the event of a violation, the Minister will be granted the authority of refusing any new work permit or all transactions between the Ministry and the employer found in violation of this order. This system ensures full monitoring of the transfer of wages of all workers covered by the Labour Code to their bank accounts, in addition to detecting any person found in violation. The wage protection unit at the labour inspection department will carry out the following:
- (1) supervise the application of the wage protection programme for the workers covered by the Labour Code;
 - (2) monitor and ensure the payment of wages and entitlements of workers covered by the Labour Code within the legally specified deadlines, in coordination with the competent bodies in the State;
 - (3) propose the necessary programmes, tools and plans to carry out and implement the programme;
 - (4) request any necessary data which clarify the position of employers with respect to the payment of wages to workers; and
 - (5) submit recommendations to the Minister or his representative, on employers found in violation of the wage protection system so as to consider taking the necessary measures in their regard.

Appendix III

Report of the mission to Qatar 7–11 February 2015

I. Background

1. At the 103rd Session of the International Labour Conference, the Director-General received a communication dated 12 June 2014, signed by 12 delegates, filing a complaint under article 26 of the International Labour Organisation Constitution against the Government of Qatar relating to the violation of the Forced Labour Convention, 1930 (No. 29) and the Labour Inspection Convention, 1947 (No. 81). At its 322nd Session (November 2014), the Governing Body, acting upon the recommendation of its Officers following their finding of its receivability, requested the Director-General to transmit the complaint to the Government. It invited the Office to obtain relevant information from the Government and employers' and workers' organizations of Qatar, and to report to the Governing Body at its 323rd Session (March 2015). It placed this issue on the agenda of its 323rd Session (March 2015), in order to decide whether further action on the complaint was required in the light of the information provided by the Office.
2. An invitation was extended by the Ministry of Labour and Social Affairs on behalf of the Government of Qatar on 16 January 2015, to the International Labour Standards Department to undertake a high-level mission to the country. This mission, led by Ms Cleopatra Doumbia-Henry, Director of the International Labour Standards Department, took place from 7 to 11 February 2015. She was accompanied by Ms Deepa Rishikesh, Head of the Child Labour and Forced Labour Unit, Mr Torsten Schackel, Senior International Labour Standards and Labour Law Specialist in Beirut and Ms Erica Martin, Legal Officer, International Labour Standards Department. A list of persons the mission met with is set out in the annex.

II. Meetings and visits

Meeting with the Minister of Labour and Social Affairs

3. The Minister of Labour and Social Affairs stated that the Ministry had the support of the Prime Minister and the Cabinet, including budgetary support for hiring more officials. Since last year, the Ministry had nearly doubled the number of labour inspectors, to 294. The number of female inspectors had increased from five to 40. They aimed to reach 300 labour inspectors, and had raised the salary of labour inspectors to reduce turnover.¹ The Minister indicated that training had been received from several other governments as well as the International Training Centre in Turin, including training for inspectors and guidance from occupational safety and health consultants. The Prime Minister had also agreed to the establishment of an occupational safety and health department within the Ministry. The Minister indicated that he hoped to establish a training institute in Qatar so that officials would be able to receive training in the country. A wage protection system had been approved, which would address the issue of delays in payment of salaries. This system would soon be implemented following the Emir's approval of the amendments to the Labour Code of 2004.

¹ The Minister indicated that salary for labour inspectors had been raised by 50 per cent, and had support to raise it further.

4. With respect to the revision of the Sponsorship Law, the Minister indicated that the Shoura Council was returning from a three-and-a-half month break, and would examine the Law upon its return. This Law was under the jurisdiction of the Ministry of Interior, as was the Bill on Domestic Workers. Applications for the recruitment of foreign workers also went through the Ministry of Interior. There was a permanent committee of recruitment, with representatives of both Ministries, that met and approved the application of companies for recruitment. The Minister stated that he would welcome advice and cooperation. He referred to challenges faced, and indicated that, since his appointment in June 2013, labour standards and regulation had been a priority. The Ministry was working to address the issues raised, and would deliver on the promises made. In reply to a query about consolidating all world of work issues, including work permits, under the Ministry of Labour, the Minister indicated that all countries in the region were similar with regard to the division of competencies between the Ministry of Interior and the Ministry of Labour, but that he could raise this issue in the Council of Ministers.
5. At the Ministry, the mission was given a demonstration of a complaints kiosk machine, where workers could submit complaints electronically on four issues (late payment of wages, leave allowance, service bonus and plane tickets), in English, Arabic and five other languages. Workers provided their ID number, mobile phone number, and information on the nature of their complaint, and received a bilingual printout of the submitted complaint. Ministry officials indicated that they hoped to place such machines in the workers' villages to facilitate complaints. The mission also received a demonstration of the computer programme that would be used for the wage protection system, which tracked wage payments by employers through the banking system.

Meeting with the Deputy Minister of Labour

6. The Deputy Minister of Labour indicated that the amendments to the Labour Code, relating to wage protection and standards for accommodation, should be promulgated in the near future. A wages section had been established within the Ministry in this regard, and a department on occupational safety and health would soon be established. The revision of the sponsorship system was expected within the next two or three months. The adoption of the Domestic Workers Bill was under consideration, and the Government had been discussing the issue of domestic workers with other Gulf Cooperation Council countries.

Visit to the Labour Inspection Department

7. The mission's visit to the labour inspection department included a presentation on occupational safety and health, and meetings with officials from the labour inspection department and the labour relations department. Inspections were conducted of both worksites and workers' camps. Many of the complaints received related to the conditions in the workers' camps. The Labour Inspection Department coordinated with other departments, and, if complaints were received by other departments, they could be referred to the Labour Inspection Department. Workers were also able to make complaints through a hotline, which received complaints in a number of different languages, or through email. Inspectors were careful to not disclose the source of the complaint when they conducted inspections. As more complaints were addressed, workers were becoming increasingly comfortable with inspectors. Approximately 70 per cent of complaints were resolved by inspectors.
8. According to the information provided to the mission, a significant number of the complaints received related to the non-payment or late payment of wages. This would be addressed by the amendments to the Labour Code, which required wage payments to be made directly to the bank accounts of workers, and made through the Qatar Central Bank. Following the enactment of the amendments, companies would be given a grace period to adapt. However, the Department had already established a new wage division to monitor

the payment of wages as part of the wage protection system. The wage division would receive from the bank the electronic information on the payment of each worker's wages, and this would be checked by a computer programme to ensure that the amount paid was correct, including overtime and vacation pay, and verified any deductions paid. A report would then be generated that workers could accept or reject. Any irregularities detected would then be followed up by a labour inspector, and any violations detected would be referred to courts.

9. Inspectors were required to enter 40 inspection reports per month, and were encouraged to enter two reports per day on average. This was possible because, while a large construction site might take a full day to inspect, a small shop could take much less time. Inspectors had the authority to close a worksite for violations detected, and work on the site could only recommence with the permission of the Ministry of Labour and Social Affairs. When organizing inspections, priority was given to following up on complaints. If violations were detected, a follow-up inspection would be undertaken. There was also a monthly schedule of inspection of large projects.
10. Labour inspectors had electronic tablets, as well as a GPS system, which enabled them to access worksites quickly. The number of female inspectors had increased, but female inspectors sometimes preferred not to make visits to the worksites. The Department had five occupational safety and health experts (two engineers, two chemists and one doctor), who provided training to inspectors on occupational safety and health once every three months. Inspectors had also been sent to other countries to receive training, and a training centre in the country had been planned. The Department hoped to recruit 12 engineers to monitor occupational safety and health. With regard to the qualifications required for inspectors, it was indicated that many had college degrees, but that it was difficult to recruit highly qualified inspectors due to the high demand from other departments. Several interpreters had been recruited.
11. The Ministry of Interior was responsible for ensuring that employers did not hold workers' passports, and was also responsible for monitoring the situation regarding domestic workers and recruitment agencies. The Labour Inspection Department collaborated with the Supreme Committee for Delivery and Legacy and the Qatar Foundation. Weekly seminars were held for employers on occupational safety and health, to raise their awareness on the safety and health requirements under the law.

Meeting with the Ministry of Justice

12. The Minister of Justice indicated that the Government was committed to cooperation, and that the ILO's help was needed to solve the problems faced by the country. The adoption of new legislation took time. The new legislation to replace the sponsorship system would balance the interests of business and the rights of workers, as those workers were partners in building the country. The new Law would be a model for the Gulf States. The draft was not perfect, but it was a step in the right direction, and would help deal with the challenging situation in the country. It was hoped that the legislation would be adopted before the summer of 2015, as the process would take about three to six months.
13. The Director of the Office of the Minister of Justice stated that responsibility for legislative drafting was mostly under the Cabinet, but that the Ministry of Justice was involved in the process. Draft legislation could be requested from the legal department of the Cabinet. He indicated that the new changes to the Labour Code related to wage protection and salaries. Previously there had not been a penalty for the non-payment of wages. Payment of wages would now go directly through the bank, and should be received by the worker within the first seven days of the month. These amendments also related to an upgrading of the standards for accommodation for workers. The draft law to regulate the entry and exit of foreign workers, which was under the responsibility of the Ministry of Interior, should be adopted quite soon. The main change brought by the new Law was that the sponsorship system would be replaced by a system where the labour contract would regulate the labour

relationship between parties. The new amendments would mean that the worker could change employers after the completion of the contract. A contract could be for a maximum of five years, and could be renewed. However, as under the current legislation, if the employer did not honour their obligations or in the case of abuse, a worker could transfer employers before the completion of the contractual period. A contract could be terminated if both parties agreed. However, if the employer refused, the worker could apply to the Ministry of Interior to be released. The process of transfer of workers to a new employer was undergoing fine-tuning. Furthermore, under the new legislation, workers would apply to the Government rather than the employer to request an exit permit at the end of the contract, which normally was to be granted within 72 hours. Reforms were being undertaken, but needed to be gradual so as to allow citizens to adapt. Cooperation with international organizations was being sought in these efforts. The monitoring of passport confiscation was under the Ministry of Interior. The Ministry of Justice also had a legal training centre and provided training to public prosecutors, members of the judiciary, and inspectors of the Ministry of Labour, including in the field of human rights and the rights of workers.

Meeting with the Search and Follow-up Department of the General Directorate of Borders, Passports and Expatriates Affairs of the Ministry of Interior

14. The Director of the Search and Follow-up Department of the General Directorate of Borders, Passports and Expatriates Affairs of the Ministry of Interior indicated that the Department was responsible for the implementation of Law No. 4 of 2009 on the sponsorship system. Its functions included: following up on persons who violated Law No. 4 of 2009; investigating cases; conducting conciliation proceedings according to the law; conducting inspection campaigns to enforce the law; executing judicial decisions related to deportation and the cancellation of residence permits in coordination with the concerned authorities; managing the detention of expatriates who had violated the law; keeping records on individuals deported from the country; and taking decisions on both temporary and permanent sponsorship changes in the cases of abuse according to the relevant regulations. The search and investigation section of the Department was able to investigate and arrest violators of Law No. 4 of 2009, and register cases related to visa trading and fake companies. The follow-up section of the Department took legal action against persons who violated the law, and referred offenders to the prosecution department. Violations would be brought before the Residence Affairs Court, and persons found in violation of the law had the right to appeal to the Appeal Chamber of that Court. The Department was responsible for the deportation of persons found by the courts to be in violation of Law No. 4 of 2009 and workers would be deported to their home country, or a third country upon request. The detention centre for persons liable for deportation housed approximately 530 detainees, and information was provided on the facilities and services available to detainees.
15. The Department was receiving complaints in order to speed up the process for dealing with complaints. The Human Rights Department of the Ministry of Interior would also set up an office within the Search and Follow-up Department in order to facilitate work between the two, particularly with respect to the transfer of sponsorship. If there was a problem with respect to sponsorship, but the sponsor would not agree to the transfer of sponsorship, the Department would decide if a transfer could take place. The Department's legal office received complaints, assessed each case, and took appropriate action. Sponsorship transfer was possible in certain circumstances in accordance with section 12 of Law No. 4 of 2009, including, in the case of abuse, for workers who were subject to fraud or who were not given a visa upon their arrival. The Department tried to resolve complaints amicably before starting legal procedures, and the permanent transfer of sponsorship was possible after an in-depth examination indicated that the employer had been unfair. Between 1 January 2013 and 31 December 2014, 1700 complaints had been received, resulting in

385 temporary changes of sponsorship and 363 permanent changes of sponsorship (for example, if the sponsor did not pay wages). Workers who left their employer without receiving permission would be in violation of Law No. 4 of 2009 and subject to deportation.

16. The Department received applications from workers to leave the country, either temporarily or on a permanent basis, when they could not obtain an exit permit from their sponsor. The Department could provide an exit permit if the sponsor refused. If a worker wanted to return home, the Department would provide assistance to enable the worker to return home. Employers were not permitted to hold the passport of workers, and violations detected in this regard would be referred directly to the Public Prosecutor. The Department would also retrieve the passport and return it to the worker, and employers could be subject to a fine of up to 50,000 Qatari Riyal (QAR) (approximately US\$13,700). With respect to visa trading, the department had received 119 complaints in 2014, and these complaints generally related to activities in the workers' native country. In 2014, the Department had referred 63 cases to the Public Prosecutor, and 73 judgments had been issued.
17. The Labour Department also intended to set up an office within the Search and Follow-up Department to receive complaints. Complaints received relating to labour issues, such as wages or accommodations, would be referred to the Ministry of Labour. If violations were confirmed, the worker would be entitled to a transfer of sponsorship. Workers could make complaints to a number of bodies, and, if the complaint related to the transfer of sponsorship, the complaint would be referred to the Ministry of Interior. The Department received complaints from a number of bodies, including the police and the Ministry of Labour.
18. The new Law, which would abolish the sponsorship system, would relieve the Department of a significant amount of work. The working relationship would now be regulated by a contract. Workers would no longer need the employer's permission to leave the country following the expiration of a contract. The new Law would involve a grace period to allow people to adapt, and a campaign would be carried out to inform the public of its content. Special courts would also be established pursuant to the new legislation.

Meeting with the Department of Human Rights of the Ministry of Interior

19. The Assistant Director of the Human Rights Department of the Ministry of Interior indicated that there was significant cooperation between the Ministry of Interior and the Ministry of Labour on the issues facing migrant workers. The functions of the Department included receiving complaints from the public and raising awareness of human rights within the Ministry. Resolving complaints and ensuring that rights were respected was important for the reputation of the country. The Department tried to make the complaints procedure simple, and did not distinguish between nationals and non-nationals. The Department had received approximately 7,000 complaints since its establishment in 2005, many of which involved a request to transfer sponsorship. Each complaint was investigated, and transfers would be approved by the Minister, if appropriate. In 2013, 299 cases of complaints (which could involve more than one worker) were resolved, and the transfer of sponsorship of 233 workers was approved. In 2014, 305 cases were resolved, and the transfer of sponsorship of 468 workers was approved. A permanent transfer of sponsorship was only possible under certain conditions, including if the employer violated the employment contract, if there was contract substitution, if there was mistreatment or if adequate accommodations were not provided. A temporary transfer to a different sponsor was possible if the matter was before the courts. The Search and Follow-up Department of the Ministry of Interior would refer cases relating to the transfer of sponsorship to the Human Rights Department and workers could also submit complaints by email. The Department also held meetings with leaders from communities of migrant workers, who sometimes brought specific complaints to their attention. The Department

would refer complaints not related to a transfer of sponsorship, including complaints relating to wages or accommodation, to the Ministry of Labour. In response to a question about whether numerous entry points for complaints would be confusing for workers seeking to file a complaint, it was indicated that if a complaint is received at the Ministry of Labour that concerns a transfer of sponsorship, the complainant would be guided to the Ministry of Interior.

20. Concerning the revision to the sponsorship system, the Department's officials indicated that they were not yet sure what the changes would mean for their work. It was hoped that under the new system, following the expiration of a contract, the worker would not require a no objection certificate (NOC) from the employer anymore. However, workers would still be required to complete their contracts, unless the other party violated the contract.

Meeting with Human Rights Department of the Ministry of Foreign Affairs

21. The Director of the Department of Human Rights of the Ministry of Foreign Affairs indicated that his Department was responsible for engagement on human rights issues on a number of platforms, including the UN human rights treaty bodies, the Universal Periodic Review and international NGOs. He indicated that it was important to maintain cordial relations with labour-sending countries and collaboration between sending and receiving countries was necessary. There had been challenges, but in order to attract qualified workers it was necessary for Qatar to be a good host to workers and to improve its image in this regard. Challenges persisted due to a scarcity of national human resources and the rapid growth in the overall population. The Report of the UN Special Rapporteur on the Human Rights of Migrants, following his visit to Qatar in November 2013, had underlined the multifaceted nature of the challenges faced by the country. A collective effort was therefore required, together with sending countries, to address the problems that had been identified. Some workers arrived in the country with large debts, or had been victims of fraud, but could not complain for fear of deportation. The Director indicated that the Government was working to address these issues in a multidimensional manner. The Ministry of Labour worked with the embassies of labour-sending countries, including on the regulation of recruitment agencies. The revision of the sponsorship system was expected within the year. While a lot had been done with respect to labour rights, more was still necessary, and this would be accomplished in the next few years.

Meeting with the Secretary-General of the Council of Ministers

22. The Secretary-General indicated that since 2014, Qatar had started reviewing all labour-related laws. The Council of Ministers was in the process of finalizing a draft Bill for migrant workers that would amend the Sponsorship Law of 2009. This Bill, once enacted, would enable workers to move more freely from one employer to another. Moreover, it would ensure that relations between employers and workers were governed by employment contracts. Another Bill to amend the Labour Code of 2004 was also in the process of being finalized. The main innovation in this draft Bill was to ensure that workers' wages were transferred to them through a bank transfer in a timely manner. The failure of a company to transfer salaries and wages would make it liable to sanctions. This Bill was in the final stages of the legislative process and would be enacted soon. In addition, a Ministerial Decree concerning the establishment of the Wages Department in the Ministry of Labour as well as a Ministerial Decree regulating the accommodation of migrant workers had recently been enacted. Copies of these two decrees in Arabic were provided to the delegation. Finally, the Secretary-General indicated that a draft Decent Work Strategy from the ILO had been presented to the Council of Ministers. The Council had decided that negotiations would continue with the ILO until the Decent Work Strategy reached a level where the Council of Ministers could approve it. The Secretary-General

concluded by stating that the above overview of the legislative programme of work illustrated the Government's commitment to carrying out legislative reforms that went in the right direction of improving migrant workers' rights in Qatar. In this regard, he looked forward to cooperation with the ILO.

Meeting with the National Human Rights Committee

23. The Chairman of the National Human Rights Committee (NHRC) stated that the NHRC was established in 2002 to protect and promote human rights in Qatar. It received a significant number of complaints from migrant workers through its legal department and was the first organization in the country to speak about the challenges faced by migrant workers. Since 2010, the Government had made significant progress in terms of both legislation and complaints mechanisms. However, the enforcement of labour legislation remained a problem, and the NHRC had requested that the Labour Department improve its supervision mechanisms. Problems persisted, and some migrant workers were subject to abuse, did not receive their wages, were not permitted to transfer their sponsorship or did not receive exit permits. However, the new changes to the Labour Code would mean that wages would be paid directly through the bank.
24. The NHRC received complaints in person, and through a hotline as well as through community leaders (representatives of migrant workers of a particular nationality). When the NHRC received complaints from workers, it approached the company concerned directly, and provided informal mediation. However, if the company refused to resolve the issue, the NHRC would send a letter, with its recommendations (such as to transfer sponsorship) to the Human Rights Department of the Ministry of Interior, as well as to the Ministry of Labour, as appropriate. These institutions then carried out their own investigations and took appropriate action. The NHRC also had 27 lawyers that assisted with providing legal aid for migrant workers. The NHRC had a section representing foreign nationals in its legal department, and worked with embassies from labour-sending countries. The NHRC also worked with labour inspectors, and had provided training on the issues facing migrant workers. Many challenges existed, including addressing the behaviour of recruitment agencies outside of the country. Further cooperation was needed with labour-sending countries, and a labour attaché should be placed in the Qatari embassies in labour-sending countries.
25. The NHRC had provided the Government with its comments on the Bill to replace the sponsorship system. The Bill would permit the transfer of sponsorship following the expiration of the term specified in the employment contract, and such contracts could be for a maximum of five years. Also, workers would be able to apply to the Ministry of Interior for an exit permit (previously this had to be done through the employer). Workers would then receive their exit permit within 72 hours, except if there was an issue pending in court. These were positive changes, but further details would need to be addressed through the implementing regulations, and it was important that these rules be clear (including with respect to the establishment of an appeals committee and the right of workers to appeal a decision).

Meeting with the Qatar Chamber of Commerce and Industry

26. The Director-General of the Qatar Chamber of Commerce and Industry indicated that the country was moving very quickly. Migrant workers were the majority of the workforce. Looking after workers remained a challenge, but the Chamber of Commerce was receiving requests from employers as to what they could do. A lot of awareness had already been raised among employers. The attention the issue was receiving had generated concern among employers, and this was resulting in change at a slow and steady rate.

Meeting with Qatar Petroleum

27. The CEO of Qatar Petroleum (QP) indicated that the state-owned company had 11,000 employees, 70 per cent of whom were foreign workers. QP tried to have stringent conditions for workers, including with respect to safety and health and the payment of wages, and contractors were obligated to follow all applicable health, safety and environmental standards. All occupational injuries were recorded, and there had been no fatal accidents. QP had a health, safety and environment group, and recognized that improvement was still possible as the company maintained a high standard in order to recruit qualified workers. The company worked with contractors, who hired subcontractors. QP's standards were enforceable through contractual mechanisms also vis-à-vis contractors and subcontractors, for example, if a contractor was late in paying wages. With respect to compliance, the company stated that it audited and inspected its contractors, although acknowledging the challenges faced in following up on the full range of compliance issues, given the large number of contractual relationships. Workers were paid directly through the bank to ensure the timely payment of wages. The mission would have the opportunity to visit a workers' city to view the accommodations of workers of QP. There was an employee relation unit where workers could file grievances, including relating to mistreatment, harassment and bullying. There were also mechanisms for whistle-blowers and an auditing committee. There was no organized forum with worker representation, and no joint occupational safety and health committees. With respect to the new Law on the sponsorship system, the CEO indicated that he did not know the content of the new Law, although QP stood ready to implement its requirements once enacted.

Meeting with Qatar Foundation

28. The Manager for Migrant Welfare of the Qatar Foundation (QF) explained that the QF was publicly funded, but privately run and not for profit. He indicated that a set of minimum standards for migrant workers was established in 2013 which were incorporated into the Foundation's new agreements with its contractors. In addition, new contractors were subject to three evaluations. Once incorporated into all contracts with their contractors, these standards would be in effect for 35,000 workers. The standards were designed to operate within the existing legal framework, and therefore did not contain any modifications related to the sponsorship system or collective bargaining. Through these standards, contractors were required to have welfare managers, and to establish welfare committees composed of senior managers, supervisors and workers. This could provide for an enhanced grievance procedure, without contradicting the requirements in the law. Workers could not join workers' associations. The approach of QF to compliance was first of all education rather than penalties. If contractors were found not to be meeting the minimum standards, the Foundation would assist them to improve. The Foundation hoped to leave a legacy with local companies, and only after an exhaustive process without improvement would the contractors eventually be prohibited from bidding on new contracts. The QF's Migrant Welfare Department had an auditing function, and had developed benchmarking with a private firm. With respect to recruitment, the Department had made visits to labour-sending countries and was assisting with the development of ethical recruitment standards. An example was given of a contractor that the QF would no longer work with when it was discovered that this contractor had worked with a recruiter that engaged in contract substitution. The QF had also negotiated the NOC for 200 workers working for the contractor so that these workers could change employers. However, the behaviour of recruitment agencies outside the country remained a challenge. During the summer period, working hours were closely monitored. However, accommodation for workers remained a challenge. The QF would use contractual mechanisms to force change where accommodations were deemed unsafe. It was also working with a private firm (Barwa) to develop appropriate accommodations on sites. Change could be seen with respect to occupational safety and health in the country, as well as with welfare standards.

The QF had a dialogue with the Government and hoped to contribute to the development of legislation in this respect. The Ministry of Labour audited the QF worksites, and performed unannounced visits. The Foundation had also signed a Memorandum of Understanding with the Ministry of Labour to share their expertise and assist the labour inspection with capacity building.

Meeting the Supreme Committee for Delivery and Legacy

29. The CEO of the Supreme Committee for Delivery and Legacy (SC) indicated that a workers' welfare charter was released in 2013. Workers' welfare standards were adopted in 2014, which would be incorporated into the contracts with the contractors working on the SC's projects, including the World Cup sites. These contracts would eventually cover 74,000 workers. The standards aimed to cover the full cycle of workers' welfare, from recruitment (including recruitment fees and contract substitution), accommodation, working conditions and repatriation. The standards were imperfect, with some loopholes, but progress on workers' welfare was evolving. The SC had a four-tier audit system for its contractors, including monthly self-audits by the contractor, audits by the SC (to validate self-audits), independent auditing by a third party and inspections by the Ministry of Labour and Social Affairs. The independent auditor, to monitor both the contractors and the SC, had not yet been appointed, and this would be going to tender soon. Penalties for contractors in cases of non-compliance included a delay in their payment, rectification by the SC at the contractor's cost (for example in the case of late payment of wages, the SC could pay the workers' wages and then deduct this from the contractor's payment) and contract termination (as a last resort). The SC also provided assistance to contractors to meet the standards. Approximately 70 inspections had been conducted.
30. Contractors were required to establish a workers' welfare forum, where workers could raise issues, and the SC intended to establish a programme-wide forum. Contractors must also appoint a workers' welfare officer (chosen by the contractor), who could raise issues concerning welfare and cannot be removed without informing the SC. In response to a query as to whether the welfare officer could be selected by the workers, it was indicated that this possibility had not been explored, but could be examined in the future. The CEO indicated that the SC had engaged with Human Rights Watch and Amnesty International, and was discussing issues with Building and Wood Workers' International (BWI). He hoped that the ILO could be involved in the process. He also hoped that the World Cup would be a catalyst for change. Although change was happening slowly, efforts were being made.

The Social Development Center of Qatar

31. The Executive Director of the Social Development Center indicated that she hoped to work with the ILO on social development. The Foundation had been created a year ago, and worked on issues facing persons with disability, elderly persons and orphans, and had initiatives to empower youth and provide rehabilitation and protection. The Foundation also operated a shelter for women and children. The Executive Director indicated that she did not think that there was much trafficking of migrant workers. With respect to domestic workers, she indicated that these workers were not currently covered by the labour legislation, but that they should be included as part of the labour force. Monitoring the living and working situations of domestic workers was difficult. Measures had been taken to raise the awareness of employers, including the dissemination of flyers. Progress had been made to help migrant workers, but issues persisted. Reference was also made to a skills development project proposal made with the ILO Regional Office for the Arab States on which follow-up was awaited.

Meeting with the Hamad Medical Corporation

32. The Managing Director of the Hamad Medical Corporation indicated that all persons (including migrant workers) in the country had free access to health care in case of emergencies, and if a person entered the system in emergency, they would be entitled to coverage throughout the duration of their hospital stay. In non-emergency situations, patients were charged a nominal fee (to deter abuse), and if persons were unable to pay that fee, they could apply for an exemption. However, due to the rapidly increasing population, there were not enough doctors or hospital beds in the country, and waiting times had increased. The Supreme Council of Health (the public health authority) had a master plan to recruit more doctors and double the number of beds. They were also engaged in health promotion with the embassies of labour-sending countries, particularly awareness raising on occupational safety and injury prevention. For hospital patients who wished to return to their home country, the Hamad Hospital would pay for their plane ticket home and accompanying medical costs. Most occupational accidents seen at the hospital related to injuries sustained in the construction industry. With respect to heart attacks, particularly among Nepali workers, research was ongoing on the subject. Post-mortems had indicated that many of the victims had a specific gene that made them more susceptible to a heart attack, and a paper would be published on this subject in the near future.

Meeting with representatives of embassies

33. The mission sought to make contact with the representatives of the embassies of three labour-sending countries but was not able to meet with them.

Visit to Al Wakrah Stadium construction site

34. The mission visited the construction site for Al Wakrah Stadium, one of the eight stadiums being built for the World Cup in 2022, which was managed by the Supreme Committee for Delivery and Legacy. The stadium was at an early stage of construction, and when completed would have a capacity for 40,000 persons as well as a surrounding precinct, which would include a hotel and school. At the current stage of the project, approximately 300 workers worked on the site, from different nationalities, including persons from India, Nepal, Bangladesh and Pakistan (and approximately 17,000 workers would eventually be employed on the three stadium sites where construction had begun). The mission was told that safety was of the highest importance on the sites. Safety standards had been adopted in 2010, and updated in 2014. Monthly safety meetings were held, and the accident frequency rate was 0.16 per cent. There had been 23 accidents, most of which involved only machinery (and not workers) and four accidents that required first-aid treatment. No fatal accidents had occurred. Workers were encouraged to work safely and were presented with awards for demonstrating safe work practices. In line with the Labour Code, workers could work a maximum of eight hours, plus two hours of overtime. During the summer, work could not be undertaken in direct sunlight between 11.30 a.m. and 3 p.m., and there were shaded areas provided. Workers were provided with medical insurance throughout their contract, and there was a doctor on site. Contractors were audited during the tender process as well as during the implementation process. These contractors were held responsible for subcontractors, to ensure that workers received the benefits to which they were entitled. A workers' welfare forum had been established at each facility, including one worker from each nationality at the facility. Complaints were possible through a hotline and compliance was verified by a compliance officer.

Visit to Ras Laffan Industrial City

35. The mission had the opportunity to visit Ras Laffan Industrial City, the country's main site for production of liquefied natural gas and gas-to-liquid. The site was administered by

Qatar Petroleum and housed 40,000 workers from 54 different countries. The mission visited workers' accommodations in the residential area for workers called the Ras Laffan Global Village, which housed workers from 26 different companies. Accommodations consisted of bungalow style buildings with a maximum of four persons per room and 40 m² of camp space per person. The mission visited a safety and training education centre in the village, and received a presentation from the Senior Operations Manager of Amwaj, the company that operated the facility. The Manager indicated that social forums and feedback groups were held to gather information on the needs of the workers, and that each nationality had a representative on the workers' well-being forum through which workers could express their views. The mission visited a mess hall in the village, as well as recreational facilities including a fitness area, football field, outdoor basketball and volleyball courts, swimming pool and an outdoor cinema, and had the opportunity to speak with some workers. The mission received a tour of a two-person accommodation, which included a room with two beds and a television, a bathroom, and air conditioning. The mission was given a tour of the Port of Las Raffan, which received 11,000 vessels each year, and would soon open a shore-leave facility that could accommodate seven officers and 20 crew members.

Visit to Al Khor Workers Sports Complex

36. The mission visited a sports recreation facility for workers, built by Barwa (a semi-private real estate company). The facility was built to provide recreational services for workers in the area for use during their time off and included outdoor sports pitches for football, cricket and kabaddi, which could be used free of charge. The facility had recently opened and, once fully operational, would also include shopping facilities. As to how workers would get to the facility, it was indicated that companies could provide transportation to their workers, and that the facility was working on raising awareness among companies regarding the available facilities. The mission visited the facility during a national holiday, and was able to observe workers using the outdoor sports facilities.

Visit to workers accommodations (Barwa Al Baraha)

37. The mission visited another set of workers' accommodations near Doha. The project was under construction, and would eventually accommodate up to 50,000 workers. The mission visited a dormitory-style accommodation facility, which had been built in 2013. The accommodations were three-storey buildings and included a common room and common toilets, with a mess hall in a separate building. The bedrooms consisted of three bunks (six beds) and six lockers (with keys) for workers to keep their valuables.
38. During the course of its visit, the mission was provided with information from the International Trade Union Confederation (ITUC), transmitting concerns that had been raised by workers in the countries. This related to the non-payment of wages and the late payment of wages (up to six months' delay), long hours of work, fear of filing complaints due to retaliation, refusal by employers to give an NOC to workers to allow them to change employer (even after their contract had expired), and refusal by employers to give an exit permit. These issues were worse in small companies who were subcontracted by larger companies, as well as for workers of manpower companies (a company that would sponsor a large number of workers and then contract out these workers to other companies). In addition, many workers had taken out a large loan to pay the fees of a recruiting company in their home country. Inspections were not frequent, and employers were not punished for violating the law. With respect to living conditions, it was indicated that many accommodations did not meet the minimum standards, with most accommodations housing six to eight workers per room, and some housing up to 30. Some workers had been disciplined for speaking to the media and for showing their accommodations. It was also indicated that workers were not aware of the electronic machines for lodging a complaint. The complaints process was not accessible and the courts process was lengthy. Work

accidents in construction continued to be a problem, and workers had to work in high temperatures, although many companies appeared to respect the limits on hours of work in direct sunlight.

III. Concluding remarks

39. The members of the high-level mission would like to thank the authorities in Qatar and especially the Minister and Deputy Minister of Labour and Social Affairs, as well as officials from the ministries, and all other parties with whom the mission met for the high level of cooperation. The members of the mission would also like to express their appreciation for the frank and open dialogue it was able to have with those they met and the desire that was expressed to move the country forward regarding the situation of migrant workers in Qatar.
40. The mission carried out its work, guided by the conclusions and recommendations that had been enunciated by the tripartite committee established under article 24 of the ILO Constitution, to examine the representation alleging non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the comments of the Committee of Experts on the Application of Conventions and Recommendations with respect to the application of the Forced Labour Convention, 1930 (No. 29) and the Labour Inspection Convention, 1947 (No. 81). The fact finding that the mission was able to carry out has provided additional information in relation to the application of the laws, as well as practices that it considers of particular bearing on the understanding of the real impact of these laws on the rights of migrant workers in the country. The mission therefore believes that it will be useful to summarize this information.

Draft law to amend the Labour Code of 2004 and the Sponsorship Law of 2009

41. Most parties the mission met with agreed on the need to adopt the proposed draft laws in the very near future and to ensure their effective implementation. In effect, the mission was apprised during the course of its visit that a significant number of the complaints made by migrant workers related to the late or non-payment of wages. This would hopefully be addressed by the amendments to the Labour Code, which required wage payments to be made directly to the bank accounts of workers through the Qatar Central Bank, and which also established penalties for non-compliant employers. A new wage division would be established within the Ministry of Labour and Social Affairs to implement the wage protection system, whereby any wage irregularities detected would then be followed up by labour inspectors, and subsequently referred to courts. If this system functions effectively, it could contribute to address the recurring issue of the non-payment of wages.
42. The mission learnt that a large number of complaints made by migrant workers related to the refusal by employers to give an NOC to workers (even after their contract had expired), refusal by employers to give an exit permit and difficulty in transferring their sponsorship. However, the mission was informed that the draft law to regulate the entry and exit of foreign workers would replace the “sponsorship system” by a system where the labour contract would regulate the labour relationship between parties. This mission was not provided with a copy of the draft law, and is therefore not in a position to comment on its content. However, the mission was informed by several interlocutors that these amendments would mean that workers would be able to change employers following the completion of the contract, and that workers would be able to apply directly to the Government for an exit permit.
43. Given the long-standing challenges faced by migrant workers in respect of the abovementioned issues, the mission considers that the credibility of the desire expressed by the Government to move forward on the rights of migrant workers is at stake if the

abovementioned draft laws are not enacted shortly. The mission is therefore of the view that the Government should take the necessary steps as a matter of urgency to adopt the draft law to amend the Labour Code and the new law to regulate the entry and exit of foreign workers.

Access to the complaints mechanism

44. The mission learned of some recent efforts being made to make the complaints mechanisms more accessible, including the introduction of complaints kiosk machines, where workers could submit complaints electronically on four issues (late payment of wages, leave allowance, service bonus and plane tickets), in English, Arabic and five other languages. Workers were also able to make complaints to the Labour Inspection Department through a hotline, which was able to receive complaints in a number of different languages, or through email. The mission considers that these measures can contribute to making the complaints mechanism more accessible to migrant workers. This is partially illustrated by the fact that the number of complaints lodged by migrant workers appeared to have increased in 2014 in comparison to 2012 and 2103. However, the fact that complaints could be filed at various ministries (for example, complaints relating to wages or accommodation should be filed to the Ministry of Labour, whereas complaints relating to the transfer of sponsorship are to be filed to the Ministry of Interior) could be confusing or cumbersome and make it more difficult for migrant workers to file complaints. The mission is therefore of the view that improved cooperation and collaboration between the governmental actors dealing with workers' issues is essential. The mission is also of the view that awareness-raising measures need to be expanded to sensitize all workers to the mechanisms established, in order to facilitate access to the complaints mechanisms, including those working in small companies who are subcontracted by larger companies, as well as for workers of manpower companies.

Strengthening the capacity of the labour inspectorate

45. The mission was informed of various measures taken to strengthen the capacity of labour inspectors to identify practices that expose migrant workers to forced labour, including the late or non-payment of wages and refusal by employers to give an NOC to workers in order to enable them to change employers. These measures included nearly doubling the number of labour inspectors from 2013 and raising the salary of labour inspectors to reduce turnover. Moreover, the number of female inspectors had also increased. Labour inspectors had electronic tablets, as well as a GPS system which enabled them to access worksites quickly. The Department had five occupational safety and health experts who provided training to inspectors on occupational safety and health once every three months. Inspectors had also been sent to other countries to receive training. While noting these positive measures, the mission considers that many challenges still exist as regards the capacity of the labour inspectorate to detect various irregularities, including the ability to communicate with workers. This is borne out by the relatively small number of violations detected in comparison to the large number of migrant workers in the country. Moreover, the capacity of the labour inspectorate needed to be expanded in order to detect irregularities in smaller companies. Intensive and ongoing training of labour inspectors should be pursued. With the very high number of current construction sites in the country and the possible increase expected, more well-trained inspectors would be needed.

Effective enforcement of adequate penalties

46. The mission was not provided with information on the concrete outcome of court cases or the actual penalties that had been imposed on employers in the case of violation of the Labour Law or Law No. 4 of 2009. It was therefore not in a position to evaluate the

accessibility of the courts to migrant workers or the effectiveness of the judicial system in dealing with cases brought by such workers.

Site visits

47. The mission recognizes that the worksites and the accommodations it was able to visit were operated or affiliated with large publicly funded entities in the countries (notably Qatar Petroleum, the Qatar Foundation and the Supreme Committee for Delivery and Legacy). These entities had private standards concerning workers' welfare, higher than those contained in national legislation, as well as contractual mechanisms for enforcing these standards on their contractors. Therefore, the mission is not in a position to assess whether these large entities, (and accordingly their worksites and accommodations) are entirely representative of the situation in the country. In this regard, the mission recalls that some interlocutors with whom it met referred to a possible "two-tier" system in the country, between large public and para-public entities (with private standards and enforcement mechanisms) and smaller enterprises in the country.

Cooperation with labour-sending countries

48. The mission heard on several occasions that migrant workers had, prior to their arrival, been subject to high recruitment fees by recruitment agencies in their country of origin, which in turn contributes to the workers' vulnerability. Several government representatives with whom the mission met indicated that this practice presented a significant challenge, as it was outside of the Government's jurisdiction. In this regard, the mission wishes to emphasize the importance of enhancing cooperation between the Government of Qatar and labour-sending countries to address this issue. The mission was also informed of several specific initiatives by para-public entities aimed at addressing recruitment fees, such as the subsequent repayment by the employer of any fees paid by the worker and assisting labour-sending countries with the development of improved regulations on the activities of recruitment agencies.

* * *

49. The mission considers that despite the recent measures taken by the Government and other interlocutors it met with in Qatar to improve the working conditions of the migrant workforce who represent a vulnerable category of workers, many challenges remain. The mission is of the view that further progress could be made especially concerning the timely payment of wages, the ability to change employers and access to effective complaints mechanisms, bearing in mind that problems in these areas in particular may leave workers in a position of vulnerability. The findings of the mission appear to reveal that problems relating to working conditions and compliance with existing standards are more prevalent for workers in small companies operating at the subcontractual level as well as for workers whose primary employers are manpower companies. It is to be hoped that the Government will strive to maintain the momentum on undertaking reforms at policy, legislative and practical levels to improve the rights and working conditions of migrant workers, thereby ensuring that the economic progress experienced by Qatar can be accompanied by social progress.

Annex

Persons met with by the high-level mission

Ministry of Labour and Social Affairs (MOLSA)

Abdulla L. Al-Khulaifi, Minister of Labour and Social Affairs.

Mohamed Ali M. Al Meer, Head of Labour Relations Department, MOLSA.

Malak A. M. Al-Hajri, Director of Manpower Department, MOLSA.

Khaled Abdulla Sultan Al-Ghanem, Director of the Labour Inspection Department.

Salah Eldin Abedellatif Mousa, Occupational Safety and Health Expert, Labour Inspection Department, MOLSA.

Ministry of Justice

Hassan Lahdan Al Mohannadi, Minister of Justice.

Ministry of Interior

Brigadier Nasser Mohd. Al-Sayed, Director of Administration, Search and Follow-up Department, General Directorate of Borders, Passports and Expatriate Affairs.

Lt Colonel Saad Salem Al-Dosari, Assistant Director, Human Rights Department, Ministry of Interior.

Ministry of Foreign Affairs

Khalid J. Al-Thani, Director of Department of Human Rights, Ministry of Foreign Affairs.

Council of Ministers

Momad Bin Ahmad Al-Mohanndi, Secretary-General of the Council of Ministers.

National Human Rights Committee

Dr Ali Bin Samikh Al Marri, Chairman of National Human Rights Committee.

Ali Salman Ali Ali-Sulaiti, Head of the Office of the Chairman.

Ghalia A. Al-Thani, Director of International Cooperation Department.

Qatar Foundation

Chris Newman, Migrant Welfare Manager, Migrant Welfare Department, Health, Safety, Security and Environment Directorate, Qatar Foundation.

Munther Abdulla Al-Dawood, Project and Investment Manager, Project and Investment Department, Social Development Center, Qatar Foundation.

Supreme Committee for Delivery and Legacy

Hassan Al Thawad, Secretary-General, Supreme Committee for Delivery and Legacy.

Farah Al Muftah, Chairwoman of the Workers' Welfare Committee, Supreme Committee for Delivery and Legacy.

Social Development Center

Amal Abdul Latif al-Mannai, Executive Director of the Social Development Center.

Hamad Medical Corporation

Hanan Al Kuwari, Managing Director, Hamad Medical Corporation.

Qatar Petroleum

Saad Sherida al-Kaabi, the President and CEO of Qatar Petroleum.

Abdulaziz Jassim Al-Muftah, Director, Industrial Cities, Qatar Petroleum.

Qatar Chamber of Commerce and Industry

Remy Rowhani, Director-General of the Qatar Chamber of Commerce and Industry.

Las Raffan Global Village

Leon Van Der Heyde, Manager of Health, Safety and Environment, Industrial Cities, Qatar Petroleum.

Bradley Nordal, Senior Operations Manager, Amwaj.