



## Governing Body

325th Session, Geneva, 29 October–12 November 2015

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Institutional Section

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### TENTH ITEM ON THE AGENDA

## **Complaint concerning 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**

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 Conventions Nos 29 and 81.
2. 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.
3. The text of the complaint is contained in Appendix I.

4. 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).<sup>1</sup>
5. By letters dated 5 January 2015 the Government, the Qatar Chamber of Commerce and Industry and the Human Resources and Personnel Affairs of Qatar Petroleum 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.
6. 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 took place from 7 to 11 February 2015.
7. At its 323rd Session (March 2015), and on the basis of the discussions which had taken place, the Governing Body decided:
  - (a) to request the Government of Qatar to submit to the Governing Body for consideration at its 325th Session (November 2015), information on action taken to address all issues raised in the complaint;
  - (b) to defer further consideration of agenda item GB.323/INS/8 until the 325th Session (November 2015) of the Governing Body, in light of the information referred to in paragraph (a) above.
8. By a letter dated 28 May 2015, the Government was invited by the Office to supply its reply on action taken to address the issues raised in the complaint. The Government's reply was received in a communication dated 14 September 2015 and is contained in Appendix II.
9. By a communication dated 23 September 2015, the Government supplies additional information in which it indicates that in addition to the comprehensive measures it has taken to address the issues raised in the complaint which are described in its earlier communication dated 14 September 2015, it has very recently taken action with respect to the modification of the sponsorship system and the transition to a contractual system. The Government states that the Council of Ministers decided at its meeting held on 9 September 2015 to approve the bill relating to the annulment of the sponsorship system. On 29 October 2015, the Office received a *note verbale* transmitting an unofficial copy of the Law No. 21 which has been issued by H.H. the Emir of the State of Qatar on 27 October 2015. This newly adopted law relates to the entry, exit and residence of migrant workers and it includes the replacement of the sponsorship system by the labour contract system. The new law allows the transfer of a migrant worker to another employer after the end of his/her labour contract. The decision taken by the Council of Ministers

<sup>1</sup> Document GB.322/INS/14/1, para. 7.

specifies that the necessary measures shall be taken for the promulgation of this new law, pursuant to which it shall enter into force. The Government emphasizes that this new law is one of the major steps taken by it to protect the rights of migrant workers, in addition to safeguarding their interests. In addition, the Government highlights that amendments were also made to the exit permit, following which a worker is authorized to request an exit permit from the competent government body without referring back to the employer. Finally, the Government refers to various missions carried out by the ILO. It states that a first meeting was held between the Minister of Labour and Social Affairs, and the Director-General of the ILO in October 2013, followed by two high-level missions in December and April 2014, and a high-level mission, which visited Doha in February 2015. A most recent high-level mission headed by the Deputy Director-General for Field Operations and Partnerships (DDG/FOP) in September 2015 was carried out. This mission discussed the main elements which need to be included in a decent work strategy, whose most prominent issues relate to occupational safety and health, the annulment of the sponsorship system and giving a voice to workers.

### **Draft decision**

10. *In light of the reports submitted by the Government on measures taken to address the issues raised in the complaint, including the Law No. 21 of 27 October 2015 on the regulation of the entry and exit of expatriates and their residency, of which an unofficial copy was received, the Governing Body decides to:*
  - (a) *request the Government of Qatar to provide an official copy of Law No. 21 of 27 October 2015 in its report on the Forced Labour Convention, 1930 (No. 29), in time for its review by the Committee of Experts on the Application of Conventions and Recommendations at its upcoming session (18 November–5 December 2015);*
  - (b) *request the Government of Qatar to receive a high-level tripartite visit, before the 326th Session (March 2016), to assess all the measures taken to address all issues raised in the complaint, including on measures taken to effectively implement the newly adopted Law relating to the regulation of the entry and exit of expatriates and their residency;*
  - (c) *request the Government of Qatar to avail itself of ILO technical assistance to support an integrated approach to the annulment of the sponsorship system, the improvement of labour inspection and occupational safety and health systems, and giving a voice to workers; and*
  - (d) *defer further consideration on setting up a commission of inquiry until its 326th Session (March 2016), in light of the information referred to in paragraphs (a), (b) and (c) above.*



## Appendix I

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 CH-1211 Geneve 22  
 Switzerland

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**

1. 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.
2. 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 1 2 Review),<sup>1</sup> the UN Special Rapporteur on the Human Rights of Migrants,<sup>2</sup> the International Labour Organization (ILO),<sup>3</sup> the US Department of State,<sup>4</sup> Human Rights Watch,<sup>5</sup> Amnesty International<sup>6</sup> 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.<sup>7</sup>
3. 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.

<sup>1</sup> 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.

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

<sup>3</sup> 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.

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

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

<sup>6</sup> 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.

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

Earlier this year, the GoQ made vague promises to reform the kafala 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.

4. 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.<sup>8</sup> 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. 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 miniscule 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.
6. 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.<sup>9</sup>
7. 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.”<sup>10</sup>
8. Its decisions should also guide the work of the members of the Commission of Inquiry if and when established.

<sup>8</sup> 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).

<sup>9</sup> TIP Report, p. 308.

<sup>10</sup> *Id.*, fn 3.

9. 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.

*(Signed)*

Luc Cortebeeck, Belgium

Nermin Sharif, Libya

Mazen Maayta, Jordan

Mohamed Kabbaj, Morocco

Keth Tapper, Sweden

Sam Gurney, United Kingdom

Jens Erik Ohrt, Denmark

Marjorie Alexandre, France

Lucien Royer, Canada

Zahoor Awan, Pakistan

Francis Atwoli, Kenya

Hassine Abassi, Tunisia

## Appendix II

### Information submitted by the Government

1. In its replies dated 14 and 23 September 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 3,000 Qatari riyals (QAR), 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 it has very recently taken action with respect to the modification of the sponsorship system and the transition to a contractual system. The Government states that the Council of Ministers decided at its meeting held on 9 September 2015 to approve the bill relating to the annulment of the sponsorship system. This newly adopted law relates to the entry, exit and residence of migrant workers and it includes the replacement of the sponsorship system by the labour contract system.<sup>1</sup> The new law allows the transfer of a migrant worker to another employer after the end of his/her labour contract. The decision taken by the Council of Ministers specifies that the necessary measures shall be taken for the promulgation of this new law, pursuant to which it shall enter into force. The Government emphasizes that this new law is one of the major steps taken by it to protect the rights of migrant workers, in addition to safeguarding their interests. In addition, the Government highlights that amendments were also made to the exit permit, following which a worker is authorized to request an exit permit from the competent government body without referring back to the employer. Finally, the Government refers to various missions carried out by the ILO. It states that a first meeting was held between the Minister of Labour and Social Affairs, and the Director-General of the ILO in October 2013, followed by two high-level missions in December and April 2014, and a high-level mission, which visited Doha in February 2015. A most recent high-level mission headed by the Deputy Director-General for Field Operations and Partnerships (DDG/FOP) in September 2015 was carried out. This mission discussed the main elements which need to be included in a decent work strategy, whose most prominent issues relate to occupational safety and health, the annulment of the sponsorship system and giving a voice to workers.
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,

<sup>1</sup> An unofficial version of the newly adopted law was received by the Office on 29 October 2015.



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. A few 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
<b>Total</b>	<b>187</b>	<b>100</b>	<b>450</b>	<b>100</b>

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 2015, 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 (January 2015–August 2015)**

<b>Outcome of inspection</b>	<b>No. of inspection visits/ labour inspection</b>	<b>No. of inspection visits/OSH</b>	<b>Total</b>
Acceptable	18 781	7 371	26 098
Warning to remedy infringement	3 057	5 260	8 317
Prohibition	551	85	636
Infringement report	212	294	506
Total visits	22 601	12 596	35 557
No. of undertakings	17 918	3 391	–

15. Regarding the absence of dissuasive fines or non-existent fines in some cases, the Government indicates that Law No. 1 of 2015 which amends several provisions of the Labour Code was promulgated. 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 2,000 riyals and to a maximum fine of 6,000 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 2015. 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 from January–August 2015**

Reason of complaint	No. of complainants
Travel tickets	3 606
End of service bonus	3 409
Holiday allowance	3 370
Wages in arrears	3 128

**Table 4. Workers' complaints according to outcome of the complaint from January–August 2015**

Outcome/complaint	No. of complainants–workers
Settled	2 818
Suspended	836
Referred to the judiciary	461
Examination and follow-up	4
Under examination	21
Total number of complainants	4 140

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 Law No. 1 of 2015 which amends several sections of the Labour Code promulgated by Act No. 14 of 2014 has been promulgated. It imposes dissuasive penalties on employers who are in violation of this Code. Order No. 4 of 2015 taken by the Minister of Labour and Social Affairs, and which relates to the rules of the wage protection system of workers who are prescribed by the Labour Code was also promulgated. A Wage Protection Unit was set up by virtue of Order No. 19 of 2014 taken by the Minister of Labour and Social Affairs. This unit monitors the implementation of the wage protection system for workers prescribed by 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.
- (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.