

Appendix II: Response from the Government Communications Office of the State of Qatar

Human Rights Watch has intentionally misled readers of its report while performing a disservice to those they claim to be assisting.

The current report contains repeated inaccuracies around policies and does not reflect the current situation in Qatar. Nearly all individuals who come to Qatar for employment never experience any form of wage abuse. There are a few, isolated, instances where workers experience this issue. These cases have declined as laws and regulations have driven fundamental and lasting change.

Human Rights Watch reached out to the government only prior to the publication of the report. We never heard about these issues in real time or in any of our engagement with them. If notice had taken place earlier, the government would have worked to address the issues raised by the workers interviewed in the report. A backward-looking annual report does little to address the specific challenges raised by the workers.

Going forward, the government is available to work collaboratively with Human Rights Watch when they have issues related to wage abuse or any other employment concern, as we do with other NGOs.

The recommendations put forward in the report by Human Rights Watch are already being implemented or on track to begin implementation. This includes laws that remove No-Objection Certificates and the introduction of a minimum wage – the first of its kind in the Middle East. Currently, in collaboration with the International Labour Organization, upgrades are being made to the Wage Protection System and the Workers' Support and Insurance Fund.

Qatar's labour programme protects all workers in all stages of their employment cycle. The success of our approach is evident in the achievements we have made to date and the positive impact it is having on hundreds of thousands of workers and those reliant on their income."

Background information on Qatar's policies and initiatives in response to the questions submitted by Human Right Watch on 15 July 2020.

Recruitment fees

- Article (33) of Labour Law No. (14) of 2004 and its amendments state: “The person who is licensed to recruit workers from abroad for others shall be prohibited from receiving from the worker any sums representing recruitment fees or expenses or any other costs.
- Article (8) of Law No. (15) of 2017, on domestic workers, states that “An employer shall be prohibited from deducting any fees, expenses or commission from a workers’ wage in return for the procedures of recruitment from abroad”.
- These legal provisions are included within the Standard Employment Contract to be signed by both the employer and the worker to make it clear to the employer and worker that Qatari law forbids recruitment fees or any other costs to workers and domestic workers.
- The State of Qatar regulates the licensed recruitment agencies through Ministerial Decision No. 8 of 2005 to ensure that recruitment is carried out through licensed companies that respect all workers' rights, especially the prohibition of receiving any amounts from the worker in form of fees or charges imposed to recruit him/her. For this purpose, 40 bilateral labour agreements and 19 Memoranda of Understanding were signed with countries of worker origin to protect expatriates and provide them with legal protection prior to their employment.
- ADLSA has provided the embassies of the countries of origin of the workers with a list of the licensed recruitment agencies in the State of Qatar. ADLSA conducts periodic spot-checks/inspections on agencies and does the necessary follow up to ensure that workers are not exploited and that recruitment agencies are not charging any recruitment fees.
- The Ministry can cancel the licenses of recruitment agencies if violations are committed. Any agency found violating the law shall be punished and risks the cancellation of its license by a decision of the Minister of Administrative Development, Labour and Social Affairs in accordance with Article (14) of Ministerial Decision No. 8 of 2005 regulating the conditions and procedures for obtaining a license to recruit foreign workers for others.

Qatar Visa Centres

- ADLSA, in cooperation with the Ministry of Interior, has established Qatar Visa Centres (QVC) in labour-sending countries to create a unified visa system that expedites the recruitment process and protects the rights of workers. These centres facilitate the visa procedures of expatriates while they are still in their home country.
- QVC operates through an integrated electronic system to complete the procedures of medical check-ups and enrolment of fingerprints and biometric data.

- Furthermore, expatriates can review and sign their employment contracts while they are still in their home country. The e-services provided by Qatar Visa Centre are free for workers; the employer pays the costs through a direct bank transfer.

Fair labour recruitment procedures

- ADLSA implemented the Fair Labour Recruitment Procedures in the framework of the International Technical Cooperation Agreement with the International Labour Organization (ILO). These procedures promote fair recruitment practices through partnerships with Qatari private sector companies and through several capacity-building activities carried out in line with the ILO's conventions.
- Fair Labour Recruitment is also promoted through public institutions. ADLSA organised a forum in partnership with the ILO and the US State Department, in cooperation with Qatar Chamber of Commerce and Qatar Foundation for Education, Science and Community Development, bringing together senior officials from public institutions in various sectors of the country concerned with issues related to the payment of recruitment fees. The conference was concerned with studying and reviewing the efforts exerted to ensure fair recruitment procedures and raising awareness of the provision in the Labour Law that prohibits the charging of recruitment fees to workers.

Electronic contracts

- Contracts are signed digitally by applicants in their home country through the Qatar Visa Centres, which allows information to be entered directly into the Wage Protection System (WPS).
- ADLSA recently launched a supplementary digital certification service for multilingual work contracts, with the aim of providing an integrated digital alternative for attesting employment contracts. The service makes it easier for employers to conclude contracts with workers, subject to the labour law, via the website.
- The launch of this service supports ADLSA's efforts in updating and offering various electronic services that target beneficiary groups, especially with the increased demand to complete transactions via the website and "Amerni" service during the recent period.

Non-discriminatory minimum wage

- On October 16, 2019, the Council of Ministers approved the draft legislation on the minimum wage law and advanced it for review. Under the draft law, all employers must provide food, accommodation and healthcare in addition to the basic wage. The minimum wage will apply to all workers, including domestic workers.

- The draft legislation also calls for the establishment of a Minimum Wage Commission to monitor the impact of the minimum wage and propose adjustments on a periodic basis.
- When the law comes into force, employers will be obligated to adjust the wages of all employees in line with the new legislation if they are lower than the set limit, without prejudice to their initial wages.

Wage Protection System

- Law No. (1) of 2015 and the Ministerial Decision No. (4) of 2015 requires employers to transfer the wages of their employees to bank accounts through the Wage Protection System.
- Employers who fail to comply with this article will be penalised by either not being granted new work permits for employees or a freeze being placed on the processing of all applications submitted to the Ministry. Any company who violates the provisions of the law shall be punished with imprisonment for a period of not less than one month, together with a fine of not less than two thousand riyals and not more than six thousand riyals.
- Work is currently underway to strengthen the Wage Protection System by verifying the transfer of wages based on the terms of the work contract, and detecting violators through the electronic salary transfer system to ensure that the transferred salary is higher than the fixed minimum wage, once it comes into effect.
- Assessments of the Wage Protection System are conducted by ADLSA in cooperation with the International Labour Organization office in Doha and an independent expert, to identify gaps and put forward actionable recommendations for its improvement.
- ADLSA is working in cooperation with the ILO, Qatar Central Bank and other institutions on these recommendations to ensure the minimum wage is properly applied.

Delayed salary payments

- Pursuant to the provisions of Law No. (1) of 2015 and Ministerial Decision No. (4) of 2015, employers must transfer the wages of their employees to their bank account within seven days of their due date through the Wage Protection System.
- As explained above, in addition to freezing the processing of all applications, ADLSA can prevent violating companies from obtaining new work permits. The court can impose penalties against them that reach imprisonment for a month and a fine of not less than two thousand riyals and not exceeding six thousand riyals.
- We are taking action to detect transgressions through the electronic audit mechanism to ensure that the wage payment is higher than the non-discriminatory

minimum wage. This will also ensure that workers receive a detailed statement of how their wages are calculated.

- A new draft law has been approved to amend provisions of the Labour Law promulgated by Law No. (14) of 2004, including measures to increase the penalties for employers who are not paying workers' financial dues on schedule.
- If a worker's salary is delayed or involuntarily reduced, the worker should file a complaint with the Department of Labour. If the parties fail to settle their dispute, the Department will transfer the matter to the Labour Dispute Settlement Committee to find a resolution (see section below for more details).

Contracting procedures

- Effective measures have been introduced to prevent non-payment of workers' wages for contracts concluded with government agencies, namely the inclusion of a number of requirements when launching tenders and throughout the tendering process.
- This includes adjustments that require an examination of the eligibility or ineligibility of contractors or subcontractors during the tendering stage.
- Other adjustments have been made related to the financial and procedural aspects of tenders such as reducing some financial requirements for interim monthly payments and reducing the maintenance deposit charge.

Domestic workers' protection

- Article (8) of Law No. (15) of 2017 regarding domestic workers states that "An employer shall be responsible for paying the monthly wage in Qatari Riyals agreed upon with the domestic worker at the end of the month, or at the latest on the third day of the consecutive month."
- An employer shall not be considered as having met his/her duties unless he/she proves that he/she had deposited the worker's wage in his/her bank account, or handed him /her the wage in cash, by virtue of a receipt signed by the worker, which confirms his/her receipt of the wage in full, given that the cash payment is in accordance with the provisions of Article (15) of Recommendation No. (201) of the International Labour Organization stating that domestic workers have right to decent working conditions.
- ADLSA has urged all employers to open bank accounts for domestic workers. This directive is based on the government's initiative to provide banking services to all segments of society, including domestic workers. The Ministry has worked in coordination with Qatar Central Bank during the Covid-19 crisis to clarify that opening bank accounts will be free of charge. This initiative will facilitate the easy transfer of the worker's salary to their accounts and help workers to transfer funds electronically to their accounts in their home countries.

Re-employment of workers

- Qatar Chamber, in cooperation with ADLSA, has launched an online platform with a view to facilitating the re-employment of workers in the local market. The platform aims to provide an opportunity for companies seeking to hire new workers to contract with the laid-off employees from other companies. The programme is implemented under the supervision and control of ADLSA.

Personal protection of valuable items

- Qatari law guarantees the fundamental rights of the worker to have personal possession of his personal documents, including his passport and bank cards. Article (3) of Ministerial Decision No. (18) of 2014 stipulates that the Contractor shall provide suitable accommodation with facilities and individual lockable storage facilities to each worker for the safe protection of such items.
- The seizure of personal documents or bank cards of the worker, without his consent, is a form of abuse that entitles him to change the employer according to Article 22 of the Law regulating the entry and exit of expatriates. In this case, the Human Rights Department at the Ministry of Interior is responsible for allowing him/her to change employer without the current employer's agreement.

Workers' Support and Insurance Fund

- The Board of Directors of the Worker's Support and Insurance Fund has been formed, and the Fund is operational. Over 5,500 workers have so far benefited from the fund, which has disbursed 14 million riyals in financial relief.
- The Prime Ministerial Decision No. (3) of 2019 was issued, indicating that the Board of Directors of the Workers' Support and Insurance Fund was formed and headed by the Minister of ADLSA, with the Assistant Undersecretary for Labour Affairs as Vice President, as well as a representative of each of the Ministry of Interior, Ministry of Finance, Ministry of Justice, Ministry of Trade and Industry, and representatives of the Qatar Chamber.
- The Qatari legislator was also keen to diversify the fund's resources, which, according to Article 17 of Law No. (17) of 2018, consist of financial appropriations allocated by the state, returns on investment of its funds, grants, wills, and donations. The Fund receives for its annual budget 60% of the fees collected for workers' permits and their renewal.

Awareness raising initiatives

- The Ministry is making a sustained effort to promote legal provisions that guarantee the fundamental rights of workers and domestic workers, ensure their access to justice, and establish employers' obligation to pay workers' wages in a timely manner. This is being done by providing simplified legal information for the benefit of employees, employers, and recruitment agencies.

- This is partly done by facilitating direct meetings with workers, labour attachés in embassies, or through media and social networking sites, or holding meetings via radio stations speaking the languages of expatriate workers, in addition to holding several workshops to inform domestic workers, employers and recruitment agencies of their rights and duties prescribed by the law.
- ADLSA is responsible for receiving workers' complaints and responding to inquiries via the hotline, text-messaging services, and the “Amerni” smartphone application, as well as providing legal advice.

Worker grievances

- Law No. (13) of 2017 was issued to establish one or more committee called the "Committee for Settlement of Labour Disputes", which is concerned with adjudicating within a period not exceeding three weeks in all disputes arising from the provisions of the law or the work contract, which the relevant department in the ministry has referred to the committee. The committee arbitrates disputes according to the following procedures:
 - Complaints are submitted directly from the worker or the domestic worker, or by embassies, to the competent department at the Ministry of ADLSA through the form intended for that purpose. The worker fills out this form with the required data, signs it and submits the complaint to the Ministry. The workers' complaints can also be submitted on-line as the administration is providing training to workers in 11 foreign languages on how to use electronic devices.
- In addition, the Ministry is involved in ensuring that workers and domestic workers can submit their complaints online via the website and through the “Amerni” application. This procedure enables workers, who would not be able to go directly to the Ministry, to submit their complaints while ensuring that the confidentiality of those complaints is maintained.
 - After the complaints are registered online, ADLSA investigates further and in most cases, the company representatives are summoned by email., A certified copy is then sent to the worker.
 - The officer in charge of settlements provides legal advice to the worker with the help of one of the translators or interpreters in the Ministry. These services are provided free of charge to workers.
 - If the worker or employee wishes to seek a legal opinion (at any stage of the complaint), he can meet one of the legal experts at the Labour Relations Department, during official working hours, without the need to book an appointment in advance.

- If the worker believes that he has been subjected to retaliation, the officer in charge of labour complaints refers him to the competent authorities (police/ prosecution). The Human Rights Department at the Ministry of Interior is responsible for changing the employer of the worker immediately and without the consent of the first employer in the event that the employer is proven to have been abusive in any form.
- Workers can file complaints related to service level of the Ministry. The complaints can be filled online and followed up on the Ministry's website or through the "Amerni" application, while ensuring that these complaints remain confidential. Complaints may also be submitted via embassies or online devices.

Training

- ADLSA undertakes regular training programmes for officials and specialists in its departments and units of public relations and communication, as well as in a number of official bodies whose work concerns expatriate workers.
- ADLSA is organising workshops to train officers on how to engage with workers and domestic workers, and how to communicate with them and provide legal advice. Relevant officers are also trained to find consensual solutions and to settle disputes amicably between workers and employers, before referring them to the relevant judicial committees. In this context, ADLSA is keen to maintain continuous communication with the labour attachés in the embassies and heads of labour communities in the State of Qatar in order to find appropriate solutions to their complaints.
- In May and June 2020, ADLSA conducted a series of interactive sessions to enhance workers' capabilities to participate in joint committee discussions. These joint committees are composed of representatives of the company and elected representatives of workers to discuss issues related to work within the company including, but not limited to, issues related to wages.
- These training sessions were conducted with the support of the International Labour Organization Project Office in Qatar, the International Trade Unions Confederation of (ITUC), the International Federation of Building and Wood Workers (BWI), UNI Global, and the International Transport Workers Federation. (ITF).

As indicated above, many of Qatar's labour reforms were developed in coordination with the International Labour Organization as part of the ongoing three-year Technical Cooperation Agreement signed in 2017.

More recently, in direct response to the COVID-19 pandemic, several additional measures have been introduced to limit the impact of the global economic downturn on migrant workers. These measures have benefited hundreds of thousands of workers:

- The Government has guaranteed that workers in quarantine or undergoing treatment will receive full salaries. We have allocated QAR 3 billion (\$824m) to pay the salaries of workers and rents of employers, which can be accessed via their banks.
- Workers must receive free accommodation, food and healthcare from their employer. If a worker's contract has been terminated, employers must continue to provide these services until the worker has been re-employed or they can be safely repatriated at the employers' expense.
- The Government has launched and promoted new hotline services to receive workers' complaints. These complaints are promptly investigated by the labour inspectors. Through June 2020, 88% of complaints received during the Covid crisis have been resolved, with the remaining 12% under review.