

HUMAN RIGHTS WATCH

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Appendix I: Letter to the Qatar Labor Ministry

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July 15, 2020

HE Yousuf Mohamed Al Othman Fakhroo

Minister of Administrative Development, Labour and Social Affairs,
Ministry of Administrative Development, Labour and Social Affairs,
Doha, Qatar

Via Email: [REDACTED]

Re: Wage Abuses

Your Excellency,

I write to express our appreciation for your government's engagement with Human Rights Watch and to inquire further about Qatar's policies to prevent employers' wage abuses against migrant workers.

Human Rights Watch has promoted workers' rights around the world for more than 20 years, including across the Gulf countries. As you will know, Human Rights Watch issued a report in 2012 on the situation for workers' rights in Qatar and has reported on workers' rights in Qatar and neighboring countries since.

We welcome Qatar's commitments under the agreement with the International Labor Organization (ILO) to, among other reforms, establish a minimum wage for migrant workers, a Workers' Support and Insurance Fund to ensure workers are paid overdue wages, and to improve measures to prevent contract substitution.

In 2019 and 2020, Human Rights Watch conducted research into wage abuses in Qatar. Human Rights Watch is committed to fair and accurate

reporting and seeks to understand the perspectives of the Qatari government. We have attached a summary of our main findings based on our interviews, as well as questions we have concerning government policies and actions, particularly what measures Qatar has taken or is taking to prevent wage abuse.

We would be grateful for a written response to our questions in as complete a manner as possible by August 12, 2020. This will allow us to reflect your responses when launching our upcoming report in 2020.

Please reach out to my colleague Maham Javaid at [REDACTED] who will answer any questions you may have, and receive responses to the attached questions.

Thank you for your time and attention to this letter.

Sincerely,
Michael Page
Deputy Director
Middle East and North Africa Division
Human Rights Watch

Summary of HRW's findings and questions relating to employer's wage abuses against migrant workers in Qatar

Human Rights Watch conducted detailed interviews with 93 migrant workers hired by 60 different employers and companies, between January 2019 and May 2020. The workers interviewed are employed by diverse employers in various fields and include managers, surveyors, and engineers, as well as laborers and domestic workers. Some of these workers are also working on projects specifically for the 2022 FIFA World Cup.

Out of the 93 workers Human Rights Watch spoke, 59 workers reported unpaid wages or serious delays in receiving their wages. Twenty-nine workers said that their employers did not honor the wage amount stipulated in their contract, out of these 29 workers 9 faced warehousing, 12 face arbitrary deductions by their employer, and 8 were underpaid

without any explanation. Fifty-five workers cited the lack of overtime payments as a major issue they faced, an issue they said could be improved if all workers were provided with timesheets and pay slips. Not only were their overtime hours worked recorded inaccurately, but in the majority of cases employers completely disregarded their overtime hours—although they worked up to 18-hour days, their employers only compensated them for 8 hours of a regular day’s work. Seven workers told Human Rights Watch that their employers forcibly kept their bank-issued ATM cards, these employers also reported that this practice was companywide.

Thirteen workers also told Human Rights Watch about contract substitution—a common occurrence. This was especially concerning as workers reported paying recruitment fees on the promise of that they would earn a certain salary but which the employers never had any intention of paying, leaving such workers in debt. Twenty workers reported that employers avoided paying their gratuity, delaying these payments to the point where the worker agreed to return to their home country without their earned end-of-service benefits.

Our preliminary research finds that the power imbalance between employers and workers caused by the *kafala* system, coupled with the recruitment fees workers often have to pay make migrant workers vulnerable to wage abuse even as they arrive in Qatar. One of the major hurdles to workers’ timely wages is Qatar’s supply chain payment policies that leave workers without salaries until every contractor and subcontractor above them in the chain is first paid.

Although the Wage Protection System has been a positive step towards ensuring workers are paid accurately and on time, research shows that the system is ineffective – too many workers say they are enrolled in the system and yet suffer from months of delayed wages without any government intervention. Domestic workers are still not given the protection of the labor law and have even fewer options for legal recourse than other workers. ILO research has recommended many other measures Qatar can adopt to improve workers’ payments such as project bank accounts and subcontract payment monitoring systems.

Despite the creation of Qatar’s Labour Dispute Resolution Committees, there are a number of barriers for workers that prevent them from taking their wage-related cases to court. These include migrant workers’ lack of control over their own legal status in the country; fear of retaliation at the hands of their employers; the slow pace of the committees’

decision; and not having enough legal documentation to prove their account. In many cases of wage abuse, despite migrant workers receiving positive verdicts from the committees, workers are left homeless and penniless for months on end, with not even enough resources to feed themselves.

Lastly, we found that Covid-19 has exposed and amplified the ways in which migrant workers' rights to wages have been violated. Despite the government offering loans to employers to pay workers' wages, employers have used the pandemic as a pretext to delaying and reducing wages and repatriating workers without paying outstanding dues. Human Rights Watch spoke to 7 workers from different companies that said employers had reduced their wages due to the pandemic, meanwhile those that had been facing delayed and unpaid wages before the pandemic, continue to face that wage abuse during the pandemic.

For a report that Human Rights Watch plans to publish in 2020, we would be grateful for any response to the following requests that you could provide us by August 12, 2020:

1. What measures has MALDSA taken or is considering in order to ensure that workers do not pay recruitment fees to recruitment agencies in Qatar, or their home countries, for securing jobs in Qatar?
2. Is there a plan for turning all Qatari job contracts into e-contracts? If so, when does the MALDSA aim to implement this? In this case, what will happen to already existing contracts that are not electronic?
3. What has the non-discriminatory minimum wage in Qatar been set to, and when will it be introduced?
4. Does the non-discriminatory minimum wage apply to Qataris and foreign workers alike? Is it set for all workers alike or is it set by sector? Will Qatar establish a wage board to review this minimum wage? If so, do you have a criterion on which to review the minimum wage to ensure it is a living wage?
5. Will the non-discriminatory minimum wage also be the minimum wage fed into the Wage Protection System (WPS), meaning that if any worker receives lower than minimum wage for any month, a WPS alert will be automatically issued?
6. Between January 2019 and May 2020, how many alerts of
 - 'Total salary less than or equal to QR50 (USD14)',
 - 'Overtime hours exceeding the limit',
 - 'Deductions from salary exceed permitted threshold'

- did the WPS receive?
- 6a. Of these, how many was the WPS able to respond to?
- 6b. In how many of these cases were employers sanctioned?
- 6c. Could you please detail what sanctions these employers faced? How is it decided which employers face monetary penalties, which face imprisonment, and which face both penalties?
7. In how many cases has the WPS unit referred violators to prosecutors for cases involving forced labor? Please provide a breakdown of such cases including how many successful prosecutions, and what penalties, if any, were imposed.
 8. As of July 2020, how many blockers, checkers, and other staffers work for the Wage Protection System Unit (WPSU)?
 9. In a 2019 ILO report, it was stated the WPSU has a back log of 6 months of alerts that needed to be dealt with, what is the current backlog at the WPSU?
 10. By when can we expect WPS coverage to expand to every Qatari company and employee, including domestic workers?
 11. What is MALDSA doing to ensure that current Salary Information Files (SIF) used by the WPS are comprehensive and detailed enough to catch delayed wages, unpaid wages, underpaid wages, arbitrary deductions, lack of overtime payments, warehousing, and lack of gratuity payments? How does MALDSA intend to amend SIFs to ensure they are comprehensive enough to catch comprehensive wage abuses?
 12. Does MALDSA review company and employers' WPS records before awarding them government services and government contracts? If so, what are the minimum requirements a company or employer has to meet before receiving government services and contracts?
 13. Is there a mechanism to ensure that employers are not withholding workers' Bank/ATM/Qatar International Islamic Bank cards? If so, could you share how MALDSA ensures that workers maintain full control over their cards?
 14. Between January 2019 and May 2020, how many cases of unpaid/delayed salaries, reduced salaries, lack of gratuity payments, excessive deductions, lack of overtime payments, lack of vacations allowance, lack of food allowance, and lack of airfare, did the labor relations department and the Labour Dispute Resolution Committees receive? Out of these how many workers received positive outcomes, and of these, how many were paid their full outstanding dues?
 15. What policies exist for awarding government services and contracts to vendors?
 16. Is MALDSA considering banning 'pay when paid' clauses in contracts in public and private sectors? If so, what measures is it considering for such a ban?

17. When will the Workers' Support and Insurance Fund be fully operational? Has MALDSA taken on recommendations from the ILO report including but not limited to diversification of resources and transparency? How many workers so far has the Fund benefitted?
18. What measures has MALDSA taken or is taking to educate workers regarding the process on how to complain about employers who are delaying or withholding workers' wages, or paying inaccurate amounts?
19. Is there a channel through which migrant workers who have suffered abuse by staffers at the labor relations department can air grievances? If so, could you describe this process?
20. What measures has the Ministry taken or is taking to train its staff to listen to workers' wage-related complaints in order to build trust between the Ministry and the workers?
21. Is there a mechanism for workers to complain about mistreatment by staffers of the Ministry including staffers at the labor relations department, and the Labour Dispute Resolution Committee?