

DOMESTIC WORKERS' RIGHTS IN QATAR

Human Rights Watch Commentary on Qatar's
Laws and Regulations on Domestic Workers



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Introduction

Human Rights Watch welcomes Qatar’s adoption of Law No. 15 on Service Workers in the Home in 2017 (“Domestic Workers Law”), which provides legal guarantees for domestic workers’ labor rights for the first time. While this is an advance in the right direction, further steps are needed to ensure domestic workers’ rights are protected in accordance with international law.

This commentary assesses remaining gaps in Qatar’s laws and regulations on domestic workers, both in the Domestic Workers Law and with respect to the *kafala* (visa-sponsorship) system. We provide recommendations on further steps the Qatari government should take to bring its protections for domestic workers in line with international labor standards. This memorandum also includes responses received from the Ministry of Administrative Development, Labor and Social Affairs in April 2018 on the text and recommendations below.

I. Domestic Workers Law

The Domestic Workers Law outlines new protections such as a maximum 10-hour workday, at least 24 consecutive hours of rest each week, three weeks of annual leave, as well as an end-of-service payment of at least three weeks per year.¹ However, it is still weaker than the Labor Law (Law No.14 of 2004), which protects all other workers, and has other gaps, therefore it does not fully conform to the International Labour Organization (ILO) Domestic Workers Convention, the global treaty on domestic workers’ rights.²

(a) Equal treatment between domestic workers and other workers

We recommend that Qatar should either reform the Domestic Workers Law or ensure that any implementing regulations or decisions relating to the law provide domestic workers with rights equal to other workers under the labor law including in relation to

¹ Qatar Law No. 15 of 2017 on Service Workers in the Home (“Domestic Workers Law”), issued August 22, 2017, <https://www.al-sharq.com/news/details/508804> (in Arabic) (accessed June 19, 2018), unofficial translation in English available at <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/105099/128416/F-1438071320/QAT105099%20Eng.pdf> (accessed June 19, 2018).

² International Labour Organization (ILO) Convention No. 189 concerning Decent Work for Domestic Workers (ILO Domestic Workers Convention), adopted June 16, 2011, entered into force on September 5, 2013.

hours of work, overtime compensation, periods of daily and weekly rest, paid annual leave, and sick leave.

We also call on Qatar to ratify the ILO Domestic Workers Convention, which it had voted in favor of in 2011.

International standards stipulate that domestic workers should be treated equally with other workers with respect to labor protections, including hours of work, overtime compensation, periods of daily and weekly rest, and paid annual leave.³ The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee)—which oversees the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women which Qatar is a state party to—called for states to protect domestic workers under “labour laws, including wage and hour regulations, health and safety codes and holiday and vacation leave regulations.”⁴

In a positive step, the Domestic Workers Law sets out some equivalent rights, for instance both the Domestic Workers Law and the Labor Law provide three weeks of annual leave for workers after they have worked for a year.⁵

However, in other areas, domestic workers are provided with weaker labor protections than workers under the labor law. The Domestic Workers Law provides for a maximum 10-hour working day, while the Labor Law provides for a maximum 8-hour workday and a 48-hour work week.⁶ The Labor Law also provides reduced working hours during Ramadan of a 6-hour working day and a 36-hour work week, but no similar provisions are made under the Domestic Workers Law.⁷

The Domestic Workers Law stipulates that the working day be interspersed with rest breaks, but it does not count rest breaks as part of the 10 working hours. It also does not

³ ILO Domestic Workers Convention, art. 10(1).

⁴ United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), General recommendation No. 26 on women migrant workers, U.N. Doc. CEDAW/C/2009/WP.1/R, December 5, 2008, http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf (accessed June 19, 2018), para.26(b).

⁵ Qatar Labor law, Law No. 14 of 2004, <http://qatarlaborlaw.com/qatar-labor-law/> (accessed June 19, 2018), art. 79. Domestic Workers Law, Law No. 15 of 2017, art. 14.

⁶ Qatar Labor law, Law No. 14 of 2004, art. 73. Domestic Workers Law, Law No. 15 of 2017, art. 12.

⁷ Qatar Labor law, Law No. 14 of 2004, art. 73.

specify minimum standards for the frequency or length of rest breaks, whereas the Labor Law requires that rest breaks be at least one hour (up to three hours) and that rest breaks be taken at least every five hours.⁸

The Ministry of Administrative Development, Labor and Social Affairs told Human Rights Watch that legislators did not set out specific guidelines for rest periods as, “The nature of domestic work is entirely different from factory work or other types of employment, whereby it is naturally interspersed with many periods of rest.”⁹ However, Human Rights Watch research has shown that many domestic workers are overworked and given little rest.

While the Domestic Workers Law provides for daily rest periods and weekly rest days, it provides a loophole, whereby domestic workers can work during these times if agreed between them and their employer.¹⁰ The model contract for domestic workers also provides that: “A worker may request to work on the weekly rest day and take alternative days for the overall number of weekly rest days in which he/she had worked to be added to his/her annual holidays.”¹¹

These provisions may be easily exploited by employers. Human Rights Watch research has shown the deep power imbalance between employers and domestic workers, which makes it extremely difficult for a worker to negotiate fair working conditions, claim their rights, or refuse an employer’s request.

Unlike the Labor Law, the Domestic Workers Law does not set a limit on additional working hours nor require overtime pay. The Labor Law provides that workers’ hours should not exceed a 10-hour working day unless it is to prevent, repair, or alleviate a gross loss or dangerous accident.¹² Any additional hours should be paid at a minimum of the basic wage plus an extra 25 percent of the salary. If the additional work outside of shift work takes place

⁸ Qatar Domestic Workers Law, Law No. 15 of 2017, art. 12; Qatar Labor law, Law No. 14 of 2004, art. 73.

⁹ Letter responding to Human Rights Watch request for information from the Ministry of Administrative Development, Labor and Social Affairs, April 16, 2018 (on file at Human Rights Watch).

¹⁰ Qatar Domestic Workers Law, Law No. 15 of 2017, art. 7(5).

¹¹ Qatar Model Employment Contract of a Domestic Worker, art.4. See ILO Governing Body, “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”, GB.331/INS/13(Rev.), October 31, 2017, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf (accessed June 19, 2018), Appendix V.

¹² Qatar Labor law, Law No. 14 of 2004, art. 74.

between 9 p.m. and 6 a.m. then this should be paid at a minimum of the basic wage and an additional 50 percent of the salary.¹³ The Labor Law also stipulates that employers may require workers to work on their weekly rest day only in necessary circumstances. Employers must compensate them by paying them the ordinary wage and provide them with another paid rest day or pay them the basic wage plus an increase of at least 150 percent.¹⁴ Workers, other than shift workers, may not work more than two consecutive Fridays.¹⁵

The Ministry of Administrative Development, Labor and Social Affairs told Human Rights Watch that the standard employment contract includes a clear definition of the basic working hours as well as what qualifies as overtime. They noted that the contract stipulates that basic working hours are limited to eight hours per day, with the possible addition of two hours of overtime (included under item 4 in the standard contract).¹⁶ However, the contract as seen by Human Rights Watch from November 2017 refers to a daily 10-hour working day with no mention of overtime provisions.

Other countries have provisions to limit overtime and specify compensation for such hours. For instance, Kuwait's domestic workers' law provides that if an employer refuses to pay the worker overtime, the authorities can obligate the employer to provide compensation of at least twice the wage agreed upon in the contract.¹⁷ Kuwait's implementing regulations further clarify that overtime should not exceed more than two hours per day, for which the worker should receive half a day's salary in return.¹⁸

The Domestic Workers Law prohibits employers from forcing domestic workers to work while on sick leave, but makes no provisions for sick leave itself, including whether it

¹³ Ibid.

¹⁴ Qatar Labor law, Law No. 14 of 2004, art. 75.

¹⁵ Ibid.

¹⁶ Letter responding to Human Rights Watch request for information from the Ministry of Administrative Development, Labor and Social Affairs, April 16, 2018 (on file at Human Rights Watch).

¹⁷ Kuwait Law No. 68 of 2015 on Domestic Labor, 26, 2015, art. 28, available at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101760/122760/F1581984342/k2.pdf> (accessed June 19, 2018).

¹⁸ Ministerial Decree No. 2194 of year 2016 regarding the Implementing Regulations, art. 14. This is still weaker than Kuwait's labor law for workers in other sectors, which provides that employers may only require workers to work overtime in exceptional situations and with a written order.

should be paid.¹⁹ The Labor Law provides two weeks of sick leave at full pay, four weeks at half pay, and unpaid leave thereafter.²⁰

(b) “On-call” hours, and allowance to leave the house during rest and leave periods

We recommend that Qatar should:

- **Require through further legislation, such as any implementing regulations, that employers allow domestic workers to leave the household during rest and leave periods, and that all hours during which workers are required to be on-call should be calculated as part of their working day.**
- **Set out further guidance through law or regulations on how to calculate and compensate “standby” or “on-call” hours.**
- **Provide training for employers as well as domestic workers on calculating and recording tasks and working hours, including “on-call” hours.**

The Domestic Workers Law provides for daily rest and a weekly rest day, but it does not explicitly state that workers may leave the household during this time. The ILO Domestic Workers Convention calls for states to ensure that domestic workers “who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave.”²¹

The Ministry of Administrative Development, Labor and Social Affairs noted that “the legislators have decided to leave this issue to the employer and the employee, as it is possible that the employee might not wish to leave the home and thus cannot be forced to do so if that is the case.”²²

As domestic workers are often required to be “on-call,” and many employers do not allow workers to leave the household including on weekly rest days or rest periods, they can often find themselves forced to work during rest periods. Explicitly providing that workers

¹⁹ Qatar Domestic Workers Law, Law No. 15 of 2017, art. 7(4).

²⁰ Qatar Labor law, Law No. 14 of 2004, art. 82.

²¹ ILO Domestic Workers Convention, art. 9.

²² Letter responding to Human Rights Watch request for information from the Ministry of Administrative Development, Labor and Social Affairs, April 16, 2018 (on file at Human Rights Watch).

have the right to leave the household should they wish does not mean that they are obliged to leave during their rest periods but rather provides them with the option.

The Domestic Workers Law also fails to explicitly provide that “on-call” hours should be regarded as hours of work. The ILO Domestic Workers Convention states that “periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household to respond to possible calls shall be regarded as hours of work.”²³ The ILO Domestic Workers Recommendation (No. 201), which provides further guidance accompanying the Domestic Workers Convention, recommends that states regulate the maximum number of hours per week, month or year that a domestic worker may be required to be on-call. It also provides guidance on measuring the compensatory rest period to which a domestic worker is entitled if the normal period of rest is interrupted by having to be on-call; and the rate at which these hours should be remunerated.²⁴ It also recommends that comparable measures should be taken with regard to domestic workers whose normal duties are performed at night.²⁵

As domestic workers often suffer from excessively long working hours due to the nature of living in their employers’ homes, the ILO has developed some tools and guidance on how workers and employers can set out tasks and time sheets for their working hours.²⁶

(c) Food and accommodation

We recommend that Qatar should:

- **Ensure through further legislation, such as any implementing regulations, that it clarifies minimum standards on accommodation and food in line with the ILO Domestic Workers Recommendation to include:**
 - **a separate, private room that is suitably furnished, adequately ventilated, and equipped with a lock, the key to which should be provided to the domestic worker;**

²³ Ibid., art. 10(3).

²⁴ ILO, Recommendation concerning Decent Work for Domestic Workers (ILO Domestic Workers Recommendation), 2011 (No. 201), adopted June 16, 2011, http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:R201 (accessed June 19, 2018), art. 9(1).

²⁵ ILO Domestic Workers Recommendation, 2011 (No. 201), art. 9(2).

²⁶ ILO, “Working around the clock? A manual for trainers to help live-in domestic workers count their working time,” 2014, http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_308825.pdf (accessed June 19, 2018).

- **access to suitable sanitary facilities, shared or private;**
- **adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and**
- **meals of good quality and sufficient quantity, adapted to the extent reasonable to the cultural and religious requirements, if any, of the domestic worker concerned.**
- **Provide training to labor inspectors and employers on such standards.**

The Domestic Workers Law requires employers to provide domestic workers with food and adequate accommodation.²⁷ The model contract which also requires employers to provide free and decent accommodation and decent food, in addition called for employers to “provide electricity, water, beds, and appropriate toilet facilities in accordance with health standards.”²⁸ While these are important provisions, further regulations and guidance could provide clearer minimum standards on food and accommodation (see recommendations above).

The ILO Domestic Workers Recommendation (No. 201) recommends the inclusion of specific minimum standards relating to food, accommodation and other living and working conditions.²⁹

(d) Health and safety

We recommend that Qatar should:

- **Ensure through further legislation, such as any implementing regulations, that it set out guidance on occupational health and safety for domestic workers including eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in order to prevent injuries, diseases, and deaths, and promote occupational safety and health in the household workplace. It should also set out the adequate penalties for failing to eliminate or minimize, to the extent practicable, work-related hazards and risks.**

²⁷ Qatar Domestic Workers Law, Law No. 15 of 2017, art. 7(1).

²⁸ Qatar Model Employment Contract of a Domestic Worker, art. 7.

²⁹ ILO Domestic Workers Recommendation, 2011 (No. 201), arts. 15-18.

- **Provide training to labor inspectors and employers on occupational health and safety standards.**

The Domestic Workers Law states that employers should “not endanger the life or health of the worker or to harm him physically or psychologically in any manner.”³⁰ Qatar should ensure that its regulations go further to establish that domestic workers have a right to a safe and healthy working environment.

In particular, Qatar should undertake “effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers” in line with the ILO Domestic Workers Convention.³¹ The ILO Domestic Workers Recommendation (No. 201) recommends that governments take measures “to protect domestic workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in order to prevent injuries, diseases and deaths and promote occupational safety and health in the household workplace.”³² It also calls for adequate penalties for violation of occupational safety and health laws and regulations.³³

(e) Recruitment fees

We recommend that Qatar should:

- **Clarify through further legislation, such as any implementing regulations, that agents should not confiscate salaries of domestic workers or require employers to pay their salaries to them where the agency is not the worker’s direct employer.**
- **Ensure through further legislation, such as any implementing regulations, to make recruitment agencies liable to compensate domestic workers for any charges, costs, or fees that they may have incurred or paid the partner local agency in the country of origin. Or in case of an employer hiring a domestic worker directly without an agency in Qatar, that the employer should**

³⁰ Qatar Domestic Workers Law, Law No. 15 of 2017, art. 7(3).

³¹ ILO Domestic Workers Convention, art. 13.

³² ILO Domestic Workers Recommendation, 2011 (No. 201), art. 19(a).

³³ Ibid., art. 19(b).

compensate the domestic worker for all costs and charges incurred for their recruitment.

The Domestic Workers Law prohibits employers from deducting a worker's pay to compensate for recruitment fees but does not prohibit agents from charging costs or fees, or taking domestic workers' salaries to compensate any costs paid for the domestic workers' recruitment. It also does not require employers or agents to reimburse a worker for recruitment fees already paid.³⁴

The Ministry of Administrative Development, Labor and Social Affairs noted that article 14 and article 19 of Ministerial Decree no. 8/2005 strictly prohibit the employer and the recruitment office from receiving any fees or commissions to recruit workers from abroad to work in Qatar.³⁵

However, they also noted that “neither employers nor recruitment offices can be obligated to compensate domestic workers for any fees incurred in another country, as these violations have occurred in another country.”³⁶ Workers who sustain such costs are unable to seek a return of their costs after arriving in Qatar, however, both agents and employers could compensate the worker. Some employers of other types of workers do this as a matter of good practice.

(f) Enforcement mechanisms

We recommend that Qatar should:

- **Ensure through further legislation, such as any implementing regulations, that it explicitly sets out inspections of recruitment agencies and workplace inspections, with due regard for privacy. For instance, providing for inspections with the consent of the employer and outlining situations where inspections may be required regardless of such consent but with the written**

³⁴ Qatar Domestic Workers Law, Law No. 15 of 2017, art. 8.

³⁵ Minister of Civil Service Affairs and Housing Decree No. 8/2005 on regulating the conditions and procedures for issuing licenses to Qatar nationals wanting to employ foreign workers, arts. 14 and 19, available in Arabic at <http://www.almeezan.qa/LawPage.aspx?id=2238&language=ar> (accessed June 19, 2018).

³⁶ Letter responding to Human Rights Watch request for information from the Ministry of Administrative Development, Labor and Social Affairs, April 16, 2018 (on file at Human Rights Watch).

authorization of a competent body (such as a court order or a warrant from the public prosecution).

- Qatar should ensure that its enhanced labor inspection and occupational safety and health systems reflect the special characteristics of domestic work.
- Establish procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational safety and health related risks and injuries.
- Train and advise employers on occupational safety and health, including on ergonomic aspects and protective equipment and disseminate guidelines on occupational safety and health requirements specific to domestic work.
- Train labor inspectors in the specifics of the domestic work sector and in communication techniques used to gain the trust of domestic workers and their employers, and ensure that either labor inspectors can speak relevant languages of domestic workers from the major countries of origin or are accompanied with interpreters for such interviews.
- Review the current electronic Wage Protection System (WPS) to ensure that that employers provide their workers' payslips to both their workers and to the banks with which they are registered for WPS, including the number of hours worked (including overtime) and any deductions, so that disputes can be dealt with immediately. Once revised, expand this to include domestic workers, taking steps to ensure employers do not keep workers' ATM cards or prohibit workers from accessing ATMs themselves.

The Domestic Workers Law establishes several new important enforcement mechanisms, including by imposing fines for violations, and referring disputes to the new and more accessible complaints procedure under the Labor Law.³⁷ Workers and employers can refer their disputes relating to the law or the employment contract to the Ministry of Administrative Development, Labor and Social Affairs. If the body is not able to settle the dispute amicably within 7 days, it must refer the case to the workers dispute resolution committee. The law

³⁷ Ibid., art. 18.

stipulates that the committee must resolve disputes within three weeks of its first session, and grants the right of appeal to both parties of the committee's decisions.³⁸

However, workplace inspections, including of homes where domestic workers are employed, are still not explicitly required under the law. While the ILO-Qatar technical cooperation agreement (2018-2020) refers to enhanced labor inspection and occupational safety and health systems, Qatar should through further legislation, including any implementing regulations of the Domestic Workers Law, ensure that such systems cover domestic workers. The UN CEDAW Committee called for laws to include mechanisms for monitoring workplace conditions of migrant women, especially in the kinds of jobs where they dominate.³⁹

The Ministry of Administrative Development, Labor and Social Affairs noted that no searches can be carried out in private homes unless there is written permission to do so from the public prosecutor, and this is granted based on investigations that reveal that the owner or resident of the house has committed a crime or misdemeanor or has been an accomplice to one, in accordance with the Criminal Procedure Code.⁴⁰

The ILO Domestic Workers Convention calls for states to develop and implement measures for labor inspection, with due regard for the special characteristics of domestic work, and that such measures should specify the conditions under which access to household premises may be granted, having due respect for privacy.⁴¹

This provision recognizes the two competing rights of the employers' right to privacy of their home and the protection of workers, and provides that the access to the household is limited. A 2016 ILO report noted that "as a rule, labour inspectors must obtain the consent of the householder or the authorization of a judicial or other competent authority (e.g. a civil or specialized labour court, criminal court or public attorney)."⁴²

³⁸ Law No. 13 of 2017 which amends several provisions of the Labor Law, issued August 16, 2017, arts. 115bis-115bis(7).

³⁹ CEDAW Committee, General recommendation No. 26 on women migrant workers, U.N. Doc. CEDAW/C/2009/WP.1/R, December 5, 2008, http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf (accessed June 19, 2018), para.26(b).

⁴⁰ Qatar Code of Criminal Procedure, Law no. 23/2004, art. 75.

⁴¹ ILO Domestic Workers Convention, 2011 (No. 189), art. 17.

⁴² ILO, "Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide," International Labour Office – Geneva: ILO, 2015, Second edition 2016, http://apmigration.ilo.org/resources/labour-inspection-and-other-compliance-mechanisms-in-the-domestic-work-sector/at_download/file1 (accessed June 19, 2018).

Qatar should explicitly provide for situations in which workplace inspections can take place with either the consent of the owner/employer or with authorization from relevant authorities, including in situations where there may be a complaint about a domestic workers' working conditions. Other countries either have laws that allow for inspections of homes or have conducted such inspections.

In the Middle East region, a 2016 ILO report noted that Jordan's Directorate for the Protection of Domestic Workers inspected five homes with the consent of the owners.⁴³ Kuwait's law on domestic workers provides for inspections of recruitment agency offices.⁴⁴ United Arab Emirates' (UAE) 2017 law on domestic workers provides for inspection of recruitment agencies, and also workplaces and workers' residences with the permission of their owners. They can also conduct inspections with the permission of the Public Prosecution if there is a complaint from the worker or from the employer, or there is reasonable evidence of violations of the provisions of the law and its implementing regulations.

Beyond the region, other countries include domestic workers under the mandate of labor inspectorates. Ireland's National Employment Rights Authority (NERA) piloted projects before using them more broadly. In one such project, NERA sent letters to employers of domestic workers, requesting them to allow access to their houses. Those who refused were required to provide an alternative place for the inspection, which then consisted of interviews and document analysis.⁴⁵

The ILO Recommendation 201 provides further guidance to states including on inspections and occupational health and safety. It recommends establishing procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational safety and health-related risks and injuries; advising employers on occupational safety and health, including on ergonomic aspects and protective equipment; and developing training programs and

⁴³ Ibid.

⁴⁴ Kuwait Law No. 68 of 2015 on Domestic Labor, 26, 2015, art. 44, provides "Employees appointed by the Minister of Interior's resolution shall have the power to inspect the offices and establishments engaged in domestic workers recruitment, access their books and records, detect and report irregularities and violations, and refer them to the competent authorities."

⁴⁵ ILO, "Labour inspection and other compliance mechanisms in the domestic work sector: Introductory Guide."

disseminating guidelines on occupational safety and health requirements specific to domestic work.⁴⁶

We note that one of the immediate objectives of the ILO-Qatar technical cooperation agreement (2018-2020) provides for the expansion of the electronic Wage Protection System, which is an electronic system whereby the labor ministry and Qatar Central Bank can monitor and document the process of worker wage payments, to cover domestic workers.

(g) Wage discrimination

We recommend that Qatar should:

- **Ensure that domestic workers enjoy minimum wage coverage, including an hourly minimum wage, under law and that compensation does not discriminate based on sex, race, or national origin.**
- **Consider combating the current practice of wage discrimination by nationality by increasing the minimum wage to the higher threshold of US\$400 per month for domestic workers as set by countries of origin.**
- **Introduce legislation to define discrimination including on the grounds of gender and national origin in line with international human rights standards and provide adequate sanctions and effective remedies for victims of discrimination.**

The Domestic Workers Law does not set a minimum wage. In November 2017, Qatar announced a temporary minimum wage of QR750 (\$206) for migrant workers, but it is unclear if this includes domestic workers.⁴⁷ The Ministry of Administrative Development, Labor and Social Affairs has implied that this temporary salary does include domestic workers and that they are applying this during the phase of when the employment contract is being certified. They noted that the Ministry and the ILO are coordinating on the issue of setting a minimum wage.⁴⁸

⁴⁶ ILO Domestic Workers Recommendation, 2011 (No. 201), arts. 19(c), 19(d), and 19(e).

⁴⁷ "Qatar sets minimum wage for workers," *Qatar Tribune*, November 17, 2017, <http://www.qatar-tribune.com/news-details/id/96460> (accessed June 19, 2018).

⁴⁸ Letter responding to Human Rights Watch request for information from the Ministry of Administrative Development, Labor and Social Affairs, April 16, 2018 (on file at Human Rights Watch).

Even if the temporary minimum wage is applied to domestic workers, wage differentials based on nationality would still prevail, which contributes to wage differences related to race and ethnicity.

The current recruitment of domestic workers occurs on the basis of nationality, with several countries of origin setting monthly minimum salaries for their domestic workers ranging between QR700 (\$192) to QR1500 (\$400). Recruitment agencies, in turn, advertise domestic workers' salaries on the basis of nationality, rather than on experience or skills. We are not aware of government efforts to remedy such nationality-based wage differences, despite the commitment Qatar has made to the ILO to providing a non-discriminatory minimum wage.⁴⁹ The practice of setting salaries on the basis of nationality amounts to discrimination. It is unjustified, unequal treatment with no legitimate aim. Qatar has ratified human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, which obligate it to eliminate discrimination on the basis of national origin and race.⁵⁰

Qatar has no law to combat discrimination or provide effective remedies for victims of discrimination. Both the International Convention on the Elimination of All Forms of Racial Discrimination and the UN Convention on Elimination of All Forms of Discrimination against Women, which Qatar is a state party to, call on states to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting racial discrimination and all discrimination against women.⁵¹ The UN Committee on Economic, Social and Cultural Rights also called for measures relating to accountability and remedies for victims of discrimination.⁵²

⁴⁹ ILO Governing Body, "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", para. 51.

⁵⁰ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 4, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969. Qatar acceded to ICERD in 1976.

⁵¹ ICERD, art. 2; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, art. 2. Qatar acceded to CEDAW on April 29, 2009.

⁵² UN Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, E/C.12/GC/20, <http://www.refworld.org/docid/4a60961f2.html> (accessed June 19, 2018), para. 40.

(h) Lack of unionization

We recommend that Qatar should:

- **Ensure through further legislation, such as any implementing regulations, that it include domestic workers' right to form a union and to collective bargaining.**
- **Help establish a domestic workers' committee formed of domestic workers who work across different workplaces as part of Qatar's broader efforts to establish workers' committees in workplaces.**

The Domestic Workers Law does not guarantee the right to form a union. Furthermore, Qatar's Labour Law allows only Qatari nationals the right to form workers' associations or trade unions.⁵³

The Ministry of Administrative Development, Labor and Social Affairs noted that the "Qatari legal system lacks regulation for the legal organization of trade unions; in its stead there is regulation governing both professional and non-professional associations, set out in Law no. 12/2004 and its amendments. In addition, worker's committees are dealt with under the Qatar Labor Law no. 14/2004."⁵⁴

According to the International Trade Union Confederation, Qatar has committed to establishing workers' committees in each workplace, with workers electing their own representatives.⁵⁵ However, it is not clear whether there is a plan to tailor this mechanism for domestic workers who are typically dispersed across separate households.

II. *Kafala* (sponsorship) system

In line with its stated commitments, we recommend that Qatar end the *kafala* system in full, including by ensuring workers visas are not tied to employers, and

⁵³ Qatar Labor law, Law No. 14 of 2004, art. 116.

⁵⁴ Letter responding to Human Rights Watch request for information from the Ministry of Administrative Development, Labor and Social Affairs, April 16, 2018 (on file at Human Rights Watch).

⁵⁵ International Trade Union Confederation (ITUC), "ILO decision heralds new era for workers' rights in Qatar. Saudi Arabia and the UAE must follow its lead," November 8, 2017, <https://www.ituc-csi.org/ilo-decision-heralds-new-era-for?lang=en> (accessed June 19, 2018).

that workers are not ever required to obtain employer permission to change employers or leave the country.

Like all migrant workers, domestic workers in Qatar are subject to the *kafala* (sponsorship) system, which gives their employer excessive control over them, including the power to deny them the right to leave the country or change jobs. However, Qatar recently expressed a commitment to the ILO to reform aspects of the *kafala* (sponsorship) system.

Qatar requires migrant workers to seek employer permission to change employers before the end of their contract. Migrant workers who have completed their contracts, or whose employment contracts had an unlimited duration and lapsed five years, can apply to the authorities to transfer employers. Qatar's new electronic notification system allows migrant workers to apply to the government to change employers or leave the country by submitting a certified copy of the employment contract as well as a copy of a certificate which attests to the amicable end of the contractual relationship with the employer, or to demonstrate that there was abuse by an employer.⁵⁶ It is not clear how a worker should demonstrate that abuse by an employer has taken place. The Ministry of Administrative Development, Labor and Social Affairs takes the final decision on all such requests. The requirement of employer permission to change employers will continue to trap domestic workers in abusive situations.

Qatar's exit visa requirement can also still prevent migrant workers from leaving the country merely on the say-so of an employer. Law no. 21 of 2015, relating to the entry, exit, and residence of migrant workers, as amended by Law No. 1 of 4 January 2017, allows migrant workers the right to leave the country for holidays, an emergency, final departure before the end of the contract, or for any other purpose, after notifying their employer in accordance with their employment contract. Employers can object to the exit and departure, in which case workers can appeal against their objection to the Expatriates' Exit Appeals Committee who shall conclude the appeal within three days.⁵⁷

⁵⁶ ILO Governing Body, "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", para. 7.

⁵⁷ Law No. 1 of 2017 which amends several provisions of Law No. 21 of 2015, which regulates the entrance, exit and residence of expatriates, issued January 4, 2017, art.7.

The exit visa requirement which is a general restriction on all migrant workers is in violation of international human rights law which provides that “everyone has the right to leave any country, including his own, and to return to his country.”⁵⁸ Any restrictions can only be individual, for a legitimate reason, and proportionate for instance an individual may be prohibited from leaving the country during a criminal investigation.⁵⁹

In November 2017, Qatar agreed with the ILO through its technical cooperation agreement (2018-2020) that it will lift the restrictions on migrant workers’ ability to exit the country subsequent to a reasonable notice period.⁶⁰ The Ministry of Administrative Development, Labor and Social Affairs noted to Human Rights Watch that they are in the process of amending this process and that “the amendment will completely repeal the existing system for exiting the country.”⁶¹

Moreover, Qatar has also expressed commitment under the same agreement that as part of its efforts to implement a contractual system to replace the *kafala* system, it will undertake the renewal of residence permits directly with migrant workers.⁶²

⁵⁸ See Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art.13(2); ICERD, art. 5(d)(ii); International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art 12(2); and League of Arab States, “Arab Charter on Human Rights,” adopted on 22 May 2004, <http://hrlibrary.umn.edu/instate/loas2005.html> (accessed June 19, 2018), entered into force in 2008, art. 21.

⁵⁹ UN Human Rights Committee (HRC), CCPR General Comment No. 27: Article 12 (Freedom of Movement), 2 November 1999, CCPR/C/21/Rev.1/Add.9, <http://www.refworld.org/docid/45139c394.html> (accessed June 19, 2018).

⁶⁰ ILO Governing Body, “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”, para. 4.

⁶¹ Letter responding to Human Rights Watch request for information from the Ministry of Administrative Development, Labor and Social Affairs, April 16, 2018 (on file at Human Rights Watch).

⁶² *Ibid.*

