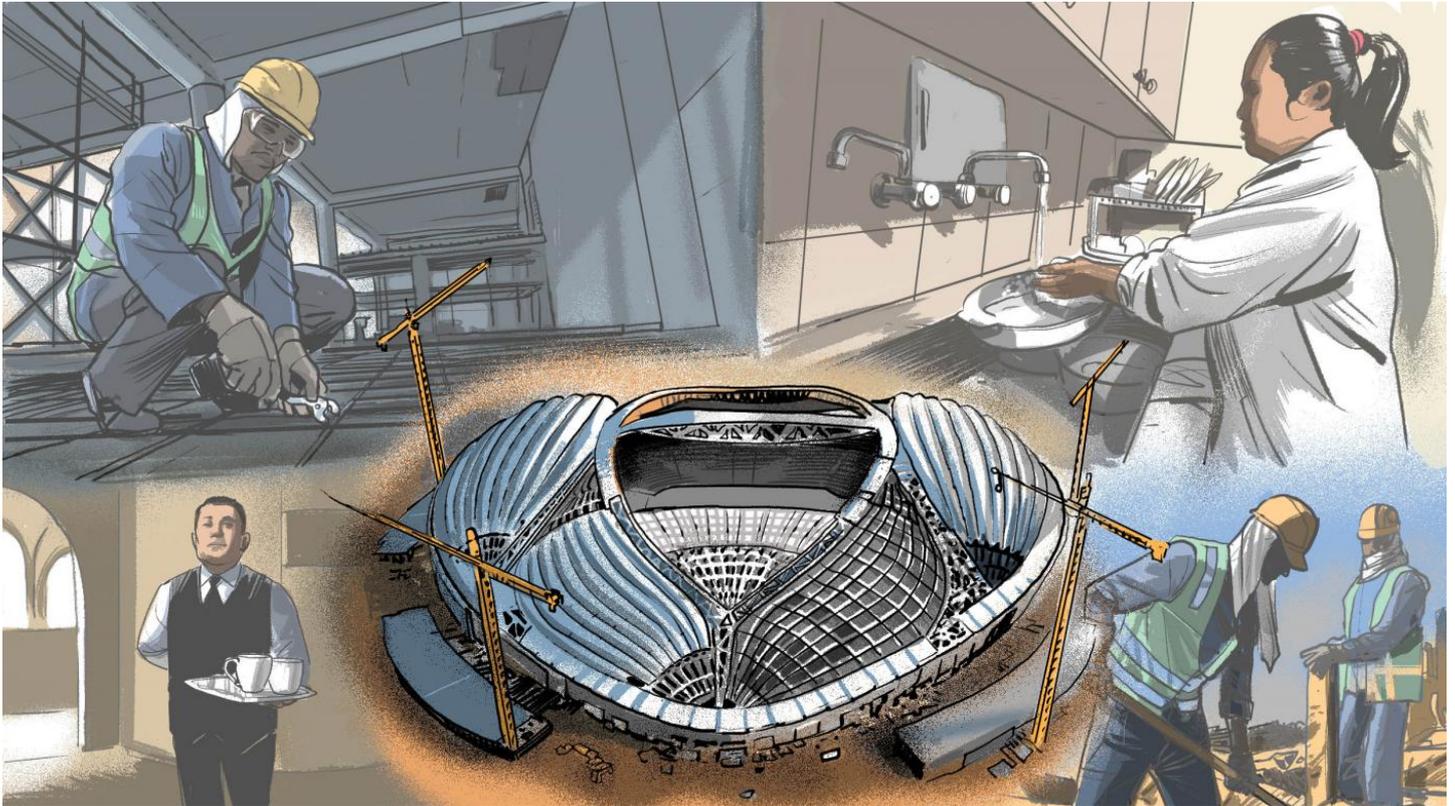




# "How Can We Work Without Wages?"

Salary Abuses Facing Migrant Workers Ahead of Qatar's FIFA World Cup 2022

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## Summary



him to work in Qatar, he thought all his prayers had been answered.<sup>[1]</sup> To secure a plumbing job in Qatar, he had to take a loan at a 30 percent interest rate in order to pay a Kenyan recruitment agent a fee of 125,000 Kenyan shillings (US\$1,173). But Henry, 26, was happy because his employment contract promised him 1,200 Qatari riyals (\$329) a month, which would allow him to pay back his loan, plus an additional food allowance, employer-paid accommodation, and overtime payments for each hour of work he performed above the 8-hours-a-day limit.

Upon arriving in Doha in June 2019 however, Henry's excitement dissipated. The first month, Henry's employer had no work for him, which meant there would be no pay. The second month, his employer withheld his salary as a 'security deposit'. To feed himself and his family, Henry was forced to take on more loans. Eventually, in September, he was paid for the first time. But his salary was shockingly low at only 830 Qatari riyals (\$228).

For two months, during which Henry performed backbreaking work as a plumber for up to 14 hours a day at a hotel in Lusail city, his employer paid him 30 percent less than he was owed in basic wages. "Where was my full salary? Where was the overtime money and food allowance I was owed? I was shocked, but not alone - the company had cheated 13 Kenyan workers along with me," said Henry.

While Henry was battling the bitter realities of working in Qatar as a migrant worker, "Samantha" was getting ready to leave Qatar after being cheated of her basic and overtime salaries for two years.<sup>[2]</sup>

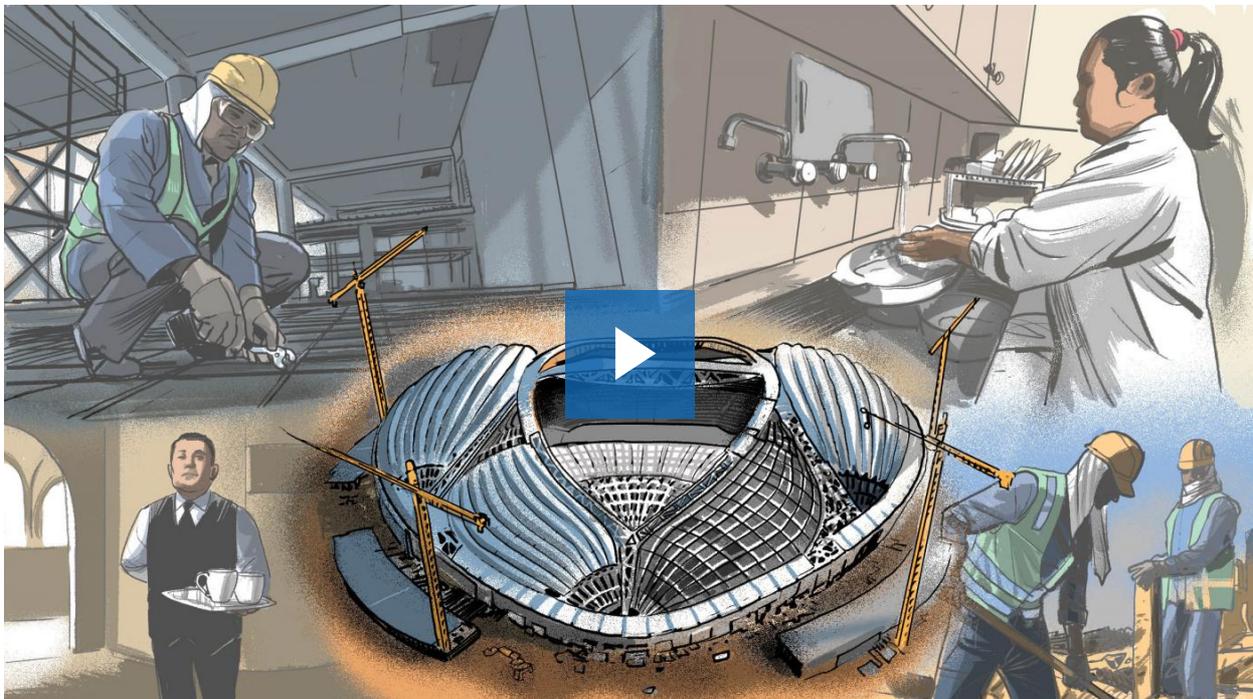
Between December 2017 and December 2019, Samantha, a 32-year-old Filipina, either scrubbed bathrooms or swept the food court in an upscale mall in Doha. She told Human Rights Watch that her employer made her work 12-hour shifts, had her and her colleagues' passports confiscated and banned them from leaving the company-provided accommodations for anything other than work.

In 2017, when she had made the decision to leave behind her two toddlers to work in Qatar, she had agreed to work for a monthly salary of 1,800 Qatari riyals (\$494). The contract stated that for each hour of work above 8 hours a day, she would be paid 25 percent more than her basic wage. In reality, Samantha worked for 12 hours a day and was paid 1,300 Qatari riyals (\$357) a month with no compensation for the overtime work she performed. When she asked why her salary was less than promised and complained that the 25-day salary delays caused her family in the Philippines to starve, her employer told her "to focus on her work silently." He also withheld her first month's pay, saying it was "a measure of good faith, a security deposit." A

salary to buy her return flight ticket to the Philippines, instead of paying for the ticket himself as promised in her contract.

Henry and Samantha's stories illustrate the wage abuses employers afflict on migrant workers in Qatar today. Qatar's economy is reliant on some 2 million migrant workers - making up around 95 per cent of its total labor force - who come from countries like India, Nepal, the Philippines, Bangladesh, Kenya, and Uganda to seek better income opportunities. These migrant workers are responsible for building the stadiums, transportation, and hotels for the upcoming FIFA World Cup 2022, and they are almost solely responsible for building the infrastructure and powering the service sector of the entire country. In exchange for this labor, they are only guaranteed a minimum wage of 750 Qatari riyals (\$206) per month, which, when paid on time and in full, is barely enough for many workers to pay back recruitment debts, support families back home, and afford basic needs while in Qatar.<sup>[3]</sup> On top of this, employers' wage abuses leave many in perilous circumstances.

Human Rights Watch spoke to 93 migrant workers working for 60 different employers and companies between January 2019 and May 2020, all of whom reported some form of wage abuse by their employer such as unpaid overtime, arbitrary deductions, delayed wages, withholding of wages, unpaid wages, or inaccurate wages.



The findings in this report show that across Qatar, independent employers, as well as those operating labor supply companies, frequently delay, withhold, or arbitrarily deduct workers' wages. Employers often withhold contractually guaranteed overtime payments and end-of



their wages, and they often struggled to feed themselves. Taking employers and their companies to the Labour Relations department or the Labour Dispute Resolution Committees is difficult, costly, time-consuming, ineffective, and can often result in retaliation. Workers often describe taking legal action as a “Catch-22” situation - indebted if you do, indebted if you don't.

The Covid-19 pandemic has amplified the ways in which migrant workers' rights to wages have long been violated. While none of the wage-related problems migrant workers are facing under Covid-19 are novel — delayed wages, unpaid wages, forceful terminations, repatriation without receiving end-of-service benefits, delayed access to justice regarding wages, arbitrary deductions from salaries — since the pandemic first appeared in Qatar, these abuses have appeared more frequently.

While each migrant worker had a unique story, the wage abuses they face reflect a pattern of abuse driven and facilitated by three key factors: the *kafala* (sponsorship) system, a migrant labor governance system in Qatar; deceptive recruitment practices both in Qatar and in workers' home countries; and business practices including the so-called ‘pay when paid’ clause, which requires the subcontractor to delay payments to workers and leaves migrant workers vulnerable to payment delays in supply chain hierarchies.

## Kafala at the Heart of Migrant Worker Abuse

At the heart of enabling wage abuse lies the *kafala* (sponsorship) system, which ties migrant workers' visas to their employers. This leaves workers dependent on their employers for their legal residency and status in the country, placing them in a position of vulnerability that employers can, and often do, take advantage of.

In 2017, Qatar committed to abolishing the *kafala* system.<sup>[4]</sup> And while it has since introduced some measures that have served to chip away at *kafala*, employers are still responsible for securing, renewing, and cancelling residency permits for migrant workers, and are thus still able to severely restrict workers' ability to change jobs. The *kafala* system grants employers unchecked powers over migrant workers, allowing them to evade accountability for labor and human rights abuses, and leaves workers beholden to debt and in constant fear of retaliation. In Qatar, where workers, especially low-paid laborers and domestic workers, often depend on the employer not just for their jobs but also for housing and food, and where passport confiscations, high recruitment fees, and deceptive recruitment practices are ongoing and



## Deceptive Recruitment Practices Leave Workers Indebted and Vulnerable

The Qatari government had previously stated that the illegal yet pervasive issue of migrant workers' paying their own recruitment fees is not a Qatari problem and is one for workers' countries of origin to address. However, the profits are not limited to recruiters in countries of origin; Qatari companies, employers, and recruiters benefit when workers are forced to pay their own recruitment fees. Companies in Qatar increase their competitiveness by outsourcing the payment of recruitment fees to contractors and subcontractors, who eventually pass the buck to workers who end up paying their recruitment fees themselves. Thus, migrant workers like Henry, and 71 others in this report, told Human Rights Watch that they are already indebted when they arrive in Qatar, having paid between \$693 to \$2,613 in recruitment fees to secure such jobs. Ultimately, they found themselves compelled to work for months without pay, because they have no choice but to stay with only the promise of being paid. This indebtedness increases the 'power' of companies and employers over employees, making them even more likely to get away with abusing employees without accountability.

## Harmful Business Practices Punish Workers Most

Some companies in Qatar deliberately withhold, delay, or deny workers' wages for additional profits. But other companies, typically small and medium-sized enterprises in the construction industry where long and often complex subcontracting chains are the norm, may be unable to pay workers in full and on time because of payment disruptions higher up the chain. These disruptions can lead to insolvency and encourage the commonly practiced, yet unofficial, policy of paying onwards only when paid. Such problems are not unique to Qatar. But while many other countries have adopted policies and laws that aim to tackle the problem of unpaid wages for workers as a result of "pay when paid" policies, Qatar has yet to do so. Moreover, construction is the largest job sector in Qatar, and thousands of migrant workers have been left penniless due to subcontractors' insolvency issues higher up the supply chain.

## Wage Protection System Not Worth the Name

Wage abuses are amongst the most common and most devastating violations of migrant workers' rights not just in Qatar, but across the Gulf region, where various iterations of the



(WPS), meant to ensure migrant workers are paid in a timely and accurate fashion. Today, different versions of the WPS exist in all the Gulf Cooperation Council (GCC) countries except Bahrain. Despite the WPS being advertised as an effective mechanism to address wage abuses, workers' wage violations remain prevalent across the region.

In Qatar, the Wage Protection System is indeed a misnomer for a software that, in reality, does little to protect wages, and can be better described as a wage monitoring system with significant gaps in its oversight capacity. At best, the WPS attempts to monitor workers' salaries and raise red flags when payments are inaccurate or delayed - at times, even these tasks are not effectively performed.

In 2018, Qatar established the Labour Dispute Resolution Committees, designed to speed up the litigation process and shorten the time it takes to resolve labor disputes. That same year, it also passed a law establishing the Workers' Support and Insurance Fund, designed to ensure workers receive their unclaimed wages in cases where the Labour Dispute Resolution Committees ruled in their favor and where their company could not or would not pay them.

However, according to the findings of this report and a September 2019 Amnesty International report, the Labour Dispute Resolution Committees remain slow, inaccessible, and ineffective. As long as migrant workers continue to lack control over their own immigration status, and are severely restricted in their ability to work with another employer in order to financially support themselves to remain in the country, the right to pursue compensation is futile. Meanwhile, the Workers' Support and Insurance Fund, which is intended to protect workers from the impact of overdue or unpaid wages, was established in 2018 and only became operational earlier this year.

Qatar has ratified five of the eight International Labour Organization (ILO) conventions setting out core labor standards, yet Qatar is failing to protect workers' wages. The ILO has recommended that countries such as Qatar should consider measures to protect wages including prompt payment legislation; banning unofficial 'pay when paid' policies; and introducing rapid adjudication, project bank accounts, subcontract payment monitoring systems, and joint liability systems.

The abuses Samantha faced in Qatar cannot be undone, but the wages she was cheated of can still be paid to her, and her employer can still be held accountable to prevent him from cheating others. As for Henry, his journey to Qatar is hardly a year old. The Qatari government still has time to hold his employer to account, reinstate his original contract, and pay back his outstanding wages and recruitment fees.



authorities with just enough time to kick off wage reforms swiftly and efficiently before the first football players and fans begin arriving.

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## Methodology

Human Rights Watch conducted the research for this report between January 2019 and May 2020. Researchers conducted detailed interviews with 93 migrant workers from 60 different companies and employers, whose conditions are the focus of this report – 11 of these workers are female domestic workers whose salary payment conditions slightly differ from other migrant workers. Migrant workers described their migration processes to Qatar, including the contractual information they had before migrating and the work conditions they found upon arrival. They gave accounts of their experiences of working in Qatar with delayed, inaccurate, or unpaid salaries, as well as any attempts to seek redress.

Human Rights Watch reviewed the text of more than 10 migrant workers' documents in cases relating to underpayment and contract substitution and four workers' company memos relating to delayed payments. Researchers also saw text message conversations from four workers to their employers, discussing late payments and the consequent lack of money for food.



returned to India, Kenya, Pakistan, and the Philippines. Researchers met migrant workers in various public spaces. As workers live, work, and congregate in crowded conditions with limited private space, Human Rights Watch could not conduct one-on-one interviews in completely private settings. The workers interviewed are employed by diverse employers in various fields and include managers, surveyors, and engineers, as well as laborers and domestic workers. Despite these differences, workers reported strikingly similar forms of abuse. Human Rights Watch interviewed workers in English, as well as Hindi, Urdu, and Arabic. In each case, Human Rights Watch explained the purpose of the interview, how it would be used and distributed, and obtained consent to include their experiences and recommendations in the report. None of the interviewees received financial compensation or other incentives for speaking with Human Rights Watch.

Most of the workers Human Rights Watch interviewed expressed fear for their jobs and their immigration status if their employers found that they had spoken about their working conditions to a human rights organization. Researchers interviewed them on the condition that Human Rights Watch would not use their names, and many requested that the name of the company that employed them not be mentioned. Their requests reflect the degree of control employers hold over workers, and workers' fear of retaliation and abuse should they attempt to exercise their rights.

Human Rights Watch sent letters to 11 companies in labor supply and construction sectors requesting their input on migrant workers' payment policies in Qatar. As of August 1, 2020, Human Rights Watch has received no response(s) from these companies.

Researchers also spoke with representatives of the Qatar National Human Rights Committee (NHRC), a government-funded human rights organization in Doha, as well as the International Labour Organization (ILO).

Researchers also interviewed professors who are experts on migration policy, migration ethics and human rights, and other human rights researchers, and reviewed relevant academic literature, news articles, and reports published by NGOs and international institutions.

The report uses an exchange rate of 1 Qatari Riyal (QR), also written as riyal in this report, equal to US\$0.27; 1 Kenyan Shilling equal to QR0.03 or \$0.009; 1 Philippine Peso equal to QR0.07 or \$0.02; 1 Indian Rupee equal to QR0.05 or \$0.01; 1 Nepalese Rupee equal to QR0.03 or \$0.008; except where a historical exchange rate is warranted.<sup>[5]</sup>



Interior and the Ministry of Labor, as well as to FIFA and the Supreme Committee for Delivery and Legacy (SC). This correspondence is affixed as an appendix to this report, and relevant sections are directly incorporated into the body of the report.

## Key Recommendations

### To the Qatari Shura Council and Council of Ministers

- In line with stated commitments, abolish the *kafala* system in full, making the state the sponsor for migrant workers, and ensuring that workers' entry, residence and work visas are not tied to employers, and ensuring that workers are not ever required to obtain employer permission to change employers or leave the country, and remove absconding penalties.
- Amend the labor law to guarantee workers' right to strike, free association and collective bargaining, including for migrant workers and domestic workers.
- Amend the labor law to include domestic workers receive the same protections as other workers.
- Immediately announce and implement a non-discriminatory minimum wage for migrant workers, including calculating an hourly minimum wage, that equals a living wage that allows workers a decent standard of living for themselves and their families.  
A committee should periodically review the minimum wage levels so that it guarantees a living wage.

### To the Qatari Labor Ministry

- Increase the capacities of the WPS Unit, the Labour Relations department, and the Labour Dispute Resolution Committee so that they can more effectively monitor and



- Improve the workings and systems of the WPS so that Salary Information Files are more detailed and comprehensive; alerts are dealt with in a strict manner; and ensure that companies are providing workers with timesheets and itemized pay slips; finalize the process of e-contracts to ensure that workers' contract details including basic wages are accurately and automatically recorded in the WPS.
- Monitor and ensure that companies are not doing business with recruitment agencies and subcontractors, in Qatar and abroad, that charge workers fees or costs for travel, visas, employment contracts, or anything else. Ensure that any recruitment costs, fees or charges that workers incur in order to migrate are reimbursed to them by their employers.

## I. Background

Qatar, one of the world's wealthiest states on a per capita basis, is almost entirely reliant on some 2 million migrant workers who represent around 95 per cent of the country's total labor force and who are primarily employed in the construction and service industries.<sup>[6]</sup> Without such workers, many of whom come from some of the world's poorest countries in search of better work opportunities, the country would grind to a halt.<sup>[7]</sup>

A decade ago, in December 2010, Qatar won the right to host the Fédération Internationale de Football Association (FIFA) World Cup 2022.<sup>[8]</sup> Qatar's initial estimates for infrastructure expenditure for the world's largest sporting event were as high as US\$220 billion.<sup>[9]</sup> According to the International Trade Union Conference's Frontline Report in 2015, this set up Qatari and international infrastructure companies to expect a tidy sum of \$15 billion in profits.<sup>[10]</sup> Since then, it is likely that the costs for the infrastructure of the World Cup will have increased. The Qatari government awarded 11 multibillion-dollar contracts in 2014 to international and local companies for the construction of the Doha Metro.<sup>[11]</sup> Seven new state-of-the-art stadiums with advanced open-air cooling technology are being built from scratch for the 2022 event, the majority of which are still under construction.<sup>[12]</sup> The construction of the gleaming Hamad International Airport, sprawling over 5,400 acres of land, with two of Asia's longest runways, took over a decade and cost \$16 billion.<sup>[13]</sup> As these investments grow, so do profits.



A migrant worker working as a shop assistant waits for customers at Souq Waqif in Central Doha. Apart from the laborers building the infrastructure of the country, migrant workers also work as cleaners, restaurant staff, security guards, shop assistants, drivers, and stewards; they shoulder the hospitality sector's efforts to accommodate the influx of people expected to visit the country in 2022 © 2019 Maham Javaid/Human Rights Watch

By contrast, many of the migrant workers laboring to build the stadiums, the metro system, the highways, parking lots, bridges, hotels, and other infrastructure needed to host the millions of visitors the World Cup event is expected to attract, are paid a pittance. So are the cleaners, restaurant staff, security guards, drivers, and stewards who will shoulder the hospitality sector's efforts to accommodate the influx of people expected to visit the country.

Currently, a migrant worker's basic minimum wage in Qatar is a meager QR750 (\$206) per month, which, when paid on time and in full, is hardly enough for many workers to pay back recruitment debts, support families back home, and afford basic needs while in Qatar.<sup>[14]</sup>

'Kevin', a 35-year-old security guard from Kenya whose family back home is harassed on a daily basis for the loan Kevin has not paid back yet, explains: "I paid 120,000 Kenyan Shillings [\$1,123] as recruitment fees for a job Qatar in 2017. At my salary and the overtime payment promised in the contract, I should have been able to pay it back in a year. But you see, the company delays payments, and never pays for overtime work, so I take more loans, to feed myself and my family back home. I keep going further and further in debt. Sometimes I think there is no way out. I will be trapped here working forever."<sup>[15]</sup>

Unfortunately, many workers who came to Qatar hoping to earn enough to pay medical bills for sick parents, pay for children's school fees, save up money to get married or build homes in



including delayed wages, punitive and illegal wage deductions, and, most debilitating yet all too common, months of unpaid wages for long hours of grueling work.

Wage abuse is one of the most significant problems facing migrant workers in Qatar and across the Gulf region.<sup>[16]</sup> Apart from being forced to work long hours by employers, living in cramped quarters, paying off their debts, and being beholden to their sponsors for their jobs, food, housing, residence permits and visas, many of Qatar's migrant workers fight a persistent battle against wage abuse. Each of the 93 migrant workers interviewed for this report has, at least once, faced issues such as delayed wages, unpaid overtime, withholding of wages, arbitrary deductions, inaccurate or unpaid wages, or some other form of wage abuse at the hands of employers in Qatar.

'Yoofi', a 33-year-old security guard from Ghana, said his employer has been delaying his monthly salary of QR 1,000 (\$275) since he began working in Qatar in June 2019.<sup>[17]</sup> "We have not been paid in 11 months. Every month they say the salary is delayed and so we borrow money from friends, we take credits in the market for groceries. Even then all we can afford to eat is boiled rice. And because of all the borrowing and credit we have no money to send home to our families."<sup>[18]</sup>

Human Rights Watch also found cases of delayed wages for workers with higher salaries. 'Alvin,' a 38-year-old human resources manager at a construction company in Qatar which has been contracted for the civil, water, and masonry work on the external part of a stadium for the FIFA World Cup 2022, reported that his monthly salary of QR4,500 (\$1,235) has been delayed for up to four months at least five times in 2018 and 2019.<sup>[19]</sup> "I am affected because due to the delayed salary I am late in my credit card payments, rent, and children's school fees. I borrow money from the bank whenever payments are delayed. Even right now my salary is two months delayed. It's the same story for all the staff on my level and even the laborers. I can't imagine how the laborers manage, they can't take loans from the bank the way I can," said Alvin.<sup>[20]</sup>

In the majority of cases where Human Rights Watch documented wage abuses, two immediate issues that arose were hunger and the lack of money to send home to families. 'Sanyu', a security guard with six children depending on him back home in Uganda, "came to Qatar in search of a better life" in September 2019.<sup>[21]</sup> His contract promised he would be paid QR1,200 (\$329) a month, but between September 2019 and December 2019, he was only paid for one month of work; for the remaining three months, his employer gave him QR250 (\$68) a month in cash as a food allowance. "They think that's enough money to survive a month in Qatar? It is not. I starve for food, my family back in Kenya starves for food. I am surviving only



employers when our salary is coming they say next week, but it's already been delayed 10 times.”<sup>[22]</sup>

Type of Wage Abuse	Explanation	Recorded Instances
Delayed or Unpaid Wages	Employers consistently delaying monthly wages, sometimes to the point of non-payment of wages. These are often company wide.	59
Lack of Overtime Payments	If workers are performing more than 8 hours of work a day, they should be compensated at a higher rate for the extra hours. In most recorded instances, employees are not paid at all for the extra hours.	55
Contract Substitution	Workers sign employment contracts in countries of origin that promise a certain salary but upon arrival in Qatar find that they are met with a new contract with a lower salary.	13
Lack of departure payments	Migrant workers in Qatar are promised end-of-service benefits, salary in lieu of unused vacation days, and a ticket home at the of their contract. Often these are not paid.	20
Underpayments of basic payments	Employers consistently paying lower than contractually stipulated amounts, arbitrary deductions, or employers not having enough assignments for workers	35
Payment of recruitment fees	It is employers who should be paying recruitment fees for migrant workers, along with their airfare to Qatar, instead in too many cases, workers are taking personal loans to make these payments	72

The above table depicts the various types of wage abuses migrant workers in Qatar face; the numbers of recorded instances are from a pool of 93 migrant workers from over 60 different employers and companies. © 2020 Maham Javaid/Human Rights Watch



A combination of factors in Qatar and other Gulf countries provide for an environment where migrant workers seeking better opportunities suffer wage abuses for months, and sometimes years, of service, often leaving them in far more dire straits than when they initially embarked on their migration journey. They include an exploitative and restrictive labor governance system; the illegal yet far-too-common practice of migrant workers paying exorbitant recruitment fees to secure jobs in countries across the Gulf region; pay-when-paid policies which allow subcontractors to delay payments to workers until they receive payments from contractors, and the lack of migrant workers' access to effective avenues of redress.

## Kafala sponsorship system

The *kafala* (sponsorship) system, various iterations of which exist across the region but in particular Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, Jordan, and Lebanon, grants employers responsibility for, and therefore control over, migrant workers in at least one of five ways: their entry into the country of destination, renewal of their residence permits and work visas, termination of employment, transfer to another employer, and exit from the country of destination.<sup>[23]</sup>

In Qatar, at present, a worker must be sponsored by an employer in order to enter the country and mostly remains tied to that employer throughout their stay. Employers are responsible for renewing and canceling workers' residence permits and work visas, leaving workers dependent on their employers for their legal residency and status in the country. Employers' failure to secure residence permits for workers in their employ, despite it being a legal obligation to do so within 90 days of a migrant worker's arrival, leaves workers under threat of arrest and deportation. While an employer can cancel a migrant worker's residence permit at any time by initiating repatriation procedures, a worker who leaves his employer without permission can be punished with imprisonment, fines, deportation, and arrest for "absconding."<sup>[24]</sup>

Human Rights Watch research has shown that the serious and systemic abuse of migrant worker rights in Qatar often stem from the *kafala* system in conjunction with other harmful practices such as the routine confiscation of worker passports by employers, and the payment of recruitment fees by workers, which keeps them indebted for years. Alongside the prohibition on worker strikes, these factors have contributed to circumstances of forced labor, making it virtually impossible for workers to leave even abusive employers, despite often suffering non-payment of wages, long working hours, dangerous working conditions, and sub-standard housing conditions.



protect workers from abusive situations, and situations of forced labor. Qatar for instance, abolished the exit permit for most migrant workers, in which employers had the right to grant or refuse a migrant worker's ability to leave the country.[25] However, in most cases, migrant workers cannot change jobs before the end of their contracts without their first employers' written consent.[26]

The *kafala* system essentially provides employers unchecked powers to wield over migrant workers, leaves workers to live under constant fear, and prevents them from formally complaining to authorities. Employers, for instance, exert control over their workers by routinely confiscating their workers' passports, despite this being illegal, and by threats to report them to the police as "runaways."

In October 2017, Qatar committed to abolish the *kafala* system, among other labor reforms, as part of its technical cooperation agreement with the International Labour Organization (ILO) and to stop a complaint documenting Qatar's failure to uphold the 1930 Forced Labour Convention and the 1947 Labour Inspection Convention.[27] Under pressure, Qatar agreed to replace *kafala* with a system of government-issued and controlled visas for workers. Under this commitment they also agreed to lift restrictions on migrant workers' ability to change employers and exit the country without needing an exit permit from their sponsor, ensure that the domestic worker law is implemented and reviewed by the ILO, and that recruitment practices are improved through better monitoring and regulation and the implementation of the Fair Recruitment guidelines in three migration corridors. However, at the time of writing, apart from reforms to the exit permit, reforms to the wider *kafala* system had still not been issued.

To date, migrant workers are banned under Qatari law from joining unions and participating in strikes.

## Recruitment Fees: Drowning in Debt

"If I had known my life in Qatar would be like this, I would never have come," said 'Isaac', 33, a Kenyan plumber in Qatar.[28] Isaac feels compelled to remain in Qatar, working for an employer that pays him unfairly and arbitrarily because, like thousands of other migrant workers, the \$1,125 recruitment fees he paid to obtain a job in Qatar trapped him in debt even before he arrived in the country.



Photograph from a strike regarding delayed wages in Doha, Qatar. Migrant workers are banned under Qatari law from joining unions and participating in strikes and so workers risk arrest in order to protest against wage abuses. © 2020 Private

Watch that they are in debt from paying recruitment fees to agents in their home countries. These workers reported paying fees ranging from \$693 to \$2,613, such fees vary depending on nationality, with Bangladeshis typically bearing the biggest burden, and workers from the Philippines paying the lowest amounts.[29] Qatar is not the only country where migrant workers face recruitment fees. Other reports have documented a comparable range of recruitment fees that workers pay to work across the Gulf from \$400 to \$5,200.[30] Migrant workers told Human Rights Watch that they sold valuable assets, mortgaged family homes, or borrowed large amounts of money from private moneylenders at exorbitant interest rates to cover the recruitment fees. But the jobs they get are commonly different from, and pay less than, the ones they are promised.

The Qatari government is aware of the debts migrant workers incur on the road to Qatar and have forbidden companies from levying recruitment costs on workers.[31] However, the law does not require employers to reimburse employment-related recruiting fees that workers have incurred and does not address the problem of Qatari employers or recruiters who work with foreign agents to charge workers fees in their home countries.[32]

In 2012, the Qatari government had stated that the issue of recruitment fees, while grave, is not a Qatari problem where there are procedures against such agencies.[33] The problem, they claim, is for workers' countries of origin to address.[34] Since then, Qatar has signed 40 bilateral labor agreements and 19 Memoranda of Understanding with countries of origin to protect migrants from paying exorbitant recruitment fees. The profits are not limited to sending countries: Qatar greatly benefits when workers are forced to pay their own recruitment fees. For example, a 2011 World Bank study on migration from Nepal to Qatar estimated that recruitment agents in Qatar receive between US\$17 million and \$34 million in commissions from Nepal each year.[35] Qatar has an obligation to prohibit recruitment agencies that are operating in the country from charging fees and to actively prevent Qatari



According to an ILO white paper, companies in Qatar circumvent local labor laws and increase their competitiveness by outsourcing the payment of recruitment fees to contractors and subcontractors.<sup>[36]</sup> Contractors can omit recruitment costs in order to minimize expected expenses in tenders they submit bids for to companies.<sup>[37]</sup> They then pass the buck to recruitment agencies in countries of origin, which charge migrant workers to pay for their own recruitment costs. The ILO also found that workers are often forced to pay additional inflated fees to the local agency. These fees are partly used to provide kickback payments to the employing company personnel and placement agencies in Qatar.<sup>[38]</sup> These kickback payments are often a way that private agencies in countries of origin are able to secure labor supply contracts.

Recruitment fees play a large part in keeping debt-laden workers working for abusive employers. When workers owe thousands of dollars in recruitment fees, cannot switch jobs without employer approval and without having to go through the process of paying the fees all over again, and do not have custody of their own passports, the situation can amount to forced labor.<sup>[39]</sup>

## How Supply Chain Payment Policies Punish Workers Most

Some companies in Qatar withhold, delay, or deny worker's wages for additional profits. But other companies, typically small and medium-sized enterprises in the construction industry where long and often complex subcontracting chains are the norm, may be unable to pay workers in an accurate and timely fashion because of payment disruptions higher up the chain that lead to insolvency and encourage businesses paying onwards only when paid. Some of these subcontracting companies, while based in Qatar, may be owned and staffed by migrants from low-income companies. Such problems are not unique to Qatar and are inherent in the structure and operation of the construction industry worldwide.<sup>[40]</sup>

A 2018 Engineers Against Poverty three-part report focused on addressing the prevalent issue of delayed and unpaid wages of migrant construction workers in Gulf countries. It looked at the ways current systems in the GCC were failing to protect the wages of vulnerable workers and recommended measures through which to ensure workers have an additional source of payment to fall back on if their immediate employer cannot – or will not – pay their wages.<sup>[41]</sup> They reported that wage delays exist because “under the current business model, extensive subcontracting and outsourcing of labor has increased the distance that interim payments



work already completed.”<sup>[42]</sup>

The report describes the practice of “pay when paid”, which is commonly incorporated into contracts across the Gulf region in the absence of a 30-day payment cycle imposed by law, as one where contractors are not legally obliged to pay their subcontractors until they have received payment from the client. According to the report, those most affected are often small firms with limited financial resources that cannot pay wages until they have received payment for the work already completed, leaving migrant workers in their employ, who are at the very bottom of the subcontracting hierarchy, the most vulnerable.

In anticipation of the World Cup 2022, Qatar has seen a spurt in the growth of labor-only supply companies.<sup>[43]</sup> Often, these small and medium-sized companies do not possess sufficient funds to pay wages if they themselves suffer delays in payment. Often times, the report states, “while subcontractors and labor suppliers take the blame when it is discovered that wages are delayed, it is seldom considered that they may not have the funds to pay on time.”<sup>[44]</sup>

“I feel bad for them, these are my people after all, they are Nepalis, and I haven’t paid their full salary in 9 months,” said ‘Priya’, a Nepalese owner of a medium-sized labor supply company.<sup>[45]</sup> “I haven’t been paid by my clients, which means I don’t have money to pay my workers. I paid basic wages to as many workers as I could.” Priya said she had been supplying workers to a construction company that she wished not to name and in December 2019 she had not received payments for work completed for nine months. “If I am not paid, how can I pay my workers?” she said.<sup>[46]</sup> She told Human Rights Watch that she has many entrepreneur friends similarly stuck.

Priya told Human Rights Watch that she is on friendly terms with the owner of the construction company that hired the workers she employs. This owner allegedly confided in Priya about how he himself had not been paid for 2 years. The construction company, a subcontractor, is expecting payments from a large international construction company, the main contractor, which is in turn waiting for payments from a Qatari public entity.<sup>[47]</sup>

Yet habitual insolvency does not let companies like Priya’s off the hook. On the contrary, it underscores the risk to employees when a business model depends on payment of upstream contracts, which are regularly delayed, to cover employee salaries. Employers should ensure that they have the means to pay all their workers on time given a realistic timeline for when they can expect payment on contracts owed to them. To provide additional protection for wages from Qatar’s trickle down “pay when paid” supply chain, Qatar could consider



company, as in Priya's case, then the main contractor, in this case, the Qatari public entity, could be held liable for this debt. This could serve two advantages: not only would it ensure workers are being paid in full and on time, but major contractors would also take greater responsibility for their subcontractor's actions, and this would weed out non-reliable subcontractors.

## Qatar's Efforts to Tackle Unpaid Wages

In 2015, in an effort to tackle the prevalent issue of wage abuse, Qatar introduced amendments to its labor law and unveiled the much-touted Wage Protection System (WPS), an electronic salary transfer system designed "to ensure that employers are obliged to pay the wages of workers who are subject to the Labor Code within the prescribed deadlines."<sup>[48]</sup> The WPS was originally implemented by the UAE in 2009 and today all the GCC countries except Bahrain have rolled out different versions of the system.<sup>[49]</sup>

In October 2017, in response to a forced labor complaint levelled against the country in 2014, Qatar agreed to a three-year technical cooperation agreement with the International Labour Organization in which they agreed to improving wage protection; enhance labor inspections and occupational safety and health systems; replace the *kafala* system with a system of government issued and controlled visas for workers (see above on *kafala* sponsorship system); step up efforts to prevent forced labor, and promote workers voice.<sup>[50]</sup>

On wage protection, Qatar committed to enhancing the Wage Protection System (see below) and ensuring that sanctions for non-payment of wages are enforced; establishing a wage guarantee fund; adopting a non-discriminatory minimum wage; and expanding effective coverage of the WPS to cover small and medium enterprises, subcontractors and eventually domestic workers.

Since then, and to great fanfare, Qatar has introduced several piecemeal reforms.<sup>[51]</sup> In regards to wage abuse, they set a temporary minimum wage for migrant workers, set up new Labour Dispute Resolution Committees designed to give workers an easier and quicker way to pursue grievances against their employers, and passed a law to establish a Workers' Support and Insurance Fund, partly designed to make sure workers are paid unclaimed wages when companies fail to pay.<sup>[52]</sup>

Yet migrant workers remain vulnerable to abuse and exploitation. The temporary minimum wage of QR750 (\$206) per month is often too low to ensure those receiving it have "a decent



Qatar's current wage policy does not protect against the practice of wage discrimination by sex, race, or national origin.<sup>[54]</sup> Typically, governments and employers should account for the following costs at a minimum when determining the level of a living wage: a living wage: a basic food basket and meal preparation costs, health care, housing and energy, clothing, water and sanitation, essential transportation, children's education, and important discretionary expenses relevant to the national context in ensuring an adequate standard of living. Qatar should also calculate and enforce an hourly minimum wage and Qatar should set up a committee that periodically reviews the minimum wage levels so that it guarantees a living wage. Moreover, the Labour Dispute Resolution Committees do not apply to workers excluded in the labor law. They are also taking longer than expected to resolve disputes and some workers still face major hurdles in reclaiming unpaid wages.<sup>[55]</sup>

## The Wage “Protection” System

According to “Assessment of the Wage Protection System in Qatar”, a 2019 report authored by Dr. Ray Jureidini and issued by the International Labour Organization (ILO) Project Office for the State of Qatar, since the establishment of the WPS, 1.3 million workers and over 50,000 companies have been registered with the software.<sup>[56]</sup> However, roughly 700,000 workers remain unprotected, particularly those who work with small enterprises, and those who are deliberately excluded by the WPS such as domestic workers and agricultural workers working on small farms.<sup>[57]</sup>

Evidence laid out in the report suggests that the Wage Protection System is a misnomer for a software that, in reality, does little to protect wages, and at best, can be better described as a wage monitoring system with significant gaps in its oversight capacity.

Companies in Qatar must register with the WPS in order to pay workers electronically by the seventh day of the month; employers do this by opening an account in any of the approved banks in Qatar. <sup>[58]</sup> Every month the employer submits a document titled the Salary Information File (SIF) for each worker to the bank.<sup>[59]</sup> This file contains the worker's identity details and how much they are owed by the company. The bank then distributes salaries into each worker's account and is meant to notify them via SMS, at which point workers can withdraw salaries using company-issued ATM cards.

The Salary Information File is also automatically forwarded to the WPS Unit at the Ministry of Administrative Labour and Social Affairs (MADLSA, or the labor ministry), where it is the job of employees called “checkers” and “blockers” to deal with any wage abuses to which the



these include a payment of below QR50, a payment delayed by more than seven days after due date, a discrepancy between the number of employees in a company and the number of employees paid that month, unpaid overtime where overtime hours are registered but not paid, and excessive deductions of more than 50 per cent of gross salary.<sup>[60]</sup>

However, the current iteration of the WPS is riddled with loopholes that companies and employers use to exploit migrant workers. The above-mentioned ILO report states that wage-related grievances make up most of the complaints received by the Labor Relations Department, the Labour Dispute Settlement Committees, and the labor ministry. The report states that “wage abuses are still far too common” and evidence for this can be seen in the high rate of non-compliance with the Wage Protection System.<sup>[61]</sup>

The three biggest reasons that the WPS is unable to protect workers include defective formatting of the Salary Information Files, weak triggers for the alert system, and the lack of a requirement for employers to issue physical pay slips to migrant workers.

Firstly, the Salary Information File does not include the text or terms of workers' contracts. This undermines the entire purpose of the written contract, the terms upon which migrant workers made the decision to leave their homes and families and work in Qatar. The lack of contractual details renders the WPS incapable of raising flags when employers are violating promises laid down in contracts. Moreover, Salary Information Files do not contain a separate section for overtime payments, which are instead bundled into the 'Extra Income' category. An 'Unpaid Overtime' alert is only issued when overtime hours are reported, and no payment is identified alongside. This means that an employer can escape investigation by paying a meager, inaccurate amount of overtime payment.

Secondly, the WPS only issues an alert for underpayment when the worker receives less than QR50 (\$14) as their monthly wage, even though the temporary minimum wage stands at QR750 (\$206) per month.<sup>[62]</sup> This limitation also allows employers to arbitrarily deduct exorbitant amounts from salaries without needing to offer an explanation.

Thirdly, neither the WPS nor employers offer physical pay slips to workers. Without pay slips that detail basic wages, food allowances, transport costs, bonuses, backpay, deductions, overtime payments, overtime hours, end of service payments and such, the employer can obfuscate the sum they owe to workers. This leaves migrant workers with little proof of how and when they were denied pay or benefits.



mid-2018), of which more than half are subject to some sort of alert that needs to be reviewed. [63] As of November 2018, the review of high-risk alerts was up to date, but checkers were still reviewing information from January 2018, mostly on smaller enterprises.”[64]

Additionally, many companies and employers have outsmarted the WPS by registering employees with inaccurate SIFs, or by completing accurate paperwork but withholding bank cards and/or ATM pins from employees.

Finally, the WPS has insufficient penalties for violations. The joint ILO and MALDSA-issued report states that the threat of fines from QR2,000 to QR6,000 (\$550 to \$1,648) and jail time of no more than a month does not work as an immediate and sufficient deterrent, especially because companies are often given warnings and multiple opportunities to rectify the wage abuse after the system flags them.[65] Moreover, it is common for employers to set up a second company under another name if the first is denied government services because of WPS violations. WPS records are not always reviewed for awarding government contracts, thereby diminishing any power it could hold over companies.

## Labour Dispute Resolution Committees

“I am scared that the [legal] process will cost too much, how will I feed myself and pay for transport to the labor ministry?”

–‘Alan’, a Filipino general cleaner working for a labor supply company, cites his fears of filing a wage-related dispute in the labor relations department.

In March 2018, the Labour Dispute Resolution Committees, designed to speed up the litigation process and shorten the time it takes to resolve labor disputes, assumed duties.[66] Their mandate includes hearing complaints regarding unpaid or delayed wages, breach of contract, and failure of employers to renew workers’ residence permits.

According to the 2017 law on Labour Dispute Resolution Committees, if workers have a dispute with their employer, they should first attempt to resolve it directly with their employer. If that fails, the worker can take their grievance to the Labour Relations department at the labor ministry, which is tasked with launching an attempt at mediation. If the department is unable to mediate successfully within seven days, the complaint is forwarded to the Labour Dispute Resolution Committees, which are mandated to hold the first hearing in



committee's decision can file their appeal with an appeals court within 15 days of the decision.

In September 2019, Amnesty International released a report for which they investigated the cases of more than 2,000 workers from three companies who worked for months without salaries. At least 1,620 of these workers submitted complaints to the Labour Dispute Resolution Committees.<sup>[68]</sup> None of the workers received any compensation directly through the systems set up by the committees and a vast majority of the workers went home empty-handed. The report concludes that there are several reasons for the Committees' ineffectiveness which include the understaffing of judges, travel costs, lack of pro bono legal services for workers, limited assistance from embassies, companies and employers' lack of participation in legal processes, and many others.<sup>[69]</sup>

Human Rights Watch also found the process to be slow, inaccessible, and ineffective. Out of the 93 migrant workers Human Rights Watch interviewed, 15 turned to the Committees for help in receiving outstanding wages. Out of these, only one worker managed to receive part of his wages.<sup>[70]</sup> When the Labour Dispute Resolution Committee was established, it was estimated that the Committee would reach conclusions in three weeks as the law provided, and the entire process from MADLSA to executory force would take six weeks. However, Human Rights Watch found that it could take months, with the longest Human Rights Watch recorded to be eight months, which can be incredibly costly for migrant workers.<sup>[71]</sup>

'Mary', 28, a Filipina barista and general cleaner, has been working in Qatar since 2012 and is one of the unlucky 14 who did not receive their outstanding wages.<sup>[72]</sup> In October 2019, she said she complained to the Labour Relations department about her employer at a labor supply

	Received Date
Nov-2018	- Dec-13 <sup>th</sup> 2018
Dec-2018	- Feb-3 <sup>rd</sup> 2019
Jan-2019	- March-26 <sup>th</sup> 2019
Feb-2019	- May-2 <sup>nd</sup> 2019
March-2019	- June-27 <sup>th</sup> 2019
April and May 2019	- July-31 <sup>st</sup> 2019
June 2019	- Sep-8 <sup>th</sup> 2019
July 2019	- Nov-13 <sup>th</sup> 2019
August 2019	- Nov-27 <sup>th</sup> 2019
Sep-2019	- n/i
Oct-2019	- n/i
Nov-2019	- n/i
Dec-2019	- n/i
Jan-2020	- n/i

5 months Pending

Photograph of a migrant worker detailing his history of delayed and unpaid wages between November 2018 and January 2020. Payments are often delayed for months, and rarely paid on the same date of the month, thus making it impossible for workers to plan ahead. It is important for aggrieved workers to make such detailed histories before taking their cases to the Labor Relations Department in Qatar. © 2020 Private



employer was notified of her complaint and was asked to come in for a mediation, but responded by placing an absconding case against Mary in early December 2019.<sup>[74]</sup> Mary was arrested and spent two nights in police custody before her employer came to collect her. In January 2020, 'Mary' cleared her name at the Central Investigation Department (CID) in Doha by providing witnesses who corroborated that she had not run away from the accommodations. After coming out of the CID office, she told Human Rights Watch: "I have nothing left. No money. No home [her employer turned her out of the accommodations near the end of December 2019]. No job. All I have is hope that there is justice waiting for us at the Labour Dispute Resolution Committees."<sup>[75]</sup> Her labor dispute case moved from the Labour Relations department to the Labour Dispute Resolution Committees to an appeals court, where she was given a positive verdict in February 2020. But until July 2020, Mary has not received the payments owed to her nor has she received a non-objection certificate (NOC) from her employer that would allow her to lawfully find work elsewhere.<sup>[76]</sup>

Migrant workers told Human Rights Watch they were not confident about taking concerns to the Labour Dispute Resolution Committees because they feared being deported, losing their housing, not having enough documentation to prove their case, and having employers launch false absconding cases against them. The majority of workers also expressed a lack of faith in the effectiveness and speediness of the Labour Dispute Resolution Committees and the justice system in Qatar more broadly.

For most workers that Human Rights Watch spoke to, deciding whether to pursue their right to compensation in Qatar is a Catch-22 situation: They can either wait for months and sometimes years before they finally receive some or all of their due wages through the Labour Dispute Resolution Committees process, and in doing so, they must grapple with an insecure immigration status and an inability to financially support themselves to remain in the country under the *kafala* system, or they can leave the country destitute and indebted without their outstanding payments. 'Ansar', 42, a Bangladeshi truck driver for a construction company in Qatar, told Human Rights Watch that he went to the Labour Relations department in June 2019, after his employer withheld his salary for 8 months amounting to QR14,400 (\$3,955), from October 2018 to June 2019.<sup>[77]</sup> By December 2019, his case had reached the Labour Dispute Resolution Committees which had ruled in his favor. The Committee found that the employer owed Ansar eight months of wages, a ticket to Bangladesh, end-of-service benefits, and salary in lieu of vacation days he was not granted amounting to approximately QR22,710 (\$6,237).<sup>[78]</sup> But as of May 2020, his company has not paid him what he is owed. "I don't have money for food or transport. I eat only when my friends can sneak me into their company canteen, on other days, I starve. The longer I stay here to wait for my outstanding salary, the



Human Rights Watch interviewed six other workers in Ansar's company who had each filed cases with the Labour Relations department for non-payment of wages.[80] Ansar says a total of 35 people complained against the company and won their cases; none have received their outstanding salaries yet.[81]

'Adan', a 45-year-old Filipino computer technician who has been working in Doha since 2010 said his employer withheld five months' worth of wages for the months of June to December 2019. At a monthly salary of QR2,200 (\$604) this amounts to \$3,020. Adan told Human Rights Watch he has no intention of seeking redress for this violation of his right to fair wages:[82]

"I could report my employer to the Labor ministry, I have all the requisite bank statements to prove they are withholding our payments, but the process takes about one year. How is one meant to survive without any pay for that year? Plus, I know people who went to the labor department and the Labour Dispute Resolution Committees, even after one year, no one was successful in getting payments from their companies." [83]

In June 2020, MADLSA and the Supreme Judiciary Council jointly established a new office within the Labour Dispute Settlement Committees, with the purpose of implementing rulings of labor cases, and facilitate judicial transactions, quickly and without the worker having to visit another office. Whether this new office will speed the process of redress for migrant workers facing wage abuses and encourage others to come forward with complaints is yet to be seen.

## Workers' Support and Insurance Fund

In 2018, the government established a fund to support workers who have suffered labor abuse and are facing financial difficulty. The Workers' Support and Insurance Fund, according to the Government Communications Office, is intended to protect workers from the impact of overdue or unpaid wages in instances where the company fails to pay because it has gone out of business or been forced to close due to illegal activity.

According to the law mandating the fund, it would provide relief for workers who have won their cases at the Labour Dispute Resolution Committees but whose employers have failed to pay them their due compensation.[84] Instead of forcing the worker to pursue their employer



In the context of the many root problems that permit and exacerbate wage abuse in the current system, this fund could be a key measure in ensuring workers receive their dues as soon as they get a verdict from the Labour Dispute Resolution Committees instead of waiting to receive them eventually or not at all. According to Qatar's Government Communications Office in August 2020, the fund has so far benefitted 5,500 workers and disbursed 14 million Qatari Riyals (\$3.85 million) in financial relief. The fund only became operational earlier this year. Key decisions on the rules and procedures for the payment of workers' entitlements, its sources of funding, the definition of workers' entitlements, and the criteria determining the nature and extent of support, have not yet been published. Of the 15 migrant workers Human Rights Watch interviewed and who took their cases to the Labor Dispute Resolution Committees, 14 are yet to be paid their dues, through the fund or otherwise.

A June 2019 interim report published by the ILO Project Office for the State of Qatar gave 29 recommendations on how to effectively operationalize the Workers' Support and Insurance Fund, including examples of similar funds from Singapore, Germany, Austria, Hong Kong, the UAE, Canada, China, India, Colombia, and the Dominican Republic.<sup>[85]</sup> Among its recommendations is that the fund should diversify its sources of funding (as of now 60 percent of the fund's annual budget comes from fees collected for worker's permit and their renewal), recover wages from employers, address financial pressures on the Fund, define workers' entitlements, develop a criteria for humanitarian claims, and publish an annual report.

### Domestic Workers

More than 174,000 migrant domestic workers employed in Qatar continue to be acutely vulnerable to abuse, exploitation, and forced labor despite the passage of a law providing legal protections to domestic workers in August 2017.<sup>[86]</sup> They are excluded from labor law protections, and thus are excluded from most recently-introduced labor reforms, including the WPS and the Labour Dispute Resolution Committees. Human Rights Watch documented the gaps in the domestic workers law which are weaker than protections for workers covered in the labor law.<sup>[87]</sup>

Human Rights Watch spoke to 11 domestic workers between January and December 2019, and while each domestic worker had unique issues with their employer, the most common complaints faced by each of them were underpayments, delayed payments, and non-payments.

'Alia', 20, a Kenyan domestic worker, said her contract stated a monthly wage of QR1,000 (\$275), but each month between April and November 2019 her employer paid her only QR900 (\$247).<sup>[88]</sup> 'Maryam', 32, a Filipina migrant worker earning QR850



Summary



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(\$247), said that between February and September 2019 her employer only paid her four out of eight salaries owed to her.<sup>[90]</sup>

None of three women have access to their passports; they have not been handed their Qatari identity cards, and they do not receive pay slips that could help them prove their wage abuses to their embassies, the Qatari National Human Rights Commission, or the labor ministry.

Additionally, all the domestic workers told Human Rights Watch that they worked around the clock, but do not receive overtime payments. “I wake up before my madam [employer] and sleep many hours after her. I work about 18 hours a day but am only paid for 8 hours. My body hurts so much and I am always so tense about my salary and my loans, I have forgotten what feeling relaxed means,” said Alia.<sup>[91]</sup> Like other migrant workers, domestic workers also pay huge recruitment fees to secure jobs in Qatar. Most of the workers Human Rights Watch interviewed were in debt because of these recruitment fees.

In April 2020, the labor ministry urged employers to open bank accounts for domestic workers but did not make it mandatory for employers to pay domestic workers electronically. As of yet there is no information whether the WPS measures applicable to other migrant workers will eventually be applied to domestic workers as well.<sup>[92]</sup>

## Additional Measures to Tackle Wage Abuse

Other countries facing similar problems of wage abuses have adopted measures, some of which proved effective at providing workers with the full and timely wages they earned. In addition to improving the WPS and banning ‘pay when paid’ practices, Qatar could consider these measures as a means of adding additional layers of protection for workers’ wages.

In a 2018 ILO White Paper focused on the protection of construction workers in the Middle East, Jill Wells outlines six measures other countries have adopted to combat late or non-payment of wages.<sup>[93]</sup> These measures, which are summarized in the table below, are a response to the “extensive subcontracting and to the outsourcing of labor requirements to labor supply”.<sup>[94]</sup>

Below, a summary of Table 4 from the 2018 ILO White Paper titled “‘Exploratory study of good policies in the protection of construction workers in the Middle East’: Comparison of policies to protect workers against late or non-payment of wages”

Measure	Speeds Payments	Protects Against
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<p><b>1. Wage protection system (GCC)</b></p> <p>An electronic salary transfer system designed to pay wages directly into the accounts of workers. This promotes worker welfare, gives workers proof of non-payment through bank statements, and limits workers' incentives to strike. This measure has limited coverage.</p>	X	X
<p><b>2. Prompt Payment Legislation (EU Directive)</b></p> <p>Designed to tighten EU regulation on late payments owed by public or private debtors. Public debtors process their accounts within 30 days from the date of the invoice, and penalties include a high interest rate. This improves knowledge of the adverse impact of late payments. Creditors are reluctant to use this measure for fear of jeopardizing client relationships.</p>	✓	X
<p><b>3. Ban 'pay when paid' (Construction Acts in the UK and Ireland)</b></p> <p>Governments are encouraged to introduce legislation banning 'pay when paid' clauses in all contracts and include the right of contractors and subcontractors to suspend performance for non-payment. This protects subcontractors against late payments by clients, but firms are reluctant to use this measure for fear of jeopardizing client relationships.</p>	✓	X
<p><b>4. Introduce rapid adjudication (Construction Acts in UK &amp; Ireland)</b></p> <p>This process ensures the payment of undisputed items while disputed items are being discussed and agreed upon. Setting up this method requires resources, but it gives certainty of date of payments to contractors and subcontractors.</p>	✓	X
<p><b>5a. Project Bank Account (UK)</b></p> <p>A ring-fenced account is set up at the start of a project as the medium through which payments are made. The client pays funds into the account each time that payment is due. This system ensures subcontractors' payments but the system takes time to be set up.</p>	✓	✓



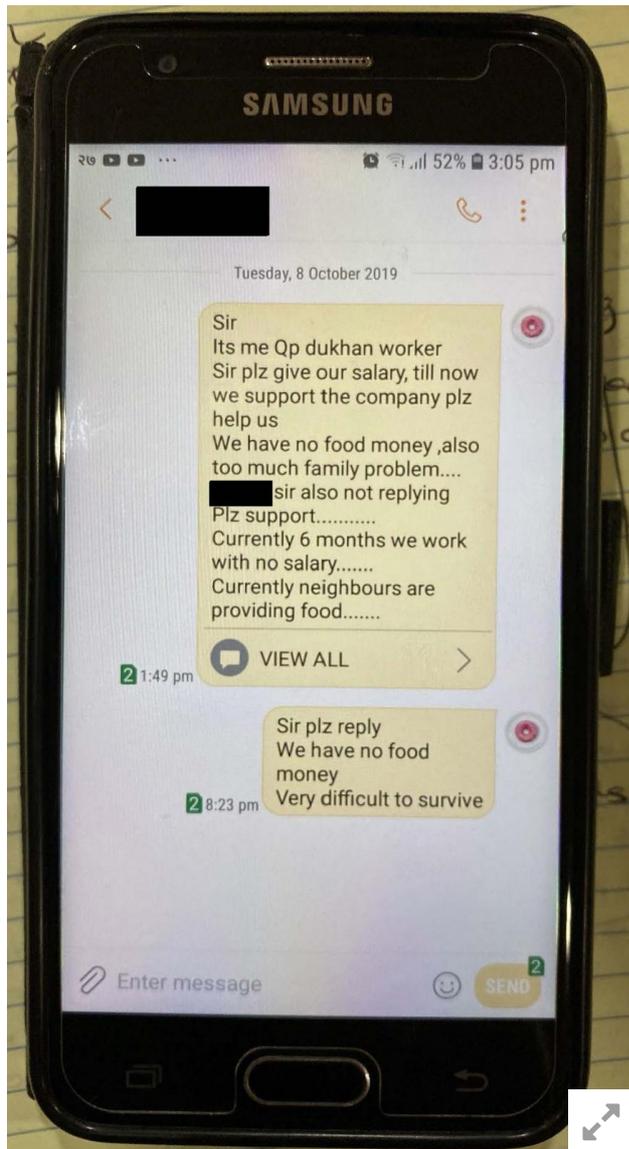
<p>In this all project funds are paid through a special project bank account which is ringfenced and set up by the general contractor. It needs the cooperation of banks and a 'Software Payment Verification System'. It allows direct payment from a protected account for the whole chain, but it needs enforcement by client ordinance and penalties for noncompliance.</p>		
<p><b>6. Joint liability - Direct payment from client to subcontractor (EU)</b></p> <p>Making clients and principal contractors jointly liable for ensuring that subcontractors and workers receive payments. It legitimizes direct payment across links in the subcontracting chain, from client to subcontractors or principal contractor to workers. This protects workers' rights to fair wages in subcontracting processes and is most common in public works.</p>	✓	✓

## II. Employers' Salary Abuses Against Migrant Workers

The Qatari government marketed the Wage Protection System (WPS), the Labour Dispute Resolution Committees, and the Workers' Support and Insurance Fund as solutions to one of the most burning issues plaguing migrant workers in Qatar: salary abuses. But five years after the launch of the WPS and three years since the committees and the fund were established, every worker Human Rights Watch spoke to reported suffering at least one, and often several, forms of wage abuse at the hands of their employers. These abuses included delayed or unpaid wages, withholding of wages, underpaid wages, lack of overtime wages, contract substitution, and employers' withholding contractually obligated departure payments.

Of the 93 migrant workers Human Rights Watch interviewed from 60 companies and employers, 59 workers reported unpaid wages or serious delays in receiving their wages. Thirty-five workers said that their employers did not honor the wage amount stipulated in

found ways to violate the contract's terms regarding basic wages without any accountability. Fifty-five workers cited lack of overtime payments as a major issue they faced. 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. Thirteen workers reported facing contract substitution, and 20 workers said that their employers do not pay the required departure payments, which include end-of-service benefits, tickets to home countries, and any previously-withheld or otherwise outstanding wages.



Photograph of text messages sent from a migrant worker to his employer, reminding him about 6 months of unpaid salaries, working without pay, and not having money for food. The employer did not respond to phone calls or text messages for the next two months. © 2019 Maham Javaid/Human Rights Watch

## Delayed and Unpaid Wages

“They cheat us with fake promises of paying us ‘soon.’ They play with our lives and our children’s lives.”

- ‘Avinash’, 33-year-old Indian engineer at a construction company in Qatar<sup>[95]</sup>

The most egregious forms of wage abuse migrant workers say they experience in Qatar are delayed and unpaid salaries. Human Rights Watch spoke to 59 migrant workers who said their salaries were delayed or unpaid. In some cases, delayed salaries meant that instead of getting paid every month as Qatari law states, workers are paid once every two or three months. In other cases, employers delayed workers’ salaries for as long as six months, often leaving workers in dire circumstances including incurring debts along the way.

‘Gopal’, 34, a Nepali site engineer, came to Qatar in 2015. In 2018 he began working at a fire station in the far



2019, after receiving no salary or food allowance for 7 months, Gopal went to the Labor department to begin the proceedings to receive QR12,600 (\$3,460) of unpaid wages.<sup>[96]</sup> He told Human Rights Watch he is on the brink of “starving” due to his employer’s wage abuses. In December 2019 he told Human Rights Watch:

Recently my family in Nepal wanted to celebrate Diwali [a Hindu festival], my daughters wanted new clothes and bangles. I borrowed from friends to send money to them. I am so worried about all the loans I have taken this year, how will I pay them back if I don’t get my salary? Sometimes I think suicide is my only option.<sup>[97]</sup>

As of May 2020, Gopal’s case had reached the Labour Dispute Resolution Committee and he was still waiting in Qatar for his money.<sup>[98]</sup>

‘Tamang’, a 24-year-old Nepali delivery man told Human Rights Watch that his monthly salary of QR750 (\$206) was delayed for more than two months between December 2019 and February 2020. Tamang said his employer paid his and 52 other workers’ two salaries in the middle of February 2020. By then, they were already in debt. “We were buying groceries on credit for two months and now that we have been paid, we have repaid our previous loans but have no money left over for food for this month,” said Tamang.<sup>[99]</sup>

Human Rights Watch interviews with migrant workers found that most abuses regarding delayed or non-payment of salaries are companywide. In other words, when one worker is facing delays, often a sizable number of the company’s other employees are as well.

A trading and construction company apparently delayed five months of salaries for roughly 500 managerial staffers and two months of salaries for approximately 500 laborers between September 2019 and February 2020. This company has over 25 current projects in Qatar, some of which include a stadium which will host FIFA World Cup 2022 matches, the streets surrounding the stadium, and a road-building project. Staffers at this company reported that this was not the only time salaries had been delayed.<sup>[100]</sup>

The management staff said they reported to work without pay under threat of deductions until several staff members decided to stop working until they were paid. Staffers told Human Rights Watch that the employer and their top-level management also made similar threats to keep laborers working throughout December 2019 and January 2020. On February 9, the employees risked arrest and publicly protested against delayed wages.<sup>[101]</sup> The senior management of the company intervened at the protest and told employees that the



In addition, unpaid or delayed wages affect workers' ability to repay loans and they can find themselves under travel bans or even prison for defaulting. One engineer at the above-mentioned company told Human Rights Watch that after his salary was delayed in September 2019, he took a loan of QR15,000 (\$4,119) from the bank in October 2019. By the time he received his delayed salaries in February 2020 he had already defaulted on his loan and his bank told him he had been placed under a travel ban and a police case had been launched against him for defaulting on his loan.<sup>[103]</sup> Eventually, he was able to pay back the loan and clear his name from the police case, but he told Human Rights Watch he missed his wife giving birth to their child in India due to the salary delays and the consequent travel ban.<sup>[104]</sup>

## Employers Withholding Wages to Migrant Workers

Human Rights Watch spoke to seven workers who reported that their employers deliberately withheld their wages as “security deposits.”<sup>[105]</sup> This practice falls directly under the ILO's indicators of forced labor, which the ILO's Forced Labour Convention describes as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>[106]</sup>

‘Kapil’, a 27-year-old worker from India, is an engineer in Qatar. The company he worked for in Qatar shut down in June 2018, and he said he felt lucky when he was one of the few transferred to a sister company. But after his first month at the new company, Kapil did not feel as fortunate. “The first month my monthly salary of QR2,500 (\$686) was withheld. They do this to everyone who joins the company. They feel it keeps workers from running away, like a security deposit.<sup>[107]</sup> In my opinion it is a form of blackmail,” said Kapil. “I know the company was not short on cash because for the next seven months they paid us on time.” Kapil also explained that withholding wages has an adverse psychological impact on workers. “When we know they have our salary, we are more scared to ask for our rights. This is how they control us,” said Kapil.<sup>[108]</sup>

Another worker who earns a monthly salary of QR800 (\$219), ‘Suleiman’, 29, who came from India in 2017 to work in Qatar told Human Rights Watch that all the laborers in the construction company he works for are not paid the first month's salary.<sup>[109]</sup> “I arrived in January 2018, but I received my first salary in March. That salary was for the work I did in February. They said my January salary was a security deposit that will be paid when I leave,” said Suleiman. “By the time people leave, there are so many other missing salaries and overtime payment discrepancies that this first month's salary is lost.”



since 2017, worked as a cleaner in Doha for QR 1,500 (\$411) per month.<sup>[110]</sup> Rachel's employer rarely paid her on time. In September 2019, as Rachel's two-year contract with the company was ending, the labor supply company stopped paying altogether. "They said either I keep working with them for my remaining three years, or I can leave without two months of outstanding payments amounting to \$822," said Rachel, detailing how her employer withheld her wages as a form of blackmail.<sup>[111]</sup>

### Fooling the WPS: Keeping workers' ATM cards

In order for the WPS to effectively monitor workers' wages, workers must receive their salaries through ATM cards and their bank accounts. What the WPS does not account for is that some employers forcibly take away employee's ATM cards, along with the PINs, and make withdrawals on a worker's behalf. Human Rights Watch spoke to seven workers who said their employers kept their ATM cards.

'Saleem', 36, who works as a foreman in a company that does plumbing, construction, and electrical wiring projects, said, "They gave us ATM cards, but then they took the cards and the PINs from us. The salary we are handed in cash is not the salary stated on our contracts." Saleem's initial contract, the one he signed in Bangladesh before arriving in Qatar, promised him QR1,700 (\$466) a month. When he arrived in Doha, the new contract the company presented him with stated his monthly salary as QR600 (\$164). But Saleem is not paid QR600 per month, he is paid QR1,500 (\$412). "My employer put this low payment in the WPS to save himself from a large end-of-service payment. This is how he is cheating the government and me," said Saleem.<sup>[112]</sup>

Employers confiscating ATM cards and withdrawing money on a worker's behalf appears to be a common way of delaying or withholding payments that the WPS is unable to monitor. It also allows employers to keep some of the payment for themselves.

Delivery men, who told Human Rights Watch that their jobs are dangerous due to traffic accidents and extreme heat, have also had employers keep their ATM cards from them. "Fifty-one delivery men at my company, and myself, have not been paid in over two months. We are told we have ATM cards with our names on them, but we have never seen them. One colleague receives messages on his cell phone every month saying his salary was deposited and withdrawn from his accounts," said 'Tamang', 24, a migrant worker from Nepal who earns QR750 (\$206) per month. "But he has never withdrawn his salary himself." Tamang told Human Rights Watch that his employer cashes out their money and withholds it until he is ready to give out the amount he wants to distribute to the workers, successfully cheating the WPS.<sup>[113]</sup>

This phenomenon signals a problem in the broader working conditions under which migrant workers in Qatar work: the control employers have on migrant workers under the *kafala* system. The WPS was not designed to uncover this kind of practice, and employees themselves are unlikely to make a formal complaint because they fear losing



and smaller subcontractors. The process allows them to delay the payment of salaries for weeks or months. A recent report on the same phenomenon in another country in the region shows workers receiving 35-40 per cent less than what is owed to them.”<sup>[114]</sup>

## Underpayments of Basic Salary

“The contract is a meaningless, dummy paper that companies use to fool the government.”

– ‘Joshua’, 41, Filipino document controller at a construction company

Human Rights Watch found 35 cases where employers apparently violated the terms of employer-employee contracts by paying workers less than they were contractually obligated to. This included cases where employers paid migrant workers reduced payments (salaries less than what workers were promised); carried out arbitrary deductions; and implemented “warehousing” of migrant workers (freezing workers’ salaries while employers searched for new clients and contracts – this often results in paying workers by the day instead of the contractually obligated monthly payments).

## Reduced payments

Human Rights Watch found eight cases of reduced payments, in which workers were paid less than what was stated in their contracts.

‘Janet’ came to Doha in 2015 after signing a two-year contract for a monthly salary of QR2,500 (\$686) plus food allowance. She was working as a chef for a government institute. “Instead of the amount in my contract, I was paid QR1,800 (\$494) without food allowance. Most of the time my salary was two weeks late and even then it was not complete. I never received pay slips that explained why I wasn’t receiving my full salary,” said Janet.<sup>[115]</sup>

Thus, companies can persistently pay workers less than promised and escape accountability, because the system does not “incorporate the details of the remuneration package agreed in an



A Kenyan security guard, 'Moha', 38, faced a similar situation to Janet. His contract promised him QR1,700 (\$466) per month, which he received for a year and half on the job between January 2018 and June 2019. In June 2019, he said his salary was inexplicably reduced to QR1,350 (\$370) per month. "The company did not explain why they reduced our salary. It is a violation of the contract, but we fear that if we [Moha and his colleagues] complain to the Labor department we will lose our jobs. So, we just keep working with our heads down," said Moha. The security company Moha works for has over 900 employees, and Moha states that the security guards, who number in the hundreds, faced the brunt of reduced salaries.[117]

## Arbitrary Deductions

Human Rights Watch spoke to 12 workers who reported that their employers arbitrarily deducted varying amounts of money from their salaries.

Under Qatari law, employers can make salary deductions for several reasons, including if a worker damages machinery or property or if the worker previously took a loan.[118] However, workers Human Rights Watch spoke to did not complain about legally specified deductions. Rather, workers' complaints about arbitrary deductions largely included two problems. First, since most employers in Qatar do not hand out pay slips, workers have no way to calculate, note down, or prove how much of their salary was deducted. Second, employers rarely provide explanations for deductions.

'Akmal', 31, an accounts officer from Pakistan, told Human Rights Watch that his employer deducted QR200 (\$55) from his monthly salary of QR2,500 (\$687) for 18 months since he joined the company in February 2017. He was verbally told the deductions were to make up for his visa fees and his end-of-service payments, but his employer did not add this information to his pay slip so Akmal had no proof of this wage abuse. "People like me, we have to surrender," he told Human Rights Watch.[119]

In other cases, employees suffer from deductions for not cleaning their rooms or staying out past company-imposed curfews. "My company loves deducting my salary. They deduct if my bed is not made, if I am 10 minutes late to my accommodations, if I talk back to a supervisor," said 'Jenny', 27, a Filipina migrant worker working as a cleaner for a labor supply company since March 2018.[120] Her monthly salary is QR1,200 (\$330) and each month she loses about QR150-200 (\$41-54) through arbitrary deductions.



Abdul Latif, a Pakistani migrant worker, is the only person willing to be identified and photographed for this report. Most migrant workers wished to remain anonymous for their own protection; even those already in their home countries after experiencing wage abuse in Qatar believe they may one day return to the Gulf and hence asked for anonymity. Abdul Latif has retired and returned to his home country. © 2019 Maham Javid/Human Rights Watch

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Almost all workers whose employers obligated them to work overtime (55 people) told Human Rights Watch that they faced the threat of deductions if they refused overtime work. Instead of being paid overtime for the extra hours, which is required under Qatar's labor law, they were threatened with penalties if they refused it.<sup>[121]</sup>

Other reasons for employers deducting workers' pay involved unsystematic cuts for being sick, despite the labor law allowing workers paid sick days.<sup>[122]</sup> Most employers demand a note from the hospital in order to grant workers sick days, but workers say that commuting to the hospital for a note is too expensive.



why they did that, they won't answer you," said 'Tim', a 30-year-old valet from Kenya who worked in Qatar from April 2018 to April 2019 for a monthly salary of QR1,500 (\$411).[123]

## Warehousing

Human Rights Watch spoke to nine workers who said they had been "warehoused" during their time in Qatar. A practice by employers is to not pay workers because they have no work for them, a practice commonly referred to as "warehousing". This is a problematic term as it objectifies the workers and is a practice that breaches workers labor rights. Oftentimes, labor supply companies are the formal employers of migrant workers, especially in the hospitality industry in Qatar. Once full-time work contracts are signed, the companies send workers on a short-term basis to construction contractors, hotels, restaurants, malls, schools, offices, etc. Contractually, labor-supply firms are bound to pay their workers regardless of whether they have clients, but across various sectors this law is disregarded. Human Rights Watch found that when firms in Qatar do not have enough clients, they "bench" or "warehouse" their workers without pay.[124]

'Kahil', a 36-year-old from Ghana, is one such worker who was not paid by his employer. Kahil came to Qatar in 2018 to work for a labor supply company that provides security guards and bouncers to hotels, malls, and schools. He read, understood, and signed his contract, which promised him QR1,500 (\$412) per month. But this did him little good. Kahil said his labor-supply company did not have regular clients for him so for the first three months he could not work or earn a salary. Eventually he was assigned as a security guard in a mall, but because work was irregular, he would work a month and then be sent to his accommodations without pay for a month.. He said, "I have gone as long as three months without getting paid, others in my company have gone eight months without pay."[125]

For the months he was not assigned any work, he had no money to send back home to his family and to the people he took a loan from to pay recruitment fees for his job in Qatar. He did not even have money to eat in Doha. "Why did they bring me here without a job? How will I survive? Going back home empty handed is not an option," said Kahil. He told Human Rights Watch that his company employs at least 30 security guards who were all benched with him. They all have bank accounts and ATM cards, but their salaries rarely arrive.[126]

'Royal', 43, a security guard from Kenya, has been in Qatar since January 2019 and has a similar story: "I work as a security guard in different malls and hotels in Qatar. My company does not have assignments for me for months, and without an assignment, there is no salary to send



without an assignment, instead of paying him the QR1,300 (\$357) stated in his contract, they pay him QR420 (\$115), a measly food allowance. “I hear it’s the same for security guards in all companies in Doha. When there are no clients you just stay in your accommodation and pray that the company finds a client,” said Royal.<sup>[127]</sup>

Human Rights Watch found one company that pays workers QR17 (\$4) a day when they do not have any assignments for them– this is barely enough money for three meals a day, moreover it makes it impossible for such workers to be able to send money home to their families or to pay back debts.<sup>[128]</sup>

## Lack of Overtime Payments

“I worked day and night without any overtime pay.”

– ‘Joshua’, 41, is from the Philippines and worked at a construction company in Qatar from August 2018 to December 2019, without any overtime payments.

Human Rights Watch interviewed 55 workers who said they did not receive overtime payment. Qatari labor law states that ordinary working hours should be 48 hours per week at the rate of eight hours a day, except for in Ramadan when maximum working hours cannot exceed 36 hours a week.<sup>[129]</sup> Regarding overtime, the law states that workers can be required to work for 10 hours a day and for these additional two hours, the rate would be basic wage plus at least 25 per cent of basic wage.<sup>[130]</sup> Except shift workers, those working between 9 p.m. and 6 a.m. should be paid basic wage plus at least 50 per cent of basic wage. Further, the law states that a workday should not exceed 10 hours unless the work is necessary for the prevention of gross loss or dangerous accident or for the repair or alleviation of the consequences of the said loss or accident. The law also grants a 24-hour period of rest every week to the workers, and in the case that the worker is made to work on their rest day they should be paid basic wage plus at least 150 per cent of their basic wage.<sup>[131]</sup>

In practice, however, Human Rights Watch found that employers routinely violate Qatari labor law stipulations regarding overtime pay. Human Rights Watch found that for the majority of migrant workers interviewed complaining about overtime payments. Their complaints rarely centered around not being paid at the contractually stated rate of overtime payments but rather on not being paid for their overtime hours at all.



to work for 8 hours a day for QR900 (\$247) a month. He said that his contract stated that for the months that the worker consistently puts in 10-hour days, he will be compensated with QR1,120 (\$307) per month.<sup>[132]</sup> Akash said:

“For QR900 (\$247), we are made to work 12 hours a day – my shift is from 7pm to 7am. Everyone from my company who works at the Metro has 12-hour shifts. If you include commute time, we spend 14 hours a day at work, and have about 5 hours to sleep every night. We do not get paid for these extra 4 hours a day. It’s as if we never put in that extra work.”<sup>[133]</sup>

Cleaners and security guards reported to Human Rights Watch that most companies do not use timesheets, without which it is difficult to legally prove that you were denied overtime pay. Construction companies were more likely to have workers sign in and out of timesheets. Companies that do use timesheets, however, often prevent workers from accessing them. Of the 82 migrant workers Human Rights Watch interviewed, only five construction workers said they had access to their timesheets. These five workers, with the help of their timesheets, have launched cases against employees for lack of overtime payments and delayed payments.

Workers also reported that companies that use timesheets and timecards sometimes put incomplete or incorrect information in the employees’ bank records. “Employers can write the wrong number of hours of overtime to the bank. We can’t tell the bank it [number of overtime hours] is missing or wrong, who will believe us migrant workers?” said ‘Adan’, a 45-year-old technician from the Philippines who said he works 12 hours a day for 6-day weeks, and sometimes has to work on Fridays as well.<sup>[134]</sup> Although his salary with overtime should be QR2,200 (\$604), he said he does not get paid more than his basic wage of QR1,700 (\$466) per month despite the extra hours of work he performs.

‘Daniel’, 39, a Kenyan security guard, has been in Qatar since August 2018. He signed a contract to work for eight hours a day for QR1,200 (\$329), with additional payments at overtime rates for any work over 8 hours a day. But Daniel told Human Rights Watch that from January 2019 till October 2019, he worked 12-hour shifts, 6 days a week and was not once paid for his overtime work.<sup>[135]</sup> In fact, his February 2019 salary was never paid at all. “Working overtime every day and never getting paid for it is affecting me in a big way. I have to take loans from friends. I can’t pay school fees for my children. It’s the same for all of us at this company, there are about 3,000 of us affected. It’s quite a challenge. But what options do we have?” said Daniel.<sup>[136]</sup>

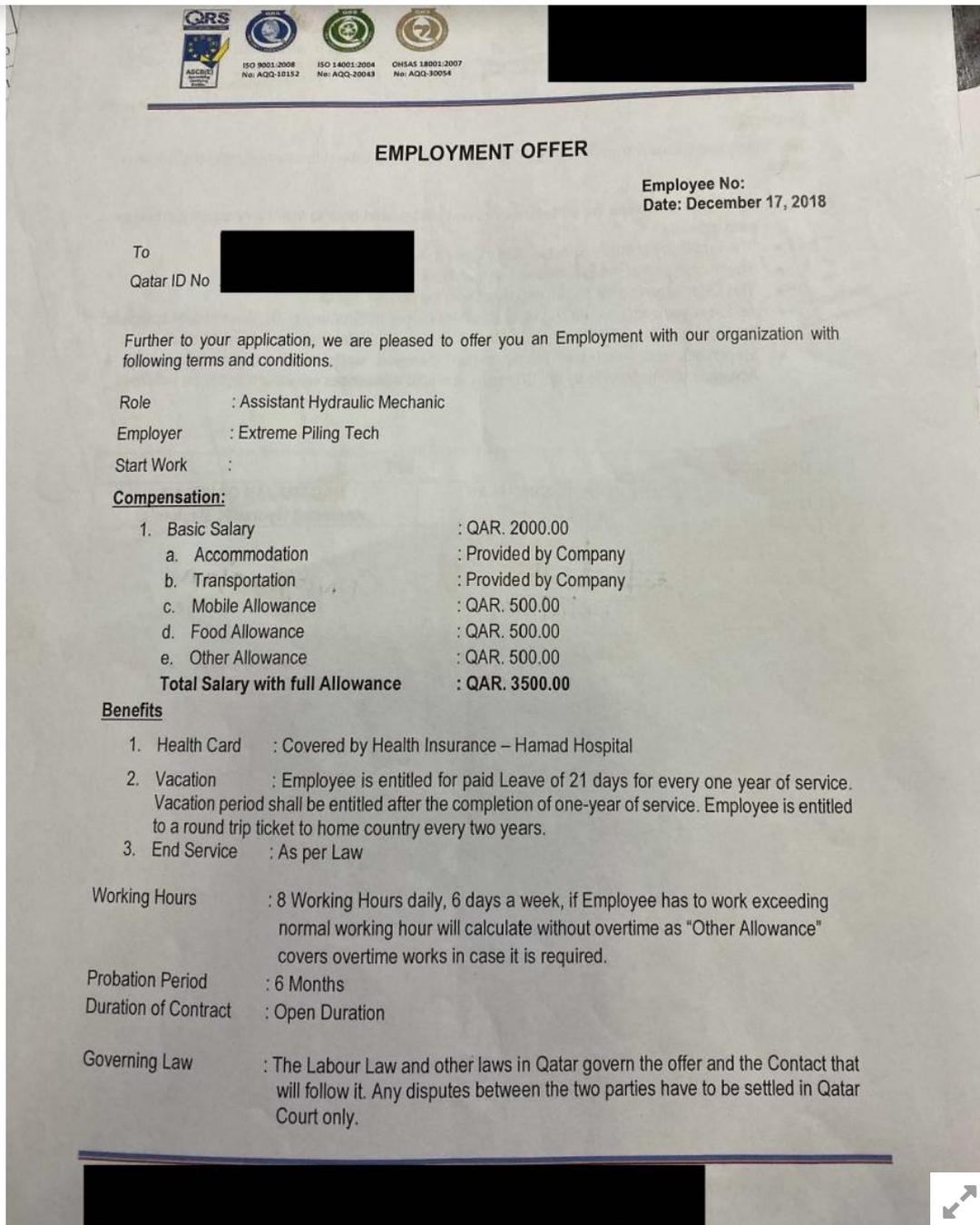


“They gave us new contracts with less pay and said we can either sign or go back to Kenya. We are in an open-air jail in Qatar.”

– ‘Declan’, a laborer from Kenya who faced contract substitution

Human Rights Watch spoke to 13 workers who said they faced contract substitution in their migration journey to Qatar. Many migrant workers are disappointed and desperate when, upon reaching Qatar, they are obliged to accept contracts that do not match the terms in the contracts they signed in their home countries. The fraudulent practice of contract substitution, which some recruitment agencies, employers and labor supply agencies engage in, can make workers vulnerable to forced labor, especially if workers have taken debts to pay recruitment fees.

To address the prevalent issue of contract substitution, Qatar introduced Qatar Visa Centers (QVCs). The first center opened in Sri Lanka in October 2018, since then QVCs have been established across a handful of cities in India, Pakistan, Sri Lanka, Bangladesh, Nepal and Philippines.<sup>[137]</sup> Once the visa is approved by Qatari authorities, the centers are supposed to be a one-stop shop for medical tests, biometric testing, and signing e-contracts with their employers. This way the contract they sign in their home countries is the one the employer is forced to abide by.<sup>[138]</sup>



Photograph of an employment contract between a construction company and a migrant worker in Qatar. Employment contracts should state the breakdown of wages including basic salary, food allowance, transportation, and end-of-service benefits, among others. © 2019 Maham Javaid/Human Rights Watch

Photograph of an employment contract between a construction company and a migrant worker in Qatar. Employment contracts should state the breakdown of wages including basic salary, food allowance, transportation, and end-of-service benefits, among others. © 2019 Maham Javaid/Human Rights Watch

The Qatari government also has taken other measures to prevent contract substitution, including encouraging labor-sending countries to use certified recruitment agencies, using model contracts as examples to follow, and ensuring that the labor ministry certifies all employment contracts.<sup>[139]</sup> So far, these measures have been unable to stamp out this abusive



'Joseph', 27, arrived in Qatar in August 2019 after signing a contract to work 12 hours a day for QR900 (\$247) a month. He told Human Rights Watch that he knew 12 hours of work was illegal, but this was the best offer he could find in Kenya. Plus, the contract promised food, accommodation, and transport, so he believed he could save enough money to send back home. "When I got to Qatar, things went from bad to worse. We were made to sign a new contract, a second contract. This one stated that we would work 12 hours a day for QR 750 (\$206) [a month]," said Joseph. "We [Joseph and his employer] argued a bit but eventually I signed the new contract. If you are not Qatari, you have no power. You work when you're told to work, and you sign what you are told to sign."<sup>[140]</sup>

The company also did not offer food or a food allowance, he said. Back in Kenya, Joseph's wife and one-year-old son keep waiting for him to send money, but after buying his own groceries and sending back the installments for the loan he took to pay the recruitment fees for his job, he had little left to send his family.<sup>[141]</sup>

'Martin', who lives and works alongside Joseph, was also cheated off his initial contract. With his "new" contract, he can only send home QR200 (\$54) each month, because he earns \$150 less than promised in the original contract he signed. He is also not provided the promised food allowance. "I feel so ashamed sending home such little money, but they cheated us, they pay us less than they said they would, what can I do?" said Martin. "After working 12 hours a day, for such little pay, and knowing that we were cheated, we feel bad all the time. I know my body is still alive, but my soul is dead."<sup>[142]</sup>

Martin and Joseph say they wish they could go home. The new contract is no better than a "jail sentence."<sup>[143]</sup> But Martin believes he is under too much debt to go home, a debt he took to come to Qatar. "This is slavery. We are stuck in these jobs because of laws and signatures that keep us here. What is freedom? Freedom is talking to people, mingling with people, going to places when you feel like it, choosing your job, getting paid fairly, I cannot do any of this. I'm not allowed to talk to anyone, not the locals, not the tourists. It's such a hard life out here. We are trapped here," said Martin.<sup>[144]</sup>

The practice of contract substitution is an old one and it continues to adversely affect workers' salaries. The problem can be addressed if all contracts are attested and linked electronically to banks at the Qatar Visa Centers. "If workers' contracts, their Qatar Identity Document number's and their bank account numbers can all be linked together at Qatar Visa Centers, the authorities could really clamp down on wage cheating," said Vani Saraswathi, founder of Migrant Rights. "To do this, banks would have to be more inclusive and treat all workers as



## Employers Withholding of End-of-Service Payments

Human Rights Watch spoke to 20 workers who had either been denied their departure payments or believed they would ultimately be denied these payments based on the experiences of their colleagues.

Under the labor law, when a worker's contracts ends the employer has two weeks to pay the worker their end-of-service benefits, outstanding payments, and a ticket to return to their home country.<sup>[145]</sup><sup>[146]</sup> If the worker is terminated before the contract ends, the employer should pay their wages and other outstanding sums within seven days from the last day of employment.<sup>[147]</sup> Qatar's labor law also outlines that end-of-service benefits can be agreed upon between the employer and the worker provided it is not less than three weeks of wages for every year of employment. The worker's most recent basic wage is the base for the calculation of end-of-service benefits.<sup>[148]</sup>

'Jon', 28, a Filipino migrant worker, came to Qatar in 2018 on a general cleaner visa and has completed his two-year contract with his labor supply company on a monthly salary of QR1,800 (\$494).<sup>[149]</sup> When Jon spoke to Human Rights Watch, he said his employer was refusing to hand over Jon's end-of-service payment amounting to approximately QR1,500 (\$412). "My company delays the departure payments till you are fed up of waiting and you accept the ticket back home without end-of-service payments," said Jon. <sup>[150]</sup> He has seen it happen to six other colleagues whose contracts ended recently. He told Human Rights Watch:

I think I am in depression. I want to go home to my two daughters, but how can I go home without money for my family? My daughters hardly know who I am. It's not their fault, I have been in Qatar for most of their lives. I am not asking for a favor, I just want what was in the contract – I want my ticket and my end-of-service benefits.<sup>[151]</sup>

In other cases, Human Rights Watch found that employers do not pay workers an accurate amount of end-of-service benefits. They do this by misstating the worker's basic wage in their bank documents.

'Jasmine' worked with a labor supply company providing cleaning services between 2015 and 2019. When Jasmine's contract ended and she was returning to the Philippines, she received a payment that was much smaller than what she expected. When she enquired with human



per month.<sup>[152]</sup> “They delayed our payments; they mistreated us a lot, they didn’t let us take vacations to visit home, and now we have lost a lot of our end-of-service payment,” said Jasmine. “The system cheated us.”<sup>[153]</sup>

## Impact of Covid-19 on Migrant Workers’ Wages

While none of the wage-related problems migrant workers are facing under Covid-19 are novel, including delayed wages, unpaid wages, forceful terminations, repatriation without receiving end-of-service benefits, delayed access to justice regarding wages, arbitrary deductions from salaries, the Covid-19 pandemic has exposed and amplified the ways in which migrant workers’ rights to wages have long been violated. Some employers have used the pandemic as pretext to withhold wages or refuse to pay outstanding wages to workers who are detained and forcibly repatriated. Those seeking legal recourse have seen their cases delayed as courts close or limit functions during the lockdown; others face the choice of staying in Qatar without work indefinitely awaiting justice or giving up on legal recourse and returning home without owed wages. The Qatari government has failed to ensure that protections against wage abuses are properly implemented.

Qatar’s first confirmed case of Covid-19 was detected on February 29, 2020.<sup>[154]</sup> By the second week of March, Doha’s Industrial Area, home to about 50,000 migrant workers, was put under a strict lockdown, with the perimeter of the ‘Industrial Area’ guarded by the police in an attempt to stop the spread of the virus.<sup>[155]</sup> The government said those who had tested positive for the virus causing Covid-19 were being kept in quarantine. But panic spread among the industrial area as thousands of migrant workers “found themselves locked down in cramped, unsanitary dorms, deprived of income and unable to return home because of travel restrictions.”<sup>[156]</sup>

After a surge of reported cases on May 5, the Ministry of Public Health singled out migrant workers, saying that “most of the new cases were migrant workers infected because of coming into contact with individuals who were previously diagnosed,” stigmatizing migrant workers and putting them at increased risk of targeting and discrimination.<sup>[157]</sup>

On March 16, Qatar announced a QR75 billion package of incentives for the economic and financial sector, while specifically marking QR3 billion of that for worker’s wages.<sup>[158]</sup> Qatar had moved fast to introduce policies to curb wage abuses under the pandemic and the associated lockdown, but interviews showed that these policies were not implemented effectively.



launched a new hotline service to receive workers' complaints during the pandemic. However, on May 7, the *Guardian* reported that a worker who was trapped in the Industrial Area for almost two months (March-May 2020) complained about running out of food. His company had told him that he would not be paid for April 2020 but that he would be given money for food, but the promise did not materialize.<sup>[159]</sup> The government, however, said that "1,000 trucks loaded with [food] goods enter the Industrial Area" daily.<sup>[160]</sup> However, at least two workers in the Industrial Area that Human Rights Watch spoke to said they did not receive any food from the government or their employers and had to fend for themselves during the lockdown.

According to the *Guardian*, those outside the Industrial Area also face destitution and starvation or increased risk of exposure to the virus.<sup>[161]</sup> "A group of "live out" domestic workers from Nepal, who work in private homes during the day but return to their own rooms at night, told the *Guardian* they have been left destitute after they refused to move in with the families they serve, fearing both the virus and the risk of abuse, which is common among domestic workers in the Gulf. In response, the women said the company which directly employs them forced them to sign a paper stating the company is no longer liable for their salaries. Since early March [till May 7], they have each received just 100 rials (£22)."<sup>[162]</sup>

Another policy highlighted that for businesses that have not stopped working due to Covid-19, workers should continue to receive their basic salaries including any other wage allowances included in their contract. Among the cases documented by Human Rights Watch, for those who continued to work regular hours, the wage abuses they faced were not particularly novel to the Covid-19 pandemic. Workers who were experiencing wage abuses before the virus spread continue to have their wages delayed and overtime hours ignored. Most construction businesses in Qatar remain open during the pandemic. An engineer, 'Alvin', 38, a Filipino migrant worker employed by a construction company which has been contracted for work on the external part of a stadium for the FIFA World Cup 2022, told Human Rights Watch that his monthly salary of QR4,500 (\$1,235) along with that of his colleagues has been delayed for up to 4 months since 2019 and continues to be delayed for up to two months through the pandemic.<sup>[163]</sup> 'Micah', 27, a Kenyan security guard who works 12 hours a day during the pandemic for a monthly salary of QR1,400 (\$385) said he didn't receive a single salary from February 2020 to May 2020, but he added that such delays have been common in his labor supply company since early 2019.<sup>[164]</sup>

For businesses that have had their work suspended due to precautionary measures put in place because of the virus, employers and workers can agree that workers take unpaid leave, apply their annual leave, reduce working hours, or agree to temporarily reduce the salaries.<sup>[165]</sup> This



employer did not hold any conversation with her or her colleagues about a temporary halt to their salary. The news that she would no longer be paid a salary was delivered to her via a WhatsApp voice note. “On April 21 we got a voice note from our boss saying that he can’t pay us more than a QR200 [per month] food allowance because he has no money,” said ‘Trizah’, 23, who has been working in Qatar since January 2019.<sup>[166]</sup> “He says he doesn’t want to borrow money from government to pay us. He says why should only he suffer under the weight of loans, we are all in this together.”

Similarly, ‘Isaac’, 33, a migrant worker from Kenya, who has been working as a plumber in Qatar for a monthly salary of QR750 (\$206) since June 2019 reported that on April 15, 2020, his employer informed him that his work hours and hence his monthly salary are being reduced. “This decision was not an agreement, it was an order from above which we have to silently suffer,” said Isaac.<sup>[167]</sup> Human Rights Watch spoke to seven other workers from different companies who said their wages had been reduced in the wake of the pandemic without any discussions.

The government also announced that employers may terminate employment contracts as long as they comply with the provisions of the labor law, which includes adhering to the notice period, and paying all outstanding salaries and benefits and the return ticket.<sup>[168]</sup> However, there are reports about how workers were repatriated from Qatar without being paid what they were legally owed. On April 15, Amnesty International reported that “Qatari authorities rounded up and expelled dozens of migrant workers after telling them they were being taken to be tested for COVID-19.”<sup>[169]</sup> The report detailed that the workers were rounded up from different parts of Doha and taken to a detention facility. Amnesty International spoke to 20 men who were expelled without any Covid-19 testing who said that they were apprehended along with hundreds of others.

“Of the 20 people interviewed, only two said they have been contacted by the companies they worked for, offering to pay their salaries. One man said he was given cash by his company whilst in detention, but a police officer took it for ‘safekeeping’ and failed to return it. The other man said his company asked him to open a bank account to send him his wages. All of the workers left Qatar without receiving their owed salary and end-of-service benefits, a particular concern as many will have spent huge sums on securing jobs in Qatar and may well be paying back high-interest loans.”<sup>[170]</sup>



me or the other workers our monthly salary of QR900 (\$247) since October 2019, then the virus came and now they are saying they will send us home, without any outstanding pays or end-of-service benefits,” said Rama.<sup>[171]</sup> She says there are at least 30 other female food servers with her who have not been paid since November 2019.<sup>[172]</sup> “Once we are sent home it’s over. We will never see the money we are owed.”

Lastly, the pandemic also affected workers who are waiting for court hearings and decisions about wage-related cases. Workers who have cases pending in the labor relations department and Labour Dispute Resolution Committees have faced delays as some courts have closed during the pandemic, and others are only offering limited and urgent services. ‘Varun’, 27, who has been a site engineer in Qatar since 2016, first reported his employer for wage abuses to the labor relations department in August 2019.<sup>[173]</sup> In June 2020, he told Human Rights Watch his only reason of still being in Qatar was to receive seven outstanding salaries from February 2019 till August 2019, end-of-service benefits and his return ticket to India. “If my employer would pay me what he owes me, I would go home to my parents who need me during this pandemic, but now because of Covid-19 the wait has become longer,” said Varun.<sup>[174]</sup> Human Rights Watch spoke to two other workers who also found out their Labor Dispute Resolution Committees’ hearings regarding wages abuses were delayed due to Covid-19.

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### III. Qatar’s International Legal Obligations

Qatar became a member of the ILO in 1972 and has ratified five of the eight ILO conventions setting forth core labor standards. Conventions ratified cover the elimination of forced and compulsory labor, elimination of discrimination in employment and occupation, and abolition of child labor.<sup>[175]</sup>

The ILO Protection of Wages Convention, 1949 (No. 95)<sup>7</sup> and the ILO Protection of Wages Recommendation, 1949 (No. 85)<sup>8</sup> aim to guarantee and protect the rights of workers in respect of wages. To date, 98 countries have ratified ILO Convention No. 95, which addresses: (i) the form and method of wage payment; (ii) the freedom of workers to dispose of their wages; (iii) the duty to provide information; (iv) wage guarantees; and (v) enforcement.<sup>[176]</sup>



penalty and for which the said person has not offered himself voluntarily.”<sup>[177]</sup> According to the ILO, “menace of penalty” can include: “...financial penalties, denunciation to authorities—including police and immigration—and deportation, dismissal from current employment, exclusion from future employment, and the removal of rights and privileges.”<sup>[178]</sup> Examples provided by the ILO of the involuntary nature of work include: physical confinement in the work location, psychological compulsion (order to work backed up by a credible threat of a penalty), induced indebtedness (by falsification of accounts, excessive interest charges, etc.), deception about types and terms of work, withholding and non-payment of wages, and retention of identity documents or other valuable personal possessions.<sup>[179]</sup>

In May 2018, Qatar ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) but with a range of formal reservations depriving women and migrant workers of some of the treaties’ protections. According to Article 7 of the ICESCR Qatar, as a state party, “recognizes the right of everyone to the enjoyment of just and favorable conditions of work” which ensure fair wages and equal remuneration for work of equal value, a decent living for themselves and their families, equal opportunity for everyone to be promoted, and rest, leisure, and reasonable limitation of working hours and periodic holidays with pay. And, under Article 11 of the ICESCR Qatar should “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”<sup>[180]</sup> In its reservations, to the ICESCR, Qatar said it would interpret the term “trade unions” in accordance with its national law. Article 116 of Qatar’s Labor Law allows only Qatari nationals the right to form workers’ associations or trade unions, depriving migrant workers of their rights to freedom of association and to form trade unions.

## IV. Recommendations

### To the Shura Council and the Council of Ministers



are not tied to employers, and ensuring that workers are not ever required to obtain employer permission to change employers or leave the country. This includes:

- Amend article 8 of Law no. 21 of 2015 regulating the entry and exit of expatriates and their residence to ensure that the employee is not entirely dependent on the recruiter for a residency permit; and remove the language in article 8 providing the exception of in cases where the worker requests in writing that the employer keep their passport, thus ensuring that workers do not have to hand over their passports to employers in any case whatsoever.
- Decriminalize the act of “absconding” by amending article 11 of Law No. 4 of 2009. The employer should no longer be allowed or required to file a case of “absconding” when a migrant worker chooses to leave their employment. Employers who have placed false “absconding” charges should be denied from sponsoring visas for more migrant workers. Repeal provisions from the Sponsorship Law that penalize those who shelter “absconding” workers.
- In the interim before *kafala* is abolished, for employers that are solely responsible for workers permits, ensure that any delay in making or renewing the permit should not result in workers being charged overstay fees, or workers being penalized for becoming undocumented through no fault of their own; additionally ensure that the employer and their company are temporarily prevented from hiring more workers.
- Amend article 3 of the labor law, Law no. 14 of 2004, to include domestic workers ensuring that they have the same rights as all other workers, and ensure that they thereby are included under all other labor protection measures introduced by the labor ministry for workers including the provisions of the Wage Protection System (WPS).
- Amend article 120 of the labor law to guarantee all workers’ right to strike, free association and collective bargaining, including migrant workers and domestic workers.
- Immediately announce and implement a minimum wage for migrant workers in Qatar, including calculating an hourly minimum wage, that equals a living wage that allows workers a decent standard of living for themselves and their families. Qatar should also set up a committee that periodically reviews the minimum wage levels so that it guarantees a living wage. Typically, governments and employers should account for the following costs at a minimum while arriving at a living wage for a family: a basic food basket and meal preparation costs, health care, housing and energy, clothing, water and sanitation, essential transportation, children’s education, and important discretionary expenses relevant to the national context in ensuring an adequate standard of living.



gender and national origin in line with international human rights standards and provide adequate sanctions and effective remedies for victims of discrimination.

- Revise article 145 of the labor law to increase penalties on employers who delay, withhold, arbitrarily deduct wages of employees in violation of article 66 of the labor law, as amended by Law no.1 of 2015, by increasing the minimum and maximum fines; in addition require employers to immediately compensate workers for all owed wages along with interest on back wages.
- Amend article 33 of Labor Law No. 14 of 2004 to ensure that employers, companies, or agencies in Qatar are prohibited from conducting business with agencies in migrant's home countries that charge recruitment fees.
- Introduce a law, or amend the labor law to include a new legal provision, to make it mandatory for all employers, even those not yet included in the WPS, to provide physical copies of pay slips and timesheets to all workers, including domestic workers.
- Introduce additional measures to penalize employers who force employees to work more than 10 hours a day as well as those employers who do not compensate for the hours of overtime work.
- Introduce and pass new legislation requiring companies to engage in due diligence when recruiting and hiring migrant workers, including the responsibility to ensure that migrant workers have full and accurate information about jobs before migrating, and to protect workers from exploitative fees.
- Introduce and pass prompt payment legislation requiring all public-sector clients to pay the principal contractor within 30 days of the valuation date. Include a requirement that interest is made compulsory and automatic on late payment.
- Consider introducing legislation that penalizes the principal contractor when the immediate employer is unable to pay due to late receipt of payment for costs already incurred.

## To the Ministry of Administrative Development, Labour, and Social Affairs (MADLSA)

### Regarding Workers' Support and Insurance Fund



sources of funding, recover wages from employers, address financial pressures on the Fund, define workers' entitlements, develop a criteria for humanitarian claims, and publish an annual report.

## Regarding Wage Dispute Complaint Mechanisms

- Develop reliable channels for workers to make complaints about wage abuses against employers including telephone, mail, email, and text message, allowing for anonymous whistleblower complaints too, and hire independent staffers who can promptly investigate the complaints. Develop a criteria for these complaints including name and address of company and employer, number of workers, number of salaries delayed, withheld, and unpaid, amount of persistent deductions or underpayments, number of days or weeks workers in labor-supply companies are not paid as the company has no work for them, or amount of uncompensated overtime payments.
- Build trust between the labor ministry and migrant workers by training labor department staff to be responsive to workers' wage complaints including training on communication techniques—such as interpersonal and communication skills—used to gain the trust of and effectively interview workers and their employers; and sensitizing them to the vulnerabilities of workers, as well as ensuring that they have requisite language skills or translation assistance available to speak to migrant workers, and ensure that workers are able to file complaints comprehensively. Ensure there are male and female staff available for workers to submit complaints to. Also ensure oversight of labor department staff by monitoring staff conduct and ensuring that workers can complain, including anonymously, about labor officials' conduct.
- Ensure that there are staff present, along with translators, at the labor relations department and the Labour Dispute Resolution Committee that can guide workers about what documentation they need to prove wage abuse in their cases.
- Increase the capacities, including the translation and interpretation capacities, of the Labour Dispute Resolution Committees so that cases are resolved within the stipulated three-week timeframe.
- Establish an emergency shelter for workers who have become homeless while seeking redress against employers. Ensure shelters meet internationally accepted standards regarding access to information, freedom of movement, and services. Provide financial assistance for workers to pay for rent, food and transport while pursuing redress against their employers and until their outstanding payments have been made.



underpaid salaries complaints, unpaid overtime work, and unpaid departure-related payments.

## Regarding the Wage Protection System

- Increase the number of people hired to act as ‘checkers’ and ‘blockers’ to monitor wage abuses and deploy sanctions within three days of a flag being raised, and provide oversight to ensure that there is consistency in such monitoring and sanctions imposed.
- Introduce new alerts for violations of the Wage Protection System, including for when a single worker in a company misses a month’s salary; revise the alert for underpayment of wages so it is based on underpaying the workers’ stated salary which should not be below the minimum wage, as opposed to the current alert of underpayment of less than QR50 (US\$14) as their monthly wage; and revise alert for salary deductions equal to or larger than 10 percent of the workers basic wage, ensuring that such deductions are only for valid and lawful reasons.
- Amend Salary Information Files to:
  - include details of migrant workers’ contracts including details of their basic wage, food allowance, accommodation allowance, transport costs, bonuses, backpay, deductions, overtime pay, overtime hours, and end-of-service payments.
  - ensure that overtime pay is calculated a separate category in the file, with fields using the overtime rate, the number of overtime hours worked, and in accordance with higher rates for work on Fridays or during Ramadan etc.
  - ensure that the employer has to list valid and lawful reasons for any deductions of workers’ pay. Such categories for deductions should be reflected in the worker’s pay slip in order for them to contest it. Employers should only be allowed to deduct salary for valid and lawful reasons, for instance, employers are not allowed to deduct salaries for what they consider to be poor performance or to pay back recruitment fees.
  - automatically calculate departure payments for each worker, including end-of-service benefits, return ticket to country of origin, and salary in lieu of unused vacation days. Non-payment or delay of departure payments a month before the end of the contract expiry should raise an alert in the WPS.

- create a more simplified Salary Information File that contains all the same information but makes it more easily accessible for individual employers of domestic workers to work with.
- Ensure that Salary Information Files are converted into itemized pay slips that can be automatically issued to the worker in printed and other accessible formats, potentially via their bank. The pay slip should include the number of hours worked, the basic and net salary, all other forms of compensations and benefits broken down (e.g. food allowance), overtime hours and how it is calculated, and any salary deductions with reasons why.
- Finalize the process of e-contracts to ensure that workers' contract details including basic wages and other financial entitlements are accurately and automatically recorded in the WPS, and that such compensation in the contracts does not fall below the minimum wage or is discriminatory against workers.
- Upon receiving WPS alerts, increase unannounced labor inspections at those work sites and the company's accommodations, since delayed or unpaid wages could signify the employer or company is carrying out further abuses at their work site or accommodations.
- Similarly, after receiving alerts from one worker with an employer or company, WPSU should make an effort to investigate other workers under the same employer since wage abuses are often company wide- Require banks to provide ATM cards and bank account details directly to workers and not their employers. Create mechanisms to monitor that employers are not withholding employees' bank cards.
- Expand the coverage of the WPS to cover all migrant workers in Qatar.
- Work with the Ministry of Interior to arrest and prosecute labor abuses that amount to forced labor, noting that there are a range of indicators of forced labor including induced indebtedness from illegal recruitment fees, punitive and illegal wage deductions, withholding wages, forced overtime, passport confiscation, and the worker not having the freedom to change or quit their jobs.
- Publish annual data on the Wage Protection System's responses including the number of wage alerts, what they related to, what their outcomes were, and what the resolutions were including what sanctions, if any, were imposed.

## Regarding Recruitment Fees

visas, employment contracts, or anything else. Require employers to obtain information from recruiting agents, in Qatar and abroad, that verify that the recruiter did not charge workers they have recruited with any recruiting fees.

- Require companies to provide verification that they have paid such fees, and to reimburse workers when they have not. Prosecute and implement significant penalties for employers, recruiting agencies, and subcontractors that violate the law.

## Regarding employers

- Closely review WPS records before awarding government contracts, ensuring that employers who have complied with WPS and have no violations are prioritized for such contracts and repeat WPS violators are denied such contracts, unless such companies have shown that they have provided redress and made changes to address the underlying problems that resulted in repeated wage abuses.
- Closely review if employers have placed false “absconding” charges on migrant workers, and if so deny them government contracts.
- Investigate, prohibit, and penalize the practice in which companies that do not have enough work for workers, do not pay them. Employers should pay workers full salaries throughout their employment, even if they do not have work available for them. If it is not financially feasible for employers to do so, they should allow workers to pursue employment elsewhere, paying them all outstanding salaries, gratuities, a month’s notice, redundancy payments, or early termination payments, along with airfare if the worker wishes to return home.
- Make it mandatory for all employers to have automated time sheets for employees, or ways to log overtime hours, and any employer without timesheets for all employees should be penalized. Ensure that employees are able to verify their working hours that feed into time sheets, and that employees have easy access to physical copies of these timesheets through Human Resources.
- Rigorously investigate and sanction employers who violate the labor law by denying workers legal employment contracts, fail to register on the Wage Protection System, deny or withhold workers ATM cards, withhold or delay workers’ wages, force employees to work long hours without overtime payment, or deny workers legally mandated rest days, annual leave, or sick leave. For employers who are repeat or serious offenders of wage abuses, ensure that their workers can leave and work for a new



- Monitor employers and companies who are not allowing workers to take their three weeks of paid annual leave and ensure that employees are being given their outstanding payments before they go on annual leave.
- Ban 'pay when paid' clauses in contracts in both the public and private sector with the right of contractors and subcontractors to suspend performance for non-payment.
- Require all contractors to pay their subcontractors according to the schedules set out in contracts which, in the case of small subcontractors and labor suppliers should be within 30 days.
- Experiment with Project Bank Accounts (PBAs) to speed payment and protect against insolvency and explore the possibilities of making payment from a PBA directly to the workers.
- Consider joint liability schemes whereby clients and principal contractors are jointly liable for protecting subcontractors and workers against late or non-payment of money owing to them; and legitimize direct payment across the subcontracting tiers, for example from clients to subcontractors and/or contractor to workers employed by a subcontractor in the case of default.

## Regarding the Covid-19 Pandemic

- Ensure that migrant workers who are unable to work, either due to preventive quarantine or testing positive for COVID-19, continue to receive their full wages
- In light of their acute vulnerability, ensure domestic workers are provided with access to timely and adequate protective measures and healthcare, including emergency shelter, and receive sick pay if they are unable to work due to illness.
- Ensure that migrant workers can file petitions remotely with the Labour Disputes Settlement Committee during the pandemic.
- Ensure that workers who have outstanding delayed or withheld payments are urgently paid and for those wishing to immediately return home and still seek unpaid wages, ensure that there is documentation and measures in place for them to do that.



- Work with the labor ministry to raise awareness among migrant workers arriving in Qatar about their rights including the right to accurate and timely payment through the WPS, overtime and gratuity payments, and the avenues of redress available to them, including through the Qatar Visa Centers, airports, and during processes to issue residency visas.
- Work with labor ministry to arrest and prosecute employers who commit labor abuses that amount to forced labor, noting that there are a range of indicators of forced labor including induced indebtedness from illegal recruitment, punitive and illegal wage deductions, withholding wages, forced overtime, passport confiscation, and the worker not having the freedom to change or quit their jobs.
- Build trust between the interior ministry and migrant workers by training ministry staff to be responsive to workers' complaints including training on communication techniques—such as interpersonal and communication skills, used to gain the trust of and effectively interview workers and their employers; and sensitizing them to the vulnerabilities of workers, as well as ensuring that they have requisite language skills or translation assistance available to speak to migrant workers, and ensure that workers are able to file complaints comprehensively.
- In the interim of abolition of the *kafala* system, monitor employers who delay renewing workers' resident permits, and sanction employers who fail to renew workers' permits, resulting in workers becoming undocumented through no fault of their own. Ensure that workers in such situations do want to stay in the country before any permits are extended, and that workers are not made to pay overstay fees or the employer's fines are set to cover it.
- Require employers to assist any workers who became undocumented through no fault of their own to help regularize their status, ensuring that the ministry checks with the worker that they wish to stay, and prohibit employers who fail to comply from sponsoring new workers' visas.
- Issue a moratorium on arrests of individuals for "absconding," and suspend receiving reports of "absconding" from employers.
- End the systematic detention of migrants awaiting deportation and explore alternatives to detention.
- Enforce the prohibition on confiscation of workers' passports, including by consistently issuing sanctions against employers for confiscating passports. Have campaigns that state that there is zero tolerance for passport confiscation and reiterate relevant



provide lockers or other safe boxes in which migrant workers have the option to keep their passports and other personal documents which they alone can access.

- Stop issuing travel bans on and arresting migrant workers for defaulting on loans, particularly when they are victims of wage abuses.

## To Qatari banks

- Develop capacities to serve all migrant workers as individual clients, including those who earn less than QR5,000 (\$1,373) and ensure that QIIB/ATM cards and pin numbers are provided directly to workers, that they are able to receive their bank statements, and such information is not provided to anyone else. Ensure there is capacity of bank staff to provide client-based service to migrant workers without discrimination including abiding by client confidentiality of their bank account details.
- Ensure there are mechanisms in place to send text messages to workers every time salaries are deposited or withdrawn from their accounts.
- Avoid reporting migrant workers for failing to repay loans if they have faced wage abuses to the police or ministry of interior.

## To Construction, Labor-Supply, and Other Companies Working in Qatar

- Ensure that there are company-wide policies and enforcement of automated timesheets for each employee. Employees should have easy access to physical copies of these timesheets through Human Resource Departments.
- Take all possible steps to ensure that workers have not paid their own recruitment fees, including but not limited to obtaining information from recruiting agents in Qatar and abroad that verify that they have not charged such fees and then verifying with workers themselves that they have not paid such fees. Reimburse workers who have paid any such fees, charges and other recruitment-related costs in contravention of local law, including if the fees were paid to labor agencies or other intermediaries.
- Penalize and terminate relationships with any contractors or subcontractors that continue to work with labor agencies or agents in Qatar or in labor-sending countries that charge workers fees and/or mislead workers regarding conditions of employment.



found to confiscate passports face sanction, that workers have safe channels to report such a violation, and that this is made clear to all staff and workers that the company does not tolerate passport confiscation. Ensure that workers have safe storage facilities to hold documents safely, if they wish, and that they alone can access it.

- Ensure that all workers receive and sign enforceable employment contracts in a language that they understand prior to their migration, and that these are the same contracts that is registered with the authorities, including electronically, and with the Wage Protection System.
- Ensure on-time payment in full of workers' wages from the first month of their employment, paid into bank accounts on a no-less-than bi-monthly basis.
- Ensure that there are complaints managers or staff tasked to handle any queries about wages and compensation matters and ensure that any discrepancy is resolved quickly and urgently after a worker has made a complaint.
- Provide safe channels for workers to make complaints about wage abuses, passport confiscation, forced overtime, or other abuses, including through anonymized and accessible channels, and in languages that workers speak, and ensure that such channels exist also for workers in sub-contracting companies.
- Hire reputable independent monitors to monitor conditions of all workers employed by contractors and subcontractors on company projects. Publish annual independent monitoring reports that include remedial measures taken or planned.
- Establish conciliation and mediation procedures that lead, in the event of deadlock, to binding arbitration with sufficient guarantees of impartiality and rapidity to resolve labor conflicts, as recommended by the ILO Committee of Experts.
- Publicly pledge to respect workers' rights to freedom of association and collective bargaining. Ban employer interference in union activity and conduct designed to impede or prevent non-citizens from exercising their right to organize. Ensure that workers have the time and space to organize for union activities, including ensuring policies to prevent retaliation against anyone part of or organizing for union activity.
- In the instances that conciliation and mediation procedures fail, publicly pledge not to cancel the work visas of workers who strike and enforce such a pledge in such cases.
- Make public commitments to protect the rights of all workers associated with your projects.



- Publicly recognize that FIFA World Cup 2022-related construction currently underway in Qatar goes beyond the construction of stadiums; include the construction, maintenance and servicing of hotels, restaurants, roads, metro, etc, to also fall under Qatar's preparation of hosting the World Cup 2022.
- Formally raise with the Qatari government key workers' rights issues, in line with FIFA's public commitment to engage with Qatari authorities on labor rights matters, including recruitment fees that workers pay and inadequate implementation of laws meant to prohibit workers from being charged such fees; restrictions that ban or effectively prohibit workers from free association, collective bargaining, and strikes; lack of effective policies to prevent wage abuses; and the urgency to abolish the *kafala* system that leaves workers trapped to abusive employers. Seek concrete, time-bound, commitments for legal reform on these issues.
- Request immediate and full disclosure of wage disputes on construction sites for venues of the 2022 FIFA World Cup.
- Seek third-party independent verification that workers employed to construct venues for the 2022 World Cup, and related infrastructure, have not been the victims of wage abuse.
- Finance a public awareness campaign using mainstream media to raise awareness about wage exploitation, and to educate companies, countries, and football fans to these issues.

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Summary



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