DEVELOPMENTS IN THE FIELD

Qatar Labour Reforms Ahead of the FIFA 2022 World Cup

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I. Introduction

In response to a forced labour review by the International Labour Organization (ILO) that threatened to turn into a formal international inquiry,¹ the government of Qatar commenced an ambitious programme of labour reforms aimed largely at addressing concerns about its treatment of migrant workers. About 2.4 million men and women,² an estimated 88.4 per cent of the small Gulf nation's population,³ are migrant workers. It has the second largest known gas reserves in the world, and its airbases are home to the largest United States military installation in the Middle East.⁴ Yet, the small Gulf emirate garnered little international scrutiny until it was awarded in 2010 the right to host the Fédération Internationale de Football Association (FIFA) men's Football World Cup tournament in 2022.

Criticism of labour conditions for the mostly low-wage migrant workforce has been a thorn in the side of the Qatar authorities hoping to leverage the World Cup for greater international profile. The legal framework governing the employment and residency of migrant workers is a large part of the problem because it contributes to their vulnerability to exploitation by unscrupulous employers and recruitment agents. Qatar, like all the Gulf countries, has historically used a '*kafala*' (sponsor-based) system through which a migrant worker is tied to the employer who sponsors their work visa. A migrant's right to be in the country is thereby dependent on their continued employment with the individual employer who sponsors them, although Qatar has taken significant steps to remove these restrictions in recent times.

Qatar's recent labour reforms, centred on a technical cooperation agreement with the ILO agreed in October 2007 with support from international trade union bodies, are the state's answer to the critics. Between 2017 and 2021, there have been significant formal changes to

¹ Robert Boother, 'UN gives Qatar a year to end forced labour of migrant workers', *The Guardian* (24 March 2016), https://www.theguardian.com/world/2016/mar/24/un-gives-qatar-year-end-forced-labour-migrant-workers (accessed 2 October 2021).

² Ibid.

³ Central Intelligence Agency, 'The World Factbook: Qatar', https://www.cia.gov/the-world-factbook/coun tries/qatar (accessed 2 October 2021).

⁴ Adam Taylor, 'As Trump tries to end "endless wars", America's biggest Mideast base is getting bigger', *Washington Post* (21 August 2019), https://www.washingtonpost.com/world/as-trump-tries-to-end-endless-wars-americas-big gest-mideast-base-is-getting-bigger/2019/08/20/47ac5854-bab4-11e9-8e83-4e6687e99814_story.html (accessed 1 October 2021).

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Qatar's labour system. Whether these reforms fully satisfy Qatar's obligations under international law, or significantly reduce the risk of forced labour faced by migrant workers, remains a matter of some contention. This piece provides a critical overview of the main reforms.

It begins by reviewing changes to Qatar's laws that provide workers with access to improved labour protections, including a non-discriminatory minimum wage, transparent recruitment processes, ability to change their employers and jobs, and freedom to leave the country without the permission of their employers. This section also analyses improved protections for domestic workers and a new outdoor work directive to tackle heat-related injuries and deaths. The piece then examines new institutions set up to improve worker access to remedies and advance the freedom of association. It concludes by providing overall reflections on the progress made and the remaining challenges.

II. Legal Reforms

Minimum Wage

The minimum wage law – Law No. 17 of 2020 – stipulates a non-discriminatory minimum wage of 1,000 Qatari riyals per month (approximately US\$ 275) that applies to all migrant workers in the private and public sector, including domestic workers.⁵ The legislation requires employers to also pay worker allowances of a minimum of 300 riyals (US\$ 82.39) for food and 500 riyals (US\$ 137.32) for housing, if these are not already provided. Qatar became the first country in the region to introduce a non-discriminatory minimum wage when the law entered into force in March 2021. The minimum wage law also establishes a Minimum Wage Commission to review the impact and application of the minimum wage, and propose adjustments, in consultation with different government bodies, experts, workers and employers.⁶

Some experts have said the minimum wage is inadequate and does not impact the vast majority of Qatar's workers who earn over 1,000 riyals.⁷ It is likely, they say, to benefit particular categories of workers including domestic workers, fishermen, small and medium business workers, and workers in the cleaning and facilities management sector.

However, enforcement of this law remains a problem. The payment of wages in Qatar is monitored by the Wage Protection System (WPS), which is essentially a monitoring software that attempts to verify if workers have been paid their wages and raise red flags when payments are inaccurate, delayed or below the minimum wage. However, these tasks are often not effectively performed by the software, and even if they are, companies are rarely, if ever, penalized by labour authorities for non-compliance with the WPS.⁸

Qatar Visa Centres

Qatar Visa Centres (QVCs), established jointly by the Ministry of Interior and the Ministry of Administrative Development, Labour and Social Affairs, are authorized labour recruitment offices established in Bangladesh, India, Nepal, Pakistan and Sri Lanka, the countries of origin with the largest number of migrant worker in Qatar. Qatar authorities are in the process of setting up similar offices in Indonesia, the Philippines, Tunisia and Kenya.

⁵ International Labour Organization, 'Qatar's new minimum wage enters into force' (19 March 2021), https:// www.ilo.org/beirut/projects/qatar-office/WCMS_775981/lang-en/index.htm (accessed 2 October 2021). ⁶ Ibid.

⁷ Noah, 'Minimum wage, maximum adjustment', *Migrant-Rights.org* (25 October 2020), https://www.migrant-rights.org/2020/10/minimum-wage-maximum-adjustment/ (accessed 1 October 2021).

⁸ International Labour Organization, Assessment of the Wage Protection System in Qatar (Doha: ILO, 2019), https://www.ilo.org/beirut/projects/qatar-office/WCMS_726174/lang-en/index.htm (accessed 2 October 2021).

The ostensible purpose of the QVCs is to make the recruitment process more transparent and eliminate illegal recruitment practices such as contract substitution and deception. The QVCs facilitate procedures for migrant workers by allowing applicants in many sectors to digitally sign work contracts, enrol their biometric data and undergo mandatory medical testing before departure. Upon completion of the process, visa applicants are able to track the status of their application online. All the required services of the QVC are free of charge for migrant workers and directly paid by employers through bank transfer.⁹

However, the efficacy of QVCs in preventing the exploitation of migrant workers is suspect. For example, in Nepal, according to a report by Migrant Rights, recruiters have been bypassing QVCs by hiring migrants on short-term project visas that do not require QVC authorization.¹⁰ It is also unclear how effective QVCs are in eliminating the payment of recruitment fees, as agents still retain significant control over the recruitment process.¹¹

Exit Permits

In 2018, Qatar amended provisions of Law No. 21 of 2015 and Law No. 1 of 2017, which regulate the entry and exit of expatriates. Under the previous legal framework, all migrant workers were required to obtain an exit permit from their employer to leave Qatar. Under this new law, migrant workers covered by the Labour Code will be able to leave Qatar without having to obtain such a permit.¹²

In January 2020, a Ministerial Decree came into force, removing exit permit requirements for workers not covered by the 2018 changes, namely, domestic workers, workers in government and public institutions, workers employed in the oil and gas sector and workers employed at sea and in agriculture.¹³ However, in February 2021, Qatar's Shura Council issued a series of recommendations aimed at stripping workers of these rights¹⁴ including increasing the percentage of workers who may require exit permits to leave Qatar from 5 per cent to 10 per cent.¹⁵

Ability of Workers to Change Jobs

Under Ministerial Decree No. 51 of 2020,¹⁶ all workers including domestic workers and farm workers can change employers without having to obtain a no-objection certificate from

⁹ International Labour Organization, 'Ensuring fair recruitment through the Qatar Visa Center in Sri Lanka' (18 June 2019), https://www.ilo.org/global/topics/labour-migration/news-statements/WCMS_712508/lang-en/ index.htm (accessed 1 October 2021)

¹⁰ 'Project visas misused to bypass QVC regulations', *Migrant-Rights.org* (16 August 2021), https://www.migrant-rights.org/2021/08/project-visas-misused-to-bypass-qvc-regulations/ (accessed 1 October 2021).

¹¹ FairSquare Projects, *Nepal to Kuwait and Qatar: Fair Recruitment in Review*, Five Corridors Project (July 2021), https://fivecorridorsproject.org/uploads/C2_3_Nepal_Kuwait_Qatar-report.pdf (accessed 1 October 2021).

¹² International Labour Organization, 'End of exit permits for most migrant workers in Qatar welcomed' (4 September 2018), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_638754/lang-en/index.htm (accessed 2 October 2021).

¹³ International Labour Organization, 'Exit permits consigned to history for almost all migrant workers in Qatar' (16 January 2020), https://www.ilo.org/beirut/projects/qatar-office/WCMS_734411/lang-en/index.htm (accessed 2 October 2021).

¹⁴ 'Shura Council makes recommendations on change of employer and expat worker's exit', *The Peninsula Qatar* (22 February 2021), https://thepeninsulaqatar.com/article/22/02/2021/Shura-Council-makes-recommendations-on-change-of-employer-and-expat-worker%E2%80%99s-exit (accessed 2 October 2021).

¹⁵ Romanos May, 'Is Qatar planning a U-turn on reforms?', *Amnesty International* (4 March 2021), https://www.amnesty.org/en/latest/news/2021/03/is-qatar-planning-a-uturn-on-reforms/ (accessed 2 October 2021).

¹⁶ Qatar Ministry of Interior, 'Minister of Interior Decree No. 51 of 2020 Amending Some Provisions of the Executive Regulations of Law No. 21 of 2015 Regulating the Entry, Exit and Residence of Expatriates, Issued by

their current employer.¹⁷ Workers are required to give notice to their employer and apply through an online portal.¹⁸ If the worker was in his/her probation period, the new employer should compensate the former employer with an agreed payment that does not exceed the equivalent of two months of the worker's basic wage.¹⁹

However, recommendations by the Shura Council in February 2021 looked to curtail this freedom by restricting the number of times a worker can change jobs during his/her stay in Qatar to three.²⁰ Domestic workers under the law are required to notify their employers 72 hours before their departure, and employers still retain the ability to file criminal 'absconding' charges that represent another barrier for migrant domestic workers.²¹

Summertime Work Hours

In May 2021, Qatar announced by a Ministerial Decision²² a significant expansion of summertime working hours during which outdoor work is prohibited.²³ Under the new rules which came into force immediately, workers cannot work outside between 10am and 3:30pm from 1 June to 15 September. This replaces the 2007 legislation that prohibited work in outdoor workspaces only from 11:30am to 3pm between 15 June and 31 August.²⁴ In addition, regardless of the time of day, all work must be halted when the wet-bulb globe temperature rises beyond 32.1°C in a workplace. The new measures also introduce requirements for annual health checks for workers, as well as mandatory risk assessments to be prepared by enterprises.

However, it appears that these measures are insufficient to tackle heat-related health issues and deaths, and authorities have not investigated heat-related deaths of migrant workers in Qatar. Amnesty International²⁵ and *The Guardian*²⁶ found that the government had failed to properly investigate workers' deaths in way that would make it possible to determine the underlying causes, precluding any assessment of whether they were work-related.

Minister of Interior Decree No. 25 of 2019' (19 August 2020), https://www.ilo.org/wcmsp5/groups/public/—arabstates/—ro-beirut/documents/legaldocument/wcms_755963.pdf (accessed 1 October 2021).

¹⁷ International Labour Organization, 'Changing employers in Qatar', https://www.ilo.org/wcmsp5/groups/ public/—arabstates/—ro-beirut/documents/publication/wcms_754402.pdf (accessed 2 October 2021).

¹⁸ International Labour Organization, 'What is the new procedure to change jobs in Qatar?', https://www.i lo.org/wcmsp5/groups/public/—arabstates/—ro-beirut/documents/publication/wcms_754403.pdf (accessed 2 October 2021).

¹⁹ International Labour Organization, 'Changing employers in Qatar', https://www.ilo.org/wcmsp5/groups/public/-arabstates/-ro-beirut/documents/publication/wcms_754402.pdf (accessed 2 October 2021).

²⁰ See note 14.

²¹ FairSquare Projects, note 11.

²² Qatar Ministry of Administrative Development, Labour and Social Affairs, 'Decision of the Minister of Administrative Development, Labour and Social Affairs No. 17 for the year 2021 specifying measures to protect workers from heat stress', (21 October 2020), https://www.ilo.org/wcmsp5/groups/public/—arabstates/—robeirut/documents/legaldocument/wcms_794551.pdf (accessed 2 October 2021).

²³ Ibid.

²⁴ International Labour Organization, 'New legislation in Qatar provides greater protection to workers from heat stress' (27 May 2021), https://www.ilo.org/beirut/projects/qatar-office/WCMS_794475/lang-en/index.htm (accessed 2 October 2021).

²⁵ Amnesty International, *Qatar: 'In the Prime of their Lives': Qatar's Failure to Investigate, Remedy and Prevent Migrant Workers' Deaths, MDE 22/4614/2021 (26 August 2021), https://www.amnesty.org/en/documents/mde22/4614/2021/en/ (accessed 1 October 2021).*

²⁶ Pete Pattinson et al, 'Revealed: 6,500 migrant workers have died in Qatar since World Cup awarded', *The Guardian* (23 February 2021), https://www.theguardian.com/global-development/2021/feb/23/revealed-migrant-worker-deaths-qatar-fifa-world-cup-2022 (accessed 1 October 2021).

Domestic Worker Protections

In 2017, Qatar passed Law No. 15 of 2017, which regulates the employment relationship between domestic workers and their employers. The law advances the rights of domestic workers in accordance with the provisions of the ILO's Convention No. 189 on working conditions for domestic workers.²⁷ The law introduced several positive measures including a maximum 10-hour workday, at least 24 consecutive hours of rest each week, three weeks of annual leave, and an end-of-service payment of at least three weeks per year.²⁸

Nevertheless, the realization of these rights requires strict enforcement, and domestic workers still face issues accessing compliant mechanisms.²⁹ An Amnesty report found that domestic workers will need a plan of action, including specific measures tailored to ensure their protection coupled with strengthening of the Domestic Workers Law, its full implementation, strict inspection mechanisms and serious action against abusive employers.³⁰

III. Improved Institutional Mechanisms

Work and Joint Committees

In April 2019, by Ministerial Decree No. 21 of 2019, Qatar set up a mechanism of Joint Committees consisting of an equal number of worker and employer representatives for companies with 30 or more workers, to discuss and resolve company-related issues.³¹ According to Qatari law, Joint Committees are mandated with the study and discussion of all work-related matters including organizing work, improving productivity, implementing worker training programmes, preventing risks and improving compliance with occupational safety and health rules and increasing workers' general culture.³² Workers elect their representatives to Joint Committees for a term of two years and meet once a month.³³ It remains to be seen how Joint Committees will work in practice and how effective they will be in addressing workers' grievances.³⁴

²⁷ Qatar Government Communication Office, 'Labour Reform', https://www.gco.gov.qa/en/focus/labour-reform/ (accessed 2 October 2021).

²⁸ Human Rights Watch, 'Domestic Workers' Rights in Qatar Human Rights Watch Commentary on Qatar's Laws and Regulations on Domestic Workers' (26 June 2018), https://www.hrw.org/news/2018/06/26/domestic-workers-rights-qatar (accessed 2 October 2021).

²⁹ 'Qatar's Domestic Worker Law: a step in the right direction, but weakened by exclusions', *Migrant-Rights.org* (25 August 2017), https://www.migrant-rights.org/2017/08/qatars-dw-law-a-step-in-the-right-direction-but-weakened-by-exclusions/ (accessed 1 October 2021).

³⁰ Amnesty International, *Why do you want to Rest? Ongoing Abuse of Domestic Workers in Qatar* (20 October 2020), https://www.migrant-rights.org/wp-content/uploads/2020/10/WEB-VERSION-MDE-22.3175.2020-Embargoed-_- Why-do-you-want-to-sleep-Ongoing-abuse-of-domestic-workers-in-Qatar.pdf (accessed 1 October 2021).

³¹ Qatar Ministry of Administrative Development, Labour and Social Affairs, 'Joint Committees in accordance with the provisions of the Labour Code No. 14 of 2004, and Ministerial Decision No. 21 of 2019 which regulates the conditions and procedures for the election of workers' representatives to joint committees', Labour Relations Department (2019), https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/108501/134135/F1786604991/QAT108501% 20Eng.pdf (accessed 1 October 2021).

³² Ibid.

³³ International Labour Organization, 'Decree paves way for election of worker representatives in enterprises' (1 May 2019), https://www.ilo.org/beirut/projects/qatar-office/WCMS_696935/lang-en/index.htm (accessed 1 October 2021).

³⁴ Noha Aboueldahab, 'Social protection, not just legal protection: migrant labourers in the Gulf, *Brookings* (23 August 2021), https://www.brookings.edu/research/social-protection-not-just-legal-protection-migrant-laborers-in-the-gulf/#footnote-20 (accessed 1 October 2021).

Dispute Settlement Committees

In March 2018, Qatar established Committees for the Settlement of Labour Disputes (Committees) aimed at reducing the barriers to accessing justice. As per the law, Committees are required to issue judgements on cases within just six weeks of a complaint being made, and would be able to ensure that workers received remedy for violations related to the breach of the labour law or employment contracts. The Committees aim to not just resolve cases quickly, but are designed to be more accessible for workers through flexible working hours, no fees and better language support via translators.³⁵

However, human rights groups have reported on gaps related to access to justice, outlining several barriers such a language, travel costs and a lack of *pro bono* legal services hindering migrants' abilities to successfully make claims in Qatar. Additionally, the lack of legal aid and limited assistance from most embassies make it next-to-impossible for most workers to pursue their claims once they have left the country. Companies often do not participate in legal processes, and there appears to be few effective measures taken to sanction them for not doing so. Combined with a failure to consider collective cases, the system is beset with bottlenecks and blockages.³⁶

In the cases Amnesty International investigated, the Committees typically took at least three months – and in some cases up to eight months – to issue a judgement following a complaint, and even then the concerned companies did not pay any compensation. In the context of Qatar's labour system, such delays often proved to be unbearable for low-paid migrant workers, most of whom had incurred debts to pay recruitment fees, had no other income to live on, needed to support their families at home, and struggled with limited food, water and electricity in their camps.³⁷

Worker's Support and Insurance Fund

In 2018, the Qatar government established the Workers' Support and Insurance Fund to ensure that workers receive their unclaimed wages in cases where the Committees ruled in their favour, or where their employer had gone out of business or been forced to close due to illegal activity.³⁸ According to Qatar's government Communications Office, the fund has so far benefitted 5,500 workers and disbursed 14 million Qatari riyals (US\$ 3.85 million) in financial relief. Yet, 14 out of 15 workers Human Rights Watch interviewed who had approached the Committees with their cases were not paid, through the Fund or otherwise.³⁹

IV. Conclusion

Qatar's ambitious labour reforms represent a significant first step to uphold working and living conditions for migrant workers. It is the first country in the Gulf region to permit

³⁵ Amnesty International, *Qatar: All Work, No Pay: The Struggle of Qatar's Migrant Workers for Justice* (18 September 2019), https://www.amnesty.org/en/documents/mde22/0793/2019/en/ (accessed 2 October 2021).

³⁶ Ibid.

³⁷ Ibid.

³⁸ International Labour Organization, *Recommendations on the Establishment of the Workers' Support and Insurance Fund in Qatar: Drawing from International Experience* (June 2019), https://www.ilo.org/wcmsp5/groups/public/— arabstates/—ro-beirut/documents/publication/wcms_726175.pdf (accessed 2 October 2021).

³⁹ Human Rights Watch, How Can We Work Without Wages? (24 August 2020), https://www.hrw.org/report/2020/ 08/24/how-can-we-work-without-wages/salary-abuses-facing-migrant-workers-ahead-qatars (accessed 2 October 2021).

migrant workers to change their jobs without the prior consent of their employers.⁴⁰ It is also the first country in the region to institute a non-discriminatory minimum wage for migrant workers.⁴¹

Despite this progress, certain legal provisions continue to enable exploitation and abuse. 'Absconding' from an employer remains a criminal offence, despite promises to scrap the provision,⁴² and is a powerful coercive tool used to silence workers who might otherwise seek to escape situations of exploitation. Qatar continues to impose harsh penalties for absconding when a migrant worker leaves their employer without permission or remains in the country beyond the grace period allowed after their residence permit expires or is revoked.⁴³ Yet, the true test of Qatar's commitment will be determined by the enforcement of its labour reforms: how effectively it is carried out, how consistently it is applied, and how robustly it is monitored.

Conflicts of Interest. Between 2019 and 2020, the author, on behalf of Equidem Research and Consulting, was engaged as an independent expert consultant by the International Labour Organisation to assist in the design and implementation of the Qatar government's Workers' Support and Insurance Fund, a worker wage indemnity mechanism operated by the state of Qatar.

⁴⁰ Human Rights Watch, 'Qatar: Significant Labor and Kafala Reforms: Enforcement Needed, Other Provisions in Effect Still Carry Risk of Abuse' (24 September 2020), https://www.hrw.org/news/2020/09/24/qatar-significant-labor-and-kafala-reforms (accessed 8 February 2022).

⁴¹ International Labour Organization, 'Minimum wages and wage protection in the Arab States: ensuring a just system for national and migrant workers' (May 2018), https://www.ilo.org/wcmsp5/groups/public/—ara bstates/—ro-beirut/documents/publication/wcms_660002.pdf (accessed 8 February 2022).

⁴² Sanaullah Ataullah, 'System of reporting absconding workers to be abolished soon', *The Peninsula Qatar* (20 October 2020), https://thepeninsulaqatar.com/article/20/10/2020/System-of-reporting-absconding-work ers-to-be-abolished-soon (accessed 21 October 2021).

⁴³ Equidem, The Cost of Contagion: The Human Rights Impacts of COVID-19 on Migrant Workers in the Gulf, https:// www.equidem.org/reports/the-cost-of-contagion (accessed 1 October 2021).