



ALL WORK, NO PAY

THE STRUGGLE OF QATAR'S MIGRANT WORKERS FOR JUSTICE

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1. EXECUTIVE SUMMARY

“We were living on food charity – the company did not pay our salaries for months and we had no money.”

Deepak, a migrant worker from Nepal.

Ever since Qatar was awarded the right to hold the 2022 World Cup, the treatment of around 2 million migrant workers driving the country’s economy has been under the spotlight. Whether building vital infrastructure or delivering key services, these workers have often found themselves burdened by the debt of high recruitment fees, working long hours for low pay, and living in sub-standard accommodation. At the heart of such exploitation is Qatar’s notorious *kafala* sponsorship system, which puts these workers at the mercy of unscrupulous employers who have the power to prevent them changing jobs or escaping abuse.

Compounding these problems has been the lack of any efficient legal mechanism capable of protecting workers and providing them with remedy when they face abuse. As a result, migrant workers in Qatar are victimized twice: first by the *kafala* system, and then again when they struggle to get justice.

It was positive, therefore, that when Qatar committed to overhaul its current labour system as part of an agreement with the International Labour Organization (ILO) in October 2017, it promised to enhance access to justice and remedy for migrant workers. Its main way of doing so was by reforming the system by which workers can make complaints, replacing the country’s notoriously ineffective labour courts with new ‘Committees for the Settlement of Labour Disputes’ (‘Committees’) that began operations in March 2018.

The new Committees are a potentially promising reform, aiming at reducing the barriers to accessing justice. If the system worked in the way intended and outlined in law, Committees would issue judgements on cases in just six weeks of a complaint being made and would be able to ensure that workers received remedy, for example by ordering employers to pay missing wages.

In some cases, migrant workers have seen the benefits. However, the reality for many migrant workers is much less rosy and the profound challenges still faced by workers seeking justice through the Committees – particularly lengthy processes and non-payment of compensation – are well represented in cases involving hundreds of workers that are highlighted in this report.

Between March 2018 and July 2019, Amnesty International investigated the cases of three companies –Hamad bin Khaled bin Hamad (HKH), United Cleaning and Hamton International (Hamton) – in which more than 2,000 workers worked for months without salaries, and at least 1,620 of whom submitted complaints to the new Committees to claim them. Amnesty International followed in depth

the cases of 33 of these workers, consulted documents relating to hundreds of others, observed Committee hearings, met with the Ministry of Administrative Development, Labour and Social Affairs (MADLSA), and requested information and sought responses from the companies concerned and the Qatari authorities. The Ministry did not provide any information regarding the number of cases heard by the Committees, the delays in processes, or the number of complaints successfully resolved, but said that they intervened to help negotiate payments for hundreds of workers, as well as work with local organizations to provide food and generators in workers' camps.

The stories of workers from the three companies are illuminating. Deepak, originally from Nepal, was one of approximately 680 workers from HKH who submitted complaints in March 2018 when their company ceased to operate. He had worked for six months without salary, after a manager told him that if he kept working he would eventually be paid. 'Deepak' won his case at the Committees and followed it through implementation at the civil courts. However, to date and over a year since securing his decision, he is still waiting to receive his compensation.

'Dalia', originally from Kenya, spent nine months pursuing her case against United Cleaning, first through the Committees and then through the civil courts, after she worked four months without salary before the company made hundreds of workers redundant. For many months she resisted offers from the company to pay her just a portion of what she was owed, but in December 2018, exhausted after a long legal battle, she eventually ceded. She returned home with just 50% of her dues, telling Amnesty that she and others had to finally accept the offer because – in a phrase that captures the burden of high recruitment fees on workers – “we need money to buy our next job.”

'Bijoy', originally from India, was one of more than 860 workers at Hamton who had submitted complaints in September 2018, after their company ran into financial problems and stopped operating. When he met Amnesty International's researchers in December 2018, he explained how he had just received notification of his first Committee hearing, three months after submitting his complaint – and seven months since he last received a salary. He felt compelled to abandon his case and return to India the following day, however, because his father was sick. Despite being owed more than QAR13,000 (about US\$3,750), he ended up accepting an offer from the company of just QAR1,000 (US\$275) and an air ticket home, in return for dropping his case. Torn between his family responsibilities and pursuing his claim, he told Amnesty “I have to forget about the money and go... I am forgetting this because I want to see my father.”

In the end, none of the workers from Hamton, HKH or United Cleaning received compensation directly through the Committee system, although some of them were eventually given a portion of what they were owed by their employer in return for dropping their cases and going home. In the vast majority of cases, however, workers returned home with nothing, either losing hope or being unable to continue living in Qatar without any income. Others remain in Qatar, still waiting.

Documenting these workers' efforts to seek remedy for working without pay has highlighted many issues that will continue to plague the new Committees, unless major action is taken. Issues of language, travel costs and a lack of pro bono legal services all hinder 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.

Above all, however, the Committees simply have too many cases for too few judges. Combined with a failure to consider collective cases, the system is beset with bottlenecks and blockages. In the cases investigated, the Committees typically took at least three months – and in some cases up to eight – to issue a judgement following a complaint, and even then the companies did not pay any compensation

as a result. 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.

The lengthy delays of the Committee system and the difficulty of living without alternative sources of income pushed many workers to leave Qatar with nothing, and even those who persisted with their claims eventually felt compelled to accept low settlements. These failures have also created a context in which companies can play a "waiting game" to reduce the settlements they have to provide – the longer they wait, the fewer workers they will end up paying, providing incentives not to provide remedy in a timely way.

Further, and just as fundamentally, the Committees currently fail to secure payment for workers whose employers are either unwilling or unable to engage in the process. Hundreds of workers have judgements in their favour, but no money to show for it. Workers who opted to pursue their claims beyond the Committees are obliged to enter into another lengthy process in the civil court to try and enforce the verdict, often without success. An initiative intended at overcoming this problem and providing compensation in such cases – the Workers' Support and Insurance Fund – remains unfunded and inoperational, nearly a year since it was formally established in October 2018.

Finally, efforts to improve access to justice for workers cannot take place in isolation from broader labour reforms required. One reason why the Committees are overwhelmed is also that the scale of labour exploitation in Qatar is so high. Further reform is needed to abolish Qatar's *kafala* sponsorship system to make workers less vulnerable to abuse, strengthen inspection and enforcement mechanisms to ensure respect for Qatar's Labour Law, and hold employers accountable when they breach laws and regulations.

In response to these findings, Amnesty International is making the following recommendations to the Qatari authorities in relations to the Committees. A full set of recommendations is available at the end of the report.

- Increase the number of Committees receiving cases, and accept collective claims, in order to resolve complaints within the timeframe established in Qatari law.
- Expedite the operationalization of the Workers' Support and Insurance Fund, to provide compensation when a company is unable or unwilling to respect a Committee's judgement.
- Establish a system of pro bono state-funded legal aid, and work with embassies to establish a system to allow workers to pursue their cases and receive compensation even after returning home.
- Improve access to the Committees by increasing translation capacities, and providing relief funds to workers who are not receiving their salaries during their process, including for transport costs.
- Hold accountable employers and sponsors who fail to respect Qatari laws and regulations, including through criminal investigation where sufficient admissible evidence exists, and penalize companies that fail to participate in legal proceedings or respect Committee judgements.

2. METHODOLOGY

In order to carry out its research into the Committees for the Settlement of Labour Disputes, Amnesty International has:

- Monitored the cases of workers from three companies – Hamad bin Khaled bin Hamad (HKH), United Cleaning and Hamton International (Hamton) – between March 2018 and July 2019 involving over 2,000 workers.
- Followed closely the cases of 33 workers through various communication means including calls, emails and mobile messaging. We interviewed 30 of them between April 2018 and July 2019, collecting and analysing substantial documentary materials, including court documents and photographic evidence relating to their cases.¹ All names of individuals mentioned in the report were changed to protect their identity.
- Conducted two field missions by two researchers in July 2018 and December 2018; they visited two accommodation facilities linked to two different companies.
- Met with the Ministry of Administrative Development, Labour and Social Affairs (MADLSA) officials in July 2018, December 2018 and May 2019, and attended hearings at the Committees in July 2018.
- Met with embassies of three labour-sending countries.
- Reviewed publicly available corporate information and wrote to the three companies, and provided each with an opportunity to respond to summary findings in advance of publication. At the time of writing none of the companies had provided a response. Researchers also met the brother of the Chairman of one of the companies.
- Researchers reviewed and analysed the main laws and regulations affecting migrant workers' access to justice in Qatar, including: Law No. 13 of 2017 amending provisions of the Labour Law (No. 14 of 2004), the Civil and Commercial Procedures Code (Law No. 13 of 1990), Cabinet Decision No. 6 of 2018 on “The formation of Committees for the Settlement of Labour Disputes and the rules and procedures to be followed before them and the mechanism for implementing their decisions and determining remuneration”, and Law No. 17 of 2018 relating to the establishment of the Workers' Support and Insurance Fund.
- Wrote to MADLSA in February 2019 requesting statistics relating to the number of cases received by the Committees for the Settlement of Labour Disputes, their outcomes and time frame

1. Researchers interviewed 30 workers from three main companies whose cases are detailed in this report. Three other workers from a fourth company were also interviewed but the details related to their cases and company are not mentioned in this report.

for coming to a decision in relation to unpaid wages, working and living conditions, passport confiscation and other abuses for the period between March and December 2018. Researchers also followed up on this request for information in a meeting with MADLSA officials in May 2019 and in further communication. Amnesty International received a response from MADLSA on 15 July 2019.

This report builds on Amnesty International's ongoing research into the situation of migrant workers in Qatar since 2012 including our 2013 report *The dark side of migration: Spotlight on Qatar's construction sector ahead of the World Cup*,² our 2016 report *The ugly side of the beautiful game: Exploitation of migrant workers on a Qatar 2022 World Cup site*³ and our 2019 briefing *Reality check: The state of migrant workers' rights with four years to go until the Qatar 2022 World Cup*.⁴

2. Amnesty International, *The dark side of migration: Spotlight on Qatar's construction sector ahead of the World Cup* (Index: MDE 22/010/2013).

3. Amnesty International, *The ugly side of the beautiful game: Exploitation of migrant workers on a Qatar 2022 World Cup Site* (Index: MDE 22/3548/2016).

4. Amnesty International, *Reality check: The state of migrant workers' rights with four years to go until the Qatar 2022 World Cup* (Index: MDE 22/9758/2019).

3. BACKGROUND

“I will continue fighting for my rights until the end. This is my sweat for five years. I was waking up at three in the morning.”

Kevin, a migrant worker from Kenya.

Nearly 2 million migrant workers from around the world are currently present in Qatar, building the infrastructure and providing the services behind the country’s rapid economic expansion, and contributing to a construction boom linked in part to the country’s hosting of the 2022 World Cup.

Making up more than 90% of Qatar’s population, these workers come primarily from poorer countries in South Asia, South-East Asia and parts of Africa. They come in search of economic opportunities and the chance to earn money to send back to their families at home. Their hopes are too often unmet, and organizations including Amnesty International have highlighted problems of widespread labour abuse for many years.⁵

Many workers arrive indebted, having taken out high-interest loans to pay excessive and illegal recruitment fees, while some are also given false information about the jobs and salaries.⁶ On arrival, they also become subjected to Qatar’s *kafala* sponsorship system, which places many of these workers at real risk of exploitation and labour abuse. This has led to sustained criticism of the labour practices of the next World Cup host.

Under the *kafala* system, migrant workers rely on their employer for almost every aspect of their legal presence in Qatar. For example, a worker’s employer sponsors their entry into the country, and has the responsibility to issue and renew residence and work permits. Employers also have the power to prevent a worker from changing jobs by refusing to sign a “No-Objection Certificate” (NOC) if they are under contract. They can also put the worker at risk of arrest and deportation if they report them as having “absconded” from their job, or if they cancel or fail to renew a worker’s visa or residence permit. Until October 2018, employers could prevent migrant workers from leaving the country by refusing to approve an exit permit.⁷

5. See Amnesty International, *The dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup*. (Index: MDE 22/010/2013)

6. See, for example, Amnesty International, *Nepal: False promises – exploitation and forced labour of Nepalese migrant workers* (Index: ASA 31/007/2011) and Amnesty International, *Nepal: Turning people into profits – abusive recruitment, trafficking and forced labour of Nepali migrant workers* (Index: ASA 31/6206/2017).

7. Amnesty International, *Qatar: Partial abolition of “exit permit” lifts travel restrictions for most migrant workers* (<https://www.amnesty.org/en/latest/news/2018/09/qatar-exit-system-reform-first-step/> 5 September 2019).

With so much power granted to employers over their workers, exploitation and labour abuse is widespread in Qatar. When workers face serious problems such as non-payment of salaries, long working hours, passport confiscation or poor living conditions, their ability to challenge or escape their situation is severely limited. Restricted in their ability to change jobs, for example, they may find themselves compelled to work under exploitative conditions to pay back debts incurred during the recruitment process. Migrant workers also continue to be banned from forming or joining trade unions.

Such problems are compounded by workers' inability to seek effective remedy for the harms they suffer. Bringing a complaint against one's employer in a system where the employer has so much power is inherently difficult, but equally the mechanisms available to workers in Qatar have also for years proven to be inaccessible, unaffordable and ineffective. Without an effective right to remedy for workers, and without accountability for unscrupulous employers, the government has allowed exploitation to continue relatively unchecked.

In recent years there have been greater hopes of change, however. In November 2017, following years of reports of abuse from human rights organizations, as well as a complaint lodged against Qatar at the International Labour Office in Geneva,⁸ Qatar entered into an agreement with the International Labour Organization (ILO) to reform the country's labour laws and bring them into line with international standards. The partnership agreement included commitments to improve access to justice, in addition to reforming the sponsorship system and improving pay and recruitment, workers' voice and health and safety. Progress has, however, been too slow and partial, and in some areas non-existent.⁹

This report evaluates the extent to which Qatar has made progress in improving workers' access to justice and effective remedies. In particular, it evaluates the effectiveness of a new system to deal with workers' complaints introduced in March 2018.



Migrant construction workers in Doha. © Amnesty International

8. International Labour Office, *Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd session (2014) of the International Labour Conference under article 26 of the ILO Constitution*, Governing Body 331st Session, Geneva, 26 October- 9 November 2017, p. 2 and para. 3, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf

9. Amnesty International, *Reality check: The state of migrant workers' rights in Qatar with four years to go until the Qatar 2022 World Cup*. (Index: MDE 22/9758/2019)

4. REFORMING A BROKEN SYSTEM

“There is no guarantee of getting justice. If migrant workers in Qatar get justice more quickly, it would be really important for them.”

Buhpentra, a worker from Nepal, speaking to Amnesty International after his struggle to get justice through the old court system in 2013.¹⁰

JUSTICE DENIED: SEEKING REMEDY UNDER QATAR’S OLD LABOUR COURTS

“The Labour Department tries to settle. Mostly the company won’t come to the meeting. So the Department sends the case to the court. There the worker has to pay 500 or 600 riyals [US\$137-165]. How can a worker pay this? It’s like climbing Mount Everest.”¹¹

Buhpentra, a worker from Nepal.

OLD LABOUR COURT SYSTEM BEFORE MARCH 2018

Amnesty International and other organizations have long criticized the system of labour courts that operated in Qatar for failing to provide adequate remedy for migrant workers who had faced labour abuse. Amnesty International’s findings into workers’ access to justice had shown these courts to be inaccessible, costly, lengthy and ultimately ineffective in providing remedy when companies did not voluntarily comply.¹²

10. For more details about Buhpentra’s case, see Amnesty International, *The dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup*. (Index: MDE 22/010/2013) p. 121.

11. From a meeting conducted with a representative of a labour-sending country embassy speaking to Amnesty International in Doha on 18 March 2013.

12. For more details about migrant workers’ access to justice under the previous system of labour courts, see Amnesty International, *The dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup*. (Index: MDE 22/010/2013) p. 114.

Under the system that existed in Qatar before March 2018, when a worker submitted a complaint, the Labour Relations Department (LRD) would first lead a mediation process to facilitate an “amicable settlement” with the employer. If this process failed, it would be referred to the labour courts – a process that could be extremely long. While the Ministry of Labour used to encourage employers to respond quickly to the mediation process, it could take between two and four months for the labour court to convene, and then six to 12 months to reach a judgement.

In the meantime, many workers would often be stranded without work, income or valid identity documents waiting for their case to be settled in the labour courts. Many would give up, while those who persisted would have to spend their savings or borrow from colleagues to buy food, meet legal costs, and travel back and forth to court hearings.

Even if a court decision was granted in favour of the worker, they would then have to launch a further legal process to compel their employer to comply if they did not do so voluntarily. Workers in such a situation would have to submit a case to the civil courts, a process which would add further expense and time, with no guaranteed outcome.¹³

The case of Mercury MENA¹⁴ – an engineering company involved in building vital infrastructure serving the city and stadium hosting the opening and the final matches of the 2022 World Cup – is a clear example of the struggle workers go through when they seek justice in Qatar.¹⁵ After months of persistent non-payment of wages and non-provision of legal documentation, in May 2017 dozens of Mercury MENA workers filed a complaint at the LRD. With the company failing to attend any of the scheduled mediation sessions, the case then progressed to the old labour courts, where it took around eight months for a final decision. As part of this process, each worker had to pay QAR600 (around US\$165) for an expert report. Despite the court finally confirming that Mercury MENA owed the workers money, until today no payment has been made.¹⁶

Other barriers meant that many workers still struggled to access the labour courts. Many low-paid workers could not pay the QAR600 (US\$165)¹⁷ needed to pay for an expert report to look into the details of their case, especially if they had already lived for months without any income. Others would struggle with language, with information about the process only available in Arabic or English, and complaints only accepted in Arabic. The limited opening hours of the MADLSA offices and labour courts also made it difficult for those still working to submit complaints.¹⁸

In practice, the weaknesses of the old labour court system put workers in an extremely weak position and pushed them to accept whatever their employer offered them in the interests of settling outside of courts, rather than pursuing justice through the legal system.

Twelve countries at the 103rd Session of the International Labour Conference (ILC) in June 2014 brought a case against the Government of Qatar which highlighted the severe weaknesses of Qatar’s old labour court system.

13. For more details about migrant workers’ access to justice, see Amnesty International, *The dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup*, p. 114.

14. Mercury MENA is a specialist mechanical, engineering and plumbing contractor working in a number of countries in the Middle East and North Africa. It was previously known as Mercury Middle East, which itself was a subsidiary of Irish company Mercury Engineering.

15. Dozens of Mercury MENA workers were left stranded and penniless for months in Qatar, eventually feeling obliged to return home in debt despite being owed thousands of dollars of wages and benefits. For more details about the case of Mercury MENA workers, please see, Amnesty International, *Unpaid and abandoned: The abuse of Mercury MENA workers* (News story, 6 September 2018), <https://www.amnesty.org/en/latest/research/2018/09/mercury-mena-abuses-qatar/>

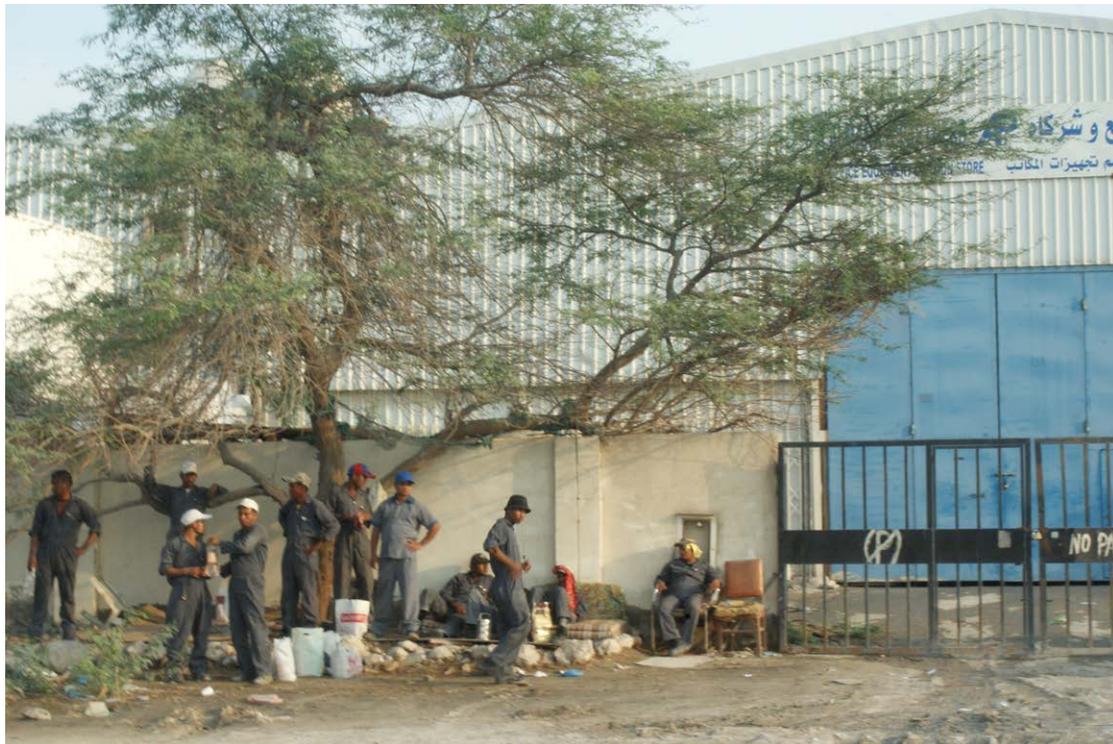
16. Amnesty International, *Unpaid and abandoned: The abuse of Mercury MENA workers*. <https://www.amnesty.org/en/latest/research/2018/09/mercury-mena-abuses-qatar/>

17. Receipts shown to Amnesty International by migrant workers during previous research on access to justice showed they were being charged this fee for expert reports on their cases.

18. For more details about migrant workers’ access to justice, see Amnesty International, *The dark side of migration: Spotlight on Qatar’s construction sector ahead of the World Cup*. (Index: MDE 22/010/2013) p. 114.

“The country’s labour inspection and justice system have proven highly inadequate to enforce the few rights that migrant workers do have under Qatari law... Workers outside of Doha find it difficult to get time off or the transportation necessary to file a claim in person in the limited hours when the complaints department is open. In any case, employers often fail to appear in the complaints process, allowing claims to languish. Workers brave enough to lodge a complaint face the additional hurdle of supporting oneself through the process. Workers often have no income or legal accommodation through this process, making the pursuit of a remedy daunting at best.”¹⁹

In response, an ILO committee of experts in charge of this complaint urged the Government of Qatar in June 2015 *“to facilitate access to the justice system for migrant workers, including providing them with assistance with language and translation, the elimination of fees and charges related to bringing a claim, and disseminating information about the Ministry of Labour and Social Affairs. It also called for these cases be processed expeditiously”*.²⁰



Migrant workers in Doha's Industrial area. © Amnesty International

19. At the 103rd Session of the International Labour Conference (ILC), delegates from 12 countries filed a complaint against the Government of Qatar relating to the violation of Convention No. 29 on Forced Labour and Convention No. 81 on Labour Inspection, www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348745.pdf

20. See ILO, Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 104th Session, June 2015), www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3255640

2018: NEW COMPLAINT COMMITTEES AND A PROMISED WORKERS' SUPPORT FUND

In response to the complaint lodged at the ILC, the Qatari authorities identified some measures they were taking to improve workers' access to justice.²¹ These measures were deemed insufficient by the ILO experts who visited Qatar in 2015.²²

Eventually, on 16 August 2017, the Emir passed a new law abolishing the old labour courts and setting up a new system centered around the establishment of "Committees for the Settlement of Labour Disputes".²³

The technical agreement signed between Qatar and the ILO in October 2017 consolidated the announcement, in which both parties vowed *"to strengthen the newly established national complaint mechanisms and to support workers in submitting complaints to ensure a fair and speedy process without any retaliation."*²⁴ Five months later, on 18 March 2018, three new Committees began receiving and processing cases.²⁵

In October 2018, another important initiative complemented the establishment of the Committees, when the Emir approved a law establishing a new fund to support workers who have suffered labour abuse and are facing financial difficulty.²⁶

On 30 October, the Workers' Support and Insurance Fund was announced. The fund is intended – amongst other things – to provide relief for workers who have won their cases at the Committees, but who have failed to secure any payment from their employers.²⁷ Rather than the worker having to pursue their employer further in the civil courts, the intention is that the fund provides the money owed to the worker first and then seeks reimbursement from the employer. This shifts the burden from workers to the fund.²⁸

However, as of the date of publication, Qatari authorities had not yet operationalized the fund and no worker has received any support from this source.²⁹

21. See Appendix II, Information submitted by the Government in response to the complaint, 10, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348745.pdf

22. *"The mission is of the view that further progress could be made especially concerning the timely payment of wages, the ability to change employers and access to effective complaints mechanisms, bearing in mind that problems in these areas in particular may leave workers in a position of vulnerability"*, from the ILO high-level mission report to Qatar between 7-11 February 2015, see Appendix III, Concluding Remarks, 49, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_348745.pdf

23. To establish the Committees, the Council of Ministers passed Law No. 13 of 2017 amending provisions of the Labour Law (No. 14 of 2004) and the Civil and Commercial Procedures Code (Law No. 13 of 1990), available at: <http://www.almeezan.qa/LawPage.aspx?id=7310&language=ar>

24. See p. 32 at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf

25. See Article 2 of Cabinet Decision No. 6 of 2018 on "The formation of Labour Dispute Resolution Committees and the rules and procedures to be followed before them and the mechanism for implementing their decisions and determining remuneration", <http://www.almeezan.qa/LawPage.aspx?id=7568&language=ar>

26. See Law No. 17 of 2018 related to the establishment of the Workers' Support and Insurance Fund, <http://www.almeezan.qa/LawPage.aspx?id=7798&language=ar>

27. According to Article 5 of Law No. 17 of 2018, the fund will also support workers, guarantee their rights and provide a healthy and safe work environment for them. It will also provide sustainable and necessary financial resources to support workers and will contribute to the establishment of stadiums or entertainment venues or workers' housing.

28. According to Article 4 of Law No. 17 of 2018, every year 60% of the proceeds coming from work permits and renewal fees would be used to finance the fund.

29. Officials from the ILO and MADLSA told researchers during meetings in May 2019 that the government is assessing several models in order to identify a viable and sustainable option to operationalize the Workers' Support and Insurance Fund.

THE NEW SYSTEM: HOW THE COMMITTEES SHOULD WORK

Three Committees have been operational since March 2018, replacing the old labour courts for all new cases.³⁰ They have jurisdiction to look into labour disputes involving migrant workers related to either the Labour Law or breach of contract.³¹

The new complaints system begins much like the old system, in that the first stage of any complaint is for the Labour Relations Department (LRD) to launch an attempt at mediation. The new system should be quicker, however, with the LRD writing to both parties to attend a session within a couple of days and aiming to resolve or pass on the case within seven days.³²

If mediation is successful, both parties will be asked to sign a report with executory force certified by the MADLSA.³³ If the dispute is not settled, the case will be referred to the Committees within three working days. The first hearing will be held between three and seven days from when the Committee receives the case.³⁴

Each of the three Committees are chaired by a judge appointed by the Supreme Judicial Council and composed of two more members from the MADLSA, including an accountant.³⁵

According to the law, the Committees will examine the dispute within a period not exceeding three weeks from the first hearing.³⁶ At the end of the trial, a decision will be issued that is intended to have executory force. Parties can appeal the decision within 15 days. The appeal courts should decide on the case within 30 days from the first hearing.³⁷ However, any appeal process will not halt the implementation process unless decided otherwise by the court of appeal.³⁸

In all, **the process is intended to take a maximum of six weeks** from the moment a complaint is registered at MADLSA offices until the plaintiff has a court decision with executory force. This, if achieved in practice, would be a significant improvement for workers in obtaining a remedy as compared with the old system.

The new system of Committees also aims to be more accessible, not just quicker. The Committees' sessions are now held in the afternoons from Sunday to Thursday, reducing to some extent potential clashes with many employees' regular working hours. Fees have been cancelled. Translators are available during hearings to assist with communications. However, workers still face other financial burdens including translating necessary documents and travelling to courts given their limited number and locations. Unlike the old labour courts, the Committees can now deal with claims brought by domestic workers – who are not covered by

30. According to Article 115/7 of Law No. 13 of 2017, the labour courts will continue to look into cases either referred to them before this law was passed or up until the Committees are set up. This was also confirmed in a letter received by MADLSA officials on 23 April 2018.

31. See Article 115/bis of Law No. 13 of 2017.

32. See Article 115/bis of Law No. 13 of 2017.

33. See Article 115/bis of Law No. 13 of 2017.

34. See Article 115/bis of Law No. 13 of 2017.

35. See Article 115/bis1 of Law No. 13 of 2017.

36. See Article 115/bis2 of Law No. 13 of 2017.

37. See Article 115/bis6 of Law No. 13 of 2017.

38. See Article 115/bis6 of Law No. 13 of 2017.

Qatar's Labour Law – following the introduction of a separate law in August 2017 securing them some partial legal protection.³⁹ It is not clear, however, how many domestic workers cases have been heard through this mechanism, and cases involving domestic workers are not covered in this report.⁴⁰

39. See Law No. 15 of 2017 on Domestic Workers, available at: <http://www.almeezan.qa/LawPage.aspx?id=7312&language=ar>. The new law introduced some legal protection for domestic workers including paid holidays and a limit to working hours, but still falls short of international standards, including ILO Convention 189 on domestic workers, as it places no limit on additional working hours and allows domestic workers to agree to work beyond the legal limit, which is clearly open to abuse.

40. Although cases of domestic workers are not covered in this report, in July 2018 MADLSA officials told Amnesty International's researchers that most complaints brought by domestic workers are dealt with at the mediation stage. Amnesty International wrote to MADLSA requesting further information on figures related to domestic workers' cases – among other things – but did not receive a response at the time of writing despite repeated requests.

5. HUNDREDS OF WORKERS LEFT PENNILESS AS NEW SYSTEM IS PUT TO THE TEST

“We are sure that we will not receive our money because they do not even push the employer to pay. We find it very hopeless when dealing with the labour court and supreme court... [They are] very slow and they are not tough with employers who abuse their workers.”

Laura, a Filipino worker owed five months of unpaid wages and still waiting to receive her compensation six months after bringing her case in front of the Committees.⁴¹

If successfully implemented, the establishment of the Committees and the ambition to resolve all cases within a six-week time frame could be a major improvement for migrant workers seeking to access remedy for labour abuses. Similarly, if operational, the Workers' Support and Insurance Fund could help end the injustice of workers being denied compensation by companies that refuse to comply with legal processes or have gone out of business.

Between March 2018 and June 2019, Amnesty International investigated three companies involving more than 2,000 workers, each of whom were owed thousands of dollars of unpaid wages and benefits. Of this total, around 1,620 submitted complaints to the Committees between March and September 2018. As the examples illustrate, even under the new complaints system, it may take workers many months – in some cases up to eight – to receive a Committee judgement, and even then, they may not receive any money at all.

In the context of migrant workers in Qatar, delays of up to eight months just to receive Committee judgements can be devastating. They may be highly indebted, have no alternative sources of income and may not have the freedom to search for other jobs as a result of the *kafala* system in place in Qatar.

41. Communication with Laura on 21 March 2019. Researchers met Laura the first time in Doha on 10 December 2018 and have continued to follow her case since then. As of July 2019, Laura's wait for compensation continues.

All the workers interviewed by Amnesty International had worked for months without salary before bringing their cases to the Committees. Some could not leave their labour camps for fear of arrest because their employer had not renewed their identity documents.

The result of all of this is that, in the cases that follow, hundreds of workers returned to their home countries penniless. They are owed thousands of dollars having abandoned their claims. Hundreds of others who continued with their claims ended up accepting just a portion of what they were owed through Committee settlements. Even then, this was obtained only after having fought for many months in the courts – often in terrible conditions – against a legal system that ultimately failed them.

5.1. HAMAD BIN KHALED BIN HAMAD

“I waited four months for MADLSA to give me a verdict that I am entitled to get my money from the company. That was it! To date almost a year has passed since I started this process and I did not receive a penny.”⁴²

Ashish, an HKH employee still waiting to get his money after winning his case at the Committees.



Company: Hamad bin Khalifa bin Hamad (referred to as HKH)

Number of employees submitting complaints: 680 (out of 1,200+ affected)

Amounts owed: Between 3 and 7 months of unpaid salary, plus end-of-service benefits

Date of LRD complaint: 25 March 2018

Time taken in LRD stage: at least 3 weeks

Time taken at the Committee stage: 3-8 months

Number of workers dropping their cases and returning home without any money: 300+

Judgements eventually provided by Committees: 300+

Payments received directly via Committees or courts: 0

Number of workers receiving settlements: 400+

Number of workers with Committee judgements but not paid as of June 2019: 130+

42. Exchange with Ashish on 2 March 2019.

THE COLLAPSE OF HKH

In March 2018, over 1,200 employees of private Qatari construction company Hamad bin Khaled bin Hamad (HKH) stopped reporting for work after the company had failed to pay them wages since December 2017. Despite managers promising workers that their salaries would eventually be paid if they continued working, no money was forthcoming. In March 2018, the company ceased to operate, and workers had to stop working.⁴³

To many workers this came as a surprise. Owned by a prominent member of the royal family, Sheikh Khaled bin Hamad bin Khaled Al Thani, and headed by an experienced and long-standing CEO, the company was well-known in the construction sector.⁴⁴

HKH had worked for high-profile clients including Ashghal, Kahramaa, Qatar Petroleum, Al Jazeera, Doha International Airport and Sheraton Hotels, as well as a number of government ministries.⁴⁵ Workers told Amnesty International in March 2018 when the firm ceased operations that they were still working on projects including villas in al-Aqaria and a tower in al-Dafna.⁴⁶

MARCH 2018: 680 WORKERS FILE COMPLAINTS AT THE NEW COMMITTEES

The collapse of HKH in March 2018 coincided with the operationalization of the Committees by the Qatari government. This provided an early test case of their effectiveness.

By the end of March, 680 HKH workers – mostly from India, Nepal, Bangladesh and Sri Lanka – had gone to the LRD office in the industrial area in Doha to submit complaints demanding compensation for four months of unpaid salaries, in addition to end-of-service benefits.⁴⁷ At the same time, over 100 more senior employees, including engineers, project managers, safety officers and those working in administration, filed a similar case, with many having received no salaries for around seven months.⁴⁸

At the LRD office, officials asked the workers to provide a list of their names in order to trigger the process to call the company for a mediation session. Officials told workers to expect a phone call in a week. LRD sent copies of the employees' complaints to HKH's CEO, asking him to report to the LRD for the mediation session on 27 March 2018.⁴⁹

At first, things moved quickly. On 27 March, HKH wrote to the LRD committing to pay employees what they were owed within two weeks as of the date of writing. The LRD ordered the employees to check in two weeks' time on whether payments had been made and refer their case to the Committees if this was not done.

When HKH made no payment by 11 April, the LRD decided to give the company one more week, telling workers that negotiations were still ongoing and might lead to a positive outcome.⁵⁰ When that

43. Between April 2018 and May 2019, Amnesty International followed closely the case of HKH, receiving documentation from about 200 employees, speaking in depth to seven of them and analysing and reviewing their court documents. Amnesty International raised the case with MADLSA officials between May and August 2018. Researchers also visited HKH labour accommodation in Street 41 in the industrial area in Doha in July 2018.

44. For more details about the company see their website at: <http://www.hkhqatar.com/aboutus.html>, available now on: <https://web.archive.org/web/20181009200356/http://www.hkhqatar.com/aboutus.html>

45. For more details about HKH's list of clients see the company's website at: <http://www.hkhqatar.com/ourclients.html>, last accessed in November 2018, available now on: <https://web.archive.org/web/20181009200356/http://www.hkhqatar.com/aboutus.html>

46. According to information shared with Amnesty International by a former HKH manager in April 2019.

47. According to information shared with Amnesty International in April 2018 by HKH workers who submitted their claims.

48. According to information shared with Amnesty International in April 2018 by HKH senior employees.

49. According to a copy of the letter workers shared with Amnesty International in April 2018.

50. Around the same time some workers registered their case at the National Human Rights Commission, where they were told that the case needs to be taken first to the Committees but offered to provide them with basic supplies and food assistance if needed.

too failed, MADLSA officials informed some employees on 16 April that their case would be sent onwards to the Committees, and that they should expect a message in 15-21 days notifying them about the start of their court proceedings.⁵¹

“I do not understand what is happening. Me and my colleagues have been checking on our case almost daily and were told to expect referral to the Committees soon because our company failed to pay our salaries, and now our complaint has been closed, this is ridiculous!”⁵²

Samir, an HKH employee speaking to Amnesty International in May 2018, around the time his complaint was not being processed.

FOLLOWING MONTHS OF DELAYS, HUNDREDS OF WORKERS RETURN HOME WITH NOTHING

By mid-May 2018, when the first Committee hearings began for some workers, over 300 others had already decided to drop their cases and return to their home countries. Those who decided to leave told researchers that they were lacking faith in the process and tired of the desperate living conditions in their camps, where they were struggling to live without money and with limited supplies of food and water. As one worker described to Amnesty International:

“We were living on food charity – the company did not pay our salaries for months and we had no money. Our camp is in the industrial area situated at least 30 minutes’ drive from the court, meaning that we had to find a way to make it to court. We tried to organize ourselves and each worker would pay five Qatari riyals to buy fuel and fill one of the company’s bus[es] to attend our hearings by groups.”⁵³

Deepak, an employee from Nepal who was living at the HKH labour camp in July 2018.



Gate of HKH camp, July 2018
© Amnesty International

51. According to information shared with Amnesty International by HKH workers in May 2019.

52. Interview with Samir on 15 May 2018.

53. Interview with Deepak on July 2018 in Doha.

Indeed, when in July 2018 Amnesty International researchers visited one of HKH's labour camps at Street 41 in the industrial area, it was clear that despair had reached worrying levels. Workers who had chosen to wait for their court decisions had been stranded for months in the camp living on food donations and supplies given by local charities. Power cuts and lack of water had become routine.⁵⁴ Most of the workers that researchers met did not have valid identity documents,⁵⁵ restricting their ability to find a new job.⁵⁶



HKH camp in July 2018. © Amnesty International



HKH camp in July 2018. © Amnesty International

Despite these conditions, over 300 workers continued their cases with the Committees, with those interviewed by Amnesty International all saying that they attended three hearings. In the first two hearings the judges at the Committees asked workers to produce evidence relating to their case, such as a contract and bank statements. Final judgements were issued in the third.

The Committees gave workers who won their case three copies of their decision and informed them about the possibility to appeal or take the case to civil courts to enforce the judgement.

In the quickest cases, decisions were reached by early June 2018. Many workers, however, did not get a judgement until late November 2018 – almost eight months after they first submitted their complaints.

54. Migrant-Rights.org, *1200 workers from a single Qatari company stranded*, 14 May 2018, <https://www.migrant-rights.org/2018/05/1200-workers-from-a-single-qatari-company-stranded/>

55. Under the sponsorship system in Qatar, it is the employers' responsibility to provide their employees with valid residence permits.

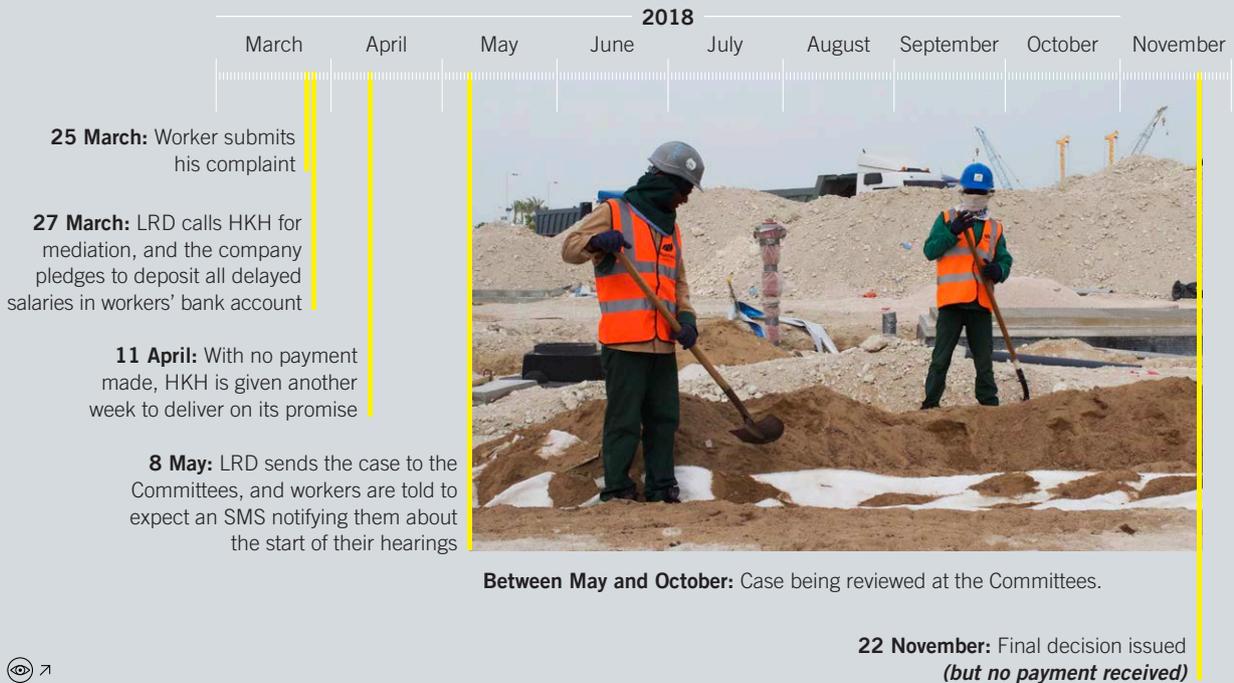
56. Some workers explained to Amnesty International that in order to apply for a new job, employees are asked to provide a valid ID. Failing to do so means the application will either be dismissed or the employee will then be requested to renew it, usually by paying personally the QAR1,200 (around US\$330) fees in addition to any penalties acquired as a result of HKH failing to renew workers' IDs on time.

Timeline of HKH workers' complaints process

Example timeline of the quickest cases to go to the Committees



Example timeline of longer cases to go to the Committees



© Amnesty International

JUDGEMENTS FINALLY RECEIVED, BUT STILL NO PAYMENTS MADE – WORKERS GO TO THE CIVIL COURTS

Receiving the Committees' judgements did not, however, result in workers receiving their unpaid salaries and benefits; HKH did not engage with the legal proceedings. The workers became embroiled in another long legal process at the civil courts to enforce the Committees' decisions in an attempt to get their dues. Ultimately, this too proved to be laborious, time-consuming and costly.

Around 200 workers who continued their cases at the civil courts had to attend up to four hearings, taking approximately six months, adding further costs and delays.

Roy, a Filipino employee who followed up his case all through legal enforcement, spoke about his experience:

“Every session is the same, the judge told me to come back again and again. I spent my money on taxis going back and forth. I had three sessions and had to pay some fees for sending documents to HKH office, but the PO box of HKH is not active because HKH didn't pay fees. I also had to request leave from my new job because I needed to go to court”.⁵⁷

Another Indian worker who pursued his case in the civil court to try and force HKH to pay the money he was owed explained the difficulties he endured:

“After my verdict from MADLSA I went to high court to file a case. They scheduled my first hearing where they collected a copy of my verdict and scheduled the next hearing. I was also asked to send a court paper to the company post box. On my second hearing nothing was asked, and the court told me: ‘come to the court after two weeks and check with the accounts department. Your case is done!’ Since then we are checking with the court accounts... all they say each time we go is come after another three weeks”.⁵⁸



Food donations provided by Qatari charities for HKH workers stranded in the camp, July 2018 © Amnesty International



Food donations provided by Qatari charities for HKH workers stranded in the camp, July 2018 © Amnesty International

57. Interview with Roy on 28 February 2019.

58. Interview with Ashish on 2 March 2019.

Timeline for HKH legal enforcement process at civil courts



ONE YEAR ON – HKH FINALLY PAYS SOME WORKERS, BUT HUNDREDS MISS OUT

Eventually, between the end of October 2018 and March 2019, more than 400 workers, who had either remained in Qatar or had returned to their home country, received their compensation through settlements. According to workers, HKH ended up paying most of their four months' salaries in addition to their end-of-service benefits in return for them withdrawing their cases from courts.

In its reply to a letter sent by Amnesty International,⁵⁹ MADLSA said that it coordinated efforts to supply workers in the camp with basic needs through local charities and negotiated settlements between the company and workers. According to the Ministry's figures the company paid QAR4,792,036 (US\$1,316,132) for 468 HKH workers who have left Qatar.⁶⁰ Amnesty International was not able to confirm the amount paid.

At the time of writing, employees told Amnesty International that approximately a further 70 workers were scheduled to be paid next but it is unclear if any payment has been made to them.⁶¹

59. Amnesty International letter to MADLSA on 28 June 2019.

60. MADLSA letter received on 15 July 2019.

61. Information shared with Amnesty International by two HKH workers in May 2019.

The managers or senior staff who were owed up to seven months' wages, plus benefits, were still waiting by the end of July 2019, despite having obtained judgements from the Committees and secured legal enforcement orders from the civil courts.

Speaking to Amnesty International, one Filipino worker who had a sick child in need of urgent medical treatment described the shattering impact his unpaid wages, coupled with the long and unsuccessful legal proceedings, had on his life:

“I have an ongoing court trial in the Philippines, because I was unable to support my family financially during the time I was working in Qatar in HKH. I told them [creditors] that I don't have money because I don't have salary, but they did not believe me and they filed a case against me.”⁶²

In all, the failures of the new Committees to cope with a case as large as HKH meant that out of more than 1,200 workers who suffered months of unpaid wages and end-of-service benefits, less than 500 have received their compensation – after having to pursue their claims through the court systems, in some cases for more than a year.

Hundreds of others returned home with nothing at all.

Amnesty International wrote to HKH on 28 June 2019 presenting the findings of our research and requesting a response, but the company did not reply.

5.2. UNITED CLEANING

“For five months I had to live with very little food and no salary. My family was really affected. Tears come to my eyes when I remember where we used to go to find food... in the bins. After two years and five months of working with United Cleaning without taking any vacation, the company owes me a lot of money which they refuse to pay me. If I get it I can go home to my wife and son. I need my sweat [hard work].”⁶³

Jack, a worker from Kenya who to date did not receive his compensation.

62. Interview with Roy on 28 February 2019. He told researchers that he is standing trial in the Philippines for failing to pay his loan on time as a result of not receiving his compensation.

63. Interview with Jack on 14 June 2019.

64. Amnesty International managed to follow the case of a group of 80 workers who submitted their complaints to the Committees. Workers told researchers that as of October 2017 the company employed more than 2,000 employees, the majority of whom left after the company failed to pay them their wages for three months. More than 800 workers continued working, though their salaries eventually stopped in November 2018. The 80 workers whose stories are documented were part of this group.



Company: United Cleaning

Number of employees submitting complaints: 80+ (out of 800+ affected in March 2018)⁶⁴

Amounts owed: 4 months of unpaid salary, plus end-of-service benefits

Date of LRD complaint: 7 March 2018

Time taken in LRD stage: 1 month

Time taken at the Committee stage: 4-9 months

Judgements provided: 70+

Payments received directly via Committees or courts: 0

Number of workers receiving part of their dues in settlements: 50+

Number of workers with Committee judgements but not paid as of June 2019: 20

NOVEMBER 2017: NO MORE WAGES

On 25 March 2018, just one week after the Committees were established, a group of 80 Kenyan workers from United Cleaning – a Qatari company providing cleaning services for government ministries, schools, mosques and a range of private companies – filed complaints after having worked without receiving any salary since November 2017.⁶⁵ According to their contracts, they were collectively owed around QAR746,444 (around US\$205,000).⁶⁶

They were amongst a group of at least 175 workers facing similar difficulties at this time, although most went to their respective homes outside Qatar without submitting complaints.

Problems at United Cleaning had begun even earlier. In August 2017, the company stopped paying salaries to over half of its employees who by then were staying in Qatar without any valid documentation, after United Cleaning failed to renew their documents.⁶⁷ The following month, the company paid a month's wages only after workers went on strike. Sensing the worst and that they would not receive any additional salary, by mid-October hundreds of workers headed back home.⁶⁸

During the time in which salaries were not being paid, workers claim that United Cleaning had deceived them about the reasons for lack of payments, and the prospect of them being provided.⁶⁹ Leo, a worker from Kenya who spoke with Amnesty International, said:

65. Between June 2018 and June 2019, Amnesty International received documentation for about 80 employees, speaking in depth to eight of them and analysing and reviewing their court documents. Amnesty International also raised the case with MADLSA officials in August 2018.

66. According to a letter sent by the Kenyan Embassy to the LRD on 23 April 2018.

67. Workers living in Qatar without a valid ID are at risk of arrest and deportation if caught by the police. It is usually the employers' responsibility, who act as the "sponsor" for workers, to renew the IDs of their workforce.

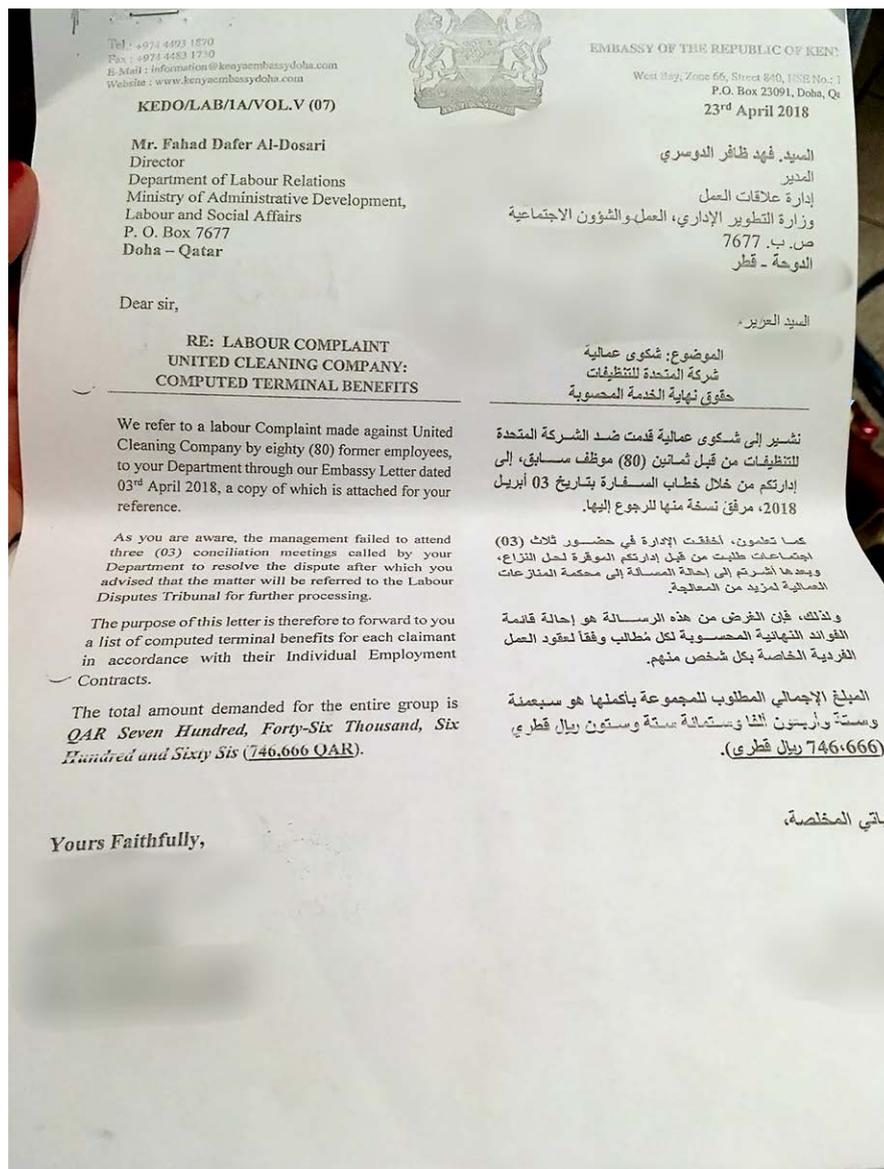
68. "1300 Nepali migrant workers laid off in Qatar", The Kathmandu Post, 15 October 2017, <http://kathmandupost.com/news/2017-10-15/1300-nepali-migrant-workers-laid-off-in-qatar.html>

69. From interviews with four United Cleaning workers in July 2018.

70. Interview with Leo on 24 July 2018.

“They told us the delay was between the bank and the ministry, because the ministry was not paying, though our contacts at the ministry said it was not true... They used to promise us that if you go to work we’ll bring the salary. They were good at convincing us, but they never did what they said. They never considered that we have families at home.”⁷⁰

Despite carrying on working without getting paid, the company eventually terminated their contracts on 14 March 2018, informing them that it had ceased operations. According to some workers, the company is still operating, though Amnesty International is unable to confirm or refute this.⁷¹



Workers shared with Amnesty International a letter sent by the Kenyan embassy to LRD regarding their case. © Private

71. Information on corporate ownership and structures in Qatar remains inaccessible, but workers explained to Amnesty International that the company is still operating a branch employing “trolley boys” in reference to workers who help with trolleys in supermarkets and shopping malls. Desk research showed that the company is also part of a wider group called Al Jazira Seashore Group.

MARCH 2018: 80 CLEANING STAFF LAUNCH COMPLAINTS

The newly established system of labour committees offered hope. On 25 March 2018, a group of around 80 United Cleaning workers submitted a collective complaint to the LRD. They were soon told, however, that collective complaints were not permitted despite the law allowing it, and they had to return to submit their cases individually.⁷² By early April 2018 all of the 80 workers who submitted complaints had been given a case number. United Cleaning, however, failed to attend three mediation sessions at the LRD.⁷³

When Amnesty researchers met a group of United Cleaning workers at the end of July 2018, they explained how the mediation process had failed. Further, only one worker had been called to attend a hearing at the Committees and received a judgement. Another had her case deferred until September. Everyone else was waiting for news of when their hearings would start.

Maria, a cleaner from Kenya who was planning to travel back home to her daughter after finishing her two-year contract with United Cleaning, told Amnesty International:

“We brought our case along with the 80 others to court, they called for the company three times [but] it did not show up. Now I am still waiting to be called for my first hearing. We used to travel to court via a Karwa bus we rented and shared the costs.”⁷⁴

The workers also described how officials from the MADLSA had committed to helping them receive compensation, and either change jobs or return home. This commitment, however, was not fully met. Dalia, a cleaner from Kenya who was involved in the discussions with officials, told Amnesty International:

“On 1 July we met again with the head of the ILO who took us to the Ministry of Labour building in the third floor; we met officials from the ministry who were there. They promised to [help us get] our money and a period of one week to find jobs, or else they will pay for our tickets home. Nothing of all this happened, and on 22 July at 4pm I had my first court hearings, and now my case has been postponed until 9 September for me to fill in the form and submit some paperwork.”⁷⁵

In the meantime, workers were stranded without income and unable to buy food. Conditions in their labour camp had been deteriorating after the company stopped providing essential services.⁷⁶ Power cuts became frequent, while food, water and sanitation were lacking in both male and female accommodations, despite Qatari charities stepping in to offer some relief. Workers told Amnesty International that more and more of their colleagues were getting sick.

72. Article 9 of Cabinet Decision No. 6 of 2018 stipulates that in the instance where the complaints share the same subject and opponent, the Committees may combine the complaints and issue one collective decision.

73. According to a letter sent by the Kenyan Embassy to the LRD on 23 April 2018.

74. Interview with Maria on 24 July 2018.

75. Interview with Dalia on 24 July 2018.

76. According to Ministerial Decision No. 18 of 2014 regarding the requirements and specifications of suitable housing for workers, companies are responsible for the labour accommodation where their workers reside by providing water, electricity, cooling systems and cleaning services. Companies tend to appoint a “camp boss” in each accommodation, who is usually a worker responsible for the day-to-day functioning of the accommodation. Some companies also pay a monthly food allowance for workers to be added to their basic salaries. Ministerial Decision No. 18 of 2014 available at: <http://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=16607&LawID=6424&language=ar>

According to Ministerial Decision No. 18 of 2014, employers are obliged to provide suitable housing for workers in line with specific requirements and specifications, such as:

- A bed with bedding and suitable covers for each worker.
- Lockers easily and freely accessed by workers to save their documents and personal belongings.
- Adequate and suitable air conditioning.
- One tap water cooler for every 20 workers.
- Backup lighting sources in case of power cuts (Article 3).
- Regular maintenance of the accommodation (Article 6).
- Appoint a qualified and licensed nurse and resident in the housing if the number of workers is between 100 and 500, and appoint a doctor if the number of workers exceeds 500 (Article 9).
- Appoint workers to clean the accommodation, and a supervisor in charge of supervising and guarding the accommodation and informing the employer of maintenance work needed (Article 11).⁷⁷

As the Committees' process dragged on, workers told researchers that representatives of United Cleaning were discouraging them from pursuing their cases and pushing them to accept settlements. The company offered the workers between QAR1,500-2,000 (around US\$410-550) – equivalent to just one month of salary and some overtime – in addition to a portion of their end-of-service benefits.

According to workers, United Cleaning representatives deliberately highlighted the difficulties workers would face at the Committees stage, with one worker telling Amnesty International that *“they also said if you take your case to court it will take more than a year”*.⁷⁸

Others considered the option of requesting to move to another job while their case against United Cleaning was still ongoing, yet they said that representatives of the company told them they would have to drop their claim in order to get permission to do so.⁷⁹ Kevin, another worker from Kenya, told Amnesty International researchers:

“I wanted to get my salary and NOC [No-Objection Certificate] so I can work again. When I went to the office to ask for the NOC they said I should sign a paper to say I had taken the money I was owed, or drop the case... They said that to everyone who asked.”⁸⁰

Despite the company's tactics to reduce the number of cases in court, and the lengthy delays in getting their cases through the legal system, many workers persisted, eventually securing court decisions between September and December 2018 (a year from workers receiving their last salary). But as with the workers from the other cases featured in this report, these decisions did not compel United Cleaning to pay them in full.

77. For more details about the requirements and specifications of suitable housing for workers, see Ministerial Decision No. 18 of 2014, available at: <http://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=16607&LawID=6424&language=ar>

78. Interview with Leo on 24 July 2018.

79. In Qatar, a worker must obtain a “No-Objection Certificate” from their employer to be able to change job.

80. Interview with Kevin on 24 July 2018.

OUT OF OPTIONS AND FORCED TO SETTLE

“Someone from the Ministry of Labour told us that if we don’t take the money we will stay waiting for two years.”

Dalia, a United Cleaning worker who continued her fight to secure a compensation.⁸¹

With their judgements from the Committees in hand, but no money received, workers were asked to take their decisions to the civil courts for legal enforcement. Once again, United Cleaning did not engage in any of the legal proceedings and failed to attend the civil court hearings. Instead, company representatives were actively trying to negotiate lower settlements with workers outside of the courts.⁸²

Losing hope in a legal process that had proven to be long, costly and had failed to secure them any money, workers started, one by one, to accept what the company was offering to pay them. Between October and November 2018, around 50 workers agreed to take less than half of the amount that they were owed and left for their home countries. By this time workers had not been paid for almost a year and had been living without alternative income in dire conditions in their labour camps, relying on charity donations.

After accepting the offer in writing, workers told Amnesty International researchers that the company would not provide the money until the worker arrived at the airport, just a few hours before they were due to leave Qatar.

Indeed, in its reply to Amnesty International’s letter,⁸³ MADLSA said it coordinated efforts to provide stranded workers with basic supplies. It also facilitated discussions between workers and the company to reach “an acceptable solution to all”. The Ministry eventually accompanied workers – who accepted the offer - to the airport, where they received their money before leaving.⁸⁴

Around 20 workers decided to persist with the court process in the hope of securing most of what they were owed. They soon got frustrated and tired by a system that was working against them and pushing them towards accepting a settlement that was much lower than what they were owed.

Speaking to Amnesty International in December 2018, one worker described the ordeal she and some of her colleagues had to go through. The Committees had ruled she should be paid QAR16,176 (around US\$4,442), but in the end she settled for QAR8,900 (around US\$2,444):

“I decided to fight to the end. I submitted my case on 4 April and got my decision on 9 September. I had my first session at the high court on 15 November. We were 10 women to take our cases to high court. On 9 December they offered to pay half of my dues. Two of us refused and want to continue the case in court... [Eventually] I accepted because I got frustrated and tired. We stayed two months without food... We need transport, we can’t work. They will throw us out of our homes and we will have nowhere to go... This is not fair. We were told we must leave [the] house this month, I signed a document to renounce my case, I do not know when I will be asked to leave... We want to come back but our social situation is difficult. We need money to buy our next job.”⁸⁵

Today, most of the 80 United Cleaning workers who brought their case to courts have left Qatar, many securing less than half of what was owed to them. Of the 20 still in Qatar, some have managed to find jobs and, with the help of MADLSA and ILO officials, were able to transfer their sponsorship visas.⁸⁶

81. Interview with Dalia on 11 December 2018.

82. According to United Cleaning workers who spoke to Amnesty International at the time.

83. Amnesty International letter to MADLSA on 28 June 2019.

84. MADLSA letter to Amnesty International on 15 July 2019.

85. Interview with Dalia on 11 December 2018.

86. According to two United Cleaning workers who spoke to Amnesty International on 10 and 11 June 2019.

However, despite winning their case, they continue to wait in vain for the company to pay their dues. This underscores the ineffectiveness of the current Qatari legal system when it comes to resolving issues of unpaid wages and other benefits.

Kevin from Kenya, who is yet to receive his compensation from United Cleaning, explained why he will continue to wait for his money:

“I will continue fighting for my rights until the end. This is my sweat [hard work] for five years. I was waking up at three in the morning.”⁸⁷

Amnesty International wrote to United Cleaning on 28 June 2019 presenting the findings of our research and requesting a response, but at the time of writing the organization had not receive a reply, despite several attempts to reach out to the company.

5.3. HAMTON INTERNATIONAL

“I wasted 15 months waiting for my money to come. [The] judiciary in this country is very weak. I can’t wait anymore.”⁸⁸

Sanish, a worker from India, who decided to let go almost half of his dues after he could not wait any longer in Qatar.



Company: Hamton International: (Hamton)

Number of employees submitting complaints: 862 (out of 900 affected)⁸⁹

Amounts owed: 4 months of salary, plus end-of-service benefits

Date of LRD complaint: 13-16 September 2018

Time taken in LRD stage: between 6 weeks and 3 months

Committees stage: at least 3 months

Number of workers dropping their cases and returning home without any money: 400+

Judgements provided: unknown

Payments received directly via Committees or courts: 0

Number of workers moving to another job without getting paid: 100+

Number of workers receiving part of their dues in settlements: 200+

87. Interview with Kevin on 11 June 2019.

88. Message from Sanish on 7 June 2019, three days after he travelled back to India.

89. According to the National Human Rights Commission who followed the case in October 2018, 862 workers submitted their complaints. Workers told Amnesty International that all the 900 workers complained to the LRD.

MAY-SEPTEMBER 2018: WORKING ON A PROMISE

Describing themselves as “the most preferred contractor and business developer in Qatar”, Hamton International⁹⁰ had worked since 2005 on many prestigious projects including the New Doha Hotel, Warwick Doha, Rotana Building and Aster Hospital.⁹¹ However, from January 2018, the company stopped paying their workers’ salaries regularly.⁹² In April 2018, four months later, workers received their salary only after going on strike. In May, payments stopped entirely.⁹³

The Hamton workers – originating mostly from Nepal, Bangladesh, Sri Lanka, Ghana and Kenya – continued to work until early September 2018 without four months of pay despite the deteriorating conditions at their labour camp in Umm Salal.

Workers told Amnesty International researchers they did so because they had been repeatedly promised that salaries would come. Arjun, from India, who worked at Hamton for 11 years, told Amnesty International how when “[we] asked for our salary, they [Hamton’s managers] told us to wait, wait, wait.”⁹⁴ Joseph from Ghana, who has been working for the company since 2014, said that they continued working without receiving any pay because they feared being penalized: “I continued working because managers said that we need to continue working, or else you will lose your previous salaries.”⁹⁵

But eventually people started to fall sick due to the poor living conditions, lack of food and medical care, and “ambulances were often called to the camp to help sick workers and take them to hospitals.”⁹⁶ In July 2018 the Hamton employees went on strike following the death of a Bangladeshi worker, and because “no-one came to help [them]”.⁹⁷

SEPTEMBER 2018: CONTRACTS TERMINATED, COMPLAINTS SUBMITTED

In September 2018, Hamton’s Human Resources department gave the workers notice that their employment had been ended. Each worker received an official “settlement paper”, indicating the amount they were owed, including unpaid salaries and end-of-service benefits. The company, however, did not pay these amounts around that same time.

Records shared by some workers show that between 13-16 September 2018, about six months after the Committees became operational, most of the 900 Hamton workers filed complaints at the LRD office in the industrial area to reclaim their four months of unpaid salaries and end-of-service benefits.

Records shared by workers also give an overall idea about the amount of money owed by Hamton. For example, a list of claims provided by workers showed that Hamton owed 228 of its workers collectively more than QAR2,721,503 (around US\$748,000) in unpaid wages and other benefits, averaging QAR11,936 (around US\$3,280) per worker.

90. Hamton International appears to be part of a wider group of companies called the Hamton International Group, registered in Kerala, India. The group includes some eight distinct businesses: http://hamtoninternationalgroup.com/hamton_profile.pdf According to the information held by the Qatar Chamber, Hamton has two branches in Qatar; Hamton Tourist & Travel W.L.L (CR 00112891) and Hamton International W.L.L (CR 00030016).

91. “Hamton proudly announces record completion period of a hospital project in 18 months at Qatar by Hamton International W.W.L”, *Gulf Times*, 3 January 2017, https://www.gulf-times.com/content/pdf/Dailynewspaper/Main2017_1_3520647.PDF

92. Between September 2018 and May 2019, Amnesty International followed closely the case of Hamton International receiving documentation for about 228 employees, speaking in depth to 13 of them and analysing and reviewing court documents and other evidence. Researchers also visited Hamton’s labour accommodation in December 2018 and met the brother of the Qatari sponsor.

93. All Hamton workers interviewed by Amnesty International confirmed that they received their April 2018 salary after going on strike.

94. Interview with Arjun on 8 December 2018.

95. Interview with Arjun on 8 December 2018.

96. Interview with Arjun on 8 December 2018.

97. Interview with Arjun on 8 December 2018.

Hamton representatives failed to attend the mediation sessions,⁹⁸ and so officials at the LRD told workers to expect an SMS notifying them of their first hearing at the Committees.

There was some hope that payments would be forthcoming when, on 15 October 2018, workers told Amnesty International that the company's sponsor was arrested at the labour camp following a complaint made at Al-Rayan police station. They said that following the arrest he promised to pay the workers within 10 days but was eventually released without doing so.

At the start of November 2018, over 500 workers were still living in Umm Salal labour camp, relying on charity donations after Hamton stopped providing them with clean water, electricity and food, but even these deliveries were unreliable, insufficient and unsustainable. Almost all workers did not have valid documents. They were lacking clean water and electricity, with a generator only turned on for three hours per day. The camp was also flooded, worsening conditions, following an unexpected thunderstorm in Doha.⁹⁹ Shortly afterwards, more than a hundred workers decided to leave without any compensation, paying for their own air ticket home.

NOVEMBER 2018-JANUARY 2019: LOSING HOPE, DESPERATE WORKERS ARE “ENCOURAGED” TO RETURN HOME

In November 2018, about six weeks after lodging their complaint, a group of 80 workers received notification of their first hearing at the Committees. For the remaining workers, the wait continued, and gradually more and more workers began to lose hope of their cases progressing and getting adequate compensation.

Then, in mid-November, around 90 workers accepted an offer from the brother of Hamton's sponsor to leave Qatar with a small payment of just of QAR1,000 (around US\$275) and a flight ticket home. With workers owed an average of QAR12,000 (around US\$3,295) – and some as much as QAR57,000 (around US\$15,655) – this represented just a fraction of what should have been paid. However, many told Amnesty International that they felt compelled to take the offer with little other chance of compensation through the Committees on the horizon.

Bijoy, a worker from India who had been waiting for three months without any notification of his hearing decided, in desperation, to return home because his father was sick in hospital. He had been working for three years with Hamton and was owed more than QAR13,000 (around US\$3,570) in unpaid wages and benefits but accepted just QAR1,000 (around US\$275) and a flight ticket. In the days before his departure he received an SMS informing him that his first hearing would be held the following month.

“For seven months we never received anything. My father is ill, I have to forget about the money and go. I begged the Chairman's brother to give me even QAR4,000 [around US\$1,100]. He gave me QAR1,000 [around US\$275] and my flight... I am forgetting this because I want to see my father”.¹⁰⁰

When Amnesty researchers visited workers at the camp in December 2018, around 120 workers were still there, waiting for their cases to start. Faith in the process was low, and tension was high. A small number of workers had started their hearings, but three months after having submitted their complaints – and seven months since last being paid – most had heard nothing.

Manish, an electrical supervisor from Nepal who worked with Hamton for 12 years, explained his frustration:

98. One letter reviewed by Amnesty International showed that Hamton International's representatives were requested to attend a mediation session on 19 September 2018.

99. For more details about the situation of Hamton workers at the camp see a short video produced by Migrant Rights: <https://twitter.com/MigrantRights/status/1058637864660017152>

100. Interview with Bijoy on 8 December 2018. When Amnesty International researchers spoke with him, he had his first hearing at the Committees scheduled for the week after but he could not wait any longer.

“We are 600 workers from different countries staying here. None of us have received our money from May 2018 till [October]. Most of them have filed the complaint and are awaiting to be called by the labour court. We will be called at least three times and each time we have to present ourselves to the court where they will tell us when to come next. This is a lengthy process and gives us no actual indication of when our case will be resolved! We have seen this happening to other workers and while we did not receive the message yet, I do not want this to happen to me because it actually does not mean anything. What we need to know is whether we will get the money or not”.¹⁰¹

At the time of Amnesty International’s visit, workers told researchers that the sponsor’s brother was still actively trying to convince them to return home by accepting a payment of now around QAR2,000 (around US\$550), alongside a flight ticket home. The sponsor’s brother told Amnesty researchers that workers’ settlement papers were incorrect, accusing the company’s HR department of increasing the amounts owed to workers,¹⁰² but the company did not attend the hearings at the Committees to contest these figures. He also said that those who took the offer were being told to leave both their contact and bank account details with their embassies, so that they can still receive their full settlement after leaving Qatar, once their case is finalized in the courts.¹⁰³

However, workers who accepted their settlements told researchers that they were simply asked to sign a paper in Arabic, a language they said they did not understand, and were not given a copy.

Mohammed, a carpenter from India who started working at Hamton in January 2009, told Amnesty International:

“If you take the money, they make you sign something but you don’t know exactly what it is. They give you a pen and take your fingerprint. They don’t give you a copy or a photo.”¹⁰⁴

Workers also said that, contrary to the claim made by the Qatari sponsor’s brother, they did not leave any contact details with their embassies. Crucially, they were not able to provide their embassies with “power of attorney”, a measure which would have been necessary to allow their cases to be pursued in their absence. This was confirmed by a representative of one embassy, who told researchers that they do not have the capacity to cope with the amount of cases or follow up in courts on behalf of workers.¹⁰⁵

As such, the departed workers will have little chance of obtaining their money once they have left Qatar. According to the law, plaintiffs must attend their hearings either in person or via their legal representative, or risk having their case closed.¹⁰⁶

101. Interview with Manish in October 2018.

102. In its letter to Amnesty International received on 28 June 2019, MADLSA also said that following an investigation it found that the HR settlements given to workers were inaccurate. Amnesty International was not able to verify these claims.

103. During a meeting between Amnesty International researchers and the brother of the Qatari owner, held in Doha in December 2018, he explained that the company had millions of dollars of assets abroad but could not liquidate them in time to pay workers as a result of the Gulf crisis. He also spoke about the steps he has taken since November to improve the living conditions of workers at the camp. He said that he has tried his best to pay a small contribution to those willing to leave so they do not end up empty handed as initially recommended by their embassies. Depending on the money available from selling the company’s assets, he said he was initially paying workers QAR1,000 (around US\$275) and a ticket but eventually increased his offer to QAR2,000 (around US\$550). He confirmed that many took up his offer and as of early December around 120 workers remain in the camp but he planned on paying them all, closing the camp before the end of the year. Amnesty International learned that in early February 2019 the Umm Salal camp was closed and the remaining 20 workers were moved to a nearby location in Shahaniya zone.

104. Interview with Mohammed on 9 December 2018.

105. Meeting with an embassy representative on 9 December 2018.

106. See Article 11 of Cabinet Decision No. 6 of 2018.

By early 2019, more and more workers had accepted an offer from the sponsor's brother to give up and go home. The offers made to workers varied but most workers left with a few thousand Qatari riyals and a flight ticket. Records shared by workers showed, for instance, that one worker accepted a settlement of QAR2,000 (around US\$550) instead of the QAR14,300 (around US\$3,925) he was due according to his settlement paper.

In its reply to Amnesty International's letter,¹⁰⁷ MADLSA said it coordinated efforts to provide workers in the camp with basic food supplies and needs. It also claimed facilitating the settlements of 640 workers paying them a total of QAR3,236,000 (US\$888,767), which is higher than the information provided to Amnesty International by workers.¹⁰⁸ Amnesty International was not able to verify this claim despite follow up with the Ministry regarding this figure and requesting a clear breakdown of the number of workers paid and the amount they received.¹⁰⁹ To date the organization did not receive a reply.

APRIL 2019: JUDGEMENTS FINALLY SECURED, BUT NO PAYMENTS MADE

By April 2019, around 100 ex-Hamton workers remained in Qatar¹¹⁰ having transferred to new jobs. By this point they had finally received judgements from the Committees upholding their complaints. However, Hamton did not respect the judgements of the Committees and no payments were made. Workers had to take a further case to the civil courts for legal enforcement triggering another long legal battle and requiring them to attend new court hearings. Despite this, Hamton did not engage with the legal proceedings and although the court ordered Hamton to pay workers, to date the company has not done so.

Back in the camp, around 30 Hamton workers had decided to try and negotiate a better settlement with the sponsor's brother rather than wait longer. While inadequate, they had chosen to do so because of the weaknesses of the court process, including long delays and lack of results, coupled with the practical reality of needing to survive in Qatar without money.



Hamton workers sleep outside due to the extreme heat inside their labour camp. © Private

107. Amnesty International letter to MADLSA on 28 June 2019.

108. MADLSA letter to Amnesty International on 15 July 2019.

109. Follow up communication with MADLSA on 22 July 2019.

110. According to information received from workers, but Amnesty International could not independently verify this number.

On 26 April, Amnesty learned that around nine workers had accepted around 40% of their dues from the sponsor's brother and had left Qatar, deciding that they could not wait any longer to receive compensation through the court process.

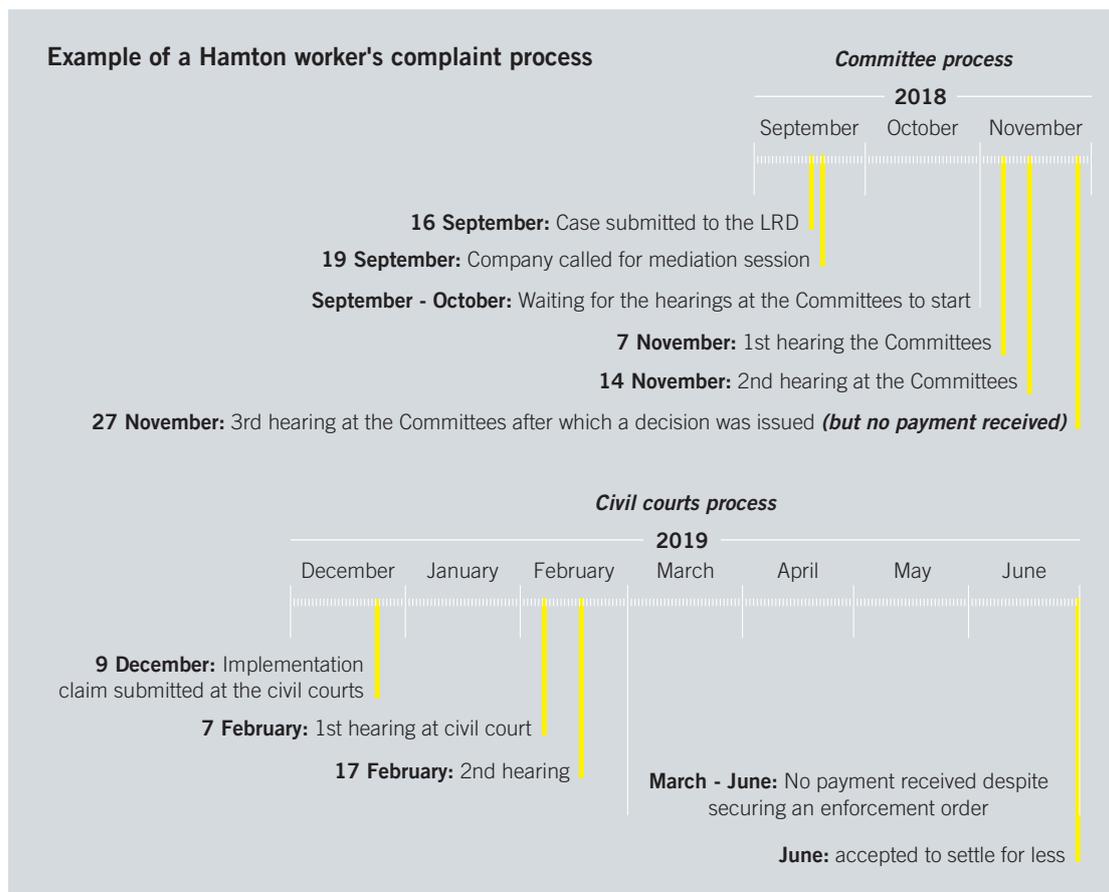
By mid-May around 20 workers still continued to wait in Qatar. Some of them had not received their judgements from the Committees, while others continued to wait for the SMS notifying them about their first hearing at the Committees.

By early June 2019 most of them had left, however, after accepting around 40% of their settlement from the sponsor's brother. Only three others remained at the camp and they were expected to go home very soon. Those who managed to transfer to another job are apparently still waiting for Hamton to pay them their dues.

Sanish, an Indian worker who was still waiting to receive his QAR17,000 (around US\$4,670) award in March after winning his case at the Committees and taking it to civil courts for legal enforcement, told Amnesty International:

"I did not get my money yet. Court told me to check up in a month, but one month [has] already finished and there isn't any money."¹¹¹

In June, he reluctantly decided to accept the sponsor's brother's offer of QAR10,000 (around US\$2,750), as he could not wait any longer.



111. Message from Sanish who was still in the camp on 5 March 2019.

6. THE CHASM BETWEEN PROMISE AND REALITY



Migrant workers' living quarters in Doha. © Richard Messenger

While the Committees appear to have reduced the time taken to produce judgements in some cases, testimonies gathered from dozens of workers and supported by court documents offer a grim image of a still lengthy and often hopeless process. This is especially the case when confronted with situations where employers are either unwilling or unable to engage in the process, or to comply with judgements. Similarly, the Committees seem unfit for purpose when the collapse of companies leads to hundreds of complaints at the same time from workers who are stranded without any other income or support.

As a result, workers continue to be failed by a system that remains unable and unfit to offer them adequate remedy for the labour abuses they have suffered. Unscrupulous employers may also benefit by evading legal processes and waiting until workers feel compelled to return home – because of dire living conditions and a lack of alternative income – before offering low settlements to a small number of former workers.

Comparing the commitments made by Qatar, and the evidence revealed in Amnesty International's research, some of the key gaps between promise – including what is guaranteed in law – and reality are as follows:

THE PROMISE

THE REALITY FOR WORKERS AT HKH, UNITED CLEANING AND HAMTON INTERNATIONAL

Employees register their complaints at the LRD who will then write to the employers requesting them to attend a mediation session.¹¹²

In most cases analysed by Amnesty International, the LRD does write to employers within a few days of receiving a complaint.¹¹³

The LRD attempts to settle the dispute amicably¹¹⁴ within seven days of receiving the complaints.¹¹⁵

Typically, this period took three weeks, though in a number of cases MADLSA officials seem to have extended the negotiation period for up to six weeks to try and secure an amicable settlement between parties and avoid referring the case to the Committees.

In two of the three cases, company representatives did not engage at all in the mediation process. When they did, they did not deliver on a promise to pay the workers.

If mediation fails, the LRD refers the case to the Committees within three working days. The first hearing should be set between three and seven days from when the case has been received by the Committees.¹¹⁶

In the cases analysed, referral typically took a few weeks, though in some cases workers' cases had not been referred more than six months after their initial complaint had been submitted.

The Committee issues a judgement within three weeks of receiving the complaint from the LRD.

None of the cases reviewed by Amnesty International received a judgement within the promised three weeks. Cases tended to take between three and six months before a final decision was issued. In some cases, workers had to wait for eight months to get their final decision. Workers typically attend three hearings, also incurring significant travel expenses.

Winning a case at the Committees did not automatically secure the workers their right to compensation, particularly when employers failed to engage with the legal process or pay – as with HKH, Hamton International and United Cleaning.

The Committees' decisions are issued with executory force, meaning that when both parties have accepted the outcome, the decisions should be immediately implemented.¹¹⁷

In such cases, workers are asked to lodge a new case at the civil courts (often referred to as "high court" by workers) to implement the Committees' decisions.¹¹⁸ This new legal battle has proven to be long, challenging and for many unsuccessful in securing their dues. Difficulties in enforcing payment means that many workers end up accepting smaller settlements or abandoning the process.

In cases where the employer does engage and comply with the process, officials told Amnesty International that workers may receive their compensation soon after a judgement is issued.¹¹⁹ But, unfortunately, this outcome did not happen for the hundreds of workers whose cases have been documented in this report.

112. See Article 115/bis of Law No. 13 of 2017.

113. Amnesty researchers reviewed scores of letters where employers were asked to attend the session within two days of workers registering their complaints.

114. According to MADLSA officials, thousands of complaints are being solved at the mediation level and where settlements fail the case will be referred to the Committees.

115. See Article 115/bis1 of Law No. 13 of 2017.

116. See Article 115/bis of Law No. 13 of 2017.

117. See Article 115/bis of Law No. 13 of 2017.

118. Once the decision is issued by the Committees, workers are given three copies, one of which will be submitted to the civil court for implementation. A first court session is convened usually within the following month and should be attended by both parties. If employers fail to attend the session, the case will be postponed, and a second hearing will be scheduled a couple of weeks later. After a few sessions, the hearings will close, and workers will then be asked to collect their money from the court secretariat. No worker whose case was documented for this report received any compensation payment through the court. They are being asked to check their case in court every three weeks to see if their companies deposit their compensation. To date, months after their case closed at court, they continue to wait for their money.

119. Meeting in Doha on 11 December 2018. Officials at MADLSA told Amnesty International researchers that in many cases where employers accepted the outcome of the case, workers were paid their dues on the spot at the Committees.

If employers fail to pay workers following a judgement, the newly established Workers' Support and Insurance Fund should provide payment instead, with the government then seeking to recoup the money from the company – rather than the worker seeking to do so.

Despite being established in October 2018, the Workers' Support and Insurance Fund is still not operational. Workers must therefore still pursue lengthy and often futile claims in the civil courts to try and compel employers to pay.

The Wage Protection System (WPS) mandates companies to pay their employees by electronic transfer and improves the government's ability to monitor cases of unpaid wages. The system should identify unpaid wages and trigger action.

Unclear if the persistent failure of the companies to pay their workers is being picked up by the WPS, and if so it does not lead to adequate remedial action from the authorities.

Seven Committees will be established to hear complaints.¹²⁰

Only three Committees are operational, leading to a huge backlog of cases.¹²¹

There are no fees to submit cases, and each committee will include an accountant sitting as a member.¹²²

Indeed, workers are not required to pay any considerable fees for their cases to proceed and the presence of an accountant as a sitting member in each of the three committees plays a major role in reducing the costs workers used to bear to get an expert accountant to look into the details of the case.

However, forms must be submitted in Arabic,¹²³ meaning that many workers have to pay at least QAR20 (around US\$5.5) per form at "typing centres" to help them fill in the forms or translate documents.

Workers also pay for transport for hearings, and report that this is as a major strain on their limited finances.

OTHER KEY ISSUES HIGHLIGHTED

Language support¹²⁴

Although proceedings are conducted in Arabic, translators are present in courtrooms facilitating the communication between workers and members of the Committees.

However, workers told Amnesty International that they were not always able to follow the legal proceedings and do not get adequate advice on how to navigate the process.

Legal aid

No legal aid is available, and in most cases workers try and manage the cases by themselves, and rely on some general guidance provided by colleagues who have been through the process before them.

The lack of pro bono legal aid makes it challenging for workers to keep up with the legal proceedings but mostly it means that workers who cannot wait in Qatar until the end of their proceedings cannot leave power of attorney with someone in order to continue their claims in their absence.

120. Officials from MADLSA told Amnesty International researchers about this plan in a meeting in July 2018.

121. See Article 2 of Cabinet Decision No. 6 of 2018.

122. See Article 115/bis1 of Law No. 13 of 2017.

123. See Article 8 of Cabinet Decision No. 6 of 2018.

124. "The Conference Committee urged the Government to facilitate access to the justice system for migrant workers, including providing them with assistance with language and translation, the elimination of fees and charges related to bringing a claim, and disseminating information about the Ministry of Labour and Social Affairs", for more details see ILO Committee of Experts under access for justice, available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255640

The above failings can have a devastating effect on migrant workers seeking an adequate remedy for labour abuses they have suffered. Many migrant workers have significant debts incurred from paying recruitment fees and having already worked for many months without wages have pressing financial needs at home. While they wait for their cases to proceed slowly in Qatar, many workers have no alternative income and must live in dire conditions. Even for those who persist, the pressures to give up their claims, accept low settlements and return home are extremely high.

As a result, many workers are unable to obtain adequate remedy – not least when their employer does not engage or comply with the process. This exacerbates a feeling of frustration. Workers who are successful in obtaining Committee judgements may not be paid, while others may accept low settlements hoping to secure a part of their dues, while many still may return home with nothing at all.

There is no doubt that the high volume of cases coupled with the lack of capacity of the three Committees are at the heart of the problem of delays in hearings. Only three of the seven Committees envisioned are currently in operation. Cases of labour abuse are frequent meaning the system is unable to cope. For instance, according to the US Department of State, the Committees received 6,161 complaints in 2018,¹²⁵ which is relatively a huge number for the three Committees currently operating. Preventive measures such as the Wage Protection System (WPS) introduced in November 2015 have not ensured that all workers' salaries are paid or an adequate remedy provided.¹²⁶

This problem is compounded by the fact that collective cases, where the claims are nearly identical, were not accepted to be reviewed by the Committees. This means that rather than analysing one collective case for 900 workers, the judges must hear 900 individual cases.

MADLSA officials told Amnesty International researchers that increasing the number of Committees from three to seven is being considered,¹²⁷ but it remains unclear when this will happen or whether this will be enough without considering other measures to streamline the process. Such measures could include accepting collective cases, and using the WPS in a pre-emptive way to avoid reaching a point where workers are left for months without salaries.

The lack of enforcement power of the Committees aggravates the issue. The Committees do not appear to have the power to compel companies to participate in the legal proceedings¹²⁸ or to pay workers at the end of the case. Instead, workers are being asked to take their cases to the civil courts to enforce the Committees' decisions, triggering another legal process that often ends without success.

In fact, the weakness of the system provides employers with an ability to undermine workers' rights to an adequate remedy by offering less favourable settlements to their employees, who may reluctantly accept them for lack of other options. On the other hand, the Committees do not appear to seek to sanction or hold accountable companies who fail to engage in the legal processes.

Aspects of Qatar's *kafala* sponsorship system also play a role, with some workers telling Amnesty International about the pressure they faced from employers to drop their cases if they wanted a "No-Objection Certificate" (NOC) that would allow them to get a new job. In reality, this meant that workers were forced to choose between pursuing the money they were owed for unpaid work or taking the opportunity of a new job. More generally, workers who rely on their employer for their visa and residence permits may be extremely reticent to bring a complaint to the Committees while they are in

125. US Department of State, *2019 Trafficking in Persons Report, Qatar*, <https://www.state.gov/reports/2019-trafficking-in-persons-report/>

126. According to MADLSA officials, the Ministry has a system of "blacklisting" companies who fail to pay workers, which means that companies cannot recruit new employees or carry out certain other bureaucratic procedures. The government states that it seeks the prosecution of companies who fail to pay their workers, but it is unclear how often this happens in practice as there is no available data.

127. Meeting with MADLSA representatives on July 2018. Amnesty International wrote to MADLSA officials requesting further information including a breakdown of the number of cases fully resolved at the Committees. To date the Government did not respond.

128. According to Article 5 of the Cabinet Decision No. 6 of 2018: "Each of the parties to the dispute should appear before the Committee either in person or via legal representative to present their defence".

current employment. Indeed, the vast majority of cases documented by Amnesty International were of people whose jobs had already been terminated, and who had little to lose.

Finally, it remains unclear why the Workers' Support and Insurance Fund is not yet operational, almost a year after it was established in law. If adequately funded and operationalized in a way that made it accessible to workers, this could provide a key way to overcome the system's current problems in promptly ensuring payments for workers who have won their cases. Ensuring this is up and running, and paying out to workers, should be an imminent priority.

7. INTERNATIONAL LAW AND STANDARDS

7.1. QATAR'S INTERNATIONAL LEGAL OBLIGATIONS

While HKH, United Cleaning and Hamton clearly failed to meet their responsibility to respect the human rights of their workers by paying them fairly and regularly, ensuring adequate living conditions and providing correct legal documentation, the Qatari state has also failed to fulfil its duty under international law to protect their rights.

As a party to various international treaties prohibiting forced labour and other human rights abuses, including International Labour Organization Conventions 29 and 105 and the UN International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR), Qatar is obliged to protect workers from being exploited by companies operating in its territory. This requires the government to take appropriate measures to prevent human rights abuses by private actors and proactively monitor and respond to these abuses when they occur, investigate them, hold perpetrators to account and ensure effective remedy for harm caused.¹²⁹

In ratifying the ICESCR, Qatar has accepted to guarantee the right to work to all employees within the country and that this *“includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right”*¹³⁰ and to *“recognize the right of everyone to the enjoyment of just and favourable conditions of work”*, including remuneration and decent living conditions for workers.¹³¹

As a result, Qatar is obliged to ensure that all people working on its territory receive fair remuneration requiring regular, timely and full payment of fair wages,¹³² and that they are provided with decent living conditions including, among other things, *“an adequate standard of living, including food, water and sanitation, housing, clothing and additional expenses such as commuting costs”*.¹³³

Qatar's duty to protect people from human rights abuses carried out by corporations is also articulated in the 2011 UN Guiding Principles on Business and Human Rights (UNGPs).¹³⁴

129. See “The state duty to protect human rights” under the UN Guiding Principles on Business and Human Rights.

130. Article 6 of ICESCR.

131. Article 7 of ICESCR.

132. Committee on Economic, Social and Cultural Rights, General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/23, 10 p. 4.

133. Committee on Economic, Social and Cultural Rights, General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/23, 18 p. 5.

134. Human Rights Council, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, UN Doc. A/HRC/17/31.

Guiding Principle 1 states:

“States must protect against human rights abuse within their territory and/ or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.”¹³⁵

It also notes:

*“The State duty to protect is a standard of conduct. Therefore, States are not per se responsible for human rights abuse by private actors. However, States may breach their international human rights law obligations where such abuse can be attributed to them, **or where they fail to take appropriate steps to prevent, investigate, punish and redress private actors’ abuse.** [Emphasis added]”*

In all three cases documented in this report, Qatar failed to meet its obligation to protect workers’ rights. By failing to hold HKH, Hamton and United Cleaning to account when they stopped paying their workers, Qatar allowed these companies to continue to extract free work from their workforce for months in a row without any effective action to stop such abuses.

Equally, when the living conditions of workers deteriorated as a result of all three companies bailing out on their workers, Qatar failed to provide them with decent living conditions including accommodation, food, water and sanitation. Workers had to instead rely on the sporadic support provided by local charities, which was clearly insufficient to protect them from hardship.

Furthermore, as a state member to a wide range of international treaties,¹³⁶ Qatar is not only under a duty to ensure the full respect and protection of people’s rights living and working in Qatar but also to provide remedies when those rights are being violated.

The right to remedy is recognized under various international human rights treaties many of which have been ratified by Qatar,¹³⁷ and it encompasses the victims’ right to equal and effective access to justice, and adequate, effective and prompt reparation for the harm suffered.

Consequently, Qatar is required to provide appropriate and effective remedy for victims as part of its obligation to take all appropriate measures to implement the rights recognized in these treaties, protect them from undue interference by private parties and to do so in an affordable and timely manner.¹³⁸

In all three cases documented in this report, Qatar has failed to put in place an effective and adequate mechanism capable of providing remedy for workers whose rights have been violated. The Committees as they currently operate are failing to secure adequate – or in many cases any – reparation for victims. As a result, hundreds of workers have left the country penniless, with no remedy for the abuse they suffered. All of which is made worse by engaging with an ineffective, defective, and drawn-out process which creates further hardship for workers who believe in it and try to see it through.

135. Human Rights Council, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, UN Doc. A/HRC/17/31.

136. International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Article 2, Convention on the Elimination of All Forms of Discrimination against Women; and the Arab Charter on Human Rights.

137. Article 2(3), International Covenant on Civil and Political Rights; Article 2, International Covenant on Economic, Social and Cultural Rights; Article 6, International Convention on the Elimination of All Forms of Racial Discrimination; Article 13, Article 12 and Article 23, Arab Charter on Human Rights.

138. Committee on Economic, Social and Cultural Rights, General Comment 9, The domestic application of the Covenant, UN Doc. E/C.12/1998/24, para. 9.

7.2. THE RESPONSIBILITY OF COMPANIES TO RESPECT HUMAN RIGHTS

Under international standards on business and human rights, all companies must respect all human rights, including labour rights of their workers. This is articulated in the UNGPs, an internationally accepted set of standards endorsed by the UN Human Rights Council.¹³⁹ This responsibility exists independently and regardless of whether or not the state has met its duty to protect individuals from corporate harm.

Companies are thus responsible for how they treat their employees and should protect their human rights including their right to work, which entails the right to fair remuneration, just and favourable conditions of work including adequate living conditions where the company is responsible for providing suitable accommodation and essential services.¹⁴⁰ In line with international standards, they should also exercise due diligence to identify, prevent, mitigate and – where necessary – redress human rights abuses connected to their operations.

In addition, the UNGPs makes it clear that each worker whose human rights have been abused has the right to an adequate remedy under international law. Companies have a responsibility to provide an adequate remedy when their operations have led to human rights abuses.¹⁴¹

In the context of HKH, Hamton and United Cleaning, all three companies failed to meet their responsibilities to respect human rights because of their failure to pay workers on time and provide them with adequate living conditions and valid documentation. In doing so, HKH, Hamton and United Cleaning have also violated Qatari laws and regulations. This includes Qatar's Labour Law, which requires employers to pay workers at least once every month,¹⁴² the sponsorship law which obliges companies as the main sponsor of migrant workers to provide them with valid identity documents,¹⁴³ and the Ministerial Decision No. 18 of 2014 which obliges employers to provide a suitable housing for workers.

In addition, the failure of these companies to engage with the legal processes initiated by workers despite having to do so by law,¹⁴⁴ and their non-compliance with the Committees' decisions to pay employees their dues, have deprived workers of their right to an adequate remedy for the abuses they suffered. The impact of this failure to engage with the legal processes was compounded by the companies' failure to adequately maintain its labour camps, meaning that that many workers felt compelled to accept small settlements offered by the company and drop their complaints.

139. Guiding Principles on Business and Human Rights, available at: https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf

140. Principle 11 of the UNGPs notes that the responsibility to respect human rights “exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations” and “it exists over and above compliance with national laws and regulations protecting human rights”.

141. Principle 22 of UNGP on Remediation. See also, Amnesty International, *Injustice Incorporated: Corporate Abuses and the Human Right to Remedy*, 7 March 2014, (Index: POL 30/001/2014).

142. Article 66 of Qatar's 2004 Labour Law, which was replaced by the provisions of Article 66 of Law No. 1 of 2015.

143. Article 9 of the 2009 Sponsorship Law, which was replaced by Law No. 21 of 2015.

144. See Article 5 of Cabinet Decision No. 6 of 2018.

8. CONCLUSIONS AND RECOMMENDATIONS

Qatar's pledge to improve the protection of migrant workers with the assistance of the ILO is a promising step and a major indicator of the shift in the country's political will to address violations of labour rights. But promising a reform is not the same as successfully delivering one.

While the establishment of the Committees remains one of the most encouraging steps taken by Qatar to date, in practice they still fall short of transforming migrant workers' ability to access justice and effective remedy.

The stories highlighted in this report were commonplace amongst those we interviewed, and hundreds of their colleagues. The problems outlined will continue to plague the new Committees, unless major action is taken. Issues of accessibility, translations and a lack of pro bono legal services all hinder migrants' abilities to successfully make claims. But, above all, the courts simply have too many cases for too few judges, and no guaranteed mechanism to ensure decisions are complied with. As a result, companies are too often able to mistreat their workers with impunity, then avoid paying compensation by evading legal processes and waiting until most feel compelled to return home and abandon their complaints.

If Qatar is to change course and meet its commitments on improving access to justice, it needs to take action swiftly to increase the capacity of the Committees to manage cases, enhance their ability to hold perpetrators to account, and get the Workers' Support and Insurance Fund up and running as soon as possible so that workers can finally get what they are owed.

Finally, ensuring an effective complaints mechanism is only one part of the solution in Qatar. The maintenance of the exploitative sponsorship system, the weak enforcement of the country's Labour Law, the low minimum wage and the strengthening of the Wage Protection System, must all be tackled in a holistic plan of action.

TO THE QATARI GOVERNMENT

It is in this context, and with the aim of continuing to improve workers' access to effective remedy, that Amnesty International calls on the Qatari government to:

- Increase the capacity of the Committees so they may promptly deal with cases received within the legal time frame set in Law No. 13 of 2017 amending provisions of the Labour Law (No. 14 of 2004) and the Civil and Commercial Procedures Code (Law No. 13 of 1990).
- Accept collective claims as stipulated in the law for cases involving multiple claimants sharing the same grievances and defendants, and seeking the same remedy and put in place a system that will facilitate such complaints.

- Expedite the funding and operationalization of the Workers' Support and Insurance Fund and ensure it has sufficient resources; and in the meantime, ensure that claims against employers which are upheld are enforced in a timely and effective manner regardless of whether employers engage with any legal proceedings or not.
- Establish a permanent cross-government departmental crisis team to deal with the consequences for workers where companies are in financial difficulties.
- Provide all relevant information and documents on the Ministry of Labour's website, in languages relevant for the migrant workforce, as well as in English and Arabic.
- Increase translation and interpretation capacities at both the Labour Relations Department and the Committees for the Settlement of Labour Disputes to improve access for migrant workers.
- Provide relief funds to all workers pursuing legal cases at the Committees if they are not receiving their salaries during this time including support to commute to and from the hearings.
- Establish a system of pro bono state-funded legal aid to allow workers to hire lawyers to pursue their cases and to enable victims to gain equality of arms and effective redress.
- Establish a system to allow workers to pursue their cases and receive their compensation even after returning home, in co-ordination with embassies in Doha.
- Increase the monitoring of the Wage Protection System (WPS) and ensure that all companies pay their employees on time, by electronic transfer.
- Proactively use the WPS to avoid situations where workers could end up working for months without salaries, and improve its ability to immediately flag situations where companies stop paying their workers.
- Ensure that the WPS leads to remedial action in cases of persistent non-payment and take appropriate action against companies that fail to implement it.
- Penalize companies that fail to participate in legal proceedings including the Committee hearings and/or which make late payments and do not follow payment orders as instructed by the courts; this should include a fine as well as making interest payable at a competitive rate for late payments.
- Investigate employers/sponsors who fail to respect Qatari laws and regulations and hold them to account; for instance, the reasons for non-payment of wages by companies, including claims of insolvency.
- Ensure criminal investigation, and where sufficient admissible evidence exists, prosecution of employers suspected of exploitation.

MORE BROADLY, QATAR SHOULD

- Set out a plan with concrete timelines for abolishing the *kafala* system within a reasonable time frame and in the interim progressively reform it to reduce the risk of migrant workers being subjected to forced labour, including by removing the requirement for migrant workers to obtain the permission of their current employer before moving to a new job.
- Decriminalize "absconding", or the act of leaving a job without the employer's permission.
- Extend the cancellation of the exit permit to all migrant workers including domestic workers, ensure the full and complete implementation of the newly passed law and actively enforce the prohibition on employers confiscating passports.
- Implement and enforce key provisions in the Labour Law and other Qatari regulations relating to pay, working hours and living conditions.

- Bring the law on domestic workers in line with international standards, including ILO Convention No. 189 on domestic workers, by regulating working hours, overtime compensation, periods of daily and weekly rest, paid annual leave, and sick leave, in addition to imposing inspections of both recruitment agencies and employers; in the meantime ensure better protection for domestic workers by implementing and enforcing key provisions of the domestic workers law that comply with international standards, in particular those that restrict working hours and mandate a weekly day-off.
- Ratify the remaining ILO Core Conventions No. 87, 98 and 100, and ILO Convention No. 189 on domestic workers.
- Allow the formation of trade unions and withdraw the related reservations introduced with respect to both the ICCPR and ICESCR restricting the right of migrant workers to freedom of association including the right to form or join trade unions and reform the Labour Law to respect this right in line with the ILO Convention No. 87.
- Strengthen the inspections regime to bring it in line with ILO Convention No. 81 including by significantly improving the enforcement of labour protections contained in the Labour Law and related decrees.
- Urgently review and increase the current minimum wage to enable all workers to enjoy an adequate and decent standard of living.

TO THE COMPANIES IN QATAR

Additionally, international standards on business and human rights make clear that businesses must respect human rights, including the rights of workers. All companies operating in Qatar, including those mentioned in this report, need to take action to protect their workers' rights and prevent labour abuses and exploitation.

In this context, Amnesty International calls on the companies operating in Qatar to:

- Comply fully with Qatari and international labour standards, including with regard to respecting the terms and conditions guaranteed to workers in their contracts, maximum working hours, the payment of workers on time, provision of decent accommodation, protection of workers' health and safety, forced labour and providing them with legal documentation.
- Take all reasonable actions to prevent situations where workers end up working for months without any pay and stranded in poor living conditions in their labour accommodations. For example, this could include putting in place financial safeguards to ensure that sufficient reserve funds are always held by the company so that, in the event the company suffers financial difficulties, the company is still able to pay its employees the wages they are owed, appropriate end-of-service benefits and their ticket to travel to their home country, or at the very least provide workers living in labour accommodations an adequate standard of living, including food, clean water and electricity while their cases are being reviewed in courts.
- Publicly commit to respecting human rights and put in place adequate systems to enable the company to become aware of and prevent human rights abuses as a consequence of its operations.
- Review operational practices and policies to ensure the company does not commit, or materially assist in the commission of, acts that lead to human rights abuses.
- Allow workers to move to other employers in Qatar on request and avoid pressuring workers to withdraw their cases in courts in exchange for the permission to change jobs.

- Where the inability to pay wages is due to insolvency ensure that employees are prioritized when meeting the claims of creditors.
- Comply fully with the WPS and pay all employees on time, by electronic transfer.
- Immediately disclose cases of non-payment of wages and fully reveal reasons for failure to pay wages on time.
- Engage with legal proceedings brought up by workers before courts and stop undermining ex-workers' claims to an adequate remedy by pushing them into a situation where they have little choice but to accept less favourable settlements.



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ALL WORK, NO PAY

THE STRUGGLE OF QATAR'S MIGRANT WORKERS FOR JUSTICE

Ever since Qatar was awarded the right to hold the 2022 World Cup, the treatment of around 2 million migrant workers driving the country's economy has been under the spotlight. Burdened by the debt of recruitment fees and bound by Qatar's sponsorship system, many migrant workers face low pay, harsh working conditions and restrictions on their movement. Further, they have long lacked any effective legal mechanism to obtain a remedy when faced with abuse.

Qatar has promised to improve workers' access to justice, setting up a new system of dispute committees that aims to resolve workers' complaints in just six weeks, to eventually be supported by a new fund that should provide compensation to workers' when companies do not pay up.

This promise has not yet been matched by reality. By following the cases of three companies in which more than 2,000 workers worked for months without pay, Amnesty International has found that workers must still wait many months to have their claims processed in the new system, and even then - with the new fund still not operational - may not even be paid. Until this is fixed, hundreds of workers will continue to leave Qatar penniless and without justice.

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