

HUMAN RIGHTS WATCH

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Appendix IV: Letter to Fédération Internationale de Football Association (FIFA)

July 21, 2020

Mr. Gianni Infantino, President

CC: Mr. Federico Addiechi, Head of Sustainability & Diversity,

Mr. Andreas Graf, Human Rights Manager,

Ms. Rachel Davis, Chair, FIFA Human Rights Advisory Board,

Fédération Internationale de Football Association (FIFA)

FIFA-Strasse 20

P.O. Box 8044 Zurich

Switzerland

CC: Hassan Al Thawadi, Secretary General,

Supreme Committee for Delivery & Legacy

Via email: [REDACTED]

Re: Wage Abuses of migrant workers in Qatar

Dear Mr Infantino,

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

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

We welcome FIFA's and the Supreme Committee for Delivery and Legacy's commitments in the FIFA World Cup Qatar Sustainability Strategy document, to promote workers' "rights in projects and supply chains directly linked to the FIFA World Cup™". We also welcome that organizers recognize that the workforce in Qatar that is making the world cup possible comprises "full-time and temporary employees, contractor, sub-contractor and supplier employees, and volunteers, providing key services in areas such as construction, food and beverage, cleaning, event management, hospitality, transport and security".

In 2019 and 2020, Human Rights Watch conducted research into wage abuses in Qatar. Human Rights Watch is committed to fair and accurate reporting and seeks to understand the perspectives of FIFA and the Supreme Committee. We have attached a summary of our main findings based on our interviews, as well as questions we have concerning policies and actions, particularly what measures FIFA and the Supreme Committee have taken or are taking to prevent wage abuse on World Cup sites and to advocate for better protection of workers' rights, including their right to fair wages, in Qatar.

We would be grateful for a written response to our questions in as complete a manner as possible by August 10, 2020. This will allow us to reflect your responses in our upcoming report this year.

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

Thank you for your time and attention to this letter.

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

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

Human Rights Watch conducted the research for this report between January 2019 and May 2020. Researchers conducted detailed interviews with 93 migrant workers from 60 different companies and employers, whose conditions are the focus of this report – 11 of these workers are female domestic workers whose salary payment conditions slightly differ from other migrant workers.

Out of the 93 workers Human Rights Watch spoke to, 59 workers reported unpaid wages or serious delays in receiving their wages. Twenty-nine workers said that their employers did not honor the wage amount stipulated in their contract, out of these 29 workers, 12 face arbitrary deductions by their employer, 8 were underpaid without any explanation, and 9 faced ‘warehousing’ – a common practice in which workers are employed by labor supply company but due to a lack of clients they are not sent out for jobs, as a result of this they are also not paid any wages. Fifty-five workers cited the lack of overtime payments as a major problem they faced, an issue they said could be improved if all workers were provided with timesheets and pay slips. Not only were their overtime hours worked recorded inaccurately, but in the majority of cases, employers completely disregarded their overtime hours—although they worked up to 18-hour days, their employers only compensated them for 8 hours of a regular day’s work.

Seven workers told Human Rights Watch that their employers forcibly kept their bank-issued ATM cards, these employers also reported that this practice was companywide.

Thirteen workers told Human Rights Watch that they faced ‘contract substitution’, this is when workers sign an employment contract in their home country, but after reaching Qatar they find the employer has substituted the original contract with another with less favorable terms. ‘Contract substitution’ is especially concerning because migrant workers often pay their own recruitment fees, sometimes after taking a loan at high interest rates; they reported taking these loans for their fees based on the knowledge that they would be paid the amount the contract stipulated. But when the employer substitutes the contract after workers arrive in Qatar, the workers are often left in debt.

Twenty workers reported that employers avoided paying their gratuity, delaying these payments to the point where the worker agreed to return to their home country without their earned end-of-service benefits.

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

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

Despite the creation of Qatar's Labour Dispute Resolution Committees, there are a number of barriers for workers that prevent them from taking their wage-related cases to court. These include migrant workers' lack of control over their own legal status in the country; fear of retaliation at the hands of their employers; the slow pace of the committees' decision; and not having enough legal documentation to prove their account. In many cases of wage abuse, despite migrant workers receiving positive verdicts from the committees, workers are still left homeless and penniless for months on end, with not even enough resources to feed themselves.

Human Rights Watch also found wage abuses at FIFA 2022 World Cup Sites. In one case a trading and construction company, which is working on a World Cup stadium, delayed five months of salaries for roughly 500 managerial staff and two months of salaries for about 500 laborers between September 2019 and February 2020. Staffers at this company reported that this was not the only time salaries had been delayed. In another case, Human Rights Watch found that staffers and laborers at a construction company that was responsible for civil, water and masonry work on the external part of a World Cup stadium experienced wage delays for up to four months at least five times in 2018 and 2019. One

staffer at the company told Human Rights Watch that his company continues to work through the pandemic and his salary continues to be delayed.

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

For a report that Human Rights Watch plans to publish in 2020, we would be grateful for any response to the following requests that you could provide us by August 10, 2020:

1. Human Rights Watch and other organizations continue to document wage abuses of workers on World Cup sites, despite Qatar's Wage Protection System and the Workers' Welfare Standards. What information does FIFA have regarding wage disputes on construction sites for venues of the 2022 FIFA World Cup? If FIFA has such data, please provide a breakdown of wage abuse cases between January 2019 and Mat 2020, including by the type of wage abuse (unpaid wages, underpaid wages, lack of overtime pay, delayed wages), and if they are a sub-contracting company? What information does FIFA have about the reasons why such wage abuses are still occurring? And what specific steps has FIFA requested that the Supreme Committee take to prevent or respond to such wage abuses for workers in World Cup sites?
2. For workers that are not on World Cup sites but are working on construction sites or for companies in the hospitality and service industries that are necessary to hosting the World Cup, such as those working on the Metro and other infrastructure projects, in food and beverage, cleaning, event management, hospitality, transport and security, what specific measures is FIFA taking to prevent and respond to wage abuses?
3. Has FIFA engaged with the Supreme Committee, including in creating policies and mechanisms, to ensure that workers on World Cup sites receive their salaries during the Covid-19 pandemic?
4. Does FIFA have a policy agreed with the Supreme Committee, that the Supreme Committee should only recruit workers from labor supply and construction companies that have clean records regarding recruitment practices and the Wage

- Protection System? If so, how does FIFA monitor this including ensuring that such companies have not previously committed wage abuses and are not currently committing wage abuses?
5. Has FIFA worked with or is working with third-party agencies independent of the Supreme Committee to ensure that workers employed to work at World Cup venues are not victims of wage abuse? If so, what has FIFA learnt from these third parties?
 6. Has FIFA engaged with the Qatari government regarding policies and mechanisms on preventing wage abuses, on workers' recruitment fees, and bans that prohibit workers from free association, collective bargaining and strikes? What has FIFA been advocating with the government specifically regarding workers' rights? Please provide an update on these talks including whether such conversations relate to workers' rights that could impact workers beyond those employed at World Cup sites.
 7. Is FIFA planning to finance a public awareness campaign using mainstream media to raise awareness about wage abuse, in order to educate companies, countries and football fans about these issues? If so, when can we expect such a campaign and what will it involve?

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

Via e-mail:

To: [REDACTED]

Zurich, 21 August 2020

FIFA World Cup Qatar 2022 and wage protection

Dear Mr Page, dear Ms Javid,

Thank you for your letter dated 22 July 2020 and we would like to echo your appreciation for the valued and constructive engagement we share with Human Rights Watch on a range of human rights-related matters.

Firstly, please let me reassure you of FIFA's ongoing commitment to human rights. Over the past few years we have embedded FIFA's statutory human rights commitment across key areas of our activities with FIFA taking a leading role in sports and having a proven record in respecting and protecting human rights in accordance with FIFA's [Human Rights Policy](#). These efforts range from fighting discrimination on and off the pitch, to the protection of human rights defenders who work to advance human rights in relation to FIFA's activities, as well as the integration of human rights requirements into the bidding, preparation and hosting of all FIFA tournaments and in other business relationships.

An important part of these activities relates to the FIFA World Cup Qatar 2022. The respective commitments, objectives and key initiatives are outlined in the joint [sustainability strategy](#) for the tournament, developed and implemented by the three tournament delivery partners FIFA World Cup Qatar 2022 LLC (Q22), the Supreme Committee for Delivery and Legacy (SC), and FIFA. Indeed, we are grateful for the helpful and important input provided by Human Rights Watch alongside many other stakeholders to the human rights risk assessment and the key initiatives developed as a result to address such risks that inform this strategy (as described in [this report](#) on the development of the strategy).

In line with this sustainability strategy and our responsibility under the UN Guiding Principles on Business and Human Rights, FIFA and the other tournament organisers work diligently to ensure respect for the rights of all workers linked to the preparation and hosting of the FIFA World Cup in Qatar. These include workers engaged in the construction of FIFA World Cup 2022 infrastructure, such as stadiums or training sites, as well as workers who deliver services for the tournament. FIFA and its Qatar-based subsidiary Q22 thereby work in close partnership with the SC, including through joint initiatives and projects.

Through this work, FIFA is aware of the importance of wage protection measures in Qatar and this is why FIFA and the other tournament organisers have put in place robust systems to prevent and mitigate wage abuse on FIFA World Cup sites, as well as mechanisms for workers to raise potential grievances and practices to provide for remediation where companies fail to live up to our standards. As part of this ongoing process, we test and review the systems in place, to ensure that they remain fit for purpose and to enable any further improvements that may be needed in the interest of the workers.

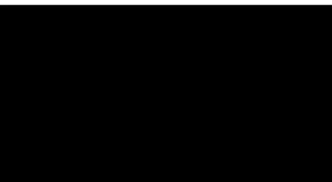
Immediately upon receiving your request for information, we kindly asked you whether you are aware of any ongoing cases of FIFA World Cup workers that may not have been addressed, and we followed up on this request three weeks later, again urging you to report any allegations so that we could investigate such allegations accordingly in the best interest of workers. In response, on 14 August 2020 you advised us of a complaint you had received from a worker of a company employed on FIFA World Cup sites. We are taking this allegation very seriously, as we do any such allegations, and are currently reviewing the information you provided together with the SC. As always, we will investigate the case fully and will take appropriate measures to address any wrongdoing by the respective company in the best interest of the concerned worker.

Once again, we kindly urge you to share any allegations you may receive with FIFA and the SC as early as possible, and ask that you also encourage workers to report any grievance they may have to the SC's Workers' Welfare hotline (see [here](#)). This will enable us to verify such information and to take appropriate action wherever it is needed, as always in the best interest of respective workers.

Please find further information below in response to the queries you raised in your letter. We hope that this information is helpful to the finalisation of your upcoming report.

For now, we trust that our efforts to protect and defend the rights of workers as detailed below, discussed in our call earlier this week, and in various public reports, will be appropriately and fairly described and contextualised in your final report and any related communications.

Sincerely yours,



Joyce Cook, CBE, OBE
Chief Social Responsibility & Education Officer

Information in relation to points raised in the 22 July Human Rights Watch letter to FIFA:

On cases of delays in payment of workers and the mechanisms in place to address these in the interest of the affected workers:

FIFA, Q22 and the SC have a zero-tolerance policy for wage abuse. When cases of late payment are identified concerning FIFA World Cup workers, usually through our own monitoring or grievance mechanisms, the systems in place to address them include:

- Direct engagements with workers who raise concerns to understand and validate claims;
- Engagements with the respective contractor and possible main contractors to resolve the issue and ensure payments are made, including through setting deadlines and attaching consequences should these not be met;
- Where the case concerns a sub-contractor, the leveraging of main contractors to step in and pay workers directly in order to shift the burden away from the workers;
- Reporting of cases to the respective authorities for further investigation and action, including in hardship cases the detention of company owners;
- The inclusion of contractors on a watch-list and, if necessary, the black-listing of companies who are then prohibited to work on FIFA World Cup sites until credible improvement of company systems have been implemented and demonstrated.

In addition to the above measures that are led by the SC as the developer of the FIFA World Cup infrastructure, and in line with its responsibility under the UN Guiding Principles, FIFA follows up closely with the SC in addressing particular cases. FIFA, Q22 and the SC discuss and review the existing systems and ways to further improve them on a regular basis. As part of this process, FIFA provides its own views, recommendations and requests concerning the SC's systems as well as the mechanisms provided by the government. Throughout the past years, the SC and its Workers' Welfare team has proven time and time again to be a very competent and credible partner that puts the interests of FIFA World Cup workers first.

On measures regarding workers who help prepare the FIFA World Cup other than those employed on FIFA World Cup sites under the SC's purview:

Over the past years, workers who were contracted by the SC to provide services to the SC or Q22, such as regarding catering, security or cleaning have benefitted from the same protection system put in place for construction workers on FIFA World Cup sites under the SC's Workers' Welfare Standards. These include the respective measures regarding wage protection.

As the tournament preparation enters a new stage and workers in several other sectors become involved in preparing the event, including for instance on hospitality, logistics, security and transportation, the protection measures are being expanded to these workers as well. The systems, which cover workers employed by companies with contracts with Q22, FIFA or the SC, include for instance:

- The pre-screening of companies during the tender process;
- The inclusion of respective clauses referring to the SC's Workers' Welfare Standards in contractual agreements;
- The conducting of capacity building with company representatives;

- The regular monitoring of compliance with the clauses and respective follow-up measures
- The provision of a grievance mechanism for workers and the requirement of contracting partners to put in place their own respective mechanisms, including formats that allow for workers' concerns to be raised in a systematic manner, such as Workers' Welfare Forums or worker committees.

FIFA, Q22 and the SC work jointly on this initiative to ensure the best possible use of capabilities and leverage amongst the three tournament delivery partners.

In addition to that, FIFA, Q22 and the SC participate actively in several platforms to promote best practice around workers' welfare in Qatar. These include for instance the Karama Initiative of large developers in Qatar, and the multi-stakeholder process on human rights in the hospitality sector involving the Qatari government, the ILO, trade unions and the Institute for Human Rights and Business.

Finally, in leading by example, the FIFA World Cup tournament organisers develop new ground for wider progress in Qatar. Various positive spill-over effects leading to better protection of tens of thousands of workers beyond those involved in the preparation of the FIFA World Cup have been observed and documented over the past years. For example, several contractors have raised their standards on all their sites in Qatar in order to meet the higher standards to become eligible for FIFA World Cup projects, or have made benefits required on FIFA World Cup projects available to all of their workforce. Furthermore, the SC is in close contact with relevant Ministries and the ILO to support the country-wide strengthening of standards building on good practice and learnings from FIFA World Cup sites. In that respect, FIFA was also encouraged to see the recent positive assessment by the UN Special Rapporteur on contemporary forms of racism of the systems in place to protect FIFA World Cup workers, who characterised these systems as 'impressive changes' and 'sweeping reforms' and recommended that the same standards are applied across the country (see [here](#)).

On measures regarding the protection of FIFA World Cup workers during the Covid-19 pandemic and FIFA's engagements with the SC in this respect:

Building on the existing systems, the SC put in place far-reaching Covid-19-specific protection measures for FIFA World Cup workers. SC representatives repeatedly presented these measures to relevant stakeholders, for instance through calls organised by the Centre for Sport and Human Rights, with participation from Human Rights Watch representatives. Furthermore, the SC published a Q&A on its website (see [here](#)). In these and other exchanges, we were pleased to see the positive feedback and recognition by external stakeholders, including trade unions and civil society organisations, about these measures.

Overall, wage-related questions have been dealt with in accordance with the existing standards and systems of the SC under the Workers' Welfare programme (see the answers to the previous questions) and in line with the Covid-19-related requirements set out by the Qatari Ministry of Public Health, and the Ministry of Administrative Development, Labour and Social Affairs. That said, additional protocols were implemented to meet the specific needs of the changed context. As an example, workers in isolation or quarantine were contacted regularly to learn about their situation, including with respect to the payment of their wages.

Over the past months, FIFA has been engaging closely and very regularly with the SC on the Covid-19-related measures in place, has provided its views and recommendations, and receives several updates per week on the situation. Our engagements with the SC were also informed by repeated exchanges with external stakeholders over the past months, such as with the International Labour Organisation, the Building and Woodworkers' International, and several civil society organisations.

On recruitment of workers and wage-related pre-screening of contractors for FIFA World Cup sites:

The SC's Workers' Welfare Programme conducts pre-mobilisation approval audits to ensure that contractors and sub-contractors proposed to be employed on their sites are in compliance with the Qatar Labour Law and the SC's Workers' Welfare Standards. These audits include an assessment of the company's track record with respect to wages through an analysis of the Wage Protection System records. Where companies are found to have had issues in the past, they are required to provide evidence of rectification and improvement of their systems, as well as comprehensive commitments to adhere to the Workers' Welfare Standard prior to being on-boarded.

FIFA considers these mechanisms by the SC to be robust and similar proceedings are being introduced in the on-boarding process of business relationships by Q22 and FIFA with respect to Qatar-based workers.

On FIFA's engagements with third parties regarding labour rights of FIFA World Cup workers and wage-related questions:

Over the past years, FIFA has developed close relationships with external stakeholders who work to protect workers' rights in Qatar. Amongst the organisations FIFA engages with on a regular basis are the Building and Woodworkers' International, the International Labour Organisation, and several civil society organisations focusing on labour rights in Qatar and the region. FIFA also mandated an external expert company to assess the remedy mechanisms in place for workers and other potentially affected constituent groups, which also cover potential complaints of workers regarding wage issues.

It should be noted that the SC, as part of its four-tier monitoring system, has for several years been working with independent entities who assess their processes and mechanisms and publish the results of these assessments. FIFA has been instrumental in helping to develop this system. For further information, we would refer you particularly to the reports published by Impactt Ltd and by the joint working group with the Building and Woodworkers' International which include observations with respect to wage protection (see [here](#)).

Such reports and feedback from external stakeholders generally confirm that late or non-payment of workers is a challenge with companies operating in Qatar. At the same time, these assessments and conversations show that the SC's systems generally provide robust safeguards against late payments of workers by companies employed on FIFA World Cup sites and provide testimony to the commitment by the SC and FIFA to address any issues that may be identified.

On engaging with Qatari government agencies regarding labour rights:

The Supreme Committee is a quasi-government entity and its head has the rank of a Minister in Qatar. This allows FIFA to raise particular matters with respect to labour rights and the governments'

mechanisms in that respect directly through its collaborative relationship with the SC. One area of discussion has over the past months been government intervention in enforcing wage protection as well as the effectiveness of the Workers' Support and Insurance Fund.

FIFA has furthermore regularly recognised the important progress made over past years while calling upon the Qatari authorities to continue with their reform agenda in collaboration with the International Labour Organisation.

On the communication about our efforts to ensure respect for labour rights of workers helping to prepare the FIFA World Cup and associated challenges:

Both FIFA and the SC have published regular updates on our labour rights-related efforts associated with the FIFA World Cup in Qatar. These reports include updates by both FIFA and the Supreme Committee on our own works. They also include reports developed by independent entities with a role to critically assess our work in that respect, such as the Building and Woodworkers' International, Impactt Ltd, and FIFA's Human Rights Advisory Board (see [here](#) and [here](#)).

FIFA and the SC have repeatedly been commended for their openness to inform transparently about their systems and related challenges in form of public reports, presentations at public conferences, as well as in exchanges with stakeholders. We will continue this approach of transparency and constructive engagement in the months and years to come, and, in this same spirit, we look forward to our ongoing meetings together, and to discussing the information provided in this letter in our next call.