



PROMOTING FAIR RECRUITMENT AND EMPLOYMENT

GUIDANCE TOOL

FOR HOTELS IN QATAR

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Promoting fair recruitment and employment: A guidance tool for hotels in Qatar

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The Guidance Tool builds on ongoing consultation with members of the Working Group for Sustainable Growth and Decent Work in Qatar's hospitality sector. This group, convened by ADLSA, ILO and IHRB has met regularly since March 2019 to explore labour rights challenges and responsibilities in the hotel sector in Qatar. Particular thanks go to the committed Human Resources Directors of the participating hotels for their contributions in developing this Guidance Tool and for kindly hosting the regular meetings of the Working Group in Doha.

The tool was also subject to review by the Strategic Dialogue Group on Hospitality in Qatar, chaired by ADLSA and including the Qatar Chamber of Commerce and Industry, the Qatar National Tourism Council, Katara Hospitality, the Supreme Committee for Delivery and Legacy, the 2022 FIFA World Cup Local Organising Committee, ILO-Qatar, the International Trade Union Confederation (ITUC), the International Organisation of Employers (IOE), the Building and Wood Workers' International (BWI), the International Transport Workers' Federation (ITF), UNI Global Union, IHRB and ITP.

While this tool provides specific guidance to hotels in Qatar, many of the lessons are transferable to the hospitality sector globally, and further versions could be developed for other contexts.

The examples used in this Guidance Tool were discussed during the Working Group meetings and their mention should not be automatically assumed as endorsement by the ILO, ADLSA and IHRB.

FOREWORD

The International Labour Organization (ILO) inaugurated its project office in Qatar in April 2018 to support the implementation of a comprehensive programme on working conditions and labour rights. The Technical Cooperation Programme engages key industries, such as hospitality, and reflects the common commitment of the Government of Qatar and the ILO to cooperate on ensuring compliance with ratified international labour standards, as well as achieving fundamental principles and rights at work in the State of Qatar in a gradual manner during the period 2018–20.

Hospitality represents a significant and growing industry in the country, with a concentration of major international hotel brands and a number of new hotel openings anticipated in the run-up to the 2022 World Cup. This Guidance Tool is intended to help hotel companies in Qatar promote labour rights and fair recruitment in their business practices as part of wider efforts to strengthen a competitive and responsible hospitality industry.

**Houtan
Homayounpour**

Head of Project Office
International Labour Organization
Qatar

**Mohammed Hassan
Al Obaidly**

Assistant Undersecretary for Labour Affairs
Ministry of Administrative Development,
Labour and Social Affairs

**John
Morrison**

Chief Executive
Institute for Human Rights
and Business

CONTENTS

Acknowledgments	3
Foreword	4
Checklists, figures, and tables	6

ABOUT THIS GUIDANCE TOOL **7**

Introduction	8
How to use this tool	9
Terms and definitions	10

1. DEFINING COMPANY PRIORITIES & EXPECTATIONS **12**

1.1 Developing company policies	13
1.2 Selecting service providers	15

2. DUE DILIGENCE GUIDANCE **17**

2.1 Engaging with service providers and placement agencies	18
Checklist: Due diligence of service providers and placement agencies	18
2.2 Due diligence in recruitment	37
Checklist: Due diligence of recruitment practices	43
Illustrative contractual clauses: What legal detail will you need?	51

3. IMPROVING WORKPLACE RELATIONS **55**

3.1 Company grievance mechanisms	56
Designing a grievance mechanism	58
Checklist: Effective company grievance mechanisms - Principles and good practice steps	61
3.2 Worker representation and participation	66
Why is workplace cooperation good for hotels?	67

CHECKLISTS, FIGURES, AND TABLES

CHECKLISTS

Checklist 1 Due diligence of service providers and placement agencies	18
Checklist 2 Due diligence of recruitment practices	43
Checklist 3 Effective company grievance mechanisms: Principles and good practice steps	61

FIGURES

Figure 1 Direct and indirect recruitment of workers by hotels or service providers in Qatar	37
Figure 2 Key elements of grievance mechanism design in Qatar	59
Figure 3 Example of a hotel's departmental representation in a joint committee	67

TABLES

Table 1 Example of a breakdown of recruitment costs – low-wage workers from three main countries of origin to Qatar	38
Table 2 Expenses included in recruitment fees and related costs based on ILO definition	39
Table 3 Information on private recruitment agencies in key countries of origin	40
Table 4 Example of contractual clauses for recruitment due diligence	51
Table 5 Labour/management representation on joint committees according to Qatar Labour Law	66
Table 6 Key elements for the establishment of joint committees	67

ABOUT THIS GUIDANCE TOOL



INTRODUCTION

This Guidance Tool has been developed as a resource to promote fair recruitment and employment standards in the hospitality sector¹ in Qatar. It has been developed in consultation with human resources managers from more than 40 hotels in Qatar and is a result of regular Working Group sessions that took place between March 2019 and April 2020.

The tool is not meant to be exhaustive, as it is based on ongoing discussions and lessons learned from the Working Group sessions. However, it does provide a concise set of key resources for hotels, with practical steps to promote decent work and improve recruitment practices, including engagement with placement agencies² and service providers.

According to data from the Qatar Planning and Statistics Authority, the number of hotel employees in the country nearly doubled from 11,451 in 2010 to 21,515 in 2018.³ This number excludes those hired through private placement agencies, who comprise the majority in housekeeping, security and landscaping services.

This Guidance Tool aims to support hotel companies in Qatar to respond to labour rights challenges by implementing appropriate policies and exercising thorough and ongoing human and labour rights due diligence.



- ¹ In the context of this Guidance Tool, hospitality refers to business and services associated with the hotel and tourism industries.
- ² In the Qatari context, private employment agencies may be referred to as placement agencies, casual staff agencies, temporary staff agencies, manpower providers, or labour providers. Please see Terms and Definitions section below.
- ³ Includes short-term accommodation activities with fewer than ten employees (such as campsites). Planning and Statistics Authority of the State of Qatar. The Annual Bulletin of Restaurants & Hotels Statistics. Available at https://www.psa.gov.qa/en/statistics/Statistical%20Releases/Economic/HotelsandRestaurants/Hotels_and_Resturants_QSA_AnBu_AE_2018.pdf

HOW TO USE THIS TOOL

Target Audience

The Guidance Tool is designed primarily for hotel human resources managers, general managers and other relevant actors within the industry. It provides sector-specific guidance that managers and departments can adapt as appropriate.

In order to follow up on the steps recommended in this tool in a sustainable manner, hotel managers, brand/group managers and hotel owners must be actively involved in the development and oversight of company policies and procedures. Senior management, especially at the brand level, can contribute positively to the organisational culture and facilitate greater industry-level engagement on fair recruitment and decent work.

This Guidance Tool recognises that respect for human and labour rights across the entire spectrum of a company's activities and business relationships means commitment, resources and time. Compliance with international human rights and labour standards is a process of continuous improvement, and this Guidance Tool itself reflects learning that will continue to evolve.

Structure

The Guidance Tool covers the following topics:

- Part 1:** Defining company priorities and expectations
- Part 2:** Due diligence of service providers, placement agencies and recruitment practices
- Part 3:** Improving workplace relations and establishing effective grievance mechanisms

This tool provides guidance through recommended action, examples of good practice and sample contractual clauses (for engagement with recruitment agencies) that hotels could take into consideration when developing and implementing internal policies and procedures, as well as when conducting human rights due diligence.

The tool is based on international labour standards and guiding principles on fair recruitment as well as relevant human rights standards, in particular the United Nations Guiding Principles on Business and Human Rights. The guidance provided should therefore be read in the context of these existing standards and the principles applicable to companies and governments. Each chapter also provides information on the relevant national legislation in Qatar and includes a brief list of additional resources.

TERMS & DEFINITIONS

AGENCY WORKER

An individual performing work for a user company (e.g. a hotel), but employed by a private placement agency.

DEBT BONDAGE

A situation whereby the worker is bound to work for an employer in order to pay off a debt. The debt can arise from loans, wage advances or wage deductions to cover recruitment fees or costs, or to cover daily living or emergency expenses, such as medical costs. Debts can be compounded as a result of manipulation of wages or accounts, especially when workers are illiterate. Unscrupulous employers or recruiters may make it difficult for workers to repay the debt by undervaluing the work performed or by inflating interest rates or charges for food and housing. Debt bondage reflects a power imbalance between the worker and the employer, and is an indicator of forced labour.⁴

DECENT WORK

Work that is productive in that it delivers a fair income, security in the workplace, social protection for families, better prospects for personal development and social integration, and equality of opportunity and treatment for all women and men, alongside the freedom for workers to express concerns, organise and participate in the decisions that affect their lives.⁵

DIRECT HIRE EMPLOYEE

An individual hired directly by a company (such as a hotel). The company may use the services of a third party to find the ideal candidate for the vacancy, but the individual is employed by the company.

DUE DILIGENCE

A company's ongoing risk-management process which aims to identify, prevent, mitigate, and account for how it addresses the adverse human rights impacts of its own activities or those of its business relationships. It entails four key steps: assessing actual and potential impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.

EMPLOYER

A person or entity that engages employees/workers, either directly or indirectly.

JOB SEEKER

An individual that an employer, placement or recruitment agency encounters as a potential recruit. A jobseeker may be recruited for placement as an agency worker or as an employee to be directly hired by a company.

LABOUR RECRUITER

This is a broad category that includes public employment services, private recruitment agencies and all other intermediaries or subagents that offer labour recruitment services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks.

4 ILO indicators of forced labour (2012). Available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

5 ILO. Decent Work and the ILO's Decent Work Agenda. Available at <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

LEVERAGE

Is an advantage that confers the power to influence. In the context of this Guidance Tool, it refers to the ability of a hotel company to change the wrongful practices of another party that cause or compound a negative human rights impact.

MIGRANT WORKER

A person who migrates or has migrated to a country of which he or she is not a national with a view to being employed otherwise than on his or her own account.⁶

PRIVATE PLACEMENT AGENCY

Any natural or legal person whose service (function) is to employ workers in order to make them available to a third party (an individual or an enterprise) which in turn assigns their tasks and supervises them.⁷ In the context of Qatar, placement agents or agencies may also be referred to as casual staff agencies, temporary staff agencies, manpower suppliers or labour providers.

RECRUITMENT

Includes advertising, dissemination of information, selection, transport, placement into employment and – for migrant workers – return to country of origin. This broad definition applies to both jobseekers and those already in an employment relationship.⁸

RECRUITMENT FEES AND RELATED COSTS

Any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.⁹

- **Recruitment fees:** Include payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment; payments relating to the recruitment of workers to perform work for a third party; payments relating to direct recruitment by the employer; or payments required to recover recruitment fees from workers.
 - **Related costs:** Expenses integral to recruitment and placement within or across national borders. Related costs include medical costs, insurance costs, costs for skills and qualification tests, cost for training and orientation, equipment costs, travel and lodging costs, and administrative costs. These costs are generalized and not exhaustive. Depending on the recruitment process and the context, cost categories and exemptions could be determined by governments after consultation with the most representative organizations of workers and employers.
-

SERVICE PROVIDER

A company offering outsourced services to a hotel.

6 Article 11 (1) and (2), ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

7 Article 1(b), ILO Private Employment Agencies Convention, 1997 (No. 181).

8 Definition based on the ILO general principles and operational guidelines for fair recruitment (2019).

9 ILO definition of recruitment fees and related costs (2019). Available at https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

PART 1

DEFINING COMPANY PRIORITIES & EXPECTATIONS



1.1 DEVELOPING COMPANY POLICIES

Internal policies

Hotel companies' commitment to fair recruitment and employment standards should be integrated in internal policies, decision-making processes, strategic goals and overall vision.

It is therefore crucial that each company develops a clear policy that incorporates the guidance provided in this tool, not only to ensure its own conformity with international labour standards¹⁰ and Qatar's national legislation on the recruitment and employment of workers, but also to clarify the standards and practices it expects from recruiters, service providers and placement agencies.

Hotels should share these policies and associated guidelines with management and all employees, including agency workers. This could begin with training for senior staff, followed by communication to all line managers, and the distribution, for example, of 'new starter' packs. A copy of the policy should be easily accessible and all staff should be trained on their roles and responsibilities in implementing the company's principles and procedures. When these policies are firmly embedded in a hotel's strategy, they will naturally inform broader discussions with potential or existing business partners.

Public commitment

In addition to an internal policy, hotel companies should consider making a public commitment to promote and respect national legislation and international labour standards on fair recruitment and employment. Hotel companies should also consider publicly aligning with the [UN Guiding Principles on Business and Human Rights](#), [ILO General Principles and Operational Guidelines for Fair Recruitment and definition of recruitment fees and related costs](#), and the [International Tourism Partnership's Principles on Forced Labour](#) to demonstrate their commitment against labour exploitation.

A statement of public commitment should be on display at the hotel premises, as well as on its online platforms. It should be easily accessible to customers and employees, and should be integrated in supplier codes of conduct and guidance. A public commitment and its effective implementation are likely to bolster the company's reputation, attract socially conscious customers and help build trust between the hotel and its workforce, who will feel more valued and respected.

¹⁰ Relevant international labour standards include, but are not limited to, the ILO fundamental conventions, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998), the ILO Centenary Declaration for the Future of Work (2019), the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172), the Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179), the Violence and Harassment Convention, 2019 (No. 190), and the ILO Guidelines on decent work and socially responsible tourism.

INCORPORATING COMMITMENT TO HUMAN RIGHTS INTO COMPANY POLICY

A number of hotel companies operating in Qatar have acknowledged and explicitly incorporated respect for human rights into their company policies. The **Radisson Blu Hotel, Doha**, for example, incorporates the Radisson Hotel Group's [Human Rights Policy Statement](#) and a public list of [Human Rights Commitments](#), which include a commitment to ITP's Principles on Forced Labour.

The **InterContinental's** [Human Rights Policy](#) includes a commitment to respecting human rights in accordance with the most relevant international standards, including the ILO Declaration on Fundamental Principles and Rights at Work. It covers topics ranging from labour practices and forced labour to remedies and governance. It is explicitly applied to all InterContinental Hotel Group (IHG) offices, reservation centres, and hotels and is likewise expected from business partners.

Hilton has also outlined its commitment to human rights in its [Code of Conduct](#), [Responsible Sourcing Policy](#) and [Human Rights Policy Statement](#). Among the prohibited conducts included in its Policy Statement, Hilton explicitly refers to 'using forced or slave labour, including prison, bonded, or debt labour' and 'requiring Team Members and temporary employees to pay for their employment'. Hilton also developed a training programme on 'Key Risks of Modern Slavery in Labour Sourcing', which is mandatory for all General Managers, Human Resources Directors, Procurement Leads and Directors of Finance at all its hotels and corporate offices in Europe, the Middle East and Africa. The [training programme was made public](#) through a partnership with ITP with a view to helping accelerate the industry's capacity to identify and mitigate risks at scale.

Information provided by the Radisson Blu Hotel Doha, InterContinental Doha and Hilton in the context of the Working Group for Sustainable Growth and Decent Work in Qatar's Hospitality Sector.



1.2 SELECTING SERVICE PROVIDERS

As soon as hotel standards on recruitment and employment are defined and internally agreed, pre-qualification requirements for placement agencies and service providers can be established accordingly.

Providing guidance and monitoring implementation

A supplier code of conduct is one of the methods by which companies can set out their basic requirements and communicate their expectations consistently to all business partners.

As part of the selection process, hotels should review the policies and practices of service providers, recruiters and placement agencies to ascertain adherence to company standards, as well as to international and national labour standards. In particular, potential service providers should provide evidence of procedures followed in the management of employment and recruitment issues.

In order to promote accountability, a hotel should elicit formal acknowledgement of its policy (or supplier code of conduct) by simply incorporating it into the agreement signed with the selected contractor. Hotels could consider underlining the importance of this acknowledgement by including penalty clauses in supplier contracts, to be triggered if the code of conduct is violated. Hotels should also conduct periodic reviews of all business partners to ensure compliance during the contractual period.

EXAMPLE OF A HOTEL'S SUPPLIER CODE OF CONDUCT*

Hyatt's Supplier Code of Conduct outlines the minimum standards to which suppliers are expected to adhere. It highlights that suppliers are also expected to hold their own business partners accountable to these standards.

Hyatt suppliers should 'recognise and be committed to upholding the human rights of workers, and to treat them with dignity and respect'. Some of the topics covered by the Code of Conduct include:

- Freely chosen employment, including non-retention of personal documents and passports
- Child labour
- Non-discrimination
- Human treatment
- Minimum wages
- Working hours
- Freedom of association
- Occupational health and safety

* This illustrative example does not constitute an endorsement by the authors nor does it imply compliance with the relevant international standards.

Constructive engagement

A hotel should allow its existing service providers an appropriate period during which to familiarise themselves with the company's principles and expectations and adapt their policies and practice accordingly.

Hotels should work in close collaboration with service providers and recruitment agencies to ensure that all business partners are taking the same steps as the hotel to ensure fair recruitment and employment.

However, if the practices of existing service providers do not comply with company policy or supplier code of conduct, an improvement plan can be jointly developed, specifying practical changes needed, and a strict timeline for their implementation. Hotels should then draw up an amended formal agreement, incorporating the improvement plan, to be signed by both parties. Hotels should seek to enforce the agreement by conducting periodic reviews. Audits conducted by third parties can also contribute to the hotel's due diligence process.

If after several discussions and unsuccessful implementation of the improvement plan, there remains serious breaches of the hotel's policy, a termination of contract with the service provider or recruitment agency should be considered.

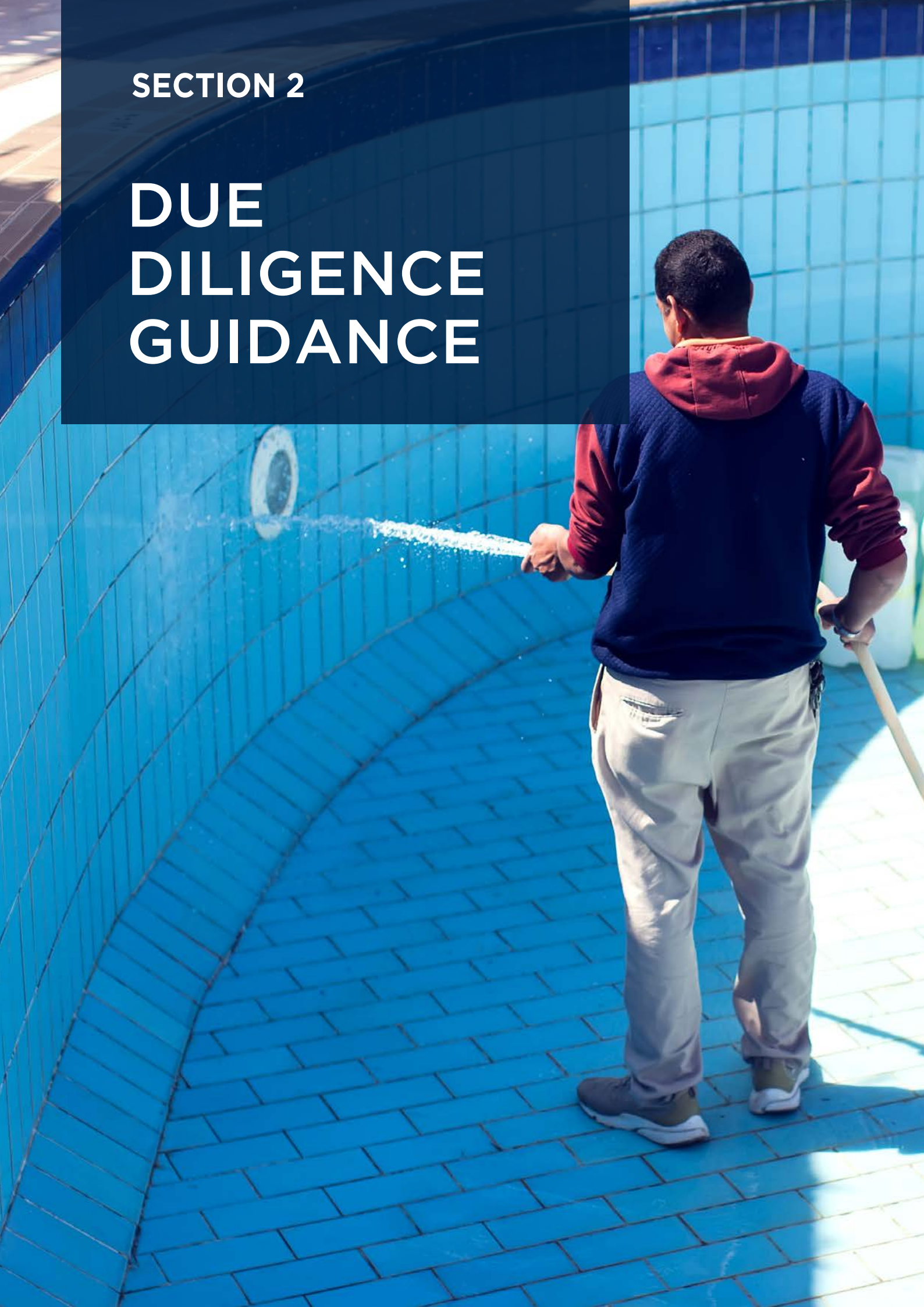
Additional resources – what do other industries demand?¹¹

- Adidas Group – [Guidance on employment standards.](#)
- Apple – [Supplier Responsibility Standards, supplementing its Supplier Code of Conduct.](#)
- Hewlett-Packard – [Supply chain foreign migrant worker standard guidance document.](#)
- Patagonia – [Migrant worker employment standards & implementation guidance.](#)
- Shiva Foundation – [Stop Slavery Blueprint for the Hospitality Industry.](#)
- The Coca-Cola Company – [Human and workplace rights issue guidance.](#)

¹¹ The examples provided do not constitute an endorsement by the authors nor do they imply compliance with the relevant international labour standards.

SECTION 2

DUE DILIGENCE GUIDANCE



2.1 ENGAGING WITH SERVICE PROVIDERS AND PLACEMENT AGENCIES¹²

Key concerns

Hotels often rely on third parties to provide services and workers for security, housekeeping, landscaping and other tasks, thereby increasing the risk of indirect association with unfair recruitment and employment practices. This fragmented employment structure requires hotel companies to be particularly diligent in selecting and monitoring service providers and private placement agencies in order to identify and mitigate potential risks.

Due diligence checklist

The checklist below provides guidance on the steps that hotels operating in Qatar can take to encourage service providers and private placement agencies to comply with the relevant national laws and international standards on recruitment and employment.

It aims to help hotels engaging large numbers of agency workers to identify, prevent and mitigate labour rights abuses throughout their subcontracting networks. The checklist provides a non-exhaustive set of questions that hotels should consider incorporating into their due diligence process,¹³ as well as good practices and reference to national law and international standards.

The due diligence checklist covers the main areas where companies are likely to risk association with worker exploitation, namely:

- Recruitment¹⁴
- Employment contract
- Passports and identity documents
- Working conditions
- Workers' accommodation
- Equality and non-discrimination
- Change of employer and return to country of origin
- Grievance mechanisms

Once due diligence standards are in place, regular and/or third-party audits of service providers and private placement agencies can help hotels in their efforts to monitor the agreed conditions and help rectify any violation. Ongoing checks can also help hotels pre-emptively identify and mitigate risks, and improve the overall skills, satisfaction and motivation of agency workers recruited by promoting good practice.

¹² For the purpose of this Guidance Tool the terms placement agencies and private employment agencies are used interchangeably. The ILO Private Employment Agencies Convention, No. 181, defines private employment agencies as any natural or legal person that provides services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person, which assigns their tasks and supervises the execution of these tasks (Article 1 b).

¹³ In the context of this Guidance Tool, due diligence refers to an ongoing risk management process that a prudent company should follow in order to identify adverse labour and human rights impacts, prevent or at the very least mitigate them, and account for its own policies and procedures. See also Terms and Definitions section above.

¹⁴ Checklist 1 covers key questions that must be posed when conducting due diligence of service providers, including placement agencies. The next chapter and Checklist 2 go on to examine the recruitment process in greater depth

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

1. Recruitment

WHAT TO ASSESS



1.1 Service providers and placement agencies (and the recruitment agencies they may utilise), should not charge workers any recruitment fees and related costs.

QUESTIONS TO ASK



Are workers expected to pay any fees and related costs to secure employment or placement?

Are the labour recruiters used by service providers/placement agencies registered and/or licensed according to national law (in Qatar and countries of origin)?

What training is provided to workers before they start employment? Are workers charged for it?

RECOMMENDED ACTION



Develop guidance on recruitment and monitor the recruitment practices of service providers and placement agencies, such as through audits.

In service agreements with all service providers and placement agencies include a clause or clauses to prohibit the engagement of informal or unlicensed labour recruiters.

Likewise, explicitly prohibit worker-paid recruitment fees and related costs.

LEGAL REFERENCES



Articles 28-37, [Qatar Labour Law](#)

[Ministerial Decision No. 8 of 2005](#) Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

1. Recruitment

WHAT TO ASSESS



1.2 According to the international definition, recruitment fees and related costs should refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.

QUESTIONS TO ASK



What information and/or documentation is required by service providers and placement agencies regarding workers' recruitment?

Do service providers and placement agencies engage directly with their workers to ask about the recruitment process and whether they paid any recruitment fees or related costs?

RECOMMENDED ACTION



Require a breakdown of recruitment costs in bids submitted by potential service providers and placement agencies.

Include a breakdown of recruitment fees and related costs (specifying costs to be paid by each party) in service agreements with service providers and placement agencies.

Check that job advertisements in countries of origin highlight that workers should never be made to pay recruitment fees and related costs.

Ensure that workers are reimbursed for any recruitment fees and related costs paid.¹⁵

LEGAL REFERENCES



[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

For reimbursement of fees: [Policy of Qatar's Supreme Committee for Delivery and Legacy \(Chapter 6\)](#)

¹⁵ Some public institutions in the State of Qatar, such as the Supreme Committee for Delivery and Legacy, reimburse recruitment fees paid by workers. Employers could emulate this good practice.

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.1 Service providers and placement agencies should provide workers with a written employment contract and offer of employment.

QUESTIONS TO ASK



Are all workers provided with a written employment contract, with comprehensive terms and conditions of employment?

Are workers given a signed copy of the contract?

Are workers required to perform any tasks beyond what is described in the employment contract?

RECOMMENDED ACTION



Contractually require all service providers and placement agencies to provide workers with written contracts, and to provide copies of the signed and authenticated contracts to the hotel.

Check that offers of employment and contracts set out: the nature of the work to be performed; workers duties and responsibilities; regular and overtime working hours; wages; days off and annual leave; and entitlement to uniforms, protective gear and benefits including accommodation, transport, food and medical care.

LEGAL REFERENCES



Articles 38-53, [Qatar Labour Law](#)

[Article 17, Ministerial Decision No. 8 of 2005](#) Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.2 Employment contracts and offers of employment should be provided to workers before starting employment in order to avoid deception and misunderstandings regarding working and living conditions.

QUESTIONS TO ASK



Do workers receive a written employment contract and offer of employment in advance of starting the job (especially in countries where no Qatar Visa Centre is already established)?

RECOMMENDED ACTION



Ensure that Qatar Visa Centres (QVCs), which operate in Sri Lanka, Pakistan, Bangladesh, India, Philippines and Nepal,¹⁶ provide workers with an electronic copy of the contract before departure.

Ensure that jobseekers are provided with detailed pre-employment information, an employment offer and are given time to fully comprehend and agree to the terms and conditions of employment before signing a contract and departing the country of origin.

LEGAL REFERENCES



[Qatar Visa Centre Procedures](#)

[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

¹⁶ These are the operational QVCs as of July 2020; more are scheduled to open during the course of the year 2020.

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.3 Where applicable, the employment contract should be translated into a language that the worker understands.

QUESTIONS TO ASK



Do workers receive a written employment contract and offer of employment in a language that they understand?

Do service providers and placement agencies talk to workers to explain and discuss the written terms and conditions of employment? If so, at what stage does this conversation occur?

RECOMMENDED ACTION



Contractually require all service providers and placement agencies to provide employment contracts in a language that workers understand, as well as provide verbal explanation and discussion of the contract, especially in the case of illiterate workers.

Develop on-site guidance for workers on their rights and responsibilities. This should be developed in a language and format that workers can easily understand.

LEGAL REFERENCES



[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

2. Employment Contract

WHAT TO ASSESS



2.4 Service providers and placement agencies should hold information on all workers, including copies of passports, residency permits, medical insurance cards, employment contracts, and other vital data.

QUESTIONS TO ASK



Do service providers and placement agencies maintain a comprehensive record of workers' employment, including, but not limited to, copies of passports, Qatari ID, medical insurance cards, and employment contracts?

RECOMMENDED ACTION



Contractually require service providers and placement agencies to keep records of all workers currently employed, and to make these available for assessment whenever required.

LEGAL REFERENCES



Articles 47 and 48, [Qatar Labour Law](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

3. Passports & Identity Documents

WHAT TO ASSESS



3.1 Workers should have full control over and access to their passports and similar documentation – including residency permits and personal bank cards – to ensure their mobility is not restricted.

QUESTIONS TO ASK



Are workers in possession of their personal documents and/or belongings, including passports?

Do workers have facilities (with lockable storage) that they can access at any time to store their passports/identity documents and personal belongings?

RECOMMENDED ACTION



Ensure that service agreements with service providers and placement agencies explicitly prohibit the retention of workers' personal documents.

Require service providers to provide workers with lockable storage that they can access at any time for their passport and other personal documents.

LEGAL REFERENCES



[Sections 8, 39 and 40, Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Expatriates](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

3. Passports & Identity Documents

WHAT TO ASSESS



3.2 If a worker's passport is retained for administrative purposes (e.g. renewal of residency permit), the document should be returned to the worker upon completion of the procedures.

QUESTIONS TO ASK



Are workers provided with a copy of their passport and personal documents during administrative procedures?

Do workers have full access to their passport and important documents once administrative procedures are completed?

RECOMMENDED ACTION



If a worker's documents are temporarily retained, ensure that this is only for completing administrative procedures and follow-up to check whether passports have been given back to workers.

During administrative procedures, provide workers with an exact copy of their passport and other personal documents.

LEGAL REFERENCES



Article 3 (2) of Ministerial Decision No. 18 of 2014 to determine the requirements and specifications of suitable housing for workers

Section 8 of Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Expatriates requires employers to return to the workers their passport as soon as procedures for issuing the residence permit have been completed. Violating this provision is punishable by law with a fine of up to QAR 25,000.

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

3. Passports & Identity Documents

WHAT TO ASSESS



3.3 Workers should have a valid Qatari ID (QID) and a health card.

QUESTIONS TO ASK



Do workers have a valid QID and health card?

Are workers in possession of their QID, health card and bank card?

Are workers required to pay for the issuance/renewal of the QID and health card?

RECOMMENDED ACTION



Contractually require service providers and placement agencies to ensure that all workers employed have a valid QID and a health card.

LEGAL REFERENCES



Section 8, 9 and 10, Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Expatriates

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

4. Working Conditions

WHAT TO ASSESS



4.1 All workers, including agency workers, should have a safe and healthy working environment, in accordance with the labour law.

QUESTIONS TO ASK



Is there a robust Occupational Safety and Health system and OSH governance (e.g. through a H&S committee) in place?

Do workers receive health and safety training, including detailed instructions on how to mitigate specific occupational risks?

Are workers provided with appropriate protective equipment at no cost?

Are workers provided with drinking water?

Are workplaces adequately lit and ventilated, with sufficient washing and toilet facilities?

Do workers who are exposed to specific occupational hazards undergo periodic medical examinations?

Are workers' medical records kept by the employer in a confidential manner, and do workers have access to their own records?

Are workers employed in remote areas (far from the city and not accessible by public transport) provided with transport and/or accommodation, drinking water, and food?

Are first-aid kits available at workplaces employing 5-25 workers?

Is a full-time medical nurse appointed to serve any workplace employing 100 workers or more?

Is there a dedicated clinic (with at least one physician and a nurse) for any workplace employing 500 workers or more?

RECOMMENDED ACTION



Monitor on-site working conditions of employees and agency workers. Monitoring includes regular random sampling interviews with workers on health and safety conditions. In the case of agency workers, placement agencies should work with hotels to ensure that conditions provided are in line with national and international standards.

LEGAL REFERENCES



[Qatar Labour Law](#) (Parts 6, 7 and 10)

Articles, 99, 100, 103, 104, 105, 106 of the [Qatar Labour Law](#)

[ILO Guidelines on decent work and socially responsible tourism](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

4. Working Conditions

WHAT TO ASSESS



4.2 No worker, including temporary and agency workers, should be paid below the minimum basic monthly wage. Wages shall be paid in full and on time.

Is the worker paid a basic wage and benefits that are no less than what is indicated in the contract?

Is any worker receiving less than the minimum monthly basic wage of QAR 1,000 and is the worker provided with decent accommodation and food?

If food and/or accommodation are not provided, does the worker receive the minimum allowance of QAR 300 for food and QAR 500 for accommodation?

QUESTIONS TO ASK



How are working hours, including overtime, recorded?

How are workers' payments and wage deductions recorded? Are workers' wages recorded by the Wage Protection System (registered in the Salary Information File submitted to the bank)?

Are all workers, including agency workers, paid for overtime work? According to the Qatar Labour Law regular working hours shall not exceed 8 hours daily and 2 hours overtime, if required.

Are workers paid every month?

Are workers protected against 'no work no pay' practices in contracts of employment and company policy?

Are any deductions made from workers' wages? If so, are these in accordance with national legislation?

Do workers retain their own ATM cards?

Regularly review the wages of workers (including temporary and agency workers) and ensure that these do not fall below the legal minimum.

RECOMMENDED ACTION



Give payslips to workers showing overtime hours worked, overtime pay, food allowance, accommodation allowance, bonuses and deductions if any.

Conduct online surveys and interviews with agency workers to assess satisfaction and identify potential rights violations.

Pay workers directly through personal bank accounts, as required by law.

Include protection against 'no work no pay' practices in contracts of employment and company policy.

LEGAL REFERENCES



Articles 60 and 65 - 72, [Qatar Labour Law](#)

Article 2, [Law No. 1 of 2015 amending provisions of the Labour Law](#)

[Ministerial Decision No. 4 of 2015 Issuing the Regulations for the Wage Protection System for Workers Subject to the Labour Law](#)

[Law No. 17 of 2020](#) establishing a minimum wage and minimum allowance for decent food and decent accommodation

[ILO Working Conditions \(Hotels and Restaurants\) Convention, 1991 \(No. 172\)](#) and [Recommendation \(no.179\)](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

5. Workers' Accommodation

WHAT TO ASSESS



5.1 All workers, including agency workers, should have adequate living conditions.

QUESTIONS TO ASK



Do workers live on site or are they provided accommodation elsewhere?

What are the standards for workers' accommodation? (Look at: rooms and dormitories; sanitary and toilet facilities; canteen, cooking and cleaning facilities; leisure and social facilities).

Are workers provided with transportation to and from living facilities?

Are workers allowed to enter and exit their living facilities freely, at all times? If not, does this differ for different categories of workers, such as female/male workers?

RECOMMENDED ACTION



If workers do not live on site, contractually require service providers and placement agencies to provide information about workers' living premises.

Regularly monitor all aspects of living conditions, including rooms/dormitories, sanitary, cooking, cleaning and leisure facilities.

Provide transportation to and from workers' living facilities, free of cost.

Ensure there are no curfews limiting workers' freedom of movement outside of their accommodation during their rest periods and day off.

LEGAL REFERENCES



Ministerial Decision No. 18 of 2014 to determine the requirements and specifications of suitable housing for workers

Appendix A of SC Worker Welfare Standards on Food and Accommodation (p. 51)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

6. Equality and Non-Discrimination

WHAT TO ASSESS



6.1 Female workers, including agency workers, shall receive equal pay for equal work, and shall have equal access to training and promotion opportunities.

QUESTIONS TO ASK



Does the service provider/placement agency have a non-discrimination policy? If so, how is it implemented? If not, when will a policy be put in place?

Are male and female workers, or different categories of workers, paid equally for work of equal value?

Are anti-harassment policies in place?

RECOMMENDED ACTION



Develop anti-harassment and non-discrimination policy and guidance and regularly assess compliance by service providers and placement agencies.

Contractually require service providers and placement agencies to provide evidence of workers' pay and regularly review pay rates to prevent discrimination.

LEGAL REFERENCES



Article 93-98, [Qatar Labour Law](#)

[ILO Violence and Harassment Convention, 2019 \(No. 190\)](#)

[ILO Guidelines on decent work and socially responsible tourism](#)

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

7. Change of Employment & Return to Origin Country

WHAT TO ASSESS



7.1 Service providers and placement agencies shall ensure that all legal requirements related to termination of employment and change of employer are met.

What are the current policies and practices if a worker decides to leave the job before or at the end of contract?

Are all workers, including agency workers, aware that after completing their probation period, they can transfer to another employer before the end of their contract by:

- i. providing a one month's notice if they have worked with the employer for 2 years or less
- ii. providing two months' notice if they have worked with the employer for more than 2 years.

QUESTIONS TO ASK



Are all workers, including agency workers, aware that they can transfer to another employer during their probation period if they provide at least one month's notice, and the new employer compensates the old employer by an amount not exceeding two months of the workers' basic wage?

Are non-compete clauses included in the employment contracts of workers? If so, are non-compete clauses included for all workers or only specific categories of workers?

Given that Qatar's Labour Law restricts a non-compete clause to a former role involving clients and confidential business knowledge, and limits its application to a maximum of one year after termination of contract, are any and all non-compete clauses legal?

RECOMMENDED ACTION



Work with service providers and placement agencies to develop and implement policies governing termination of employment and change of employer in accordance with national laws, and ensure workers are briefed about them.

Take steps to ensure that workers are free to resign at any time, while respecting the notice period.

Establish a focal point to provide on-site advice to workers on termination and change of employment.

Ensure that non-compete clauses respect Qatar's legislation and are only applied to workers having access to the company's clients and confidential business knowledge, wishing to transfer within the same economic sector, and for no longer than one year after contract termination.

Ensure that contracts with service providers and placement agencies do not include clauses to restrict the labour mobility of workers.

LEGAL REFERENCES



[Law No. 18 of 2020](#) amending some provisions of Labour Law No. 14 of 2004

[Law No. 19 of 2020](#) amending some provisions of Law No. 21 of 2015 which Regulates Entry, Exit of Expatriates and their Residence

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

7. Change of Employment & Return to Origin Country

WHAT TO ASSESS



7.2 Upon termination of service, service providers and placement agencies shall bear the cost of returning the worker to his/her home country, or to a place agreed between the parties, in accordance with national law.

QUESTIONS TO ASK



What costs are covered by the service provider/placement agency in returning the worker to their country of origin or another place agreed by the parties?

RECOMMENDED ACTION



Contractually require service providers and placement agencies to bear the cost of workers' return to the country of origin (or place agreed between the parties) upon termination of employment.

LEGAL REFERENCES



Article 57, [Qatar Labour Law](#)

[Chapter Six, Law No. 21 of 2015](#) Regulating the Entry, Exit, and Residence of Expatriates

Checklist 1

DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

8. Grievance Mechanisms

WHAT TO ASSESS



8.1 Service providers and placement agencies should have in place operational-level grievance mechanisms in order to ensure that workers are able to raise concerns and seek effective remedies, free of cost and without fear of retaliation.

QUESTIONS TO ASK



What grievance mechanisms and remedies are in place for workers to raise concerns regarding recruitment and employment?

Who is the main point of contact for workers' grievances?

Are there specific time limits established for grievance procedures?

Are workers informed that they can approach the Labour Department of the Ministry of Administrative Development, Labour and Social Affairs (ADLSA) if they have any complaints against the employer?

RECOMMENDED ACTION



Work with service providers and placement agencies to establish non-retaliation grievance procedures and ensure that workers' grievances are examined free of cost in an uncomplicated and timely manner (within reasonable prescribed time limits).

Allow workers to take the necessary time off to take part in grievance procedures.

Ensure that workers accessing grievance mechanisms (at company or state level) do not face any form of retaliation or wage deductions.

Ensure that, whenever available, workers' representatives in joint committees are the first point of contact for grievances.

Ensure that workers are able to approach ADLSA to lodge a complaint, without facing any form of retaliation, at any time during the dispute.

Ensure that the representatives of service providers and placement agencies conduct site visits to collect feedback from workers deployed to hotels.

LEGAL REFERENCES



ILO Examination of Grievances Recommendation, No. 130

EXAMPLE OF BACKGROUND CHECKS ON PLACEMENT AGENCIES*

The **Four Seasons Doha** prioritises recruitment and placement agencies included in the list of selected providers used by its sister properties. If a new recruitment or placement agency is engaged, the hotel conducts background checks based on the following questions:

- Is the agency a member of a national professional association or body? Does the agency hold any additional affiliations, e.g. ISO standards?
- Does the agency have a code of conduct? Does this specify a clear prohibition of the use of forced or trafficked labour?
- What checks does the agency perform to establish a worker's identity and eligibility to work?
- Can the agency provide references from other clients?
- Are workers recruited directly from overseas?
- Does the agency use a third party to source workers? If so, what checks does the agency undertake to ensure that the sub-agent's work is legitimate and adheres to standards?
- To whom are workers contracted – to the agency, or another labour broker, or both?
- Have any fees or deposits been paid by the workers, to either the agency or a third party?
- Have any documents been retained, e.g. passport, bank book/card?
- How does the agency handle language barriers and ensure that all workers understand the terms of their contract?

When applicable, the following additional points are also taken into consideration:

- Check the relevant national regulations, including with regard to employment of agency workers, as well as laws relating to the rights of agency workers, e.g. working time, health and safety, minimum wage.
- Check an example contract for agency workers to ascertain if this complies with the hotel's general terms of agreement.
- Check that the working conditions and standards outlined match the conditions provided to the employed workers.
- Check the payroll of agencies that are used to ensure that it matches the agreed rates.
- Talk to agency workers. Have they been provided with a written contract that they understand and to which they have agreed? Do they feel that they have a good working relationship with the agency?
- Is there any indication that fees may have been paid, either for the employment or other work benefits such as uniforms or meals?
- Are agency workers forced to work overtime? Is there anything that gives cause for concern that they might be under the control of someone else?

**Information provided by the Four Seasons Doha in the context of the Working Group for Sustainable Growth and Decent Work in Qatar's Hospitality Sector.*

Key national legislation

- Qatar Labour Law No. 14 of 2004, as amended.
- Ministerial Decision No. 8 of 2005 regarding the conditions and procedures for obtaining a license to recruit foreign workers for others.
- Decision of the Ministry of Labour and Social Affairs No. 16 of 2005 on the organization of medical care for workers in facilities.
- Decree of the Minister of Civil Service Affairs and Housing No. 20 of 2005 on precautions and steps that should be taken in the workplace to protect workers and visitors from occupational hazards.
- Decree of the Ministry of Civil Service Affairs and Housing No. 18 of 2005 on work injuries and occupation disease statistics templates and reporting procedures.
- Ministerial Decision No. 18 of 2014 to determine the requirements and specifications of suitable housing for workers.
- Law No. 21 of 2015 regulating the entry, exit, and residence of expatriates.
- Law No. 17 introducing a minimum wage
- Law No. 18 of 2020 amending some provisions of Labour Law No. 14 of 2004
- Law No. 19 of 2020 amending some provisions of Law No. 21 of 2015 which Regulates Entry, Exit of Expatriates and their Residence

Additional resources – Engaging with service providers

International Labour Standards:

- [ILO Forced Labour Convention, No. 29](#)
- [ILO Protocol of 2014 to the Forced Labour Convention, 1930](#)
- [ILO Private Employment Agencies Convention, No. 181](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, No. 111](#)
- [ILO Violence and Harassment Convention, 2019 \(No. 190\)](#)
- [ILO Working Conditions \(Hotels and Restaurants\) Convention, 1991 \(No. 172\) and Recommendation \(No.179\)](#)

International guidance on Business and Human Rights:

- [UN Guiding Principles on Business and Human Rights](#)
- [ILO Tripartite Declaration of Principles concerning Multinational Enterprises](#)
- [ILO Guidelines on Decent Work and Socially Responsible Tourism](#)

International guidance on recruitment and prevention of forced labour:

- [ILO General Principles and Operational Guidelines for Fair Recruitment](#)
- [Combating Forced Labour: A handbook for employers and business \(ILO, 2015\)](#)
- [Dhaka Principles for Migration with Dignity](#)
- [ITP Principles on Forced Labour](#)
- [Workers' Welfare Standards required by Supreme Committee for Delivery and Legacy](#)
- [Stop Slavery Hotel Industry Network, Framework for working with suppliers: mitigating risk of modern slavery](#)

Passports:

- [Fees and IDs: Tackling Recruitment Fees and Confiscation of Workers' Passports \(IHRB, 2013\)](#)

Workers' accommodation:

- [Workers' Accommodation: processes and standards – A guidance note by IFC and the EBRD \(IFC and EBRD, 2009\)](#)

Other examples:¹⁷

- IKEA – [Minimum Requirements for Environment and Social & Working Conditions when Purchasing Products, Materials and Services \(Supplier Code of Conduct\)](#)
- [UK Association of Labour Providers](#)
- Walmart – [Global Statement of Ethics](#)

17 The examples provided do not constitute an endorsement by the authors nor do they imply compliance with the relevant international labour standards.

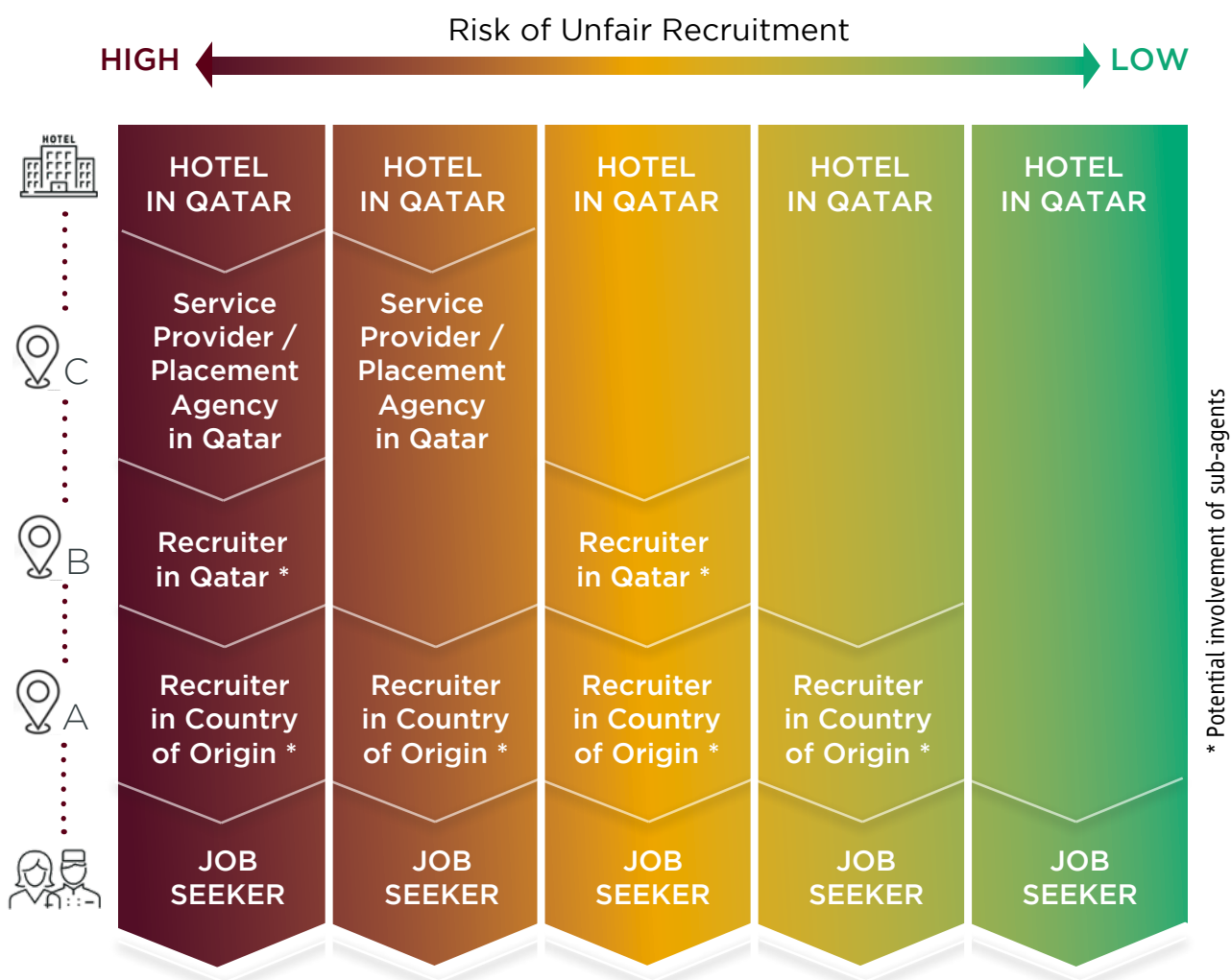
2.2 DUE DILIGENCE IN RECRUITMENT

Hotels and the recruitment chain

Regardless of its level of involvement in the recruitment process,¹⁸ a hotel – like any business enterprise – has a responsibility to respect the rights not only of workers in its direct employment but all workers who are directly linked to its operations, products and services by its business relationships.

As illustrated below, hotels and their service providers/placement agencies may be directly or indirectly linked to recruitment agencies. Regular staff are often recruited directly or through recruitment agencies in their countries of origin, whereas workers in charge of services such as security, housekeeping and landscaping tend to be hired by service providers and placement agencies in Qatar, who in turn engage with recruitment agencies in Qatar and/or countries of origin.

FIGURE 1. DIRECT AND INDIRECT RECRUITMENT OF WORKERS BY HOTELS OR SERVICE PROVIDERS IN QATAR



18 The recruitment process includes the advertising, dissemination of information, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable.

Some recruiters may also engage sub-agents (often operating outside legal frameworks), adding an extra layer to an already complex recruitment chain. The more fragmented the recruitment process, the higher the risk of unfair recruitment practices, owing to weakened monitoring and diluted accountability.

Hotels should use their leverage with service providers, placement agencies and recruiters to ensure that workers are treated fairly during the entire recruitment process. Abusive practices at the recruitment stage leave jobseekers in a vulnerable position throughout employment, increasing risks of debt bondage linked to the payment of fees and charges, contract substitution and forced labour. Hotels operating in Qatar have significant leverage to influence their recruitment supply chain, especially by virtue of their brand name. Cooperation on this topic by the hotel sector will create a level playing field, which will in turn allow ethical recruiters to thrive rather than being priced out.

Recruitment fees and related costs

The Qatar Labour Law¹⁹ prohibits the charging of any fees or costs for the recruitment of workers abroad. The total cost of recruitment per worker often includes fixed and variable fees, some of which may change according to the worker's country of origin, type of occupation and wage level, among other factors. Fees vary enormously, being susceptible to manipulation by unscrupulous recruiters keen to increase profit margins. The table below provides example costs for recruitment of low-skilled workers from three main countries of origin to Qatar, as of July 2019.

TABLE 1. EXAMPLE OF A BREAKDOWN OF RECRUITMENT COSTS: LOW-WAGE WORKERS FROM THREE MAIN COUNTRIES OF ORIGIN TO QATAR²⁰

Type of Cost	Average cost per worker* in country of origin (USD)		
	Country 1	Country 2	Country 3
Advertisement	20	10	15
Interview	15	50	50
Pre-Medicals	30	40	30
Qatar Visa Centre	136	136	136
Home country immigration/insurance/tax	45	52	70
Interview of worker	25	15	50
Airfare	275	275	275
Interview expenses by employer's delegate	100	140	100
Administrative cost for local agency	25	15	25
Local recruitment agency fees	250	200	300
Total cost in USD	921	933	1,051
Total cost in QAR	3,362	3,405	3,837
Cost per month for employer in QAR**	187	190	214

* Based on the recruitment of 50 workers.

** Based on average contract duration of 18 months.

19 Article 33 (1).

20 As of June 2019. Figures provided by private placement agency in Qatar during session of the Working Group for Sustainable Growth and Decent Work in Qatar's Hospitality Sector.

Recruitment fees and related costs charged to workers may include travel, visa and administrative costs, as well as other unspecified ‘fees’ or ‘service charges’. This may not always reflect the true cost of recruitment, and may be treated as loans subject to high interest rates, leading migrant workers into heavy debt to secure a job and increasing their vulnerability to exploitation.

In order to respect Qatari legislation, as well as prevent risks of debt bondage and forced labour, recruitment fees and related costs should not be collected from workers by hotel companies, placement agencies, labour recruiters or any other service providers providing recruitment and placement services. According to the ILO definition,²¹ regardless of whether the recruitment process is initiated by an employer, a labour recruiter or an agent acting on their behalf, the following costs, but not limited to, should be considered to be related to that process:

TABLE 2. EXPENSES INCLUDED IN RECRUITMENT FEES AND RELATED COSTS BASED ON ILO DEFINITION (non-exhaustive list)

Recruitment Fees

Recruitment service fees	Payments for recruitment services offered by labour recruiters, whether public or private; payments made for the recruitment of workers with a view to employing them to perform work for a third party; or payments made in the case of direct recruitment by the employer.
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Related Costs

Medical costs	Payments for medical examinations, tests or vaccinations. ²²
Insurance costs	Costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds. ²³
Skills / qualification test costs	Costs to verify workers’ language proficiency and level of skills and qualifications, as well as for location-specific certification or licensing, including attestation of diplomas.
Orientation / training costs	Expenses for required training, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers.
Equipment costs	Costs for tools, uniforms, safety gear, and other equipment needed to perform the assigned work safely and effectively.

21 Costs listed in the ILO definition are generalized and not exhaustive. Other related costs required as a condition of recruitment could also be prohibited. ILO definition of recruitment fees and related costs (2019). Available at https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

22 Examples include payment made to Qatar Visa Centres (QAR 495/USD 136, as of July 2020). This also includes visa costs and biometric data registration.

23 Examples include contribution to Government of Nepal’s Foreign Employment Welfare Fund established to compensate families of Nepali migrant workers who have died or sustained injury while working abroad (NPR 1500/USD 13.5, as of July 2020); and fee to obtain the mandatory insurance for all Pakistani migrant workers (PKR 2500/USD 15.4, as of July 2020).

Travel and lodging costs	Expenses incurred for travel, lodging and subsistence throughout the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation. These include expenses incurred for travel within country of origin as well as travel to and within country of employment.
Administrative costs	Application and service fees that are required to fulfil the recruitment process. These could include fees to prepare, obtain or legalise employment contracts, identity documents, passports, ²⁴ visas, background checks, security and exit clearances, banking services, and work and residence permits. ²⁵

Engaging regulated labour recruiters

Whenever possible, hotel companies should seek to minimize their risks by recruiting directly. This could help avoid a complex and often opaque network of intermediaries that may drive up recruitment charges and hamper the monitoring of recruitment practices.

When direct recruitment is not feasible, hotels should work closely with labour recruiters, service providers and placement agencies to ensure that workers are recruited only through regulated and compliant agencies, in accordance with national legislation in Qatar and in countries of origin, as well as international standards. Information on the status of recruitment agencies in key countries of origin of migrant workers can be found through the links in the table below (as of February 2020):

TABLE 3. INFORMATION ON PRIVATE RECRUITMENT AGENCIES IN KEY ORIGIN COUNTRIES

Country	Information on recruitment agencies
Bangladesh	Bangladesh Bureau of Manpower, Employment and Training List of licensed recruitment agencies, list of suspended recruitment agencies, list of cancelled recruitment agencies: http://www.old.bmet.gov.bd/BMET/raHomeAction
India	Ministry of External Affairs List of licensed recruitment agencies: https://emigrate.gov.in/ext/raList.action List of irregular recruitment agencies: https://emigrate.gov.in/ext/static/ConsolidatedListOfIllegalAgentsOperatingInStates.pdf

24 Unlike high-skilled candidates, low-wage workers usually do not hold a passport before starting the recruitment process. If recruitment is initiated by the employer, recruitment agency or third party, candidates, especially low-skilled workers, should not bear the cost of obtaining a passport once they have received a job offer. If a candidate approaches the employer directly at the place of employment, he/she will most likely be in possession of a passport.

25 Examples include registration fees to be paid to the Sri Lanka Bureau of Foreign Employment for Sri Lankan citizens migrating for work for the first time (LKR 15,200/USD 86.1+VAT 15%+NBT 2%, as of July 2020); and issuance of a passport in the Philippines within 12 business days (PHP 950/USD 18.5, as of July 2020).

Kenya	National Employment Authority List of accredited recruitment and employment agencies: https://nea.go.ke/web/?page_id=11
Nepal	Nepal Department of Foreign Employment List of licensed recruitment agencies: http://www.dofe.gov.np/Recruting-Agences.aspx
Pakistan	Bureau of Emigration & Overseas Employment https://beoe.gov.pk/list-of-oeps?show=active
Philippines	Philippine Overseas Employment Administration Licensed recruitment agencies: http://poea.gov.ph/services/recruiters.html
Sri Lanka	Sri Lanka Bureau of Foreign Employment List of licensed recruitment agencies: http://applications.slbfe.lk/feb/la/la_main.asp?&LID=1

Regulation of labour recruiters can be ‘statutory’ (established by law), ‘voluntary’ (through the adoption of codes of conduct and other industry or multi-stakeholder initiatives), or it can be achieved through collective agreements.

Statutory regulations include: licensing systems whereby labour recruiters have to obtain a license after meeting certain criteria such as proof of an agency’s financial, professional and marketing capability; registration systems whereby labour recruiters are registered and monitored in the same way as any other business; and prohibition, whereby government entities maintain a monopoly on job matching and placement services, such that private labour recruiters are banned.

Due diligence is crucial

While regulation and effective enforcement play a key role in fostering fair recruitment practices, it is crucial that hotels and their service providers conduct appropriate due diligence of recruiters. This will help identify, and prevent or mitigate abuses and deception, such that jobseekers are not made to pay hidden fees and related costs.

Hotels should also make sure that due diligence is far more wide-ranging than a mere narrowing of the field to licensed labour recruiters, as the licensing system may itself lack appropriate monitoring of all actors involved.

Hotels should take into consideration that legal and fair recruitment through official processes may take longer – and represent a higher initial cost – than recruitment via informal intermediaries or unregulated recruitment agencies. However, in the long-term, a business that adopts fair recruitment practices can expect the real cost of recruitment to be reduced, with increased worker retention, concomitant in-house accumulation of skills, and a fall in expenditure on training, visa processing, grievances and reimbursement of recruitment fees.

ENGAGING RECRUITMENT AGENCIES - EXAMPLES FROM HOTELS IN QATAR*

InterContinental Doha

The InterContinental only engages agencies that are duly recognised by governments in workers' countries of origin. As an additional verification step, the hotel seeks references regarding the agency's reputation from other IHG properties in the region, as well as from Directors of Human Resources in other hotels in Qatar.

Following a successful interview process, the hotel issues a job offer letter, including information on visa requirements, directly to the candidate. Transport and visa costs are covered by the hotel, which also facilitates the visa process whenever possible. The hotel organizes airport pick-up as well as a site visit of the hotel premises and workers' accommodation. Upon arrival, the Human Resources Manager organises a briefing session with the worker to obtain information about their journey, the accommodation provided and the recruitment process, including dealings with the agency. A follow-up meeting is held 90 days later.

Grand Hyatt Doha

Hyatt's Global Supplier Code of Conduct is incorporated into all agency contracts. This includes a prohibition on worker-paid recruitment fees. In addition to the expectations set out in contractual agreements, Hyatt organises annual meetings with each agency in order to monitor their recruitment practices, including through an assessment of advertisements, workers' contracts and payslip records.

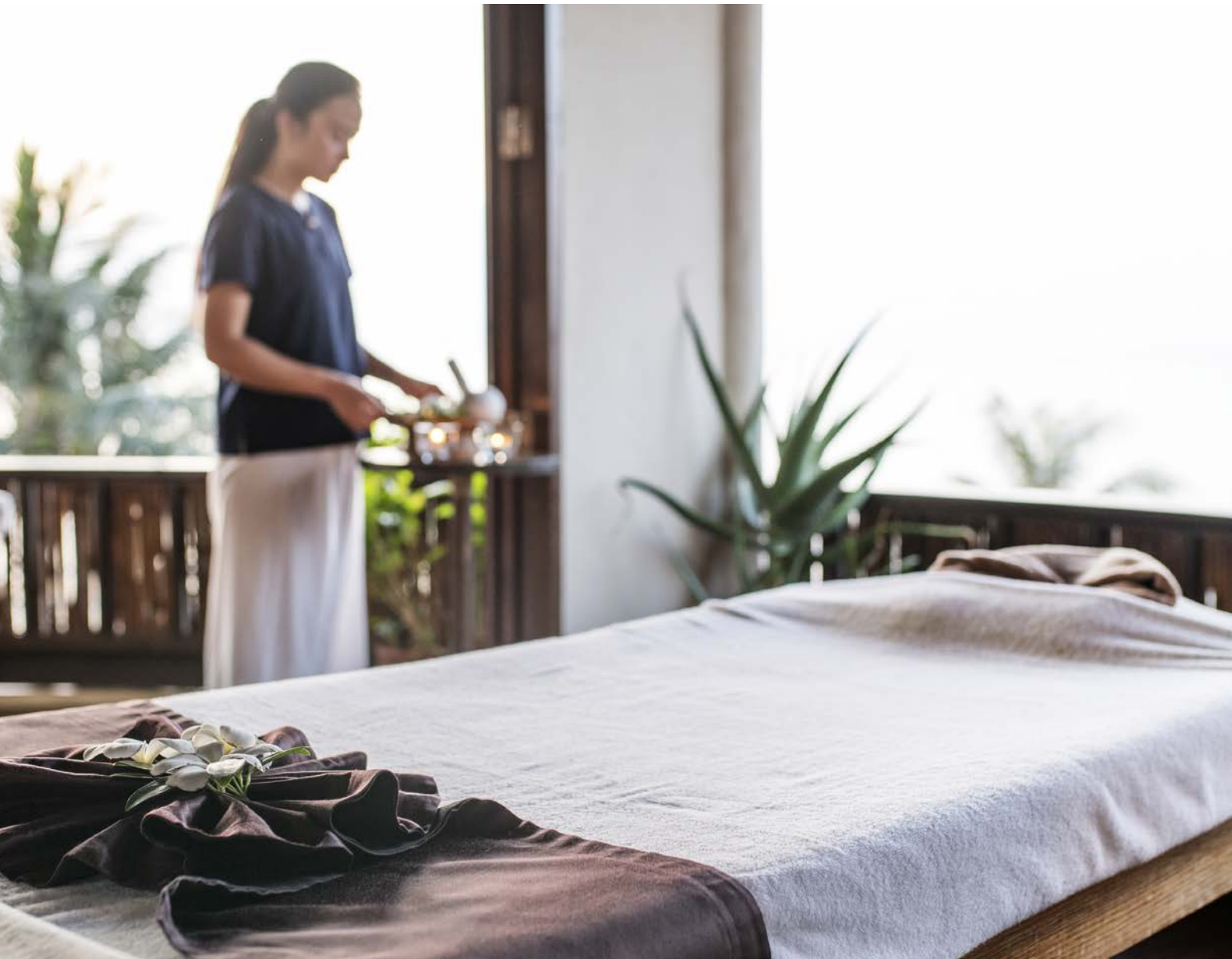
Radisson Blu Doha

The Radisson Blu Doha uses the Radisson Hotel Group's toolkit to combat modern slavery to train hotel management and HR teams on fair recruitment practices and prevention of modern slavery. The toolkit provides guidance on the engagement of workers and due diligence of recruitment agencies. Recruitment agencies working with the hotel are requested to include a statement in job adverts specifying that no recruitment or placement fees shall be charged to applicants. In addition, the hotel conducts structured worker interviews six months after arrival to identify any problematic issues within the recruitment process.

Hilton Doha

Hilton prohibits the charging of recruitment fees to any worker, and extends this expectation to all business partners, including recruitment agencies. Agencies are expected to comply with the company's Responsible Sourcing Policies and Human Rights Principles, which are incorporated into contractual agreements. Hilton conducts an initial screening on human rights policies and practices of all private recruitment agencies contracted, before the agencies are placed on a regional list of preferred suppliers. Building on these elements, Hilton updated its recruitment manual to include a section on ethical recruitment and updated processes, from agency review to jobseeker interviews, induction and welcome, to promote safe migration and ethical recruitment.

**Information provided by InterContinental Doha, Radisson Blu Doha, Hyatt and Hilton in the context of the Working Group for Sustainable Growth and Decent Work in Qatar's Hospitality Sector.*



DUE DILIGENCE CHECKLIST

The checklist below provides guidance on how hotel companies in Qatar can work with labour recruiters and service providers to promote fair recruitment and mitigate risks of debt bondage and forced labour.

The checklist provides a non-exhaustive set of questions that hotels should consider integrating into their due diligence process, as well as good practice and reference to national laws and international standards.

In addition to the good practice examples provided, awareness of the true costs and timeframes of recruitment in specific migration corridors will have a positive impact on price negotiations with labour providers, and reduce the risk that fees are manipulated (with hidden charges passed on to workers).

Checklist 2

DUE DILIGENCE OF RECRUITMENT PRACTICES

1. No fees and costs for workers

WHAT TO ASSESS



1.1 Labour recruiters should not charge workers any recruitment fees or related costs.

QUESTIONS TO ASK



Are workers expected to pay any fees and related costs to secure employment or placement?

RECOMMENDED ACTION



Develop recruitment policy that guides the selection and engagement of recruiters.

Explicitly prohibit worker-paid recruitment fees and related costs in service agreements with all service providers and recruiters in countries of origin and/or Qatar.

In case of breach of recruitment policy, engage closely with direct recruiters or service providers to rectify the situation and reimburse workers for any unlawful fees and costs paid. In case of repeated violations, consider disengaging the recruiter/service provider.

LEGAL REFERENCES



Articles 28-37, [Qatar Labour Law](#)

[Ministerial Decision No. 8 of 2005](#) Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others

Checklist 2

DUE DILIGENCE OF RECRUITMENT PRACTICES

2. Fees and costs in agreements

WHAT TO ASSESS



2.1 Recruitment fees and related costs should be detailed in any agreements with recruiters. These should include service fees, as well as costs resulting from medical checks; insurance; skills and qualification tests; training and pre-departure orientation; travel; administrative fees in countries of origin; visas; issuing of passports; and work and residence permits.

QUESTIONS TO ASK



What information and documentation is required by the hotel and its service providers from recruiters regarding workers' recruitment?

What are the costs of recruitment? How does this compare with costs allowed under national laws in countries of origin (where applicable)?

RECOMMENDED ACTION



Require recruiters in countries of origin and/or Qatar to include a breakdown of all recruitment fees and related costs (specifying costs to be paid by the employer) in service agreements.

Include a requirement for full disclosure on recruitment agency or sub-agents used (including their charges and terms of agreement) in service agreements with service providers and recruiters.

LEGAL REFERENCES



[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

Checklist 2

DUE DILIGENCE OF RECRUITMENT PRACTICES

3. Regulated labour recruiters

WHAT TO ASSESS



3.1 Labour recruiters used by hotels and service providers should be licensed. Recruitment agencies in Qatar should be licensed by ADLSA, and recruitment agencies in countries of origin should be licensed / registered by the relevant government bodies.

QUESTIONS TO ASK



Do recruitment agencies and their partners have a valid licence to operate (in Qatar and countries of origin)?

Are recruitment agencies and their partners blacklisted by the relevant government bodies in the countries of origin?

RECOMMENDED ACTION



Include a requirement for full disclosure on the engagement of informal labour brokers in service agreements with recruiters and service providers in countries of origin and/or Qatar.

LEGAL REFERENCES



Articles 28-37, [Qatar Labour Law](#)

[Law No. 21 of 2015](#) Regulating the Entry, Exit, and Residence of Expatriates

[Ministerial Decision No. No. 8 of 2005](#) Regarding the Conditions and Procedures for Obtaining a License to Recruit Foreign Workers for Others

[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#), Principle 15 (3)

Checklist 2

DUE DILIGENCE OF RECRUITMENT PRACTICES

4. Policies and procedures

WHAT TO ASSESS



4.1 Recruitment agencies and service providers should have written policies and procedures on preventing forced labour and the commitment to fair recruitment.

QUESTIONS TO ASK



Do service providers have a recruitment policy that guides the selection of recruitment agencies? Does it specifically require the use of fair and regulated recruitment agencies? Is the policy in line with the hotel's own policies?

How do agencies based in Qatar select recruitment agencies in the country of origin? Is the selection based only on price, or does it take into account the value added of services?

Do the recruitment agencies used have a written policy on fair recruitment with procedures against forced labour? Are these policies in line with the hotel's own policy?

RECOMMENDED ACTION



Regularly monitor recruitment agencies and service providers to ensure that recruitment complies with company policy and fair recruitment principles.

Monitoring mechanisms include audits and regular worker interviews to ensure that no deception, fraud, coercion or charging of fees and related costs takes place throughout the recruitment and placement process. Policies and procedures will be most effective when based on direct worker feedback.

Monitor job advertisements on social media and online sources in countries of origin to detect any discrepancies.

Establish written contracts at every step of the recruitment process: employer/employee, recruitment agency/employee, recruitment agency/service provider, recruitment agency/hotel.

Allow enough time for recruitment planning in order to avoid increasing pressure on labour recruiters, which can lead to the use of informal brokers and lower standards.

LEGAL REFERENCES



[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

Checklist 2

DUE DILIGENCE OF RECRUITMENT PRACTICES

5. Orientation programs

PRACTICE TO ASSESS



5.1 Recruitment agencies and employers should provide comprehensive pre-departure and post-arrival orientation to migrant workers on their rights and responsibilities while in Qatar.

QUESTIONS TO ASK



What information and/or training is provided to workers before they start employment, both in their country of origin and in Qatar? Does this include information on recruitment fees and related costs?

In what language is the pre-departure and post-arrival orientation provided?

At what stage of the recruitment process, prior to departure, is detailed information on conditions of service provided to workers? If workers receive the information after signing the contract, do workers still have the right to refuse employment?

RECOMMENDED ACTION



Inform jobseekers through job advertisements, social media and interviews (in countries of origin and in Qatar) that no recruitment fees and related costs should be charged to workers.

Check that job advertisements specify the required skills expected for the job, as well as accurate salary, contract duration, job location and working hours (including night shift requirements).

Provide successful applicants with a breakdown of legitimate recruitment charges that are to be covered by the employer prior to signing the employment contract.

Tell successful applicants the average duration of the recruitment process, and steps they should expect to follow.

Provide a confidential, non-retaliation channel through which workers can make complaints both during the recruitment process and when in employment, including on recruitment fees and related costs paid and unlawful wage deductions.

Engage with workers after arrival to check if any fees were paid during recruitment.

Upon arrival, provide the means for workers to communicate with their family and friends at home.

Ensure that pre-departure and post-arrival information is provided in the applicant's native language.

Check that information to workers includes guidance on the return process (e.g. how to make this process safe and what steps are expected; their right to a free return ticket after two years of employment).

LEGAL REFERENCES



[ILO General Principles for Fair Recruitment and definition of recruitment fees and related costs](#)

Article 57, [Qatar Labour Law](#)

Checklist 2

DUE DILIGENCE OF RECRUITMENT PRACTICES

6. Employment contracts

PRACTICE TO ASSESS



6.1 If workers are being recruited from countries without Qatar Visa Centres, a signed copy of the employment contract should be provided upon workers' arrival in Qatar. This should match the job offer and be provided in the workers' language.

QUESTIONS TO ASK



Is there a QVC in the worker's country of origin? If not, has the worker been given a signed copy of their employment contract upon arrival in Qatar?

Does the contract match the job offer? Is it written in a language the worker understands?

RECOMMENDED ACTION



Ensure that all workers, including temporary and placed workers, are given a signed copy of their employment contract, matching the job offer and written in the workers' language.

LEGAL REFERENCES



[Qatar Visa Centre Procedures](#)

Checklist 2

DUE DILIGENCE OF RECRUITMENT PRACTICES

7. No wage deductions

PRACTICE TO ASSESS



7.1 Employers should not deduct any amount from workers' wages in return for recruitment or placement.

QUESTIONS TO ASK



Are any deductions made from workers' wages in return for recruitment?

How are workers' payments and wage deductions recorded?

Are workers reimbursed for any fees or costs already paid for their recruitment?

Are workers paid through the Wage Protection System (via bank transfer)?

RECOMMENDED ACTION



Regularly assess workers' wages and payslips to ensure that workers are not paid below the legal minimum wage and that no deductions are made to repay recruitment fees and related costs.

Ensure that payslips provided to workers include details on hours worked, overtime pay, bonuses and deductions.

Ensure that workers are paid directly through personal bank accounts.

Ensure that workers can access their contracts and documents freely at any time.

LEGAL REFERENCES



Article 60, [Qatar Labour Law](#)

Article 2, [Law No. 1 of 2015 amending provisions of the Labour Law](#)

Illustrative contractual clauses: What legal detail will you need?

A hotel should ensure strong contractual requirements prior to engaging service providers. This should help ensure service providers exercise due diligence, and thereby minimize the possibility of adverse impact on workers' welfare during the recruitment process.

Enforceable contractual clauses (in line with national laws and international standards) will help clarify expectations with regard to recruitment practices. By underlining the overall legal context, these clauses will facilitate simpler and more transparent negotiations between the hotel and recruiters, service providers and placement agencies.

The table below provides examples of model clauses that could be included in service agreements with recruitment agencies and service providers. The examples, based on material from a Qatari construction company, are illustrative but not exhaustive, and should be adapted to suit the specific needs and priorities of hotel companies.

TABLE 4. EXAMPLE OF CONTRACTUAL CLAUSES FOR RECRUITMENT DUE DILIGENCE

General Terms and Conditions

- A major cause of forced labour in today's world is the charging of recruitment fees and related costs to migrant workers. As a result, [Hotel/Service provider name] gives special attention to recruitment processes and fair recruitment.
- [Hotel/Service provider name] strictly commits to a 'no-fee' recruitment policy, in line with international standards and principles, as well as legal requirements in Qatar. Thus migrant workers shall not pay for their employment. All fees and costs associated with recruitment, including travel from place of origin to workplace, and the processing of all administrative documents related to immigration, are paid by the employer.
- By signing this agreement, the recruitment agency commits to abide by [Hotel/Service provider name]'s 'no fee' policy for workers and to respect it at every step of the recruitment process.

Recruiters' Obligations

- Candidates shall not be charged any fees or related costs for recruitment or placement, directly or indirectly, in whole or in part, including costs associated with travel, processing official documents and work visas both in countries of origin and in Qatar.
- A written contract shall be established and kept on record at every step of the recruitment process: employer/employee, recruitment agency/employee, recruitment agency/service provider.

Advertisement and Pre-Selection

- The advertisement of jobs shall be placed in English and in the candidates' official or native language, and contain in particular the following statement: "NO FEE OR COSTS WILL BE CHARGED TO CANDIDATES AT ANY STAGE OF THE RECRUITMENT, SELECTION, HIRING AND DEPLOYMENT PROCESS".
- Before publication, a draft of the advertisement shall be submitted to [Hotel/Service provider name] for prior written approval. A copy of the published advertisement shall also be provided to [Hotel/Service provider name].
- After completion of interviews, the Recruiter shall provide to the pre-selected candidates written information on workers' rights and obligations in Qatar, as well as the conditions of employment and accommodation. This information shall be provided in the candidate's native or official language. The Recruiter shall keep a record of this information, signed by each candidate, to serve as acknowledgement of receipt.
- Job advertisements shall always specify the required skills expected for the job.

Offer of Employment

- The offer of employment shall contain clear and accurate information regarding the position, contract duration, location of employment, conditions of work, occupational safety and health hazards, accommodation, salary details, leave entitlement, uniform, food provisions and all other necessary terms of employment.
- The offer of employment shall be in the worker's official or native language. The worker shall keep one copy of their offer signed by [Hotel/Service provider name].
- Prior to deployment to Qatar, the Recruiter shall provide [Hotel/Service provider name] with the documents below in hard and soft copies:
 - the original offer of employment signed by the worker;
 - the original and a copy of medical reports;
 - a copy of the worker's passport; and
 - any other supporting documents as may be required by [Hotel/Service provider name].
- No worker may be deployed unless she or he has signed the offer of employment and the documents above have been provided to [Hotel/Service provider name].
- If a Qatar Visa Centre (QVC) exists in the worker's country of origin, the Recruiter shall ensure that the worker receives and signs the employment contract at the Centre. The worker shall keep a signed copy of the contract and shall be informed that all QVC services are free of charge.

Deployment

- On arrival in Qatar, [Hotel/Service provider name] will organize interviews for all newcomers regarding the recruitment process, including the question of whether or not workers paid any fees or related costs. Regular surveys will be conducted with workers, including after the probation period.
-

Recruitment Fees and Administrative Costs (to the hotel)

- The Recruiter shall charge [Hotel/Service provider name] a one-time recruitment fee of [sum in Qatari Riyals] per recruited worker inclusive of all recruitment charges and costs.
- To cover administrative costs, a fixed administrative fee of [amount in Qatari Riyals] will be paid for medical tests, immigration processing, insurance and other charges and expenses.
- The above recruitment and administrative fees shall be the only applicable fees under this Agreement. The Recruiter shall charge no fee or money whatsoever to any third parties, sub-agents or candidates under any circumstances. The candidates shall not bear any of the costs/fees specified above.

Sub-Agents in the Country of Origin

- The Recruiter shall not outsource any portion of the recruitment process to any third party – company or individual – except for licensed/registered recruitment sub-agents in the country of origin, and only with the prior written approval of [Hotel/Service provider name].
- To request approval for any involvement of a third party in the recruitment process, the Recruiter shall provide the information below:
 - a copy of the worker's passport; and
 - Profile of the individual or company;
 - Role this person/company is intended to perform in the recruitment process;
 - Valid license or authorization for this person/company to carry out such tasks in the country of origin;
 - Details of the agreement with that person/company.

Key national legislation

- Qatar Labour Law, No. 14 of 2004, as amended
- Ministerial Decision No. 8 of 2005 regarding the conditions and procedures for obtaining a license to recruit foreign workers for others
- Law No. 21 of 2015 regulating the entry, exit, and residence of expatriates
- Law No. 18 of 2020 amending some provisions of Labour Law No. 14 of 2004

Additional resources – Fair recruitment

International Labour Standards:

- [ILO Forced Labour Convention, No. 29](#)
- [ILO Protocol of 2014 to the Forced Labour Convention, 1930](#)
- [ILO Private Employment Agencies Convention, No. 181](#)

International guidance on Business and Human Rights:

- [UN Guiding Principles on Business and Human Rights](#)
- [ILO Tripartite Declaration of Principles concerning Multinational Enterprises](#)

International guidance on recruitment fees and related costs:

- [ILO General Principles and Operational Guidelines for Fair Recruitment](#)
- [ILO Definition of Recruitment Fees and Related Costs](#)
- [Dhaka Principles for Migration with Dignity and Dhaka Principles Implementation Guidance Tool](#)
- [ITP Guidelines for Checking Recruitment Agencies](#)
- [The World Employment Confederation \(WEC\) Code of Conduct](#)
- [ICCR Best Practice Guidance on Ethical Recruitment of Migrant Workers](#)
- [ITUC Recruitment Advisor](#)
- [Responsible Business Alliance Guidance on Recruitment Fees](#)

Other examples:²⁶

- [Less than one-percent: Low cost, responsible recruitment in Qatar's construction sector](#) (NYU Stern Center for Business and Human Rights, 2019)
- [Responsible Recruitment: Remediating worker-paid recruitment fees](#) (IHRB, 2017)
- [Compendium of voluntary initiatives promoting ethical recruitment](#) (World Employment Confederation)
- [Guidance for Remediation and Prevention of Migrant Worker Recruitment Fees and Related Costs in Public Procurement](#) (Electronics Watch, 2019)
- [Leadership Group for Responsible Recruitment](#)
- [H&M Migrant Workers Fair Recruitment and Treatment Guidelines](#)



²⁶ The examples provided do not constitute an endorsement by the authors nor do they imply compliance with the relevant international labour standards.

SECTION 3

IMPROVING WORKPLACE RELATIONS



3.1 COMPANY GRIEVANCE MECHANISMS

What is a grievance?

In general terms, a grievance can be defined as any complaint that a worker, acting individually or jointly, may have about their conditions of work or the relations between them and the employer or manager.

It may refer to a particular incident or to an ongoing situation that appears to be contrary to the contract of employment, to works rules, or to national laws or regulations.²⁷ This can include a broad range of issues, from the workers' accommodation, to overtime compensation, recruitment processes or harassment and exploitation.

Voluntary solutions are preferable

Company or operational-level grievance mechanisms are voluntary, non-judicial complaints procedures through which workers can raise concerns about workplace and/or employment issues and seek remedial action from employers.

According to ILO Recommendation No. 130, grievances should be settled within the enterprise, to the extent possible.²⁸ Similarly, the UN Guiding Principles on Business and Human Rights (UNGPs) encourage companies to establish or participate in effective operational-level grievance mechanisms as part of business enterprises' broader responsibility to protect human rights.

The UNGPs also emphasize that industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights should ensure that effective grievance mechanisms are available. The appropriate management of grievances is an essential step for ensuring harmonious workplace relationships, bolstering workers' loyalty and commitment and improving overall performance and productivity within a company.

International guidance

Although there are no legally-binding international standards on grievance mechanisms, the voluntary guidance provided in ILO Recommendation No. 130²⁹ and the UNGPs³⁰ indicate that, in order to be effective, company grievance mechanisms should be:

- Legitimate
- Accessible
- Predictable
- Equitable
- Transparent and dialogue-based
- Rights-compatible

27 Paragraph 3 of the ILO Examination of Grievances Recommendation, 1967 (No. 130) defines grievances as "any measure or situation which concerns the relations between employer and worker or which affects or may affect the conditions of employment of one or several workers in the undertaking when that measure or situation appears contrary to provisions of an applicable collective agreement or of an individual contract of employment, to works rules, to laws or regulations or to the custom or usage of the occupation, branch of economic activity or country, regard being had to principles of good faith".

28 ILO Examination of Grievances Recommendation, 1967 (No. 130), para 10(1) states that "As a general rule an attempt should initially be made to settle grievances directly between the worker affected, whether assisted or not, and his immediate supervisor."

29 Chapter III.

30 UNGP No. 31.

Procedural clarity and fairness are essential

A number of hotel companies, including some companies operating in Qatar, already provide channels enabling workers to raise complaints, such as international hotlines and “open door” approaches. While these systems may help flag potential grievances, it is crucial for hotels to establish structured mechanisms through which issues can be effectively addressed and remediated.

A grievance mechanism should include a clear, step-by-step procedure for how grievances are handled. This includes a process for filing, assessing, acknowledging, investigating and responding to complaints. It should also provide the opportunity for communication with the affected individual/ individuals, and should not prevent access to other state and non-state mechanisms available if a satisfactory resolution does not emerge.

Grievance mechanisms should also be accompanied by an appropriate management system, with clear steps for the internal governance of the process. This includes a breakdown of human and financial resources needed, well-defined roles and responsibilities for all staff and/or third parties involved, and the means to assess the effectiveness of procedures and the impact of solutions offered.

HOW DO HOTELS IN QATAR HANDLE GRIEVANCES?

Grand Hyatt Doha

Globally, Hyatt operates an Open Door Policy to ensure workers know that they can raise any concerns, and know how to go about it if the need arises. Grand Hyatt Doha has an Ethics Committee in place to handle any further concerns. The hotel also implements the Supreme Committee’s Welfare Standards and its grievances procedures are available for all workers, including agency workers. Any unsettled grievance can be taken by workers to national authorities, in particular the Labour Court.

InterContinental Doha

All IHG workers, including those employed by a third party, can raise grievances either via the Confidential Reporting Hotline process or directly to hotel management. The Confidential Reporting Hotline is available via email, phone or web page and allows individuals to report concerns in their native language. This channel is available to all IHG-branded hotels and can be used by any person with a relationship to IHG, including third-party suppliers. Information about the Hotline is also promoted through posters disseminated in all IHG properties.

**Information provided by Grand Hyatt Doha and InterContinental Doha in the context of the Working Group for Sustainable Growth and Decent Work in Qatar’s Hospitality Sector.*

Designing a grievance mechanism

The specific design of a grievance mechanism will depend on the company's management structure and basic characteristics, including its size and number of employees and temporary or agency workers. Some key aspects that hotel companies should take into consideration when designing a grievance mechanism include:








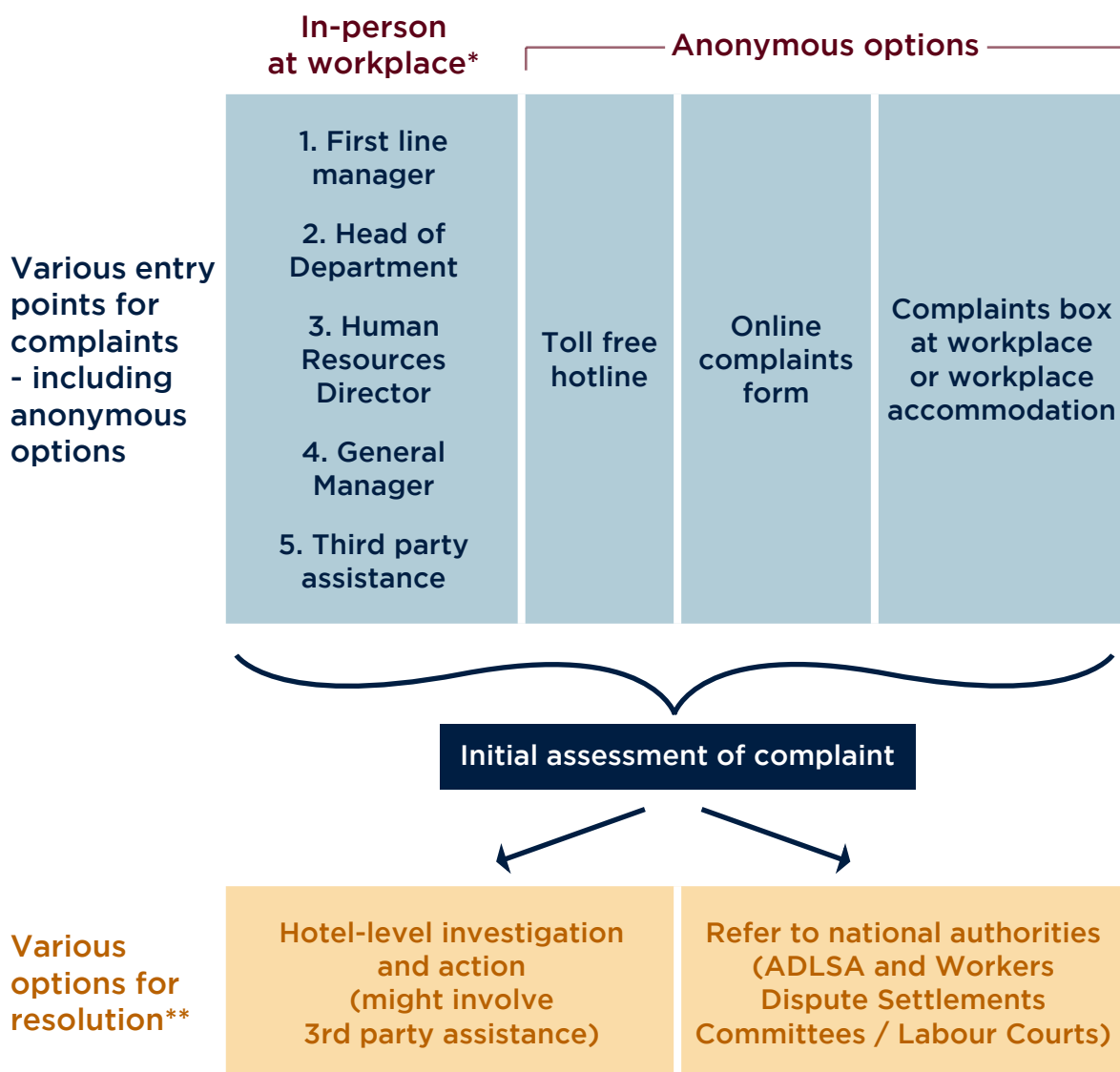
-  Grievance mechanisms should have a clear, transparent and sufficiently independent governance structure, ensuring a fair and confidential process to protect individuals from retaliation.
-  Workers should have the option of being assisted or represented during examination of their grievance by a worker representative or any other person of their choosing.
-  Ideally, complaints should be initially assessed by a single focal point, who could be a designated member of staff or external coordinator. The focal point is also well placed to review outcomes and assess the overall effectiveness of the mechanism and remediation provided, collecting information that can feed into the company's human rights due diligence process.
-  It is always advisable for a mechanism to provide various pathways by which workers can resolve complaints, allowing the parties to agree on the most appropriate approach for the specific issue being raised.
-  If an acceptable solution cannot be found between workers and their line supervisor, it should be possible to take a grievance to a more senior level of management (such as Human Resources Directors).
-  Procedures should offer a real possibility of arriving at a settlement at every stage of the process. Grievance procedures should be understood as much more than a series of minor administrative obstacles on the road to some form of external arbitration or conciliation process. The employer representative, for example, should be someone who has the authority to actually resolve a grievance. In cases where a grievance concerns the behaviour of a manager, the process must not be designed in such a way that the aggrieved worker is obliged to take the complaint to that same manager as a first port of call.
-  If workers remain unsatisfied after internal procedures have been exhausted, there should be the possibility of resolving unsettled grievances via conciliation, recourse to Workers Dispute Settlement Committees and the Labour Court.

FIGURE 2. KEY ELEMENTS OF GRIEVANCE MECHANISM DESIGN IN QATAR³¹



* ILO Recommendation No. 130 indicates that an attempt should first be made to settle grievances directly between the worker and his/her immediate supervisor. If this fails, or if this option is inappropriate, the worker should seek assistance from higher level employees or third parties.

** Workers have the right to be assisted or represented by a workers' representative or another key person of their choosing.






Remediation of recruitment fees

When developing their grievance and remediation processes, hotel companies should also consider how to approach the remediation of worker-paid recruitment fees and related costs. Although companies may not have been directly responsible for the charging of fees and related costs – often imposed by unscrupulous recruiters or sub-agents – they can nevertheless play an important role in addressing and remediating unfair recruitment practices associated with their business operations.

As with grievance mechanisms, remediation strategies will vary depending on a company's size, workforce composition, available resources and the local context in which they operate.

One of the biggest challenges in implementing a remediation programme for recruitment fees will likely be the reluctance of companies and suppliers to absorb additional costs for the compensation of workers during any transition to a zero-fee model of recruitment. To compound that problem, workers may well lack evidence of the various sums paid, with the consequence that recruitment fees cannot be adequately tracked down the supply chain.

Despite these challenges, the list³² below provides examples of practical steps hotel companies can take when workers are found to have paid fees:

-  Develop a strategy to effectively explain the company's zero-fee and remediation policy to all suppliers including placement agencies.
-  Engage with suppliers and placement agencies on plans for the remediation of recruitment fees and related costs and outline clearly measurable outcomes for suppliers and placement agencies to accomplish in the short, medium and long-term.
-  Develop realistic cost structures for the recruitment of workers from different countries of origin, showing a detailed budget in line with the recruitment process.
-  Require suppliers and labour providers to demonstrate that they paid the costs of recruitment, including service agreements for the recruitment of migrant workers, purchase orders, electronic transfers for payments, with detailed itemisation of costs including receipts for all relevant expenses.
-  Develop a standard reimbursement policy and process (such as the requirement that suppliers remediate recruitment fees and related costs when workers are found to have paid them).³³

32 Adapted from IHRB, 2017. Responsible Recruitment: Remediating worker-paid recruitment fees, p. 8

33 See for example Supreme Committee's practices on recruitment: <https://www.sc.qa/en/opportunities/workers-welfare/the-journey/recruitment>



CREATING AN EFFECTIVE GRIEVANCE MECHANISM: WHERE DO YOU START?

The checklist below presents some of the key principles and steps hotel companies in Qatar should consider when designing and/or reviewing company grievance mechanisms.³⁴

The guidance provided is not intended to be prescriptive, but rather a non-exhaustive list of principles that can help hotels determine whether their own grievance mechanism or the systems established by their service providers are adequate and effective, and how to improve them. Where joint committees are established,³⁵ workers' representatives should be involved in the process of designing and implementing grievance procedures in the company.

³⁴ These principles are based on existing international voluntary guidance, including the ILO Examination of Grievances Recommendation, No. 130, the UN Guiding Principles on Business and Human Rights and the International Finance Corporation (IFC) Performance Standard 2 on Labour and Working Conditions. A full list of relevant resources is provided at the end of this tool.

³⁵ Labour Law No. 14 of 2004 of the State of Qatar recommends the establishment of joint committees consisting of management and worker representatives in establishments with 30 or more employees.

Checklist 3

EFFECTIVE COMPANY GRIEVANCE MECHANISMS: PRINCIPLES & GOOD PRACTICE STEPS

1. Right to access judicial or non-judicial remedies

Principle	Objective	Good Practice
Access to other mechanisms available	The grievance mechanism should not prevent access to other judicial or non-judicial remedies that might be available under national law.	Operational-level grievance procedures specifically mention the right of all workers to submit complaints directly to ADLSA, ³⁶ and other remediation channels available.

2. Procedural fairness

Principle	Objective	Good Practice
Transparency of the process	Workers should have the right to be informed of, be present at, and participate directly in procedures.	<p>Grievances are handled in a transparent manner and all parties concerned are regularly informed about procedures, next steps and outcomes.</p> <p>Workers are allowed time off in order to take part in procedures.</p> <p>The company keeps written records at all stages of the process, including the initial complaint, investigation notes, responses, meeting notes and outcomes.</p>
Confidentiality	The mechanism should ensure the confidentiality of complaints.	<p>Company policy and grievance procedures specify that complaints will be treated as confidential, protecting the identity of workers and/or whistleblowers.</p> <p>The mechanism allows for anonymous complaints, without requiring personal information or physical presence.</p> <p>Responses to anonymous complaints are disseminated in places that can be seen by all workers.</p>

³⁶ Workers or employers can raise issues concerning the application of the Labour Law or employment contract directly with the Labour Relations Department of ADLSA. The department should take the necessary steps to settle the dispute amicably within a period not exceeding seven days. If the dispute is not settled within this timeframe, the case should then be referred to the Workers' Dispute Settlement Committee. Further guidance on this procedure is provided under Law No. 13 of 2017 and Ministerial Decision No. 6 of 2018.

Checklist 3

EFFECTIVE COMPANY GRIEVANCE MECHANISMS: PRINCIPLES & GOOD PRACTICE STEPS

2. Procedural fairness (cont.)

Principle	Objective	Good Practice
Reasonable timeframes	Procedures should be as uncomplicated and efficient as possible, allowing enough time for comprehensive investigations while ensuring a swift resolution.	<p>Grievance procedures establish time limits for each stage of the process, as well as an overall time limit for handling and resolving grievances.</p> <p>All parties are kept informed on the duration of procedures throughout the process.</p>
Communication and access to information	All workers should be informed about available channels to raise complaints in a clear and easily understandable manner.	<p>All workers are informed at the time of recruitment, in a language they understand, about company and State-level grievance mechanisms.</p> <p>Workers are given detailed information about how the mechanisms operate and what channels are available to raise concerns. Where joint committees are established, workers' representatives are trained and provide this information to fellow workers.</p> <p>Company personnel policy and grievance procedures specify that migrant workers may seek assistance from their embassies in case of unethical or improper conduct by the company/employer.</p> <p>Information about grievance mechanisms remains easily accessible at all times, including through documentation provided to workers and on notice boards at the workplace and in workers' accommodation.</p> <p>All line managers and senior staff are familiar with the company's grievance procedure.</p> <p>In the absence of a joint committee, the company actively seeks workers' opinions and feedback on complaints mechanisms through regular meetings (e.g. orientation sessions; monthly meetings between workers and a human resources representative; workers' information sessions on company policies).</p>

Checklist 3

EFFECTIVE COMPANY GRIEVANCE MECHANISMS: PRINCIPLES & GOOD PRACTICE STEPS

2. Procedural fairness (cont.)

Principle	Objective	Good Practice
Non-reprisal	Workers should not be subject to any form of reprisal as a result of raising complaints or participating in procedures.	<p>Company policy and grievance procedures guarantee that workers and whistleblowers will not be subject to any form of reprisal, harassment, threat or loss of rights as a result of raising complaints or participating in procedures. This applies to workers raising complaints through company channels or any other State or non-State channels available, including through ADLSA.</p> <p>Company policy and grievance procedures ensure that no hidden costs or loss of remuneration will result from workers' participation in procedures.</p>
Right to be accompanied	Workers should have the right to be accompanied by a colleague, friend or workers' representative.	Grievance procedures guarantee workers' right to be accompanied by a person of their choice in any meetings or hearings, including by a worker representative on any joint committee.

3. Additional procedures for vulnerable groups

Principle	Objective	Good Practice
Access for female workers	Grievance mechanism design should take into consideration the protection of female workers.	Grievance focal points are properly oriented and trained to receive and handle complaints from female workers, particularly complaints related to sexual harassment and discrimination.
Access for agency workers	Companies should ensure that agency workers have access to grievance mechanisms.	<p>Company policy guarantees access to grievance mechanisms for all workers, including those recruited by placement agencies.</p> <p>The company takes steps to ensure that all placement agencies have grievance mechanisms in place before entering into a contract (as part of their due diligence process).</p> <p>Placement agencies are informed that any placed workers will be briefed about the hotel company's own grievance procedure and the option to lodge a complaint at any time in case of violation of labour rights (such as non-payment of wages, or sub-standard accommodation).</p>

Checklist 3

EFFECTIVE COMPANY GRIEVANCE MECHANISMS: PRINCIPLES & GOOD PRACTICE STEPS

4. Monitoring and training

Principle	Objective	Good Practice
Ongoing assessment of procedures, and continuous improvement	Grievance mechanisms and management systems should be regularly reviewed.	<p>Grievance mechanisms are reviewed regularly, ensuring that procedures and management systems are up to date and in line with internal policies, national laws and international guidance. The mechanism is regularly improved based on findings.</p> <p>Workers' representatives are involved in the review process, as well as external experts or independent auditors as applicable.</p> <p>The company assists internal and external review processes by forwarding data and findings from grievance procedures. These include types and number of complaints raised, length of procedures, remediation offered and follow up action taken.</p>
Internal capacity	Companies should assess whether there is sufficient internal capacity in terms of staff time, skills and experience to handle grievances and manage procedures.	<p>Comprehensive grievance policy and procedures are developed, including timelines, contact points, and follow up for monitoring purposes.</p> <p>Supervisors and managers are provided orientation and training on the handling of grievances and the management of procedures.</p> <p>The company ensures that no language barrier arises between workers and staff assigned to receive and handle complaints.</p>

3.2 WORKER REPRESENTATION AND PARTICIPATION

Company grievance mechanisms help ensure industrial harmony within an enterprise. However, as per ILO Recommendation No. 130, collective claims aimed at changing overall rules or standards should be dealt with through collective bargaining or other forms of workplace cooperation.³⁷ Therefore, in addition to handling individual cases, hotel companies should also consider establishing procedures and workplace cooperation structures to manage and resolve collective disputes.

Workplace cooperation

Is a bipartite process, in which management and workers in an enterprise consult with each other in order to improve workers' welfare and develop mutually acceptable solutions for common challenges. In this process, the government could play a facilitative role.

Examples of workplace cooperation include joint consultation committees in Malaysia and New Zealand, labour-management committees in the United States, workplace forums in South Africa and participatory committees in Bangladesh.

In Qatar, the Labour Law of 2004³⁸ recommends that in establishments with 30 or more employees joint committees be set up comprising management and worker representatives in the following proportions:

No. of workers in the establishment	No. of worker representatives	No. of management representatives
Between 30 and 200	2	2
Between 200 and 500	3	3
500 or more	4	4

Joint committees are mandated to study and discuss all matters related to work in the establishment, in particular:

- The organization of work
- Production and productivity
- Training programmes
- Cultural awareness for workers
- Occupational safety and health
- Social services

37 ILO Examination of Grievances Recommendation, 1967 (No. 130), paras 3 and 4.

38 Part 13.

Why is workplace cooperation good for hotels?

When carefully designed, joint committees and other forms of workplace cooperation can help improve labour-management relationships and communication, which in turn can help prevent or address workplace conflicts, improve worker satisfaction and productivity, and reduce turnover. Joint committees are also associated with effective decision-making and change management, as well as improved work safety, particularly when workers are able to contribute to the design and implementation of health and safety policies.

FIGURE 3. EXAMPLE OF DEPARTMENTAL REPRESENTATION IN A JOINT COMMITTEE



In 2019, ADLSA adopted Ministerial Decision No. 21 of 2019, regulating the conditions and procedures for managing joint committee elections and meetings. A summary of the key elements of Ministerial Decision 21 is provided below:

TABLE 6. KEY ELEMENTS FOR THE ESTABLISHMENT OF JOINT COMMITTEES*

Starting the process	<ul style="list-style-type: none"> • An employer intending to establish a joint committee should first notify ADLSA. • The employer must also nominate the management representatives and members of the electoral commission. • Only then will ADLSA set a date for the election of worker members.
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Worker nomination to joint committee elections

- Employers will announce the start of a period during which workers can submit applications to run for election to the joint committee. This includes posting an announcement in company premises in languages that the workers can read and understand.
- Any worker interested in running for election to the joint committee must submit a written application to the electoral supervisory commission at least 15 days before the elections.
- To run for joint committee elections, a worker must have a valid work contract with their employer or a third party and have completed at least one year of service in the company that is organizing the elections. The candidate must have no criminal record in Qatar, and no record of disciplinary measures imposed by the employer. The candidate cannot be the holder of a senior management position in the company.

Elections

- A list will be drawn up of all candidates who meet the qualification criteria required of worker representatives by the electoral commission. The list will be displayed in multiple places in the company's premises at least seven days before the elections are held.
- Ballot cards with the names of all candidates will be prepared. On the day of the election, each of the workers in the company, including candidates, will be provided with a ballot paper. Voting will be by secret ballot, using a sealed ballot box. Workers with literacy difficulties may vote orally.
- Candidates with the highest vote count will be elected, taking into account the number of allocated seats. For example, if eight candidates run for four worker seats on the joint committee, then the four candidates with the most votes will be elected. Every effort will be made to ensure that all departments and branches are represented on a joint committee.
- The independent electoral supervisory commission will supervise the elections, count the votes and confirm the results. The Ministry will observe the elections to ensure the validity of the outcome.

Periodicity of joint committees

- Joint committee members will serve for two years. The employer may take steps to form a new committee at least two months before the expiration of the term of office of the joint committee.
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Joint committee meetings

- Joint committee meetings shall be held at least once a month. They must be held during regular working hours so that workers and management do not have to give up their free time to participate. A majority of the committee members must be present for the meeting to be held. This means that at least one worker member must attend for a committee meeting to be convened (see below). Joint committee members will determine the schedule of forthcoming meetings during the first meeting to be held after the election. They will also agree to their terms of reference and job descriptions.

Joint committee membership

- A joint committee will comprise equal numbers of management and worker representatives. Management and workforce will thus wield equal voting power. The size of a joint committee will be determined by the size of the company; the larger the number of employees in a company, the larger the joint committee will be (but invariably comprising equal numbers of management and worker representatives).
- The chairperson of the joint committee will be a manager while the deputy chairperson will be one of the worker representatives. The secretary will either be a manager or one of the worker representatives.

Joint committee decisions

- Decisions of the joint committee will be made either by consensus, in those instances when all members are in agreement, or by a vote with each committee member having one vote. When there is a tie, the chairperson's vote will prevail.
- To maintain a written record of joint committee decisions for all to see, minutes (precise summary notes) will be taken at each meeting. These minutes will be made available to company employees in their own languages.
- ADLSA has encouraged all companies to fully support the participation of all workers in the joint committees and the effective implementation of joint committee decisions. Workers will not be discouraged nor punished in any way for their involvement. In fact, it will be encouraged!

** Ministerial Decision No. 21 of 2019 on the Establishment of Joint Committees*

Key national legislation

- Qatar Labour Law, No. 14 of 2004, as amended.
- Qatar Law No. 13 of 2017 which amends several provisions of the Labour Law promulgated by Law No. 14 of 2004 and Law No. 13 of 1990 which promulgates the Civil and Commercial Proceedings Law.
- Ministerial Decision No. 6 of 2018 on the establishment of the Workers' Dispute Settlement Committee.
- Ministerial Decision No. 21 of 2019 regulating the conditions and procedures of the election of workers' representatives to joint committees.

Additional resources: Company grievance mechanisms and workplace cooperation

International Labour Standards:

- [ILO Examination of Grievances Recommendation, No. 130](#)
- [ILO Protocol of 2014 to the Forced Labour Convention, 1930](#)
- [ILO Private Employment Agencies Convention, No. 181](#)

International guidance on Business and Human Rights:

- [UN Guiding Principles on Business and Human Rights](#)
- [ILO Tripartite Declaration of Principles concerning Multinational Enterprises](#)

International guidance on grievance mechanisms and access to remedies:

- [ILO Fact Sheet on Grievance Handling \(2018\)](#)
- [IFC Guidance Note on Performance Standard 2 on Labour and Working conditions](#)
- [Employee Grievance Mechanism: Guidance note](#) (European Bank for Reconstruction and Development, 2017)
- [Access to remedy – Operational grievance mechanisms: An issues paper for ETI](#) (ETI and Ergon, 2017)
- [Responsible Recruitment: Remediating worker-paid recruitment fees](#) (IHRB, 2017)
- [Remediation, Grievance Mechanisms and the Corporate Responsibility to Respect Human Rights](#) (Shift, 2014)
- [An Introduction to Grievance Mechanisms](#) (Verité, 2011)
- [Evaluating the Effectiveness of Grievance Mechanisms](#) (Verité, 2011)

Workplace cooperation:

- Practical Guidance on Workplace Cooperation in Qatar (ADLSA and ILO, forthcoming)
- [Workers' Welfare Standards](#) (Supreme Committee for Delivery and Legacy, 2019)
- Qatar Foundation Mandatory Standards of Migrant Workers' Welfare for Contractors and Sub-Contractors (2020)
- [Third Report by the FIFA Human Rights Advisory Board](#) – Including the board's recommendations from October 2018 to April 2019 (May 2019)

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A GUIDANCE TOOL FOR HOTELS IN QATAR

