

Migrant Welfare Charters



By David Salt and Yousef Fakhoury

Introduction

As Qatar prepares to host the one of the biggest sporting events in world, the Fifa world cup 2022, working conditions of expatriate workers are a priority. Human Development is one of the five pillars of Qatar's National Vision 2030 and the targeted participation of Qatar's expatriate workforce together with the recruitment of the right mix of that workforce, the protection of its rights, securing its safety and retaining those individuals who are outstanding is an integral part of the vision. In order to provide a framework within which this workforce structure can be developed a growing number of Qatari Government and quasi-Government entities have put, and are putting, in place expatriate worker employment charters with which all stakeholders and interested parties are obliged to comply. In 2012 the Qatar Foundation (QF) adopted its comprehensive Migrant Workers' Charter (MWC) and more recently the Qatari 2022 Supreme Committee, now renamed the Supreme Committee for Delivery and Legacy issued a workers' charter aimed at creating a safe working environment for expatriate workers who are and will be employed on the world cup projects. This article will focus on the scope and application of the MWC.

Scope and application

The material objective of the MWC is the effective execution of a comprehensive set of standards that seeks to guarantee the rights of workers at all stages of the migration cycle. In addition and to augment the MWC, QF has issued Mandatory Welfare Standards (MWS) which set out the minimum mandatory requirements with respect to recruitment, living and working conditions and general treatment of workers.

Pursuant to the MWS, all construction and other activities under QF projects are to be carried out in line with the requirements set out in the Qatari laws and the MWS. The material Qatari laws include the Immigration Law and the Labour Law and their executive regulations which are listed and form an annex to the MWS. The MWS constitutes an integral part of the main contract entered into with a contractor with effect from the date of the award and requires that all

contractors subsequently ensure adherence to Qatari laws and the MWS by all their sub-contractors.

The MWS provides that QF contractors and the sub-contractors must adhere to ethical standards in the process of the recruitment and deployment of the workers in Qatar. Further, the terms of the employment contracts workers sign upon their arrival in Qatar shall be identical to the terms of the original offer of employment which they received and shall clearly specify the rights and responsibilities of workers including but not limited to wages, hours of work, days off and annual leave, notice period and conditions for termination by each party; all of which shall meet the minimum requirements set out in Qatari laws and the MWS.

Notably, the issuance of the MWC included the establishment of a fully functional Workers' Welfare Department, which falls under the

scope of QF Health, Safety, Security and Environment (HSSE) Directorate. The department is mandated, on behalf of QF, to act as a regulatory body within QF instituting fair employment standards and ensuring that all rules and protocols are being followed by respective parties, while pushing for continuous development.

Summary

The MWC is based upon a holistic and principled approach that combines Qatari Labour Law and international best practice in order to set an exemplary model for the ethical treatment of workers by guaranteeing that all contractors and sub-con-

tractors, such as labour suppliers, labour agencies, and other service providers, adhere to strict regulations and comply with guidelines as part of their contracts with QF. By establishing a designated department QF seeks to ensure that its rules and protocols are being followed by stakeholders and interested parties and that MWS is enforced from a practical standpoint.

Note: Qatari Laws (save for those issued by the QFC to regulate internal business) are issued in Arabic and there are no official translations for the purpose of drafting this article, we have used our own translations and interpreted in the context of Qatari regulation and current market practice.

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