

# GUIDANCE TOOL FOR HOTELS IN QATAR

### **CHECKLIST 1**

**Due Diligence of Service Providers and Placement Agencies** 











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Promoting Fair Recruitment and Employment: A Guidance Tool for Hotels in Qatar - Checklist 1: Due Diligence of Service Providers and Placement Agencies

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## ENGAGING WITH SERVICE PROVIDERS AND PLACEMENT AGENCIES<sup>1</sup>

#### 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,<sup>2</sup> 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:

- Recruitment<sup>3</sup>
- 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

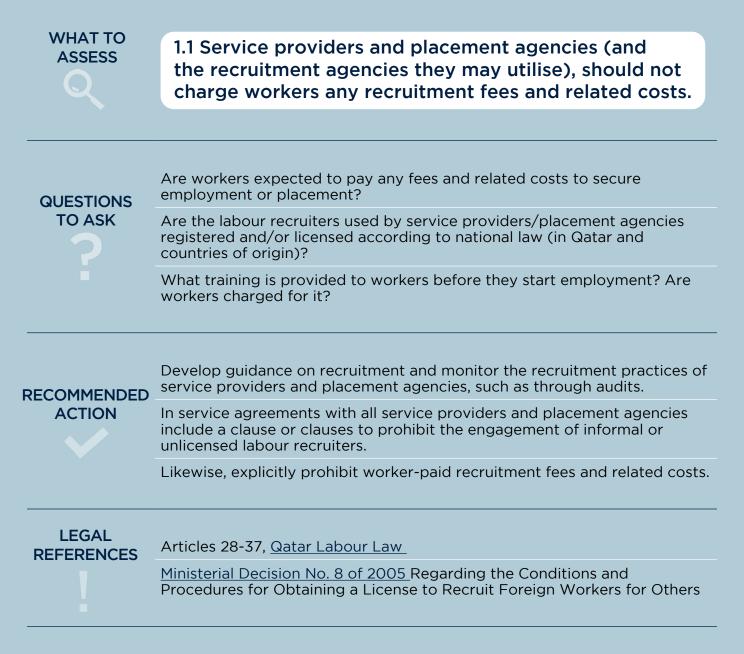
Once due diligence standards are in place, regular and/or third-party audits of service providers and private placement agencies can help hotels in their efforts to monitor the agreed conditions and help rectify any violation. Ongoing checks can also help hotels pre-emptively identify and mitigate risks,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

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).

<sup>2</sup> 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.

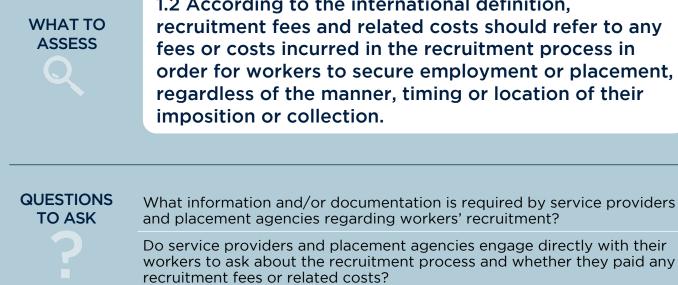
<sup>3</sup> Checklist 1 covers key questions that must be posed when conducting due diligence of service providers, including placement agencies. The next chapter and Checklist 2 go on to examine the recruitment process in greater depth





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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.

Require a breakdown of recruitment costs in bids submitted by potential

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

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.4

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)

<sup>4</sup> 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.







<sup>5</sup> These are the operational QVCs as of July 2020; more are scheduled to open during the course of the year 2020.



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### 2. Employment Contract



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



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?

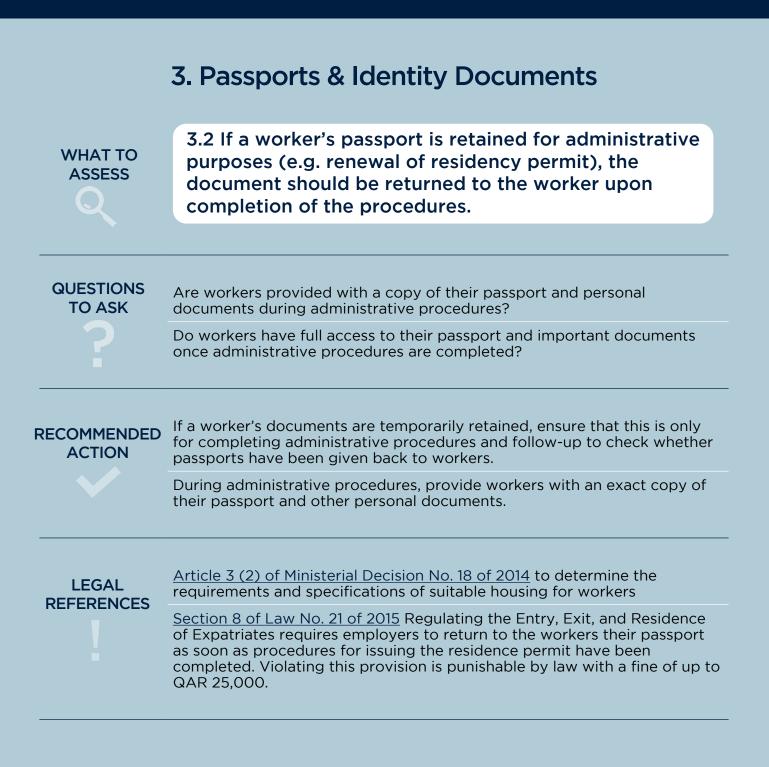
RECOMMENDED ACTION

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

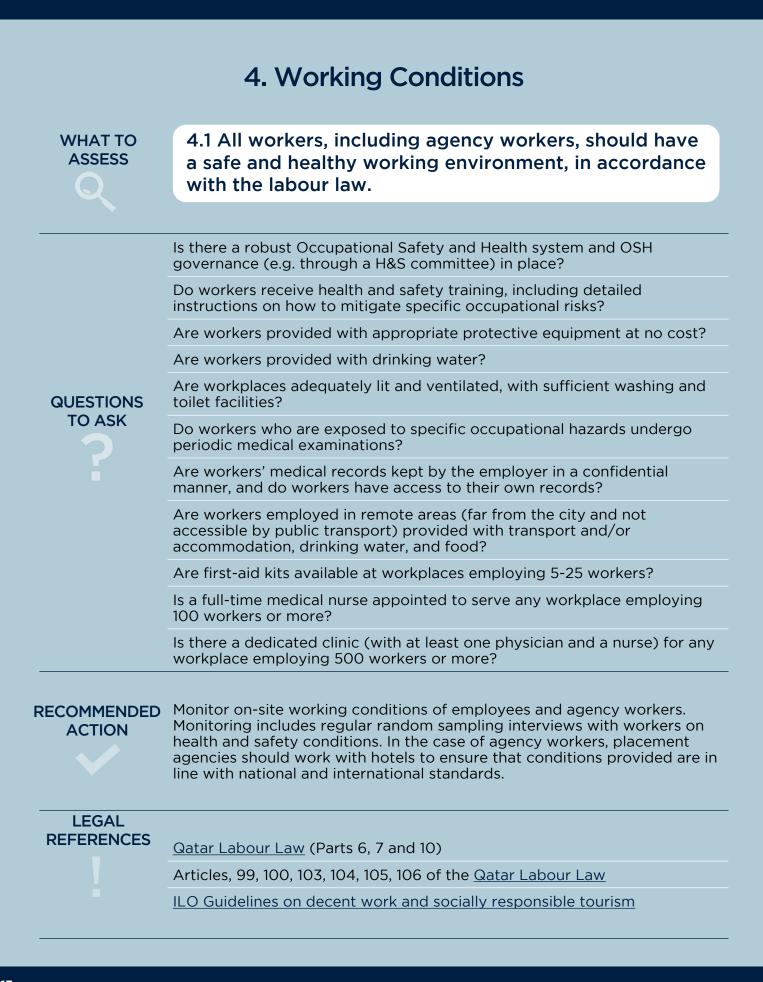
#### LEGAL REFERENCES

Articles 47 and 48, Qatar Labour Law

	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	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	<u>Sections 8, 39 and 40, Law No. 21 of 2015</u> Regulating the Entry, Exit, and Residence of Expatriates







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.	
QUESTIONS TO ASK	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?	
	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?	
RECOMMENDED ACTION	Regularly review the wages of workers (including temporary and agency workers) and ensure that these do not fall below the legal minimum.	
	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, <u>Qatar Labour Law</u>	
	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 <u>Recommendation</u> (no.179)	





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### 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.
QUESTIONS TO ASK	What are the current policies and practices if a worker decides to leave the job before or at the end of contract?
	<ul> <li>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:</li> <li>i. providing a one month's notice if they have worked with the employer for 2 years or less</li> <li>ii. providing two months' notice if they have worked with the employer for more than 2 years.</li> </ul>
	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	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

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### 7. Change of Employment & Return to Origin Country



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



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.



Article 57, <u>Qatar Labour Law</u>

<u>Chapter Six, Law No. 21 of 2015</u> Regulating the Entry, Exit, and Residence of Expatriates

#### DUE DILIGENCE OF SERVICE PROVIDERS AND PLACEMENT AGENCIES

#### 8. Grievance Mechanisms



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.



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?

Work with service providers and placement agencies to establish nonretaliation 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.

**RECOMMENDED** ACTION 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

### PROMOTING FAIR RECRUITMENT AND EMPLOYMENT

### A GUIDANCE TOOL FOR HOTELS IN QATAR

Checklist 1: Due Diligence of Service Providers and Placement Agencies









