



EXPOsed

Discrimination and forced labour practices at Expo 2020 Dubai





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practices at Expo 2020 Dubai

Contents

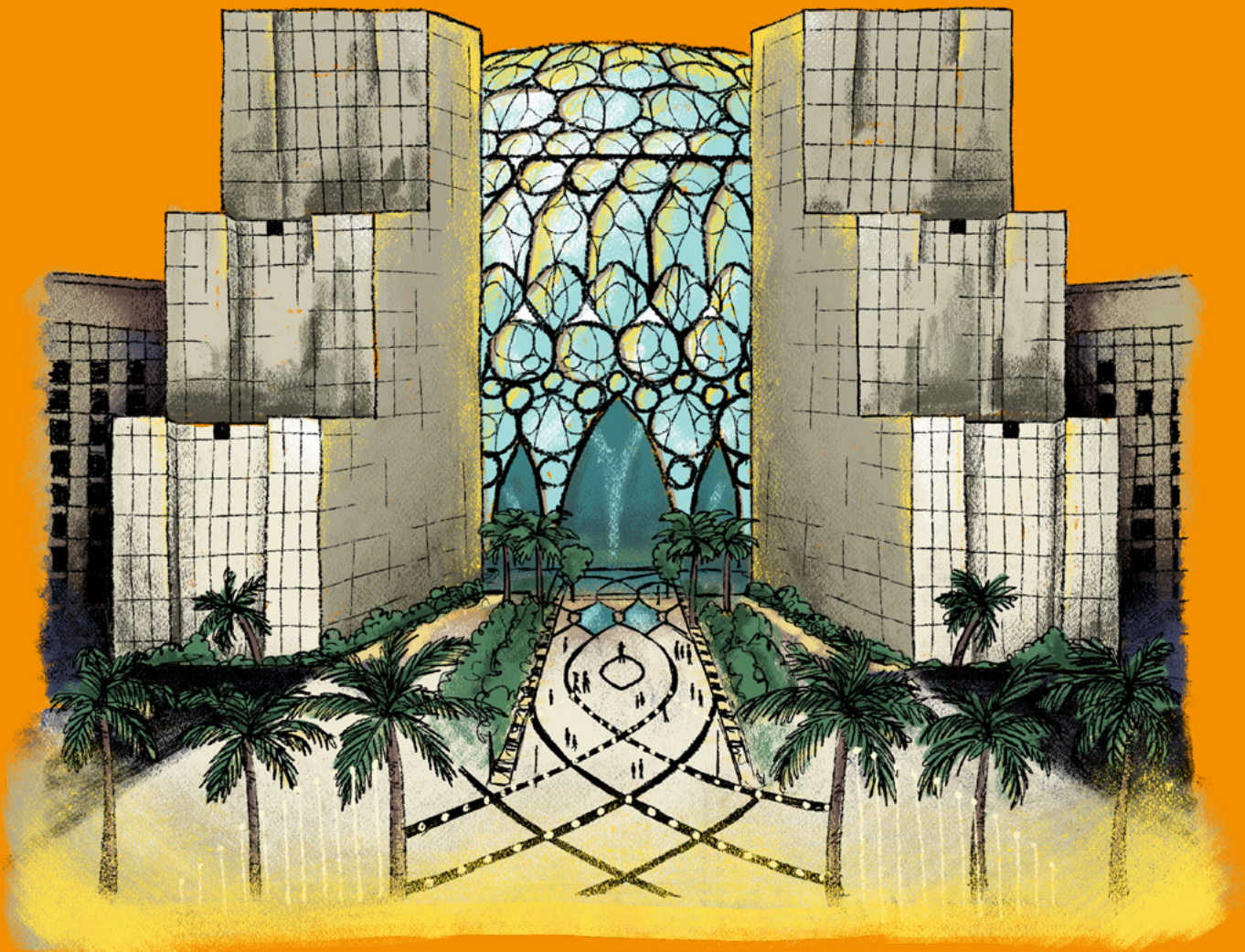
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Executive Summary

“

We seek to build a better future for everyone while creating real impact that transforms our dreams into realities.”¹

- EXPO 2020 DUBAI WEBSITE



¹ *Expo 2020 Dubai story*, Expo 2020 Dubai, undated, accessed 31 January 2022
<https://www.expo2020dubai.com/en/understanding-expo/world-expos-history/expo-2020-dubai-story>



It's very tiring. I work from early in the morning till evening ... They promised me an increment in salary after probation - something I have not seen to date ... Never have I received overtime payments from my employer ... The way they treat the staff is like slaves, I mean modern day slavery."²

- BABIK,³ AN INDIAN NATIONAL WORKING FOR A CAFÉ AT EXPO 2020 DUBAI



The city of Dubai in the oil-rich Gulf kingdom of the United Arab Emirates (UAE) styles itself as an international hub for tourism, business, and culture. At the heart of this image is Expo 2020 Dubai, one of the largest megaprojects in the region and the first world expo held in the Middle East. Expo 2020 Dubai, delayed to 2021 due to the COVID-19 pandemic, features 192 national pavilions. It is expected to attract 25 million visitors during the six months of operation between October 1st, 2021 and March 31st, 2022, and potentially millions more after the Expo ends and the site is converted into District 2020 to attract business, high-tech innovation, and a residential population to the area.⁴ Expo 2020 Dubai could not have taken place without migrant workers who make up more than 90% of private sector employees in the UAE.⁵ These women and men were integral to building the infrastructure for the event, with more than 40,000 workers⁶ employed in the construction process alone.⁶ Similarly, the delivery of the Expo requires thousands of additional migrant workers to perform a range of services, including in facilities management, security, hospitality and cleaning.

Equidem research between September and December 2021 reveals that migrant workers engaged on projects at Expo 2020 Dubai across a range of sectors – from hospitality and retail to construction and security – are being subjected to forced labour practices. These practices violate UAE law yet, as far as Equidem is aware, none have been investigated by the authorities, nor has any individual or business been brought to account. Workers also spoke of being subjected to racial discrimination and bullying, and a reluctance to make formal complaints about their treatment out of fear of reprisals from employers or the authorities. This is despite Expo organisers establishing labour complaint grievance mechanisms as part of wide-ranging worker welfare standards that are meant to apply to all individuals working at the event and which establish a higher threshold of protection than under the UAE's labour laws.

2 A man from India, working in customer care. Interviewed on 14 October 2021.

3 The names of workers quoted in this report have been changed to protect their identity because of the high risk of retaliation by employers and the UAE authorities for speaking about their situation.

4 Moumita Chakraborty, *Expo 2020 Dubai will be transformed into futuristic District 2020 post the event in March 2020*, 4 October 2021. <https://me.mashable.com/culture/15312/expo-2020-dubai-will-be-transformed-into-futuristic-district-2020-post-the-event-in-march-2022>

5 Embassy of the UAE, Washington DC, *Labour Right in the UAE*. Accessed 17 December 2021. <https://www.uae-embassy.org/about-uae/human-rights/labour-rights-uae>

6 Expo 2020 Dubai, *Construction Brief*, September 2020.

Key findings

Main report findings

Majority of Expo 2020 Dubai workers interviewed faced forced labour practices	
Workers subjected to racial discrimination and bullying	
Workers charged illegal recruitment fees	
Non-payment of wages and benefits	
Retention of passports	
Workers not accessing grievance mechanisms	

Forced labour at Expo 2020 Dubai

The great majority of migrant workers interviewed for this research reported that they had experienced violations of their labour rights which are also indicative of forced labour:



25 interviewees (**83%**) paid illegal recruitment fees and/or did not receive wages or other benefits on time and in full



11 interviewees (**37%**) reported three or more issues at work which are indicators of forced labour



5 interviewees (**20%**) reported five or more issues at work which are indicators of forced labour

UAE law prohibits forced labour or any other practice that may amount to trafficking of persons under national law and international conventions. Yet the UAE rarely prosecutes forced labour and human trafficking cases, if ever.



Security guards working for different private firms on Expo 2020 Dubai described treatment that is indicative of forced labour. © Equidem 2022



Women and men working in hospitality at Expo 2020 Dubai, said they were charged illegal recruitment fees, faced delays in receiving wages, and had passports confiscated, practices that are indicators of forced labour. Some also complained of being subjected to racial discrimination. © Equidem 2022



My expectation was high when I came to Dubai, I thought these people will accept me for who I am, but as a migrant and being an African, I have gone through many bad experiences. I have been bullied based on my race. I have experienced that employees are not treated by the management equally. I am a first-class degree holder in my country and I have good work experience, (but) the guy who had less qualification and experience than me got a good position.”⁷

- FADHILI, A GHANAIAN SECURITY GUARD AT EXPO 2020 DUBAI

Racial discrimination and bullying

More than a third (37%) of workers stated that there was discrimination and/or bullying in the workplace and several gave examples of their direct experience of this. UAE law prohibits discrimination and hatred on the basis of caste, race, religion or ethnic origin.⁸ Raz, a security guard at Expo 2020 Dubai, told Equidem,

“Even when we are doing the same work, all those except the nationals are considered second category staff. We are getting less salary for the same work and the other work related benefits are also less. I experienced being bullied ... by senior staff.”⁹

7 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

8 UAE's Government Portal, *Anti-discrimination laws and policies*. Accessed January 18, 2022. <https://u.ae/en/information-and-services/justice-safety-and-the-law/anti-discrimination-laws-and-policies>

9 A man from Pakistan, working as a security guard. Interviewed on 13 November 2021.



Yes, they discriminate a lot when it comes to dividing work, the Asians are given heavy work and less pay while the Europeans and Arabs are given lighter roles with lots of income. ... The Asians were the first to lose their jobs which they work so hard for..."¹⁰

- IRFAN, A PAKISTANI CONSTRUCTION WORKER AT EXPO 2020 DUBAI



There is a lot of discrimination amongst the nationalities at work. I witnessed a lot of discrimination, especially dark-skinned employees who didn't have anyone to speak on their behalf when the company was looking to fire staff. Some of the workers were given redundancy but especially among the Africans, they were given redundancy without pay."¹¹

- GHECHE, WORKING IN HOSPITALITY AT EXPO 2020 DUBAI

Workers charged illegal recruitment fees

More than half (57%) of those interviewed had paid recruitment costs despite this being prohibited under UAE legislation and the Expo's own standards. The average amount paid was US\$1,006, with charges ranging from US\$2,069 to US\$50. Several participants stated that their employers were aware that the agencies they used were charging migrants recruitment fees. The UAE law requires the recruitment cost to be borne by the employer.¹² Sabir, who works for a private security firm, at Expo 2020 Dubai said, "I paid an amount of 100,000 Indian Rupees (US\$1,322) for the recruitment agency. ... The company knows about the processing charge because it routinely hires recruitment agencies to facilitate their work when they need a lot of employees."¹³

Non-payment of wages and benefits

Two thirds of workers said that their wages or other benefits were not always paid on time or in full. The most common complaints involved the non-payment of wages, overtime and annual increments; salary reductions; and late payments. The latter issue caused particular hardship when the employee's food allowance was included as part of their salary. UAE law requires employers to subscribe to the Wage Protection System (WPS) and pay as per the due date.¹⁴ Expo 2020 Dubai Worker Welfare Policy also requires employers to pay employees' wages and benefits on time and in full. Gheche, working in hospitality at Expo 2020 Dubai told Equidem, "I feel like they should improve the living and working conditions. ... They promised they would review the salary every year which they didn't do. ... They never paid my overtime."¹⁵

10 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

11 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.

12 Ministry of Human Resources and Emiratisation UAE, *Ministerial Resolution No. of 1989*. Accessed January 18, 2022. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/9234/129824/F1264029479/ARE9234%20Eng.pdf>

13 A man from India, working as a security guard. Interviewed on 1 November 2021.

14 Ministry of Human Resources and Emiratisation, *Ministerial Decree No. 739 of 2016*. Accessed 17 January 2022. <https://u.ae/en/information-and-services/jobs/payment-of-wages#how-salaries-should-be-paid>

15 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.



I never received any overtime and am always working for more than nine hours every day.”¹⁶

- IRFAN, A PAKISTANI CONSTRUCTION WORKER AT EXPO 2020 DUBAI

About the workers interviewed

<p>69 one-on-one interviews with migrant workers in Dubai working at Expo 2020 Dubai (30 semi-structured interviews and 39 unstructured interviews) between September and December 2021. All worker names changed to protect their identity</p>	
<p>11 different nationalities</p>	
<p>77% of workers interviewed were from Bangladesh, India, Kenya, Nepal and Pakistan. The rest were from 6 different African countries</p>	
<p>22 of the interviewees were men (73%) and 8 were women (27%)</p>	
<p>33 the average age of the women and men interviewed, whose ages ranged from 24 to 42</p>	

Retention of passports

Only one of the workers interviewed by Equidem was in possession of their passport, and both he and other interviewees stated that it was common practice for companies to retain their employees' travel documents. UAE law prohibits employers from confiscating the passport of their employees and has declared the same as illegal.¹⁷ Just over two thirds of interviewees said they could retrieve their passports when they needed to travel abroad or for official purposes (e.g. to renew their contract).

But they did not appear to have free access to their documents and had to explain why they needed them. One company forced its workers to sign forms saying that their passports had been returned to them when this was not the case. Chandra, a security guard at Expo 2020 Dubai told Equidem, “My employer has my passport. The company made us sign a paper saying we have received our passport. In reality, it is still in the office of our accommodation camp.”¹⁸

¹⁶ A man from Pakistan, working in construction. Interviewed on 4 October 2021.

¹⁷ Ministry of Interior UAE, *Circular no. 267 of 200*. Accessed January 18, 2022. <https://paoletti.com/passport-retention/>

¹⁸ A man from Nepal, working as a security guard. Interviewed on 2 December 2021.



My employer has my passport. After we started working at the site, the site's worker welfare person gave instructions to the company saying they had to return workers' passports. The company made us sign a paper saying we have received our passport. In reality, it is still in the office of our accommodation camp."¹⁹

- CHANDRA, A NEPALI SECURITY GUARD AT EXPO 2020 DUBAI

Workers not accessing grievance mechanisms

None of the workers reported or tried to address any of the problems they had at work. Several were unwilling to file complaints because they feared they would be subject to reprisals and/or it would not achieve anything. Fadhili, a security guard at Expo 2020 Dubai said, "I have never raised any complaint on the bullying, because I know there will not be any change if I make any complaint. I want to continue my job as I have some financial problems."²⁰ Others were unaware of their rights or did not know how to resolve work-related grievances. None of the interviewees received information on their rights as required under the Expo's own worker protection standards, either at Dubai airport or from their employer²¹ and a third of participants stated that they were not given a copy of their contract in their native language.²² Furthermore, only 10% of workers interviewed were told about key mechanisms for reporting work-related problems, namely the Worker Welfare Committees, the Worker Connect app or the Expo 2020 Dubai hotline.

All 69 individuals interviewed for this report spoke of their intense fear of reprisals from employers or the Emirati authorities, such as the police, for talking about their situation. Equidem took significant precautions to prevent and mitigate any adverse impact on researchers and the individuals who spoke to them. Equidem wrote to the UAE authorities, Expo 2020 Dubai organisers and individual businesses about the cases documented in this report. Equidem spoke to a representative of Expo 2020 Dubai responsible for worker welfare who said she could not comment as it was a matter for the event's Higher Committee. As at the time of publication, neither Expo 2020 Dubai's Higher Committee nor the UAE authorities had responded, despite being notified in writing before publication of this report. Only two out of thirteen companies contacted regarding complaints about working conditions made any response to Equidem.

Conclusion

Expo 2020 Dubai companies not complying with Worker Welfare Standards

None of the companies employing the 30 migrant workers interviewed at length for this research were fully complying with their contractual obligations as set out in the Worker Welfare Policy and accompanying Assurance Standards or the UAE's labour laws. This ranged from not properly performing their due diligence (e.g. checking whether recruitment fees had been paid or providing employees with written information on their rights at work) for being involved or complicit in breaking laws (e.g. not paying wages in full and on time, retaining passports or allowing recruitment fees to be charged).

19 A man from Nepal, working as a security guard. Interviewed on 2 December 2021.

20 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

21 The Worker Welfare Assurance Standards state that all workers must receive an orientation training covering key issues (e.g. safeguarding passports, the Worker Welfare Committee and recruitment fees) and that materials should be distributed following the induction so that workers have them for future reference.

22 In general, these respondents received a letter in English with the job offer.



I paid a commission of about US\$50 to be able to go through the interview - I didn't see the reason why they were asking for it. ... I came to learn that it was illegal after paying the recruitment fees and I inquired, but then the person who gave us the job told us it was a way of thanking him for letting me through the job, I wasn't satisfied fully, but I had to accept it and move on with life."²³

- HIARI, A ZIMBABWEAN SECURITY GUARD AT EXPO 2020 DUBAI

UAE failing to protect migrant workers from forced labour

Expo 2020 Dubai companies not complying with Worker Welfare Standards	
UAE authorities not enforcing labour protections	
Prohibition on trade unionism limits worker access to remedies	
New UAE labour law doesn't address non-compliance and lack of enforcement	



I have been working in UAE for 15 years and none of my employers has given any information about my rights as an employee."²⁴

- JWALA, AN INDIAN SECURITY GUARD AT EXPO 2020 DUBAI



They didn't provide the contract to me. I signed the contract paper and gave it back to the employer. The offer letter was described in English. All the official papers are explained in English and Arabic and we didn't get any written documents in our native language."²⁵

- RAZ, A PAKISTANI SECURITY GUARD AT EXPO 2020 DUBAI

23 A woman from Zimbabwe, working as a security guard. Interviewed on 5 October 2021.

24 A man from India, working as a security guard. Interviewed on 2 December 2021.

25 A man from Pakistan, working as a security guard. Interviewed on 13 November 2021.

UAE authorities not enforcing labour protections

The UAE authorities are also failing to properly monitor and enforce the law. This research found numerous examples of labour rights violations involving unpaid overtime, salary deductions, bullying and discrimination, passport confiscation and recruitment charges.

However, in 2020, the labour inspectorate only identified two cases across the whole of the UAE in which any of the above abuses took place.²⁶ Similarly, more than a third (37%) of participants in this research reported three or more issues at work which are indicators of forced labour, yet the UAE has never convicted anyone for a forced labour offence.²⁷

Prohibition on trade unionism limits worker access to remedies

The procedures for resolving issues at work and remedying labour rights violations are not working effectively, as reflected in the fact that none of the 30 interviewees used them to try and address the problems they were having at work. One of the key reasons for this is that an employee's ability to assert their rights is severely compromised by the fact that the UAE does not permit workers to freely associate or join an independent union.²⁸ This makes it extremely difficult for an employee to access advice and support in a dispute at work or to successfully challenge a decision taken by their employer.

New UAE labour law does not address non-compliance and lack of enforcement

On 2 February 2022, Federal Law No.33 of 2021 comes into effect and updates the labour regulations governing the private sector.²⁹ While this new law does

contain some significant reforms which should be welcomed (e.g. the introduction of a minimum wage; a prohibition on all forms of discrimination; and the introduction of new visa categories), it is too early to assess what practical impact it will have as many of the details will be determined in regulations (e.g. what the minimum wage will be and how workers will change their sponsors under the new visa regime).³⁰

However, it is clear that Federal Law No.33 does little to address non-compliance with existing legislation by employers or the inadequate investigation and enforcement of the regulations by the UAE authorities. Both these issues are serious problems, as is evidenced in this report. Furthermore, the new law does not correct the imbalance of power between migrant workers and their employers which makes it difficult for those experiencing labour rights abuses to seek or obtain effective remedies. Federal Law No.33 does not amend the current legislation to permit migrant workers to freely associate, organise, bargain collectively or form trade unions, nor does it guarantee workers access to independent and professional advice and representation to assist them in taking forward a complaint.

UAE must address disconnect between formal protections and reality of forced labour practices

On paper, the UAE and Expo 2020 Dubai have established robust requirements for the protection of migrant worker's labour rights. Despite this, Equidem has uncovered non-compliance across a range of labour law and welfare standards and in multiple different sectors. This indicates a significant disconnect between the Emirate's stated ambition of being a modern, international state and the reality of racial discrimination and forced labour practices that migrant workers are facing. With 192 country

26 ILO *Observation on the UAE's compliance with ILO Convention No.29 on Forced Labour, 1930, 2021.* https://www.ilo.org/dyn/normlex/en/F?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:103495

27 U.S. Department of State, *2021 Trafficking in Persons Report: United Arab Emirates, op. cit.*

28 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates, op. cit.*

29 The law applies to the UAE's free zones, but not to the Dubai International Finance Centre and the Abu Dhabi Global Market. Afridi and Angell, *New UAE Labour Law: In More Detail*, Accessed 14 December 2021. <https://www.lexology.com/library/detail.aspx?g=cd34a5cb-ae6f-4f81-ac84-de7e63d0d6b4>

30 The Government has said the visa system will make it easier for workers to stay in the UAE and move jobs, but the sponsorship system will continue and migrant workers will still require a labour permit which must be obtained by the employer for each employee. Afridi and Angell, *op.cit.*

pavilions and some of the largest consumer brands as sponsors and partners, practically every major economy in the world is represented at the Expo. The UAE's failure to protect migrant workers from forced labour also exposes its foreign state allies and international business partners at serious risk of liability for human rights violations in the country. If women and men are being subjected to these exploitative practices at Expo 2020 Dubai, where the resources available for monitoring labour compliance and the standards applied are higher than the national labour regime, questions must be raised about the risks of forced labour and other forms of exploitation in the UAE more broadly. Without active enforcement and recognition of workers' rights to freedom of association, collective bargaining, and other trade union rights, the UAE's new labour laws will do little to address the country's labour exploitation crisis.



192 countries representing every major economy and country have pavilions at Expo 2020 Dubai. These include every country of origin of workers that have been subjected to forced labour practices at Expo.
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Summary of recommendations (see 3.1 for full list)

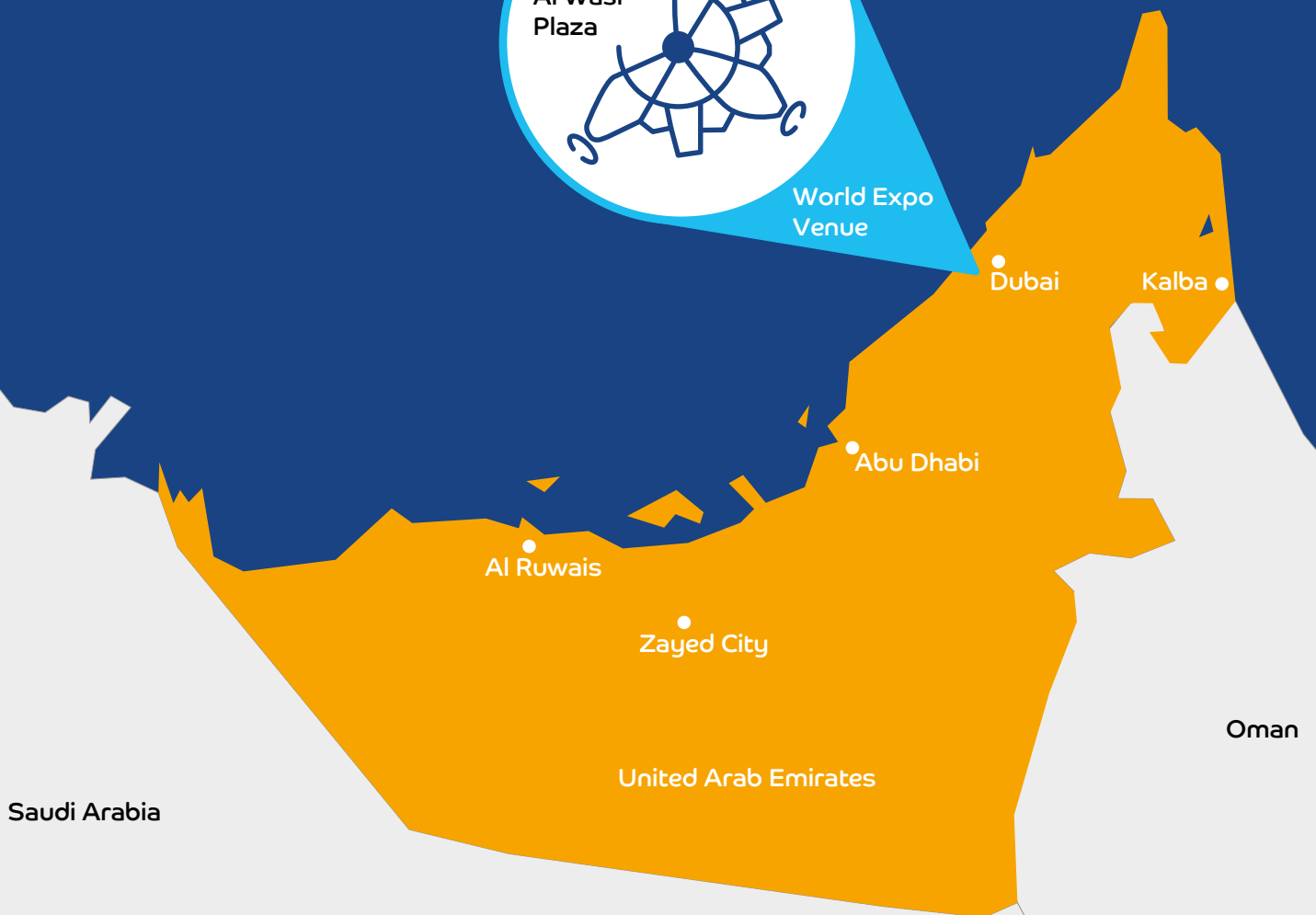
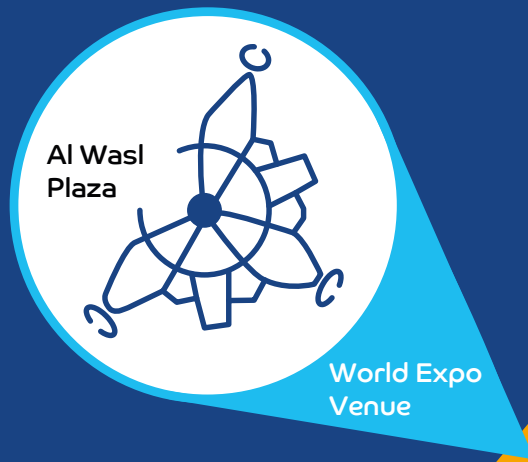
Equidem is calling on the United Arab Emirates authorities to:

- Investigate and enforce all labour laws, effectively implement the law prohibiting discrimination, and effectively execute equal pay for equal work.
- Bring to justice individuals and organisations responsible for the exploitation of migrant workers at Expo 2020 Dubai in line with international human rights standards.
- Revoke Resolution No.279 (2020), allowing companies to reduce migrant workers' wages temporarily or permanently.
- Pass legislation recognising workers' right to freely associate, organise, bargain and form a trade union in line with international labour conventions.
- Respect migrant workers' right to freely change jobs without prior permission or penalties.
- Publicly release labour complaint information through an independent and impartial mechanism.
- Permit independent observers access to the UAE to monitor the treatment of migrant workers and issue an open invitation to all United Nations Special Procedures so that independent UN experts can review the UAE's compliance with its international human rights obligations.
- Provide long-term migrant workers with the opportunity to apply for permanent residency and citizenship.

Equidem is also calling on states and businesses represented at Expo 2020 Dubai to:

conduct independent labour assessments on their sites at the megaproject. Where credible information of forced labour and other human rights violations are identified, these should be formally brought to the UAE authorities with a view to bringing perpetrators to justice and providing remedies to all victims.

Introduction



1.1 Background



It’s a bit stressful. Waking up very early, I mean 3.00am, take the 4.00am bus, then arriving to work at around 5.10am. Then work the whole day, standing 12 hours from 6.00am to 6.00pm. ... The nature of the job is demanding and challenging and sometimes I feel like I am tired and fed up, but I remember my daughter and mum. Then I am motivated to work.”³¹

- CHUKI, A ZIMBABWEAN SECURITY GUARD AT EXPO 2020 DUBAI

World Expos are international trade fairs, and they give countries from all over the world the chance to promote their business, culture and new technology. Expo 2020 Dubai, delayed to 2021 due to the COVID-19 pandemic, is the first Expo to be held in the Middle East and provides the United Arab Emirates (UAE) with a unique opportunity to showcase its ability to host a global megaproject.

The event features 192 national pavilions and is expected to attract 25 million visitors during the six months it operates (1 October 2021 to 31 March 2022). After Expo 2020 Dubai closes, the site will be converted into District 2020, with 80% of Expo buildings being repurposed to attract business, high-tech innovation and a residential population to the area.³²

Expo 2020 Dubai in numbers

<p>192 – countries with pavilions at Expo 2020 Dubai including the United States, Canada, United Kingdom, Germany, Australia, Japan, China, India, South Korea and Kenya</p>	
<p>\$7 billion trade fair – estimated value of the Expo 2020 Dubai</p>	
<p>Construction of Expo 2020 Dubai: 50 main contractors, over 2,000 subcontractors, more than 40,000 workers,³³ along with thousands of additional workers to perform a range of services, including facilities management, security, hospitality and cleaning</p>	
<p>> 90% of workers employed in the United Arab Emirates private sector are migrants³⁴</p>	

31 A woman from Zimbabwe, working as a security guard. Interviewed on 15 September 2021.

32 Moumita Chakraborty, *Expo 2020 Dubai will be transformed into futuristic District 2020 post the event in March 2020*, 4 October 2021. <https://me.mashable.com/culture/15312/expo-2020-dubai-will-be-transformed-into-futuristic-district-2020-post-the-event-in-march-2022>

33 Expo 2020 Dubai, *Construction Brief*, September 2020.

34 Embassy of the UAE, Washington DC, *Labour Right in the UAE*. Accessed 17 December 2021. <https://www.uae-embassy.org/about-uae/human-rights/labour-rights-uae>

The infrastructure and logistical challenges of hosting this prestigious \$7 billion trade fair are significant. For example, the construction element of the Expo alone included 50 main contractors, over 2,000 subcontractors and more than 40,000 workers.³⁵ The delivery of the Expo 2020 Dubai also requires thousands of additional workers to perform a range of services, including facilities management, security, hospitality and cleaning. Consequently, the Expo has led to a substantial increase in the demand for migrant workers in the UAE, even though foreign nationals already account for more than 90% of workers employed in the private sector.³⁶

In recent years, there have been regular reports of migrant workers being subjected to serious labour rights violation in the UAE, including: contract substitution, excessive working hours, non-payment of wages, the confiscation of identity documents and

forced labour. Based on these concerns, in September 2021, the European Parliament urged nations not to take part in Expo 2020 Dubai, citing the UAE's "inhumane practices against foreign workers" which it said had worsened during the pandemic.³⁷

In November 2021, Sharan Burrow, the General Secretary of the International Trade Union Confederation (ITUC), warned that:

"... the Expo 2020 Dubai has increased the risks of modern slavery for governments, international organisations, and businesses with pavilions and associated events at the Expo."³⁸

However, the UAE Government has described this global world fair as a unique opportunity to raise employment standards.³⁹ The body responsible for organising the Expo 2020 Dubai has stated that it is committed to ensuring the highest standards for its workforce and described Expo 2020 Dubai as a unique opportunity to secure "a positive impact and



Expo 2020 Dubai would not be possible without the thousands of workers who built, maintain and provide services to the event. © Equidem 2022

35 Expo 2020 Dubai, *Construction Brief*, September 2020.

36 Embassy of the UAE, Washington DC, *Labour Right in the UAE*. Accessed 17 December 2021. <https://www.uae-embassy.org/about-uae/human-rights/labour-rights-uae>

37 Isabel Debre, *Dubai's Expo 2020 reveals 3 worker deaths from COVID-19*, 3 October 2021. <https://apnews.com/article/coronavirus-pandemic-business-health-dubai-united-arab-emirates-37fc464d7d28b8f37d97dbd04436c015>

38 ITUC, *UAE labour law reforms fail to address abuses of workers' rights*, 22 November 2021. <https://www.ituc-csi.org/uae-labour-law-reforms-fail>

39 Expo 2020 Dubai, *Worker Welfare Policy*, October 2018. <https://www.expo2020dubai.com/en/legal/-/media/7B40394058A24EDDA734B137F927A23C.ashx>

a meaningful legacy for worker welfare.”⁴⁰ It has also underlined that all organisations supporting the delivery of the Expo, including third party developers, contractors and partners, must:

... demonstrate effective leadership on worker welfare and allocate sufficient resources to ensure that employment conditions throughout their supply chain meet our requirements.⁴¹

These requirements are set out in its Worker Welfare Policy and accompanying Assurance Standards and incorporated into every Expo 2020 Dubai contract. The purpose of this report is to investigate whether there has been full compliance with these labour standards in relation to migrant workers, during both the construction and delivery of the megaproject.

Expo 2020 Dubai labour protections

All companies involved in the Expo 2020 Dubai must comply with its Worker Welfare Policy and accompanying Assurance Standards. These require employers to adhere to the following provisions:

Ensure fair and free recruitment

Ensure that employees understand the terms and conditions of their employment

Treat employees equally and without discrimination

Protect and preserve the dignity of employees and not tolerate harassment or abuse of any kind

Respect the right of employees to retain their personal documents

Pay employees' wages and benefits on time and in full

Allow employees freedom to exercise their legal rights without fear of reprisal

Provide a safe and healthy working environment

Provide access to grievance mechanisms and remediation

Ensure that bonded, indentured, forced, or child labour is not used⁴²

1.2 Methodology

This report is based primarily on 30 semi-structured, one-to-one interviews carried out confidentially with migrant workers in Dubai between September 3rd and December 2nd 2021. A further 39 other unstructured interviews were conducted with migrants working on Expo 2020 Dubai for background information. Interviewees had to be migrant workers who were involved in delivering services for the Expo and who reported having had a work-related problem.

Efforts were also made to ensure that the profile of interviewees reasonably reflected the gender and nationality representation of the Expo workforce. Interviewees were nationals of 11 different countries, with migrant workers from Kenya, Nepal, Pakistan, India and Bangladesh making up more than three quarters of the total (77%), and the rest coming from six different African countries. Twenty-two of the interviewees were men (73%) and eight were women (27%).

40 Expo 2020 Dubai, *Worker Welfare Policy*, October 2018. <https://www.expo2020dubai.com/en/legal/-/media/7B40394058A24EDDA734B137F927A23C.ashx>

41 Expo 2020 Dubai, *Worker Welfare: Ensuring the highest standards for our workforce*. Accessed 17 December 2021. <https://www.expo2020dubai.com/en/legal/worker-welfare>

42 *Ibid.*

Research participants worked in a variety of sectors, including hospitality, construction, cleaning, security, customer care, logistics and facilities management. All the migrant workers who took part in the research were between the ages of 24 and 42, with the average age being 33. Interviewees were asked questions to gauge the extent to which the Expo 2020 Dubai Worker Welfare Policy⁴³ was being adhered to by employers, including around key issues such as: recruitment fees; payment of wages; discrimination or abuse; retention of identity documents; and access to redress mechanisms.

Interviews were conducted just prior to and after the official start of Expo 2020 Dubai so that participants could relate their experiences of working on both the preparation and the delivery of event. There were significant challenges in identifying migrant workers who were willing and able to take part in the research as potential interviewees were afraid of the authorities and that they would be subject to reprisals, including losing their jobs, if they spoke about their experiences.⁴⁴ In addition, it was also difficult to access potential interviewees due to their long working hours, limited time off and the fact that many had long distances to travel to and from work. As Irfan, a construction worker at Expo 2020 Dubai noted: "I don't have time to socialise, only to work and go home to rest."⁴⁵ To protect the migrant workers who participated in this research, their real names have not been used and any identifying information has been removed from the report. Equidem took significant precautions to prevent and mitigate any adverse impacts on researchers and the individuals who spoke to them.

A literature review was carried out to identify measures taken by the UAE Government to protect migrant workers' rights and any reports of non-compliance with the provisions of the Worker Welfare Policy and the UAE's labour laws.

Equidem wrote to the UAE authorities, Expo 2020 Dubai organisers and the individual businesses engaging workers featured in this report about the various cases of unfair labour practices and related issues. As at timing of publication, neither Expo 2020 Dubai's Higher Committee nor the UAE authorities had responded, despite being notified in writing before publication of this report. Only two out of thirteen companies contacted regarding complaints about working conditions made any response to Equidem.



43 It should be noted that the Worker Welfare Policy and Assurance Standards are predominantly based on the laws and decrees of Dubai and the UAE, but they also include additional requirements that "have been added to align with expectations of Expo 2020 and the global nature of the event." Expo 2020 Dubai, *Assurance Standards – Worker Welfare*, 29 January 2019.

44 Trade unions and political organisations are illegal in the UAE and the authorities severely restrict freedom of expression and any criticism of the government. Consequently, migrants are fearful about voicing their opinions, as reflected in the fact that when journalists asked workers what they thought about the Expo 2020 workers' monument, they replied that they had been repeatedly instructed by Expo authorities to direct all reporters who asked them questions to the event's official media centre. See Isabel Debere, *op.cit.*

45 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

Research findings

2

The research findings set out below have been grouped into sections which reflect the key labour standards that employers must comply with under the Expo 2020 Dubai Worker Welfare Policy.



2.1 Ensure fair and free recruitment

UAE legislation prohibits recruitment agencies from soliciting or accepting any fees from workers. This is set out in the Labour Law, Ministerial Decree No. 52 of 1989, Ministerial Decree No. 1283 of 2010 and Cabinet Decision No. 40 of 2014, as well as in the Standard Employment Contract of 2015 and the Worker Welfare Policy.⁴⁶ The Worker Welfare Assurance Standards, which apply to all workers engaged by companies involved in the delivery of the Expo 2020 Dubai, specifically state that “where recruitment fees have been paid by the worker to a UAE or overseas registered recruitment agency, these will be reimbursed by the employer” and that “employers must undertake assessments to check whether workers have paid fees during the recruitment stage.”⁴⁷

The Expo 2020 Dubai Committee has also underlined that:

Our Policy and Assurance Standards both clearly state employers must ensure the free and fair recruitment of workers. That means all recruitment costs – including visas, airline tickets, and any other administrative costs – must be covered by employers without exception, and absolutely no fees should be paid by workers. If, during our monitoring, we discover fees have been paid, workers have been reimbursed.⁴⁸

The ILO has repeatedly urged the UAE Government to ensure that the legislation cited above is effectively applied and that migrant workers are protected from abusive practices linked to the imposition of recruitment fees.

It also recently asked the UAE Government provide information, including statistical data, on action it has taken in this regard.⁴⁹

Despite all of the above, more than half (57%) of those interviewed for the research had paid some recruitment fees or costs. The average amount paid by these migrant workers was US\$1,006 dollars with charges ranging from US\$2,069 to US\$50. These are substantial sums for low-wage migrant workers. Rudra, a security guard at Expo 2020 Dubai said, **“I had to pay 200,000 Nepalese Rupees (US\$1,652) to the recruitment agency.⁵⁰ Only after I came here, I came to know that it was a free visa, free ticket job. I had no choice but to give the money to secure my employment.”⁵¹**

Fadhili, a Ghanaian Security guard at Expo 2020 Dubai said, “Before the recruitment, the agency authorities explained to me about the recruitment cost. My monthly salary was 3,000 AEDs⁵² (US\$817), so I had to pay one month salary to them.”⁵³ Hiari, a Zimbabwean security guard at Expo 2020 Dubai said, “I paid a commission of about US\$50 to be able to go through the interview - I didn’t see the reason why they were asking for it. ... I came to learn that it was illegal after paying the recruitment fees and I inquired, but then the person who gave us the job told us it was a way of thanking him for letting me through the job, I wasn’t satisfied fully, but I had to accept it and move on with life.”⁵⁴

46 ILO CEACR, *Observation on the UAE’s compliance with ILO Convention No. 29 on Forced Labour*, 1930, 2017. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:103495

47 Expo 2020 Dubai, *Assurance Standards – Worker Welfare*, 29 January 2019.

48 Equidem, *The Cost of Contagion: The human rights impacts of COVID-19 on migrant workers in the Gulf*, 2020. <https://www.equidem.org/reports/the-cost-of-contagion>

49 ILO, *Observation on the UAE’s compliance with ILO Convention No. 29 on Forced Labour*, 1930, 2021. *Op. cit.*

50 Throughout this report, the currency conversion into US dollars was calculated on 19 December 2021.

51 A man from Nepal, working as a security guard. Interviewed on 20 November 2021.

52 Emirati Dirhams.

53 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

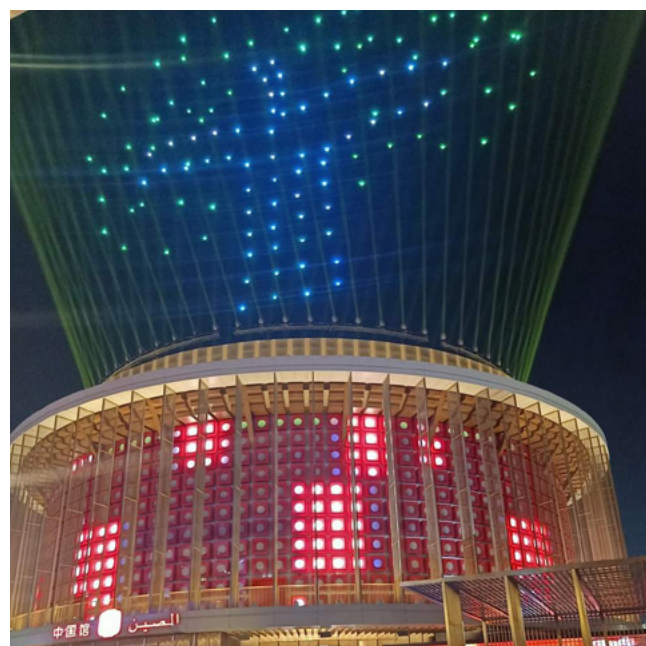
54 A woman from Zimbabwe, working as a security guard. Interviewed on 5 October 2021.

None of interviewees were asked by their employer if they had paid any recruitment costs, although this is required under the Worker Welfare Policy. Worse still, several participants stated that their employers were aware that the agencies they used were charging migrants as part of the recruitment process. Sabir, a security guard at Expo 2020 Dubai said, “I paid an amount of 100,000 Indian Rupees (US\$1,322) for the recruitment agency. They arranged everything for me until I reached Dubai. ... The company knows about the processing charge because the company routinely hires recruitment agencies to facilitate their work when the company needs a lot of employees.”⁵⁵

Raz, a Pakistani security guard at Expo 2020 Dubai told researchers, “I paid 3,500 AEDs (US\$953) for my recruitment agency. ... The management is giving permission to many recruitment agencies and all of them had their own processing charge. The companies didn’t interfere on that.”⁵⁶ Tahoor, who works for Arkan Security Management at Expo 2020 Dubai said, “I attended the interview through a consultancy and I have paid an amount of 3,000 AEDs (US\$817) for them... the company is giving permission for the consultancies and the payment is processing fees.”⁵⁷ Indra, a cleaner at Expo 2020 Dubai said, “The agency took 75,000 Nepalese Rupees (US\$619) as recruitment fee. My employer did not ask about the recruitment fee. I am not aware of having signed anything relating to the recruitment fee as well. I just did everything the agency told me to do.”⁵⁸

Of those workers that paid recruitment costs, none appeared to be aware that they could ask for this money to be reimbursed, although this should have been explained to them as part of their induction.⁵⁹ Many migrant workers have to borrow money to pay recruitment fees and this often leaves them in debt and vulnerable to exploitation or forced labour. For example, one woman from Kenya who was interviewed for this research took a loan to pay her agency’s fees of US\$700. The interest rate on this loan was US\$300.⁶⁰

It should also be noted that seven of the interviewees who did not pay recruitment fees were hired in the UAE after travelling there on a visitors’ visa and would therefore already have paid some of the costs associated with taking up a job abroad themselves.



Expo 2020 Dubai is expected to attract 25 million visitors during its six months of operation between October 1st, 2021 and March 31st, 2022, and potentially millions more after Expo ends and the site is converted into District 2020 to attract business, high-tech innovation, and a residential population to the area. © Equidem 2022

55 A man from India, working as a security guard. Interviewed on 1 November 2021.

56 A man from Pakistan, working as a security guard. Interviewed on 13 November 2021.

57 A man from Pakistan, working as a security guard. Interviewed on 26 November 2021.

58 A man from Nepal, working as a cleaner. Interviewed on 3 November 2021.

59 The Worker Welfare Assurance Standards state that all workers must receive an orientation training covering key issues and this includes recruitment fees. Expo 2020 Dubai, *Assurance Standards – Worker Welfare*, 29 January 2019.

60 A woman from Kenya, working as a security guard. Interviewed on 8 September 2021.



“

I migrated as a tourist (on a three-month visitor’s visa), which included paying my own tickets, and coming with a dream to get a job in UAE.”⁶¹

AKIN, A MAN FROM NIGERIA WORKING IN A FACTORY. INTERVIEWED ON 12 SEPTEMBER 2021

2.2 Ensure that employees understand the terms and conditions of their employment

The UAE Ministry of Human Resources and Emiratization (MOHRE) requires prospective workers to sign a Standard Employment Contract which is filed with the Ministry before a work permit is issued.⁶² None of the clauses in the Standard Employment Contract can be amended without the explicit authorisation of the Ministry and it must be issued in three languages (Arabic, English and the mother tongue of the worker).⁶³ Expo 2020 Dubai’s Worker Welfare Assurance Standards also specifically state that:

A translated version of employment offer will be provided to the worker, at the time of recruitment, in the worker’s native language.⁶⁴

These measures are designed to prevent contract substitution and ensure that workers understand their rights and obligations under their contract.

However, one third of the interviewees stated that they were not given a copy of their contract in their native language. In general, these respondents received a letter in English with the job offer. Raz, a Pakistani security guard at Expo 2020 Dubai told researchers, **“They didn’t provide the contract to me. I signed the contract paper and gave it back**

to the employer. The offer letter was described in English. All the official papers are explained in English and Arabic and we didn’t get any written documents in our native language.”⁶⁵ Tahoor, who works for Arkan Security Management at Expo 2020 Dubai told Equidem, **“The company didn’t provide the employment contract. I have got the job offer letter which was explained in English. I just saw the last page of my employment contract when I was signing it.”⁶⁶**

Hamza, a security guard at Expo 2020 Dubai said, **“I got a job offer letter when I successfully passed the interview. It was written in English. They do not give the contract to employees, we should sign and give it back to them.”⁶⁷** Muluk, an Indian security guard at Expo 2020 Dubai told Equidem, **“When I got selected, they provided me the job offer letter which described the nature of my job and other details including salary, leave and other benefits. All the details were in English. ... I didn’t get the official information in my native language.”⁶⁸**



61 A man from Nigeria, working in a factory. Interviewed on 12 September 2021.

62 Embassy of the UAE, *op. cit.*

63 ILO, *Observation on the UAE’s compliance with ILO Convention No.29 on Forced Labour, 1930, 2017. Op. cit.*

64 Expo 2020 Dubai, *Assurance Standards – Worker Welfare*, 29 January 2019.

65 A man from Pakistan, working as a security guard. Interviewed on 13 November 2021.

66 A man from Pakistan, working as a security guard. Interviewed on 26 November 2021.

67 A man from Pakistan, working as a security guard. Interviewed on 10 November 2021.

68 A man from India, working as a security guard. Interviewed on 26 November 2021.

It should also be noted that of those who did receive their contract, 15 stated that it was in English and, while they said they could read and understand the contract, English was generally not their native language.

It is crucial that employees receive a copy of their official contract which details all the terms and conditions of their job in their native language, so that they fully understand their rights and

responsibilities and are better able to challenge any exploitative practices. This is particularly important given that employees' terms and conditions of work may vary considerably. Gheche, working in hospitality at Expo 2020 Dubai told Equidem, "... everyone gets his or her own salary separately and according to the agreement they had with the employer, which is different with everyone."⁶⁹

2.3 Pay employees' wages and benefits on time and in full

In 2009, the UAE established the Wage Protection System (WPS) to help ensure that workers receive their wages on time and in full. The WPS is an electronic salary transfer system and private companies employing more than 100 employees are required to use it to pay their workers via approved banks and other financial institutions. Employers that fail to use the WPS can be fined under Cabinet Decision No. 40 of 2014. Companies who do not pay their workers' wages on time can also be fined or subject to other administrative sanctions, as set out in Ministerial Decree No. 739 of 2016.⁷⁰

The MOHRE monitors payments made through the WPS electronically and if payments are not made after 16 days it can freeze new work permits for that employer. If non-payment continues past 29 days, the Ministry can refer the case to the labour courts and, after 60 days, a fine of 5,000 AED (\$1,362) per unpaid worker is imposed, up to a maximum of 50,000 AED (\$13,623).⁷¹

The ILO Committee of Experts has called on the UAE Government to ensure that Ministerial Decree No. 739 of 2016 (adopted to ensure the payment of wages without delay) and the WPS are:

... implemented effectively, so that all wages which are due are paid on time and in full, and that employers face appropriate sanctions for the non-payment of wages. The Committee also requests the Government to provide information on the penalties effectively applied for non-payment of wages.⁷²

Despite the measures taken by the Government and the concerns raised by the ILO, non-payment and late payment of wages continues to be a key issue affecting migrant workers. In 2020, the UAE's National Committee to Combat Human Trafficking (NCCHT) reported that the Government had issued 8,181 fines to companies that failed to provide payments to workers via the WPS in 2020.⁷³ This indicates that thousands of companies are still not complying with this legal obligation more than 10 years after the WPS was introduced.

Furthermore, the U.S. Department of State noted in 2021 that some companies were circumventing the WPS and not paying migrant workers their full salaries:

69 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.

70 ILO, *Observation on the UAE's compliance with ILO Convention No.29 on Forced Labour, 1930, 2017. Op. cit.*

71 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, 30 March 2021. <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/united-arab-emirates/>

72 ILO, *Observation on the UAE's compliance with ILO Convention No.29 on Forced Labour, 1930, 2017. Op. cit.*

73 U.S. Department of State, *2021 Trafficking in Persons Report: United Arab Emirates*, 2021. <https://www.state.gov/reports/2021-trafficking-in-persons-report/united-arab-emirates/>

Media and diplomatic sources continued to report that some companies retained workers' bank cards or accompanied workers to withdraw cash, coercively short changing the employees even though the WPS showed the proper amount paid. Such cases were difficult to prove in labour courts, given the WPS documented accurate payments via designated bank accounts.⁷⁴

Non-payment of wages is also an issue for workers involved in Expo 2020 Dubai. Two thirds of the migrant workers interviewed for this research stated that their wages or other benefits were not always paid on time or in full. Several respondents complained that they received their salaries up to 10 days late and that this caused significant hardship for them and their families, particularly when their food allowance was part of their salary. Chuki, a security guard: Expo 2020 Dubai told Equidem, ***"Salaries are sometimes delayed by up to 10 days and this really inconveniences me because my dependants are waiting back at home and it's difficult to fulfil my responsibilities... They give it (the food allowance) to us with the salary ... but when it's late again I have to borrow from my colleagues in the upper grade."***⁷⁵ Irfan, a security guard at Expo 2020 Dubai said, ***"The salary they pay, but always delaying with up to 10 days... There has been always delays as they tell us the person in charge of signing our cheque for payment is always out of the country at the time, we are supposed to receive our salaries, which has never changed with or without COVID."***⁷⁶

Respondents also frequently complained that they did not receive overtime payments or the annual increments that they had been promised. Overtime pay is a crucial issue for migrant workers as many work significantly longer than the standard eight-hour day.

Babik, who works for a Café at Expo 2020 Dubai said, ***"It's very tiring. I work from early in the morning till evening (8.00pm) ... They promised me an increment in salary after probation - something I have not seen to date ... Never have I received overtime payments from my employer ... The way they treat the staff is like slaves, I mean modern day slavery."***⁷⁷ Gheche, working in hospitality at Expo 2020 Dubai said, ***"I feel like they should improve the living and working conditions. ... They promised they would review the salary every year which they didn't do. ... I have never been paid for the overtime I have done."***⁷⁸

Irfan, a construction worker at Expo 2020 Dubai said, ***"I never received any overtime and am always working for more than nine hours every day."***⁷⁹

Chuki, a security guard at Expo 2020 Dubai said, ***"I feel they can do more in terms of focusing on the people working for them rather than only focusing on the work to be done. ... The contract said we will get overtime but I never got any overtime payment."***⁸⁰

Hiari, a woman security guard at Expo 2020 Dubai said, ***"... they promised a review every year, but I didn't see any review being reflected on my salary. ... I never received overtime even though I worked for extra hours for most events."***⁸¹

Participants also reported that non-payment of wages and reduced salaries was a widespread problem following the outbreak of the COVID-19 pandemic. On 26 March 2020, the MOHRE passed Resolution No.279 which allows private sector companies affected by regulations to limit the spread of COVID-19 to alter the terms and conditions of migrant workers' contracts.

These measures apply exclusively to non-UAE employees and allow companies to grant employees unpaid leave and reduce their wages temporarily or on a permanent basis. While a

74 *Ibid.*

75 A woman from Zimbabwe, working as a security guard. Interviewed on 15 September 2021.

76 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

77 A man from India, working in customer care. Interviewed on 14 October 2021.

78 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.

79 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

80 A woman from Zimbabwe, working as a security guard. Interviewed on 15 September 2021.

81 A woman from Zimbabwe, working as a security guard. Interviewed on 5 October 2021.

worker must consent before an employer can change their salary, in reality migrants had little option as the alternative was that they would be made redundant. This was particularly evident during the initial period of the lockdown, which began in March 2020.

In previous research conducted in 2020, Equidem documented nine cases involving migrant workers who were employed by four separate contractors working on Expo 2020 Dubai who were not paid wages owed to them. The following testimony was typical of their experiences:

After the lockdown started, the company completely neglected its workers. I did not get my five months' salary. They used to shout at me just for asking for my salary. They said, 'no one will get salary for this lockdown period.' After that, I was fired from work without any notice. The only explanation we got was that the company was making a loss. The company said they will transfer my salary amount once I got home. I have not got anything yet.⁸²

Equidem submitted the finding from its 2020 research to the Expo 2020 Dubai Committee, but these practices persist, in violation with Expo 2020 Dubai's required standards and the UAE's labour laws. Interviewees in the current research repeatedly mentioned how their wages were reduced following the lockdown and/or their working hours and responsibilities were increased without additional pay, as they had to cover the work of colleagues who had been laid off. Irfan, a construction worker at Expo 2020 Dubai told Equidem, **"... they had laid off those long serving staff in the company, forcing us to work more hours than the stipulated hours in the contract without extra pay... we worked for more than 12**

hours because they had let go the staff."⁸³

Babik, who works for a Café at Expo 2020 Dubai said, **"Jobs changed because we worked longer than usual as they had laid off manpower ... they ended up overworking us during the pandemic without extra pay ... They reduced our salaries for a long time by 50% to 75%."**⁸⁴ Koel, who works for hospitality at Expo 2020 Dubai said, **"... after they recalled me I was being paid only 50% for about six months, until after a year that's when I got my full salary."**⁸⁵

Sharmin, who works in the administration of a company at Expo 2020 Dubai said, **"I work 10-14 hours more often than not, due to operational requirements ... Working hours have increased, with multiple responsibilities."**⁸⁶

Information provided by the research participants indicates that salary reductions ranged from 5% to 75% and generally lasted between three months and a year. However, several interviewees also noted that their terms and conditions of work have recently been amended or appear to have been permanently changed. Firiyali, a security guard at Expo 2020 Dubai told Equidem, **"... we were on 50% salary reduction and to add to that there was lots of delays on salaries ... (now) we have new contracts with less benefits, this might change if the company regained the losses they incurred during the COVID-19 pandemic."**⁸⁷



82 Equidem, *The Cost of Contagion*, op. cit.

83 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

84 A man from India, working in customer care. Interviewed on 14 October 2021.

85 A man from Kenya, working in hospitality. Interviewed on 16 September 2021.

86 A man from Bangladesh, working in administration. Interviewed on 6 September 2021.

87 A woman from South Africa, working as a security guard. Interviewed on 15 September 2021.

Chuki, a security guard at Expo 2020 Dubai said, ***“The contracts are now short term and the benefits have been decreased drastically, making (it) ... easier to manipulate employees.”***⁸⁸ Chandra, a Nepali security guard at Expo 2020 Dubai told Equidem, ***“As we work in the Site, we get extra***

bonus as well. In the beginning, we used to get extra 500 AED (US\$136). Recently, company started giving only 75 AED (US\$20).”⁸⁹ Sabir, an Indian security guard at Expo 2020 Dubai said, ***“We were also getting overtime payment which they also deducted very recently.”***⁹⁰

2.4 Respect the right of employees to retain their personal documents

The confiscation or retention of workers’ documents is prohibited in the UAE by the Ministry of Interior’s Circular No. 267 of 2002, the Standards Employment Contract and the Worker Welfare Policy. However, the Government does not adequately enforce these laws and this practice remains pervasive, as noted by both the International Labour Organization (ILO)⁹¹ and the U.S. Department of State:

In violation of the law, employers routinely held employees’ passports, thus restricting their freedom of movement and ability to leave the country or change jobs. ... There were media reports that employees were coerced to surrender their passports for “safekeeping” and sign documentation that the surrender was voluntary.⁹²



Only one of the migrant workers interviewed for this research had their passport in their possession and both he and other interviewees stated that it was common practice for companies to retain their employees’ passports. Rudra, a security guard at Expo 2020 Dubai said, ***“Before starting job at the Venue, my employer kept my***

passport, but now, since I started working at Venue, they gave it back. Other workers from the company, who do not work at the Venue, do not have their passport with them. The company has it. If they need to travel, the company gives it back, and when they return, the company takes it again.”⁹³

Mankaji, a house keeping supervisor at Expo 2020 Dubai told Equidem, ***“My employer has my passport. I have Emirates ID card, which is provided after we get visa for UAE. ... Usually, it is a trend in the UAE that employers keep their workers’ passport for safety. Whenever I need to travel, the company gives it back, and I deposit it with the company as I return.”***⁹⁴

While just over two-thirds of interviewees stated that they could retrieve their passports when they needed them to travel abroad or for official purposes (e.g. to renew their contract), they did not appear to have free access to their documents and had to explain why they needed them. One interviewee said they had to make a formal request in writing to get their passports. Fadhili, a security guard at Expo 2020 Dubai said, ***“All the employees’ passports are with the employer and they provide it on the time of our vacation. If we need it for any official purposes, like Embassy related***

88 A woman from Zimbabwe, working as a security guard. Interviewed on 15 September 2021.

89 A man from Nepal, working as a security guard. Interviewed on 2 December 2021.

90 A man from India, working as a security guard. Interviewed on 1 November 2021.

91 ILO, *Observation on the UAE’s compliance with ILO Convention No.29 on Forced Labour, 1930, 2017. Op. cit.*

92 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates, op. cit.*

93 A man from Nepal, working as a security guard. Interviewed on 20 November 2021.

94 A man from Nepal, working as a housekeeping supervisor. Interviewed on 17 November 2021

purposes, we should submit a request letter and even then, they will give it to us only when they realise it is absolutely necessary.”⁹⁵

None of the interviewees indicated that they could unconditionally access their passports at any time; were given a choice regarding whether the company held their passports or not; or that their employer had offered personal and secure facilities to workers who wished to retain their documents. All the above are clearly set out as obligations for employers in the Worker Welfare Assurance Standards.⁹⁶

One interviewee described how his company forced its workers to sign forms saying that their passports had been returned to them when this

was not the case. Chandra, a security guard at Expo 2020 Dubai told Equidem, **“My employer has my passport. After we started working at the site, the site’s worker welfare person gave instructions to the company saying they had to return workers’ passports. The company made us sign a paper saying we have received our passport. In reality, it is still in the office of our accommodation camp.”⁹⁷**

Where migrant workers do not have immediate and unconditional access to their passports it increases the likelihood of their being forced to stay in a job against their will, creating a significant vulnerability to forced labour and other exploitation.

2.5 Provide a safe and healthy working and living environment

In October 2021, Expo 2020 Dubai acknowledged that there had been three work-related fatalities and 72 serious injuries during the construction of the Expo,⁹⁸ and that a further three workers had died from COVID-19.⁹⁹ However, there are concerns that these figures do not fully reflect the total number of injuries or coronavirus deaths. The Associated Press noted that the authorities had not provided overall statistics on these issues despite repeated requests¹⁰⁰ and the U.S. State Department also observed in 2021 that the “authorities typically did not disclose details of workplace injuries and deaths, including the adequacy of safety measures.”¹⁰¹

During the initial months of the COVID-19 pandemic, it was clear that many migrant workers in the UAE were living in unhealthy and unsafe

accommodation. This was documented in research carried out by Equidem in 2020¹⁰² and reported by the U.S. Department of State in 2021:

... some low-wage foreign workers faced substandard living conditions, including overcrowded apartments or unsafe and unhygienic lodging in labour camps.¹⁰³

Nine interviewees in the current research (30%) did not consider the standard of the accommodation and food provided by their employers to be adequate and/or raised other concerns about their working or living conditions being unsafe or unhealthy. The issue that came up most often, including amongst those who did describe the accommodation as adequate, was the lack of space and privacy that resulted from having to

95 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

96 Expo 2020 Dubai, *Assurance Standards – Worker Welfare*, 29 January 2019.

97 A man from Nepal, working as a security guard. Interviewed on 2 December 2021.

98 A serious injury is defined as any injury that requires three days or more off work. Disha Dadlani, *Expo 2020 Dubai records 247 million work hours, three work-related fatalities*, 3 October 2021. <https://www.constructionweekonline.com/projects-tenders/expo-2020-dubai-records-247-million-work-hours-three-work-related-fatalities>

99 Isabel Debere, *op. cit.*

100 *Ibid*

101 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, *op. cit.*

102 Equidem, *The Cost of Contagion*, *op. cit.*

103 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, *op. cit.*

share a small room with several colleagues. Irfan, a construction worker at Expo 2020 Dubai said, ***“I’m sharing a room with five colleagues making it uncomfortable and my privacy is compromised.”***¹⁰⁴ Atir, a cleaner at Expo 2020 Dubai said, ***“They provide shared accommodation which doesn’t go so well because we are sharing six people in a room.”***¹⁰⁵ Chuki, working as a security guard at Expo 2020 Dubai told researchers, ***“I am in a shared room with five more colleagues from other nationalities making it so difficult to cope as each individual comes with their character and attitude.”***¹⁰⁶ After the outbreak of COVID-19, the confined accommodation significantly increased workers’ risk of catching the coronavirus and many of the interviewees expressed their frustration that their employers did not reduce the number of people sharing rooms. Firyal, a South African security guard at Expo 2020 Dubai told researchers, ***“It was really scary, since most staff live together, sharing about 10 persons in a room ... it was unbearable, we saw many infections and even deaths.”***¹⁰⁷ Hiari, a woman security guard at Expo 2020 Dubai said, ***“There was not much change during the pandemic as still I shared the accommodation with five other ladies, making it difficult to practice social distancing.”***¹⁰⁸ Sabir, an Indian security guard at Expo 2020 Dubai said, ***“... when COVID-19 started to spread, it was so difficult to maintain the social distancing and more staff got the infection. The employer didn’t take any action to lessen the number of people***

in an apartment and they didn’t even provide the PPE (personal protection equipment) and sanitizers in the accommodation.”¹⁰⁹

The Worker Welfare Assurance Standards stipulates that no more than eight people can share one bedroom and that each person must have at least four - square meters of space in the bedroom.¹¹⁰ It is not clear whether the migrant workers interviewed for this research were provided with the minimum amount of space required under the Worker Welfare Policy, but at least one worker was sharing with more than eight people in violation of the regulations.

As indicated above, there were also issues with some companies not taking adequate measures to protect their staff from infection, particularly in relation to the provision of free masks. Gheche, working in hospitality at Expo 2020 Dubai told Equidem, ***“They only provided masks to those who were going to work, those who were in the accommodation were forced to buy masks from outside making it not accessible.”***¹¹¹ Irfan, who works for a construction company at Expo 2020 Dubai said, ***“They were selling the masks in the beginning.”***¹¹² Chuki, a security guard at Expo 2020 Dubai said, ***“The employer only provided masks at work and not in the accommodation.”***¹¹³

More generally, some interviewees reported work related stress¹¹⁴ and noted that their employers were reluctant to recognise when people were ill and give them time off work.



104 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

105 A man from Bangladesh, working as a cleaner. Interviewed on 4 November 2021.

106 A woman from Zimbabwe, working as a security guard. Interviewed on 15 September 2021.

107 A woman from South Africa, working as a security guard. Interviewed on 15 September 2021.

108 A woman from Zimbabwe, working as a security guard. Interviewed on 5 October 2021.

109 A man from India, working as a security guard. Interviewed on 1 November 2021.

110 Expo 2020 Dubai, *Assurance Standards – Worker Welfare*, 29 January 2019.

111 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.

112 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

113 A woman from Zimbabwe, working as a security guard. Interviewed on 15 September 2021.

114 The U.S State Department recently reported continuing incidents of migrant worker suicides or attempted suicides, with some being linked to poor working and living conditions and debts owed to recruitment agencies. U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, op. cit.

Fadhili, a security guard at Expo 2020 Dubai said, ***“The working atmosphere is little bit stressful because UAE police and CIDs are working along with us. So, we have much work pressure to improve our job quality.”***¹¹⁵

Sabir, an Indian security guard at Expo 2020 Dubai said, ***“... the work stress was high when I moved to Expo 2020 Dubai. I didn't get adequate rest time and I felt more exhausted.”***¹¹⁶ Irfan, a construction worker at Expo 2020 Dubai said, ***“They only give sick leave when one collapses on the site, they don't take it seriously.”***¹¹⁷ Gheche, working in hospitality at Expo 2020 Dubai said,

“Whenever I am sick my manager thinks I am faking the sickness, there is no trust.”¹¹⁸

Several interviewees also complained that the food they received as part of their employment package did not provide a healthy and balanced diet. Raz, a security guard at Expo 2020 Dubai told Equidem, ***“The company started to give food very recently (instead of the 350 AED personal allowance (US\$95)) and the quality is not so good.”***¹¹⁹ Hiari, a security guard at Expo 2020 Dubai said, ***“They provided food which wasn't nutritious. It was the same every day and full of spice which didn't accommodate most of us who don't eat spicy foods”***¹²⁰

2.6 Treat employees equally and without discrimination and do not tolerate harassment or abuse of any kind

In September 2019, the Government amended the labour law to prohibit discrimination which prejudices equal opportunities in employment, equal access to jobs and continuity of employment. Unfortunately, this provision does not specify what types of discrimination are prohibited and does not meet the concerns which have been repeatedly raised by the ILO. In both 2017 and 2021, the ILO Committee of Experts urged the UAE Government to:

... take the necessary steps to ensure that the amendments to Federal Law No. 8 of 1980 on the regulation of labour relations include a specific provision defining and explicitly prohibiting both direct and indirect discrimination on all the grounds set out in Article 1(1)(a) of the Convention covering all workers, including non-nationals, and all aspects of employment and occupation.¹²¹

This gap in the legal protection has left migrant workers vulnerable to discrimination. In 2021, the U.S. State Department highlighted that discrimination against migrants was widespread in the UAE:

Societal discrimination against non-citizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care.¹²²

More than a third of the migrant workers interviewed for this research (37%) stated that there was discrimination and/or bullying in the workplace and several gave examples of their direct experience of this. Fadhili, a security guard at Expo 2020 Dubai told Equidem, ***“My expectation was high when I came to Dubai, I thought these people will accept me for who I am, but as a migrant and being an African I have gone through***

115 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

116 A man from India, working as a security guard. Interviewed on 1 November 2021.

117 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

118 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.

119 A man from Pakistan, working as a security guard. Interviewed on 13 November 2021.

120 A woman from Zimbabwe, working as a security guard. Interviewed on 5 October 2021.

121 ILO CEACR, *Observation on the UAE's compliance with ILO Convention No. 111 on Discrimination (Employment and Occupation)*, 1958, 2021. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:103495

122 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, op. cit.

*many bad experiences. I have been bullied based on my race. I have experienced that employees are not treated by the management equally. I am a first-class degree holder in my country and I have good work experience, (but) the guy who had less qualification and experience than me got a good position.”*¹²³ Sabir, an Indian security guard at Expo 2020 Dubai said, *“... when I was new in this company I was bullied by my senior colleagues. But it was not beyond the limit. I heard that such things are routinely happening with the new joiners.”*¹²⁴ Hiari, a security guard at Expo 2020 Dubai told Equidem *“... team leaders and supervisors from our company, the Dubai police and other direct staffs of Expo 2020 Dubai are there to control us. ... Even when we are doing the same work, all those except the nationals are considered as second category. We are getting less salary for the same work and the other work related benefits are also less. I experienced being bullied ... by senior staff.”*¹²⁵

Equidem also recorded incidents of discriminatory practices in relation to salaries for nationals and migrant workers amongst those working on the Expo in research carried out in 2020. For example, a security guard from Nepal stated that:

*“While working as a visa service agent, the locals there got 16,000 AED (\$4,356). But when I sat in the same chair, did the same job, I got 800 AED (\$218).”*¹²⁶

Many of the interviewees noted that there was discrimination based on nationality and/or race which favoured Emirati nationals and Europeans and disadvantaged Asians and Africans. This was particularly evident during the COVID-19 pandemic, when migrant workers from Asia and Africa were disproportionately affected by redundancies,

pay cuts and increased working hours. Tahoor, a security guard at Expo 2020 Dubai told Equidem, *“There is discrimination in the workplace on the basis of nationality even if it is not so visible. The UAE nationals have all the facilities and salaries, and the deduction of salaries did not affect the UAE citizens.”*¹²⁷ Wamai, works for a factory at Expo 2020 Dubai said, *“... you could hear some staff saying they’re still getting full salary while others getting only 50%, discrimination was felt just because of racism ...”*¹²⁸ Irfan, a construction worker at Expo 2020 Dubai said, *“Yes, they discriminate a lot when it comes to dividing work, the Asians are given the heavy work and less pay while the Europeans and Arabs are given lighter roles with lots of income... The Asians were the first to lose their jobs which they work so hard for ...”*¹²⁹ Hiari, a security guard at Expo 2020 Dubai told researchers, *“There is a lot of discrimination in terms of nationalities. Whites and Arabs are given greater opportunities ... Africans and Asians were the first ones to lose their jobs.”*¹³⁰ Gheche, working in hospitality at Expo 2020 Dubai said, *“There is a lot of discrimination amongst the nationalities at work. I witnessed a lot of discrimination, especially dark-skinned employees who didn’t have anyone to speak on their behalf when the company was looking to fire staff. Some of the workers were given redundancy but especially among the Africans, they were given redundancy without pay.”*¹³¹

As noted above, Resolution No. 279 (2020) was introduced at the start of the pandemic and permits companies to reduce migrant workers’ wages temporarily or permanently, with the agreement of the employee. This practice is clearly discriminatory as it

123 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.
 124 A man from India, working as a security guard. Interviewed on 1 November 2021.
 125 A woman from Zimbabwe, working as a security guard. Interviewed on 13 November 2021.
 126 Equidem, *The Cost of Contagion, op. cit.*
 127 A man from Pakistan, working as a security guard. Interviewed on 26 November 2021.
 128 A man from Nigeria, working in a factory. Interviewed on 12 September 2021.
 129 A man from Pakistan, working in construction. Interviewed on 4 October 2021.
 130 A woman from Zimbabwe, working as a security guard. Interviewed on 5 October 2021.
 131 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.



only applies to migrant workers and it allows companies to implement a prejudicial policy and justify this by arguing that they are operating in full compliance with the UAE's labour laws.

Furthermore, the provisions brought in under Resolution No.279 do not appear to have been withdrawn or amended,¹³² even though the *force majeure* conditions that justified them no longer apply (90% of the UAE's population is fully vaccinated – the highest percentage in the world).¹³³

2.7 Provide access to grievance mechanisms and remediation and allow employees freedom to exercise their in-country legal rights without fear of reprisal

The UAE Government has taken steps to try and ensure that migrant workers are aware of their employment rights in the UAE and that they can seek redress for issues they encounter in the workplace. These measures include:

- A “Know Your Rights” campaign, which provides migrant workers arriving at Dubai International Airport with information pamphlets in multiple languages.¹³⁴
- Requiring companies involved in Expo 2020 Dubai to deliver induction programmes for workers to raise awareness of their rights.¹³⁵
- Providing orientation on UAE labour laws and regulations to low-skilled labourers through its 34 Tawjeeh Centers.¹³⁶
- Providing a 24-hour toll-free number through which migrant workers can check the status of their applications, ask questions or file complaints.¹³⁷

Despite these initiatives and the Worker Welfare Assurance Standards requirement that workers should have materials distributed to them for reference after their orientation training, none of the migrant workers interviewed for this research received an information pamphlet on their rights, either at Dubai airport or from their employer or any other source.¹³⁸

While companies generally did provide training for new employees, respondents highlighted that this focussed on explaining their responsibilities rather than their rights. Raz, a security guard at Expo 2020 Dubai said, **“Actually, I am not so sure about my rights as an employee. I have only limited knowledge about the labour law in UAE ... the company will not take any initiative to educate their employees about their rights.”**¹³⁹ Fadhili, a security guard Expo 2020 Dubai said, **“I had a training session from my employer as I was going to be a part of the international Expo. During that time, I got instructions about my responsibilities, but no one talked about my rights as an employee.”**¹⁴⁰

132 The UAE government portal continues to have Resolution 279 on its website and commentaries from 2021, including from the ILO, also confirm it is still in force. . https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_776529.pdf

133 Our World In Data, figures from 13 December 2021, referenced in BBC News, *COVID map: Coronavirus cases, deaths, vaccinations by country*, 16 December 2021. <https://www.bbc.co.uk/news/world-51235105>

134 Embassy of the UAE, *op. cit*

135 Expo 2020, Dubai, UAE, *Commitments: Health, Safety, Quality, Environment and Worker Welfare*, 2020.

136 Statement from the MOHRE in December 2019. Quoted in U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, *op. cit*.

137 The Government also runs a separate 24-hour toll-free hotline for reporting cases of trafficking and other labour violations. U.S. Department of State, *2020 Trafficking in Persons Report: United Arab Emirates*, *op. cit*.

138 The Worker Welfare Assurance Standards state that all workers must receive an orientation training covering key issues (e.g. safeguarding passports and personal documents, the Worker Welfare Committee and recruitment fees) and that materials must be distributed following the induction so that workers have them for future reference.

139 A man from Pakistan, working as a security guard. Interviewed on 13 November 2021.

140 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

Jwala, a security guard at Expo 2020 Dubai told Equidem, ***“I have been working in UAE for 15 years and none of my employers has given any information about my rights as an employee.”***¹⁴¹ Hamza, a Pakistani security guard at Expo 2020 Dubai said, ***“I didn’t receive any direction from my employer regarding my rights, but as a part of my training with my employer, they informed me about my duties and responsibilities at the work place.”***¹⁴² Muluk, an Indian security guard at Expo 2020 Dubai said, ***“I didn’t receive any documents which explains about my right as an employee from the government side or from the employer.”***¹⁴³

However, one respondent did speak positively about an information session they attended at one of the Tawjeeh Centres. Rinjin, a Nepali security guard at Expo 2020 Dubai said, ***“I got some information through the contract paper. Other than that, the UAE government provides important information about rights of workers through Tawjeeh Center. I attended this one-hour session.”***¹⁴⁴

The Expo Dubai Committee, the body within Expo Dubai 2020 responsible for organising the event and overseeing worker protections, has stated that it meets all the main Expo contractors at bi-monthly Worker Welfare Forums and that:

All our contractors are obliged to hold regular Worker Welfare Committees with worker-elected representatives, during which members can raise issues and concerns. These must be held at a minimum of every two months. In 2018 we rolled out the Expo 2020 Dubai Worker Hotline – a free phone number available to all those working on the Expo site in eight languages, triaged by experienced call handlers.

We have also launched Worker Connect, an app containing information on legal rights that all workers can access from their mobile phones.¹⁴⁵

However, 90% of the migrant workers interviewed for this research said they were not told about either the Worker Welfare Committees, the Worker Connect app or the Expo 2020 Dubai hotline. Sabir, who works for Fist Security Group at Expo 2020 Dubai said, ***“Our company had partnership with Expo 2020 Dubai very recently and those who got selected for the Expo got special training ... But we didn’t get any information about Welfare Committees and other hotline sites in any session.”***¹⁴⁶ Muluk, a security guard at Expo 2020 Dubai told Equidem, ***“I have been working with Expo 2020 Dubai for two months and none of us have been told about any Welfare Committees or Worker Connect app related to Expo 2020 Dubai.”***¹⁴⁷

Of the three migrant workers who were aware of at least one of the above mechanisms for addressing issues at work, one indicated that his company was following a good practice model in terms of informing employees about how they can raise concerns. Mankaji, a housekeeping supervisor at Expo 2020 Dubai told Equidem, ***“I know about the Worker Welfare (Committee), hotline and security at Expo 2020 Dubai. We were given a training before joining. We also get occasional reminder/ information from the supervisor.”***¹⁴⁸

Migrant workers who need to sort out a work-related problem can use the *Tawa-Fouq* (reconciliation) centres. These centres were launched specifically for migrant workers by the MOHRE in 2018 to perform a preliminary mediation role to resolve labour disputes and make recommendations to the MOHRE.¹⁴⁹ In addition, all private-sector employees

141 A man from India, working as a security guard. Interviewed on 2 December 2021.

142 A man from Pakistan, working as a security guard. Interviewed on 20 November 2021.

143 A man from India, working as a security guard. Interviewed on 26 November 2021.

144 A man from Nepal, working as a security guard. Interviewed on 31 October 2021.

145 Equidem, *The Cost of Contagion*, op. cit.

146 A man from India, working as a security guard. Interviewed on 1 November 2021.

147 A man from India, working as a security guard. Interviewed on 26 November 2021.

148 A man from Nepal, working as a housekeeping supervisor. Interviewed on 17 November 2021.

149 ILO, *Observation on the UAE’s compliance with ILO Convention No. 29 on Forced Labour, 1930, 2021*. Op. cit.

can file complaints directly with the MOHRE, which by law acts as mediator between the parties. If a dispute remains unresolved, employees can then file the case in the labour court system, which forwards disputes to a conciliation council. Administrative remedies are available for labour complaints, and the authorities applied them to resolve issues such as delayed wage payments and unpaid overtime.¹⁵⁰

It is not possible to properly evaluate these redress mechanisms as the UAE Government does not provide data on the number of people using these procedures, the nature of the complaint or how it was resolved. The U.S. State Department drew attention to this issue in 2021 and noted that the Government has not reported the number of complaints of unpaid wages it investigated through its dispute resolution process for 13 consecutive years.¹⁵¹ Similarly, the ILO recently called on the Government to:

... provide statistical information on the number of migrant workers who had recourse to the complaints mechanisms and the outcomes.¹⁵²

Furthermore, the UAE Government does not allow independent organisations to review the operation of its dispute resolution procedures or its labour courts. This is reflected in the fact that it has not allowed United Nations' experts access to the country to review its compliance with international standards since 2014, when a UN Special Rapporteur issued a report criticising a lack of judicial independence.¹⁵³

However, even without this data, it is difficult to consider that this system provides a fair and effective redress mechanism for migrant workers suffering violations of their labour rights as the power relationship between the employer and the employee is so unbalanced. The UAE does not permit migrant workers to freely associate, organise, form or join an independent union, bargain collectively or strike.¹⁵⁴ Nor can they access independent and professional advice and representation to assist them in taking forward a complaint. This makes it extremely difficult for an employee to successfully challenge a decision taken by their employer or the Government.

Furthermore, the threat of dismissal, deportation, the non-renewal of a contract or simply that they will receive less favourable treatment or opportunities at work, is sufficient to discourage most migrant workers from expressing a work-related grievance. This is reflected in the research findings, as none of the interviewees reported or tried to address any of the problems they had at work. Even those who described facing bullying, discrimination and other serious labour rights violations were unwilling to file a complaint because they feared they would be subject to reprisals and/or that it would not achieve anything : Raz, a security guard at Expo 2020 Dubai told researchers **"... I am afraid to make a complaint. I am worried that it may affect my future in UAE."**¹⁵⁵ Fadhili, a security guard at Expo 2020 Dubai said, **"I have never raised any complaint on the bullying, because I know there will not be any change if I make any complaint. I want to continue my job as I have some financial problems."**¹⁵⁶ Sabir, a security guard at Expo 2020 Dubai said, **"I was aware about such situations (bullying) from my friends and it was necessary for me to stick on this job so I keep on handling things in a positive way. Also, I was**

150 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, op. cit.

151 U.S. Department of State, *2021 Trafficking in Persons Report: United Arab Emirates*, op. cit.

152 In 2021, the ILO also asked the UAE Government for: the number of migrant workers who have had recourse to legal assistance from the Tawafouq (reconciliation) centres and the outcome of the labour disputes; whether the legal assistance provided in the reconciliation centres is available in the language spoken by the migrant worker; and information on the judicial proceedings instigated and the judgements handed down. ILO, *Observation on the UAE's compliance with ILO Convention No.29 on Forced Labour, 1930, 2017 and 2021*. Op. cit.

153 Aljazeera, *Expo 2020 Dubai attempt to shield UAE abuses, says HRW*, 1 October 2021. <https://www.aljazeera.com/news/2021/10/1/hrw-dubai-expo-2020-attempt-to-shield-uae-rights-abuses>

154 U.S. State Department, *2020 Country Reports on Human Rights Practices: United Arab Emirates*, op. cit.

155 A man from Pakistan, working as a security guard. Interviewed on 13 November 2021.

156 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

*little bit afraid to raise complainant.*¹⁵⁷ Tahoora, a Pakistani security guard at Expo 2020 Dubai said, *“All the companies in UAE are giving priorities for their citizens so there is no use for complaining.”*¹⁵⁸

The ILO has recently drawn attention to this issue and called on the Government to:

... take measures to strengthen the capacity of migrant workers to enable them, in practice, to approach the competent authorities and seek redress in the event of a violation of their rights or abuses, without fear of retaliation.¹⁵⁹

For those workers who do try and remedy a problem at work, the emphasis on resolving the dispute amicably and the power imbalance in the system makes it difficult for a worker to reject a proposal from the MOHRE even if they felt it did not adequately redress an injustice they had suffered. However, the onus for identifying and challenging labour rights violations does not only rest on employees. Both the UAE Government and the employer have a responsibility to ensure that all those involved in Expo 2020 Dubai are in full compliance with their contractual obligations and UAE labour legislation.

Expo 2020 Dubai authorities stipulate that all employers must: allocate sufficient resources to ensure that standards are being met; conduct periodic audits and reviews of performance, including by subcontractors; and investigate and report incidents relating to breaches of these standards.¹⁶⁰ This is reinforced in the Worker Welfare Assurance Standards, which require contractors to monitor accommodation facilities and employment practices; undertake regular inspections to ensure that their own organisations and their subcontractors are in compliance with the Standards; and implement corrective action where required. Evidence provided

by migrant workers who participated in this research indicates that some companies are not properly discharging these obligations or performing their due diligence adequately, and that others are directly involved in labour rights violations.

The Government monitors and enforces compliance with the UAE’s labour laws through a labour inspection system which is made up of some 700 inspectors.¹⁶¹ It reported that it conducted 280,728 labour inspections in 2020¹⁶² and documented 1,146 cases of labour violations. Of these, 1,144 cases were of late payment of wages and involved 80,633 migrant workers. The two other cases were linked to illegal salary deductions and a failure to calculate overtime pay.¹⁶³ In all the above cases fines were issued, but it does not appear that any were referred for further investigation to see if additional charges should be initiated (e.g. for forced labour or trafficking offences).

Given the findings from this research and from other reputable sources such as the U.S. State Department and the ILO, it is concerning that the labour inspectors did not identify a single case in which a worker was charged recruitment fees; had their documents confiscated; or was subject to bullying or discrimination. It is equally worrying that only two cases relating to salary deductions and unpaid overtime were detected in an entire year. This indicates that the UAE’s labour inspection system is not sufficiently proactive in identifying cases of non-compliance with the labour laws.



157 A man from India, working as a security guard. Interviewed on 1 November 2021.

158 A man from Pakistan, working as a security guard. Interviewed on 26 November 2021.

159 ILO, *Observation on the UAE’s compliance with ILO Convention No.29 on Forced Labour, 1930, 2017. Op. cit.*

160 Expo 2020, Dubai, UAE, *Commitments: Health, Safety, Quality, Environment and Worker Welfare, 2020.*

161 Embassy of the UAE, *op. cit.*

162 U.S. Department of State, 2021 *Trafficking in Persons Report: United Arab Emirates, op. cit.*

163 ILO *Observation on the UAE’s compliance with ILO Convention No.29 on Forced Labour, 1930, 2021. Op. cit.*

2.8 Address structural barriers to forced labour prevention

In 2015, the UAE Government enacted three Ministerial Decrees to give workers more flexibility to change jobs and reduce their vulnerability to forced labour practices, all of which came into force on 1 January 2016. They were:

- Ministerial Decree No. 764 on Ministry of Labour-approved Standard Employment Contracts;
- Ministerial Decree No. 765 on Rules and Conditions for the Termination of Employment Relations;
- Ministerial Decree No. 766 on Rules and Conditions for Granting a New Work Permit to a Worker whose Labour Relations with an Employer has Ended.¹⁶⁴

Under Ministerial Decree No. 765, where there is a fixed-term contract of two years, either party can terminate the contract. This allows a worker to leave their job providing they complete a notice period of up to three months and that the other requirements of the regulations are observed.

Interviewees generally confirmed that they were able to leave their jobs if they completed the notice period in their contracts, which was typically 45 days. Muluk, an Indian security guard at Expo 2020 Dubai said, ***“The employee should give a notification period of 45 days and then they can leave the company with their end of service benefits and the company will give the NOC (No Objection Certificate) for another job.”***¹⁶⁵ Tahoor, a Pakistani Security guard at Expo 2020 Dubai told Equidem, ***“But it should be according to the company policy. There is notification period of 45 days and only then the employee will get their end of service benefits.”***¹⁶⁶

However, three interviewees said they were not able to leave their job and that their contract required them to stay with the company for six months or more, despite the regulation cited above.

Fadhili, a security guard at Expo 2020 Dubai said, ***“The company policy says that I am not able to change the job during my probation period of six months. After the probation, if I need to leave the job, I should give 45 days’ notification period.”***¹⁶⁷ Rinjin, a security guard at Expo 2020 Dubai said, ***“As per the agreement I have with Expo 2020 Dubai, I cannot leave the job/change employer for six months. I have to work at the Expo site for at least six months before I can change my job/employer.”***¹⁶⁸ Afjal, a cleaner at Expo 2020 Dubai said, ***“No choice, I must continue in the company for two years.”***¹⁶⁹

Some of the respondents described how migrant workers who were fired after the start of the pandemic were not allowed to seek alternative employment. Irfan, a construction worker at Expo 2020 Dubai told Equidem, ***“... they were not allowing anyone to seek employment ... they didn’t want those workers who have been retrenched (made redundant) to stay, they were just waiting for the airports to open, then they would book flights to their countries.”***¹⁷⁰ Gheche, working in hospitality at Expo 2020 Dubai said, ***“... they didn’t allow them to seek employment from other companies, they wanted to make sure they leave the country of destination ... they made sure they booked the tickets and escorted the staff which they didn’t need, and those whose country’s airports were opened were the first ones to be forced to return home.”***¹⁷¹ Babik, who works for a Café at Expo

164 *Ibid.*

165 A man from India, working as a security guard. Interviewed on 26 November 2021.

166 A man from Pakistan, working as a security guard. Interviewed on 26 November 2021.

167 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

168 A man from Nepal, working as a security guard. Interviewed on 31 October 2021.

169 A man from Bangladesh, working as a cleaner. Interviewed on 4 November 2021.

170 A man from Pakistan, working in construction. Interviewed on 4 October 2021.

171 A woman from Kenya, working in hospitality. Interviewed on 26 September 2021.

2020 Dubai said, ***“They were not allowed (to seek alternative employment) ... they didn’t give them a No Objection Certificate.”***¹⁷²

Interviewees also noted that in practice it is not simply a question of working out your notification period. Sabir, an Indian security guard at Expo 2020 Dubai told Equidem, ***“In my knowledge, it is not so easy to move from the job before completing the labour contract. The company did not give the end of service benefits for some colleagues who resigned during COVID pandemic before completing their contract.”***¹⁷³

Fadhili, a security guard at Expo 2020 Dubai said, ***“... If we are in the good list, we would get NOC (No Objection Certificate) from Human Resources. This is one of the reasons no one is ready to raise any complaint against the management system. The company is not at all supportive for the employees.”***¹⁷⁴

While Ministerial Decree No. 766 allows migrant workers who leave their employer to access a new work permit, this remains very difficult to do in practice. This is because an individual’s work permit and right to remain in the UAE is linked to their sponsor and employment contract. Consequently, they need to secure a new sponsor and contract before they complete their notice period, after which their residency and work permits become invalid. Finding another job while still working presents considerable logistical challenges as many migrant workers have long working hours, live in remote areas and only have one day off a week (which is normally when other businesses are closed).

This is reflected in the disparity between the number of migrant workers leaving their jobs and those securing new ones. The UAE Government

reported that between January 2016 and December 2018, the number of cases involving termination of employment contracts under Ministerial Decree No. 765 came to just under three million (2,932,062). However, during the same period, the number of cases involving migrant workers transferring to a new employer was just 229,971. This means only 8% of those who ended their contracts were able secure a new contract and sponsor.¹⁷⁵

Consequently, migrant workers who are being subject to labour rights abuses still need to consider whether they will be better off if they seek to challenge this or move jobs. In this context, the legal framework governing the employment and residency of migrant workers in the UAE contributes to their vulnerability to exploitation and forced labour as they are not free to leave their jobs and legally remain in the country while looking for another one.

The U.S. State Department recently underlined that, despite its labour inspection system and a dedicated anti-trafficking unit, the UAE did not prosecute anyone for trafficking or forced labour in 2021 and historically it has never reported any forced labour convictions. It further noted that the UAE Government has not provided statistics on the number of suspected trafficking cases it has investigated for nine consecutive years.¹⁷⁶ This is concerning given that evidence of migrant workers being subjected to forced labour in the UAE has been regularly documented over the last decade. Furthermore, as noted earlier, the great majority of migrant workers interviewed for this research reported that they had experienced violations of their labour rights which are also indicative of forced labour.¹⁷⁷

172 A man from India, working in customer care. Interviewed on 14 October 2021.

173 A man from India, working as a security guard. Interviewed on 1 November 2021.

174 A man from Ghana, working as a security guard. Interviewed on 9 November 2021.

175 ILO, *Observation on the UAE’s compliance with ILO Convention No.29 on Forced Labour, 1930, 2021. Op. cit.*

176 U.S. Department of State, *2021 Trafficking in Persons Report: United Arab Emirates, op. cit.*

177 This report includes as indicators of forced labour: paying illegal recruitment fees, not receiving wages or other benefits on time and in full; not having possession of travel documents; being subject to bullying or discrimination; not being able to leave a job when you want to; and the provision of inadequate accommodation or food. This is consistent with the ILO’s forced labour indicators, which are: abuse of vulnerability,

The US Department of State attributes the lack of prosecutions for forced labour offences to the fact that the UAE Government:

...did not routinely investigate as possible trafficking crimes violations of Emirati labour laws that exhibited trafficking indicators, such as passport confiscation, delayed or non- payment of wages, fraud, and contract switching; generally, the government treated these cases exclusively as regulatory violations, levying administrative fines or cancelling business licenses in lieu of criminal proceedings.¹⁷⁸



deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime. ILO Special Action Programme to Combat Forced Labour, *ILO Indicators of Forced Labour*, 2012.
https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

¹⁷⁸ U.S. Department of State, 2021 *Trafficking in Persons Report: United Arab Emirates*, *op. cit.*

Conclusion

new laws and standards will not work
without enforcement, trade unions

3



In November 2021, the UAE Government passed Federal Law No.33 of 2021 which updates the labour regulations governing the private sector.¹⁷⁹ These provisions will come into effect on 2 February 2022 and the Government has claimed that the new law will deliver a more flexible labour market and provide greater protections to workers.¹⁸⁰ Some of the protections which were highlighted in the media when Federal Law No.33 was announced mirror provisions that already exist in the current legislation (e.g. the prohibitions on: charging recruitment fees; retaining workers' documents; bullying or harassment; and requiring employees to work more than eight hours work a day without overtime).¹⁸¹

Nevertheless, Federal Law No.33 does contain some significant reforms including: the introduction of a minimum wage; a prohibition on discrimination based on race, colour, sex, religion, national origin, ethnic origin or disability; a requirement that the end-of-service payment must be made even if the employee resigns or their contract is terminated; and the introduction of new visa categories.¹⁸² While these positive changes should be welcomed, it is too early to assess what practical impact they will have as the details will be determined in regulations (e.g. what the minimum wage will be and how workers will change their sponsors under the new visa regime).¹⁸³

It should also be noted that Federal Law No.33 delegates wide-ranging powers to the MOHRE and the Cabinet to issue resolutions (e.g. to address the needs of the labour market or exceptional circumstances). These executive powers could be used to undermine other rights which are set out in the Federal Law, as took place when Resolution

No.279 of 2020 was passed and companies used it to temporarily or permanently reduce employees' wages. What is already clear is that Federal Law No.33 does little to address non-compliance with existing legislation by employers or the inadequate investigation and enforcement of the regulations by the UAE authorities. Both these issues are serious problems, as is evidenced in this report.

None of the companies employing the 30 migrant workers interviewed in detail for this report were fully complying with their obligations under the current law. This ranged from not properly performing their due diligence (e.g. checking whether recruitment fees had been paid or providing employees with written information on their rights at work) to being actively involved or complicit in breaking laws (e.g. not paying wages in full, retaining passports and allowing recruitment fees to be charged).

The UAE authorities are also failing to properly investigate companies and enforce the labour laws. This research found numerous examples of labour rights violations involving unpaid overtime, salary deductions, bullying/discrimination, passport confiscation and recruitment charges. However, in 2020, the labour inspectorate only identified two cases across the whole of the UAE in which any of the above abuses took place. Similarly, more than a third (37%) of participants in this research reported three or more issues at work which are indicators of forced labour, yet the UAE has never convicted any one for a forced labour offence.

The other structural problem which is ignored by the new labour law is the imbalance of power between migrant workers and their employers, which makes it very difficult for those experiencing

179 The law applies to the UAE's free zones, but not to the Dubai International Finance Centre and the Abu Dhabi Global Market. The provisions of the labour law will be extended to agricultural workers for the first time. Afridi and Angell, *New UAE Labour Law: In More Detail*, 14 December 2021. <https://www.lexology.com/library/detail.aspx?g=cd34a5cb-ae6-4f81-ac84-de7e63d0d6b4>

180 Gulf Today, *3-year-job contracts, mourning, paternal leaves as UAE updates labour laws for private sector*, 15 November 2021. : <https://www.gulftoday.ae/news/2021/11/15/uae-regulates-labour-law-for-private-sector-effective-from-february-2022>

181 Afridi and Angell, *op. cit.* and Fisher Phillips, *New federal legislation in the UAE marks a pivotal change for the Emirati employment sector*, 7 December 2021. <https://www.jdsupra.com/legalnews/new-federal-legislation-in-the-uae-4153865/>

182 *Ibid.*

183 The Government has said the visa system will make it easier for workers to stay in the UAE and move jobs, but the sponsorship system will continue and migrant workers will still require a labour permit which must be obtained by the employer from the MOHRE for each employee. Afridi and Angell, *op. cit.*

labour rights abuses to seek or obtain an effective remedy. This is reflected in the fact that none of the 30 interviewees who participated in the research reported or tried to address the problems they were having at work. The procedures for resolving disputes at work remain largely unchanged under the new law, with employees still being forced to file a complaint with the MOHRE and obtain a certificate that the dispute cannot be resolved by mutual agreement before they can proceed to the labour court.¹⁸⁴

Federal Law No.33 does not amend the current legislation to permit migrant workers to freely associate, organise, bargain collectively or form trade unions, nor does it guarantee workers access to independent and professional advice and representation to assist them in taking forward a complaint. Unless these structural problems are addressed, it is inevitable that migrant workers will continue to face violations of their labour rights in the UAE.

On paper, the UAE and Expo 2020 Dubai have established robust requirements for the protection of migrant worker's labour rights. Despite this, Equidem has uncovered non-compliance across

a range of labour law and welfare standards and in multiple different sectors. This indicates a significant disconnect between the Emirate's stated ambition of being a modern, international state and the reality of racial discrimination and forced labour practices that migrant workers are facing. With 192 country pavilions and some of the largest consumer brands as sponsors and partners, practically every major economy in the world is represented at Expo. The UAE's failure to protect migrant workers from forced labour also exposes its foreign state allies and international business partners at serious risk of liability for human rights violations in the country. If women and men are being subjected to these exploitative practices at Expo 2020 Dubai, where the resources available for monitoring labour compliance and the standards applied are higher than the national labour regime, questions must be raised about the risks of forced labour and other forms of exploitation in the UAE more broadly. Without active enforcement and recognition of workers rights to freedom of association, collective bargaining, and other trade union rights, the UAE's new labour laws will do little to address the country's labour exploitation crisis.

3.1 Recommendations

To the United Arab Emirates authorities

Equidem calls on the UAE Government to implement the following recommendations, and for all companies working in the UAE to support these measures and fully cooperate in their implementation.

- Properly investigate and enforce all complaints about breaches of labour laws. Indicators of forced labour should be proactively investigated and punished with criminal sanctions where appropriate. All breaches of the labour

laws and the sanctions imposed should be published on a regular basis and be made publicly available.

- Pass legislation recognising all workers' right to freely associate, organise, collectively bargain and form a trade union.
- Establish and enforce a whistle-blower protection law in line with international human rights law and standards.

¹⁸⁴ Federal Law No.33 does ensure that an employee is exempt from paying court fees if the claim is not over 100,000 AED (US\$27,248) and the MOHRE can order an employer to continue paying an employee's salary for up to two months while a grievance is pending. Afridi and Angell, *op. cit.*

- Ratify the International Labour Organization Conventions on Freedom of Association and the Right to Organize (No.87) and the Right to Organize and Collective Bargaining (No.98), as well as the 2014 Protocol to the Forced Labour Convention (No.29).
- Ensure that all migrant workers can freely change jobs without prior permission or penalties from their current employer and without it affecting their right to stay and work in the UAE.
- Ensure that those seeking redress through the Ministry of Human Resources and Emiratization (MOHRE) or the labour courts are able to access independent and professional advice and representation.
- Publish data on the number of people using the complaints procedures on a regular basis and make this publicly available. This information should be provided for cases addressed through both mediation and the labour courts and include the nature of the grievance and the outcome of the process.
- Ensure that the prohibition on discrimination contained in Federal Law No.33 explicitly prohibits both direct and indirect discrimination and applies to all workers, irrespective of their nationality and occupation.
- Revoke Resolution No.279 (2020) which allows companies to reduce migrant workers' wages temporarily or permanently.
- Take action to ensure that all workers are paid equal pay for equal work, regardless of their nationality or any other protected characteristic.
- Permit independent observers access to the UAE to monitor the treatment of migrant workers and issue an open invitation to all United Nations Special Procedures so that independent UN experts can review the UAE's compliance with its international human rights obligations.
- Pass legislation to provide long-term migrant workers with the opportunity to apply for permanent residency and citizenship.

To states represented at Expo 2020 Dubai

Equidem calls on the governments of states with national pavilions at Expo 2020 Dubai to conduct independent labour assessments on their sites at the megaproject. Where credible information of forced labour and other human rights violations are identified, these should be formally brought to the UAE authorities with a view to bringing perpetrators to justice and providing remedies to all victims.

To states of migrant workers employed at Expo 2020 Dubai

Equidem calls on the governments of states whose nationals are migrant workers employed at Expo 2020 Dubai to implement the following recommendations.

- Enhance and enforce existing protections against deception, coercion, fraud and other forms of exploitation with respect to the recruitment of migrant workers.
- Ensure no individual in your country seeking work at Expo 2020 Dubai or in the UAE is charged fees related to their recruitment, in line with and other international standards.
- Prosecute individuals and business within jurisdiction responsible for recruitment-related and other exploitation of migrant workers.
- Provide effective and adequate consular, social and labour claim support to migrant worker nationals subjected to exploitation at Expo 2020 Dubai and in the UAE.
- Work with the UAE authorities, business and civil society to investigate complaints of labour exploitation, and establish effective mechanisms for workers to safely lodge complaints from the UAE and when they have returned to their country of origin and obtain remedies and rehabilitative support.

To businesses at Expo 2020 Dubai

- Publicly commit to respecting human rights and labour rights and put in place adequate and transparent mechanisms to identify and prevent abuses due to business activities across the business and in supply chains.
- Review business practices and policies to ensure that the company does not commit or materially assist in the commission of acts that lead to human rights or labour rights abuses.
- Require full disclosure from all partners, clients and suppliers, and publish a list of all contractors, suppliers and companies in value chains.
- Seek expert guidance, including that of civil society, to embed the United Nations Guiding Principles on Business and Human Rights (UNGPs) and other relevant international standards across business activities.
- Ensure workers are able to exercise their right to freedom of association, right to organise, engage in collective bargaining and collective representation, and freedom of speech.
- Actively develop and encourage industry bodies that seek to advance and implement international standards on business and human rights, including but not limited to protections for whistle-blowing and human rights defenders.

To International Businesses and Investors in the United Arab Emirates

- Develop and implement policies and practices on business and human rights in line with the UNGPs and other relevant international standards that partners and contractors in the United Arab Emirates must respect as a legal requirement for doing business with you.
- Share specialist knowledge and expertise on business and human rights with counterparts and partners in the United Arab Emirates, including but with respect to the elimination of all forms of racial, gender, sexuality and other forms of discrimination.
- Seek expert guidance, including that of civil society, on how to identify, prevent and mitigate human rights risks due to business activities in Saudi Arabia, the United Arab Emirates, and Qatar.






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