



Call for input on the role of workers' organisations in preventing and addressing contemporary forms of slavery

About Migrant-Rights.Org

Migrant-Rights.org is a research and advocacy organisation based in the Gulf Cooperation Council (GCC) region that aims to advance the rights of migrant workers. For over 15 years, we have documented and spotlighted emerging migrant rights issues and abuses across the GCC; worked closely with key stakeholders across the ecosystem, supporting them to implement our recommendations in their unique contexts; and nurtured interregional networks of migrant rights organisations, to strengthen solidarity, knowledge sharing and community support. MR works closely with migrant workers, non-governmental organisations, activists, and civil society organisations across the region. The information and analysis provided in this report are based on our research on Qatar and our engagement with the above stakeholders.

About Shramik Sanjal

Shramik Sanjal is a migrant-worker-led nonprofit based in Kathmandu, Nepal, which seeks to promote, respect, recognition, and inclusion of Nepali migrant workers. With over 25 chapters and 740 members, our organization seeks to provide benefits, professional training, and community support to migrant workers located throughout the Gulf Cooperation Council (GCC) countries and Malaysia. If any further detail is needed see below.



Introduction

In the Gulf Cooperation Council (GCC) states (Saudi, UAE, Qatar, Oman, Bahrain, and Kuwait), labour unions are either prohibited,¹ or where they exist, do not fully include migrant workers, though they constitute between xx and xx of the labour force. However, this does not mean workers do not organise. They organise in stealth, or when they do participate in collective protests or bargaining, they are faced with criminalisation (as a threat to public order), detention and deportation.

Three of the GCC states – Kuwait, Bahrain, and Oman – do have trade unions, but they do not permit migrant workers to be voting members, and the rights of migrant workers are not prioritised. This submission focuses on migrant worker organisations in these three Gulf states.

These restrictions seriously impact the ability to advocate for workers' rights through collective bargaining. This absence of organised labour representation exacerbates weak protection for migrant workers, who often face exploitative conditions in the form of excessively long work hours, unpaid wages, substandard living conditions, and even confiscation of passports. These challenges are widespread across all GCC states. Despite these barriers, some migrant communities have addressed these issues by informally organizing workers across various sectors. One such initiative is Shramik Sanjal, an association led by Nepali migrants, which strives to empower workers in construction, hospitality, retail, domestic work, facility management, and factories. Through grassroots efforts and community organizing, Shramik Sanjal provides a platform for Nepali workers to voice their concerns and advocate for better working conditions, demonstrating the resilience and determination of migrant communities in the face of adversity.

¹ In Saudi Arabia, only national workers are allowed to form workers' committees in workplaces that employ more than 100 Saudi workers. Migrant workers are not able to join such committees.



Key questions

Are trade union rights, as protected by ILO Conventions Nos. 87 (Freedom of Association and Protection of the Right to Organise) and 98 (Right to Organise and Collective Bargaining), recognized in domestic legislative frameworks in your country? If so, please provide details including provision for remedies in case of breaches.

Only Kuwait has ratified both conventions, but the Committee of Experts on Application of Conventions and Recommendations found the state not fully compliant. Comments adopted by CEACR in 2022² urged the state to recognise the right to strike, to remove the legal conditions that only allow Kuwaiti citizens to set up a union, and to recognise domestic workers' rights to organise.

While Kuwait has permitted marginally more leeway in establishing civil society spaces compared to other Gulf states, it falls short of allowing collective bargaining and organising.

Bahrain and Oman have not ratified ILO conventions No. 87 and 98, and their domestic legislative frameworks regarding freedom of association and the right to organise do not align with the respective ILO conventions. Bahraini laws impose restrictions on freedom of association. For instance, Article 8(3) of the Trade Union Law of 2002 specifies that the Minister of Labour decides which trade union can represent Bahraini workers in international forums and collective bargaining with employers and their organisations at the national level. In the past, the Bahraini government has targeted trade union activists, resulting in the dismissal and prosecution of unionists from major Bahraini companies. These actions have drawn condemnation from international labour organisations such as the ITUC.

Although Oman's new labour law introduces new regulations for union activities and labour strikes, the right to freedom of association is strictly regulated by the state. Strikes are forbidden in several sectors, and the law grants the Minister of Labour the authority to designate sectors where strike bans apply at any moment. The new labour law penalises the worker who “obstructs or disrupts work in the establishment during the strike period” with imprisonment and/or fines.

² https://www.ilo.org/dyn/normlex/en/f?p=1000:13203:0::NO:13203:P13203_COUNTRY_ID:103423



Promotion of trade union rights for workers who may face a heightened risk of being exploited in contemporary forms of slavery, including women, young people, persons with disabilities, indigenous peoples, minorities, migrants, older persons, informal workers and LGBTQI+ individuals, who may or may not be unionised.

The General Federation of Bahrain Trade Unions has advocated for the rights of migrant domestic workers in Bahrain, who are particularly vulnerable to exploitation and forced labour. However, these efforts have been minimal and typically limited to a few events per year addressing domestic workers' rights. Last year, in collaboration with the International Domestic Workers Federation, the General Federation supported the establishment of Bahrain's first domestic workers union. Despite this initiative, the Bahraini government has not yet approved the registration of the domestic workers union.

Promotion of ratification and national implementation of relevant ILO standards by Member States, including Conventions No. 29 (Forced Labour) and its Protocol of 2014, 87 (Freedom of Association and Protection of the Right to Organise), 98 (Right to Organise and Collective Bargaining), 105 (Abolition of Forced Labour), 138 (Minimum Age), 182 (Worst Forms of Child Labour) and 189 (Domestic Workers);

All of the GCC states have ratified C029 and C105. Though the GCC is one of the largest receiving regions of migrant domestic workers, the states have not ratified C189. Qatar's ratification of the forced labour convention gave an entry point to make a complaint to the ILO GB for non-compliance in 2014³, which triggered a decade-long campaign to hold the state accountable for non-compliance, including setting up a technical co-operation with the ILO, and allowing access to global union federations such as ITUC, IDWF and BWI. Despite these developments, workers are still prohibited from organising and collective bargaining. In its place, the state has introduced joint workers committees, within companies that volunteer to have it. However, these are not spaces for negotiation. The changes brought about following the complaint – improved labour inspections, WPS, and joint committees, still do not apply to domestic workers who are often the victims of forced labour.

³ Complaint concerning non-observance by Qatar of the Forced Labour Convention, 1930 (No. 29), and the Labour Inspection Convention, 1947 (No. 81), made by delegates to the 103rd Session (2014) of the International Labour Conference under article 26 of the ILO Constitution, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_586479.pdf



Strikes are still not allowed, and several cases of workers facing deportation for protesting have been recorded. Language, network, and knowledge impediments exist for workers to access justice when there are legal violations of their contracts. The limitations on civil society mean in many of countries, migrant resource centres with legal aid and social workers are not available to help workers in distress.

Facilitation of access to justice and remedies (including legal, financial, immigration, subsistence or other forms of assistance) for workers exploited in contemporary forms of slavery.

In 2021, Bahrain's General Federation of Bahrain Trade as part of an ILO's Fairway initiative introduced a Legal Advice Unit to provide migrant workers, including those who are victims of forced labour, in Bahrain with legal support. The initiative however was short-lived and the General Federation provided minimal support, with most cases dealt with had to do with passport confiscation. Supporting the migrants who are most vulnerable to contemporary forms of slavery is primarily undertaken by civil society organisations, predominantly operated by migrants, such as the Migrant Workers Protection Society and the Pravasi Legal Cell.

Other actors such as financial institutions, service providers, academia, media and regional/international organisations (e.g., ILO)

In the absence of an active civil society, nationality-based organisations that are either informal or registered at origin play a key role. For example, Shramik Sanjal maintains a positive relationship with the Nepali Embassy across various GCC countries, receiving valuable support during challenging situations, especially when directly assisting vulnerable workers. Our strong collaboration extends to migrant rights defenders and civil society organisations with genuine intentions, fostering a high level of trust built through our dedicated work. While local authorities, companies, and employers may not openly welcome worker-organizing initiatives, we have successfully partnered with civil society organisations focusing on corporate accountability but not directly engaging with companies. These partnerships allow us to engage corporate actors, leveraging human rights issues and contributing to a more inclusive and supportive environment for the rights and well-being of migrant workers.

During the COVID-19 pandemic, MR worked with the ILO and Qatar Ministry of Labour on the educational messaging to domestic workers. Ministry of Labour also uses and disseminates guides for domestic workers and employers that MR has developed.



Are there workers' organisations dedicated to organizing and defending the rights of workers in certain sectors with higher risks of labour and/or sexual exploitation (e.g., agriculture, fishing, construction, services including hospitality, manufacturing, domestic work, and non-standard forms of employment) or at-risk populations (e.g., indigenous peoples, migrants and refugees, minorities, older workers, workers with disabilities and informal workers) in your country? If so, please provide details, including tailored prevention or protection activities.

Sectoral unions do not exist. In the case of Qatar where the state and the ILO's office there engage with global sectoral unions such as ITF, IDWF, BWI, ITUC and Uniglobe, the role of their representatives on the ground is restricted to that of liaison officers and they are not allowed to organise workers.

Similarly, though joint workers committees have been introduced, these are not sectoral and are restricted to individual companies.

Recommendations

- Allow unionising, and where it exists, full inclusion of migrant workers in all sectors, including domestic service sector and the informal sector
- In the interim, make joint workers committees mandatory
- Permit collective bargaining and action, including peaceful protests and class action suits for all workers, including migrant workers in all sectors, Irregular workers, whether part of unions or not, must be allowed to access off their labour rights, and collective bargaining
- Require businesses of a certain size to establish joint workers committees, and implement transparent grievance settlement mechanism. Such mechanisms must include indirectly workers
- Establish independent migrant workers resource centres that not only provide information on laws but also legal aid when there are violations/exploitations. These centres would also help workers build a strong community of peers, that does not always exist.