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وزارة التنمية الإدارية والعمل والشؤون الاجتماعية
MINISTRY OF ADMINISTRATIVE DEVELOPMENT, LABOUR & SOCIAL AFFAIRS

TERMS OF REFERENCE

Analysis of statutory and non-statutory standards related to working and living conditions

As per the Technical Cooperation Programme between Qatar and the ILO

Output 3.1: “Assessment of legal and implementation gaps of Law No. 21, Law No. 14, and other relevant laws and regulations regulating recruitment and employment, including the need for further revision in line with ILO’s committee of experts’ comments¹.”

Output 2.3 “OSH policy implemented with a clear strategy”

Output 5.5.1 “Conduct a review of the joint committees regulated in labour law to produce recommendations for the strengthening of the regulations and the establishment of these committees”

Dates: 10 February – 31 May 2020

BACKGROUND

The Government of Qatar and the International Labour Organization have embarked on an ambitious Technical Cooperation Programme in 2018, focusing on introducing labour reforms in several key areas.

One objective of the programme is to conduct a thorough analysis of national legislation and other standards related to recruitment, working and living conditions, as well as enforcement procedures.

The main instrument that regulates workers’ working and living conditions is Qatar’s [Labour Law No. 14 of 2014](#). Labour recruitment is further regulated by [Law No. 21 of 2015 on entry, exit and residence of expatriates](#). Several Ministerial Decisions on recruitment, working conditions, accommodation, occupational safety and health, and workplace cooperation complement those laws. In addition, sector-specific legislation has been enacted to regulate working and living conditions of specific group of workers such as domestic workers (covered by the [Law No. 15 of 2017 on domestic workers](#)) or public servants (covered by the [Law No. 15 of 2016 Promulgating the Civil Service Human Resources Law](#)).

Since a few years, Qatar’s labour laws and regulations have been supplemented by non-binding standards adopted by the Supreme Committee for Delivery and Legacy (SC [Workers' Welfare Standards](#), 2014) and Qatar Foundation ([QF Mandatory Standards](#), 2013). Those two sets of standards provide more details and increased protection for workers on many aspects and cover a broad range of requirements from the recruitment and tendering stage, to the employment relationship, accommodation standards and planning requirements as well as monitoring mechanisms. They apply to all contractors and sub-contractors of the SC and the QF, mostly in the construction sector. However, the standards of the SC are being slowly extended to the hospitality

¹ Practical guidance on *labour relations* in consultation with Taawon is already being developed under the Pillar 5 of the ILO-Qatar Technical Cooperation Project, and will thus not be included in those terms of reference.



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industry through the signing of framework agreements with hotels for the lodging of the fans and football delegations ahead of the 2022 World Cup.

In addition, sectoral standards have also emerged. In the construction sector, the Public Works Authority 'Ashghal' adopted the [Worker Accommodation Planning Regulations](#) in 2016, which focuses on workers' accommodation requirements, and apply to all Ashghal's contractors.

The Qatar Construction Specification 2014 (QCS), produced under the lead of the Ministry of the Environment, provides detailed, technical guidance for those involved in the construction industry. Section 11 of the QCS, sets out a standard for '*Safety and Accident Prevention Management/Administration System*'. Those responsible for the Qatar Government's construction procurement programme, including the SC, Ashghal, and Qatar Rail (QR), all apply QCS as a mandatory contractual requirement on their contractor/subcontractor chains when they are commissioning construction activities. However, QCS does not form part of Qatar law, and is therefore not enforced by labour inspectors.

The financial sector has seen the development of innovative regulations, such as the [Qatar Financial Center \(QFC\) Employment Regulations](#) of 2016 enacted by the Ministry of Economy and Finance. Those Regulations apply to employees of the QFC Authority, the Regulatory Authority, the Civil and Commercial Court and the Regulatory Tribunal, as well as employees of QFC Institutions and Entities.

The Oil and Gas sector has also adopted a set of specific standards, including [Qatar Petroleum health and safety regulations for contractors](#).

Finally, in the hospitality sector, Qatar National Tourism Council licensing and classification manuals include standards related to worker's working and living conditions. All hotels being licensed and classified in Qatar have to respect those basic requirements.

The creation of those supplementary standards had a positive effect on the improvement of working and living conditions in Qatar, especially in the construction sector. However, employers have started to point the challenges of applying different set of standards when working for different clients. The multiplicity of standards going beyond statutory requirements has created a system whereby contractors can apply higher standards when working on a contract with clients such as the SC or QF while lowering their standards' practices to recover some of their costs on non-SC and QF related projects.

Those discrepancies are prompting the call for a shared set of standards on working and living conditions, including very recently from the FIFA Human Rights Advisory Board. An analysis of the standards in relation to each other, and against national legislation and international labour standards is an important starting point leading to recommendations for possible changes on national legislation and other standards.

To this end, for example, the ILO is developing a practical guidance on workplace cooperation. Module one of the guidance defines the roles and responsibilities of worker and management representatives in relation to each of the issues that joint committees are mandated to address according to article 126 of the labour law (i.e., regulations, productivity, trainings, safety and health, cultural awareness, social services, individual and collective disputes). Module two defines and operationalizes employee participation rights (i.e., information, consultation and negotiation rights). Module three covers operational steps, including templates and tools, for the building and management of a joint committee. Module four introduces leadership development skills for worker representatives, such as communication skills. The guidance was designed following a thorough review of existing employee cooperation mechanisms in Qatar. The guidance will be discussed and validated by the Taawon platform. Taawon is the community of practice (CoP) on workplace cooperation in Qatar which



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Provision of food									
OSH									
Accommodation									
Enforcement mechanisms									

DELIVERABLES

Deliverable	Number of days required	Tentative deadline
1. Based on an initial briefing from the ILO Project Office in Qatar, propose a framework of analysis with areas to be compared, according to International Labour Standards' coverage, and previous comments of ILO's Committee of Expert on the State of Qatar.	3 days	17 February 2020
2. Identify and list all statutory and non-statutory standards related to working and living conditions in Qatar according to the framework developed, including in key sectors if any (i.e. construction, hospitality, oil and gas).	30 days	23 March 2020
3. Based on the analysis of the different standards in Qatar, propose recommendations to adapt, if necessary, the national legislation and non-binding standards in accordance with ILS, and based on the comments and the General surveys of the CEACR. This analysis should be included in a report in English.	15 days	19 April 2020
4. Revise draft report based on ILO comments.	5 days	11 May 2020
5. Provide comments on the draft amendments to Qatar's national legislation prepared by the ILO Project Office in Qatar. This would include amendments related to: a) accommodation, labour recruitment and placement legislation.	8 days	24 May 2020

All deliverables will be submitted to **Alix Nasri**, Labour Migration and Employment Specialist, at nasri@ilo.org and **Niyama Rai**, Technical Officer at niyama@ilo.org. The technical team of the ILO Project Office in Qatar will provide inputs and feedback on different aspects of the assignment.

PAYMENT SCHEDULE

To be confirmed upon selection of the external collaborator.



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REQUIRED QUALIFICATIONS

The consultant is expected to have:

- Expertise in the area of international labour standards;
- Experience in the area of reviewing statutory and non-statutory standards related to working and living conditions in key sectors;
- An understanding of the national legislations related to working and living conditions in Qatar;
- An understanding of the different standards related to working and living conditions in Qatar including sectoral standards;
- An understanding of the labour market context in Qatar;
- Have proficiency and ability to draft quickly and clearly in English (in addition, knowledge of Arabic would be preferred);
- Ability to work under time pressure and meet deadlines; and
- Ability to work collaboratively.

SELECTED SOURCES

National Laws and regulations are available on the ILO NATLEX portal².

- Qatar Financial Center [Employment Regulations](#), 2016.

Non-binding standards:

- Supreme Committee for Delivery & Legacy's, [Workers' Welfare Standards, Edition 2](#), 2014.
- Qatar Foundation [Mandatory Standards of Migrant Workers' Welfare for Contractors & Sub-Contractors](#), 2013.
- Ashghal [Worker Accommodation Planning Regulations](#), 2016.
- Migrants-Rights: [Migrant Workers Welfare Standards](#).