



STRONGER TOGETHER

**CONGRESS**

Irish Congress of Trade Unions

10 January 2014

Mr Enda Kenny, TD  
An Taoiseach  
Department of An Taoiseach  
Government Buildings  
Merrion Street  
Dublin 2

**Re: Recent Trade Delegation to Gulf States**

Dear Taoiseach,

I am writing to you in relation to the trade mission to the Gulf States this week and the failure by the delegation to integrate human rights into what were doubtless very important and useful discussions. Congress welcomes such delegations and the important role they can play in job creation and possible recovery here. However, the statement by yourself and Minister Richard Bruton that "it was not an appropriate forum to raise human rights concerns" is very disappointing and a failure to recognise the fact that the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) stated that:

*"We renew our commitment to the observance of internationally recognised core labour standards."*

The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, adopted by the 174 member countries of the ILO in June 1998 and in the Declaration on Social Justice for a Fair Globalisation, adopted unanimously by the ILO in 2008.

The delegation could have used the opportunity presented by the visit to draw the attention of the authorities in Qatar, UAE and Saudi Arabia to their obligation to observe and respect core labour standards and to suggest that they request that the ILO intensify its work with the Governments concerned and provide a report to the WTO General Council on the occasion of their next trade policy review.

There have been many reports of serious and widespread human right violations in all three countries visited by the Irish delegation. In relation to people's fundamental rights at work, I have attached a summary of the situation in Saudi Arabia, UAE and Qatar (see Appendix).

Your own statement in the face of such evidence that you assume "*that those who work internationally on such projects (in Qatar) would have proper working conditions and proper facilities and I expect that to be the way*", is therefore particularly disappointing.

Also, as Ireland is a member of the United Nations Human Rights Council, a degree of leadership from Government on such issues might have been expected.

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Finally, may I conclude by saying that one of Ireland's greatest assets is our universal reputation for solidarity with the world's poorest and most vulnerable. In this regard, our development aid policy has been officially defined as a "*practical expression of our values as a nation*". Trade missions are greatly facilitated by this 'reputational capital'. Sadly, this capital is undermined when our representatives signally fail to acknowledge human rights abuses and to stand up for our values as a nation. One could draw the conclusion that Ireland's trade interests are now to trump our human rights commitments.

I trust that this is not in fact the case and that the current review of our foreign policy will reiterate such a stance and perhaps begin to develop policies and mechanisms to ensure the integration of our trade and human rights concerns in future trade delegation visits.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'David Begg', with a stylized, cursive script.

David Begg  
General Secretary

## **Appendix:**

### **Violations of people's fundamental rights at work:**

#### **Saudi Arabia**

Saudi Arabia has ratified six core ILO labour Conventions. In view of restrictions on the trade union rights of workers, discrimination, child labour, and forced labour, determined measures are needed to comply with the Governments commitments outlined above. Saudi Arabia has however not ratified either of the two ILO core conventions on trade union rights to organise and collective bargaining (Conventions 87 & 98). Unions, collective bargaining and strikes are not allowed by law. Workers' committees exist but can only meet with the participation of the employer and the government. The law has been enforced against various strikes that have occurred.

The law discriminates against women, who face significant difficulties in finding employment. Those who work earn disproportionately little income. There are also extreme cases of abuses of migrant workers' rights, especially female migrant domestic workers.

Child labour is prohibited but occurs in Saudi Arabia. Victims of its worst forms are mainly migrant child domestic workers and Asian girls trafficked for prostitution. Saudi Arabia's law and systems do not protect migrant workers, especially domestic workers, against abuses and conditions akin to slavery. Thousands of workers are victims of extreme treatment, work long hours, live in confined conditions and in general are deprived of their basic freedoms. The authorities have repeatedly failed to address the issue adequately and redress these violations.

The deliberate lack of respect for fundamental rights in law and practice by Saudi Arabia is reflected in negative pressures against trade unions throughout the Gulf countries

## **UAE**

The United Arab Emirates (UAE) have ratified six core ILO labour Conventions. In view of restrictions on the trade union rights of workers, discrimination, child labour, and forced labour, determined measures are needed to comply with their commitments. The law does not provide the right to organise, collective bargaining and strike. The government has used its powers to limit unwanted action by professional associations. Reports show grave problems of workers' abuses and exploitation by employers.

The law contains discriminatory provisions against women, homosexual persons and persons living with HIV/AIDS. In practice, women face significantly higher unemployment rates, a considerable pay gap and lower participation in senior positions and in the workforce in general.

The law regulates child labour but is not in conformity with Conventions No. 138 and No. 182. Child labour occurs.

The sponsorship system makes migrant workers vulnerable to various forms of forced labour and exploitation. Especially in domestic services and in construction, there are many workers who are not free to leave their jobs. They are obliged to work for long hours under harsh conditions, suffer abuses and are sometimes unpaid for months.

## **Qatar**

Freedom of association / Right to organize: Barriers to the establishment of organizations: Excessive representivity or minimum number of members required for the establishment of a

union. Each of the General Committees, which together make up the General Union of Workers of Qatar, must have a minimum of 100 members.

Restrictions on workers' right to form and join organizations of their own choosing: Single trade union system imposed by law and/or a system banning or limiting organising at a certain level (enterprise, industry and/or sector, regional and/or territorial, national). The country's Labour Code allows for only one trade union: the General Union of Workers of Qatar, made up of the General Committees covering workers in different trades or industries.

Restrictions on trade unions' right to organize their administration: Restrictions on the right to freely draw up their constitutions and rules. Workers' organisations are prohibited from engaging in any political activity, from distributing materials that insult the state or the government, from entering into financial speculations, and from accepting gifts without the approval of the Ministry.

Administrative authorities' power to unilaterally dissolve, suspend or de-register trade union organisations. The Minister may dissolve any workers' organisation that carries out activities that are prohibited by the Labour Law.

Categories of workers prohibited or limited from forming or joining a union, or from holding a union office: Domestic workers - People performing domestic work, such as drivers, nurses, cooks, gardeners and similar workers are not allowed to organise.

Agricultural workers - Workers employed in agriculture and grazing, apart from self-employed persons and those who are permanently employed in the operation or repair of necessary agricultural mechanical appliances, are not allowed to organise. Other civil servants and public employees - Government employees are not



allowed to organise including: Police, and Armed forces. Other categories: Workers employed at sea as well as casual workers are not allowed to organise.

Right to collective bargaining: Restrictions on the principle of free and voluntary bargaining - Exclusion of certain matters from the scope of bargaining (e.g. wages, hours). The law allows trade unions to carry out collective bargaining but heavily curtails this right by maintaining government control over the rules and procedures for bargaining, including restrictions on the content, scope, duration and interpretation of the agreements.

Restrictions on the scope of application and legal effectiveness of concluded collective agreements: Restrictions on the duration, scope of application or coverage of collective agreements.

Right to strike - Barriers to lawful strike actions: Previous authorisation or approval by authorities required to hold a lawful strike. The Ministry of Labour, in coordination with the Minister of Interior Affairs, must approve the time and place of a strike.

Obligation to observe an excessive quorum or to obtain an excessive majority in a ballot to call a strike: In order to call a strike,  $\frac{3}{4}$  of the General Committee of the workers in the trade or the industry must approve of the action. Excessively long prior notice / cooling-off period - Workers' committees are requested to give the employer a period of not less than two weeks before commencing the strike.

Compulsory recourse to arbitration, or to long and complex conciliation and mediation procedures prior to strike actions: A lengthy dispute resolution procedure must be exhausted before a lawful strike can be called.

Other undue, unreasonable or unjustified prerequisites: In the private sector, although most workers have the right to strike, they can do so only after the Labour Department of the Ministry of Civil Service has ruled on the dispute, which effectively neutralises the purpose of striking.

Undermining of the recourse to strike actions or their effectiveness: Absence of specific protection for workers involved in lawful strike actions (e.g. against dismissal). Under the same conditions as for workers in the private sector, employers are authorised to lock out or sack workers.

Limitations or ban on strikes in certain sectors: Undue restrictions for "public servants". Civil servants cannot strike. Discretionary determination or excessively long list of "essential services" in which the right to strike is prohibited or severely restricted. No worker in a public utility, health or security service can strike if it harms the public or causes damage to property. Workers in petroleum- and gas-related industries, seaports and all forms of transportation fall under this category.

Other limitations (e.g. in EPZs) - Domestic workers cannot strike.

On the eve of the third anniversary of Qatar winning the controversial bid to host the 2022 World Cup, an international trade union delegation to Qatar found no improvement in living and working conditions of migrant workers there. This is despite the growing international pressure of other Governments, human rights organisations and FIFA, all calling for fundamental workers' rights and an end to the Kafala system.

Professional and poor workers alike tell the same stories; they came to Qatar with optimism and good will, only to face despair when

their employer decides they are disposable and refuses to pay wages, sack them without benefits and or refuse to sign their exit permit.

Despite many offers of support for change, the Government has refused to make any serious commitment to implement workers' rights.

During the four-day visit the eleven member international delegation held worker hearings, and was shocked by the increasing numbers of women and children in detention centres and rising discontent and unrest of workers in squalid labour camps.

In summary they concluded that "What we've seen this week can be summarized as how not to design a system for the global workforce on any basis: human and labour rights; good will and international reputation; or productivity based on loyalty and efficiency. "International companies should be on notice about the reputation risk of doing in business in Qatar without respect for workers' rights.

The ITUC estimates 4000 more workers will die before a ball is kicked in the World Cup, unless Qatar introduces reforms and meets international labour laws. The full report – Qatar: Grand ambitions, Wretched lives - is available here:

<http://www.equaltimes.org/report/qatar-grand-ambitions-wretched-lives>