

AMNESTY INTERNATIONAL

Unpaid and abandoned: the abuse of Mercury MENA workers

Part 1: Qatar

“Promises won’t feed my family”

In October 2017, at the very moment when Qatar was announcing that it would embark on a series of landmark reforms that could drastically improve the country’s poor record on workers’ rights ahead of the 2022 FIFA World Cup, dozens of migrant workers employed by an ailing mechanical, engineering and plumbing company called Mercury MENA were stranded at their camp in Doha’s industrial area.

Having worked for months without pay on some of Qatar’s most prestigious infrastructure projects, including the new “future city” of Lusail where the World Cup will both open and close, these workers were now struggling to feed themselves while they waited in vain for Mercury MENA to pay them what they were owed so they could return home.

In this article Amnesty International analyses the cases of 78 former Mercury MENA workers originating from India, Nepal and the Philippines, exposing a series of labour abuses committed by the company, including persistent non-payment of wages, non-provision of legal documentation and restrictions of freedom of movement. Abuses that were facilitated by Qatar’s exploitative “kafala” sponsorship system that trapped these workers in a maze of exploitation.

Still owed thousands of dollars of salaries and benefits, the Mercury MENA workers have returned home, many in greater debt than when they first left. Their plight urgently requires a remedy, and Amnesty International is calling on the Qatari authorities to provide compensation for the money owed. It also provides a stark reminder of the need to fully

deliver on the promises Qatar has made to overhaul the country's labour system, ensuring fair pay, decent working conditions and the freedom of employees to change jobs and have a say in their future. If they do not, such stories will never cease.

This is the first of two articles, with the second article looking into the abusive practices of companies recruiting for Mercury MENA in Nepal.

Ernesto's story: A worker's worst nightmare

In November 2015, Ernesto (not his real name) boarded a plane from Manila in the Philippines and headed towards the promise of well-paid work in Qatar. Like hundreds of thousands of other migrant workers in Qatar, he had come to work on some of the country's most ambitious projects, many linked to the hosting of the 2022 FIFA World Cup, hoping to earn a living, send money back to his family and repay debts he had incurred to pay recruitment agencies back home.

Ernesto had been recruited by an agency in the Philippines on behalf of Mercury MENA, a specialist mechanical, engineering and plumbing contractor. He was assigned as a piping foreman to work in Lusail, Qatar's US\$45 billion "future city" that will eventually house more than 260,000 people and host the 2022 World Cup's opening and closing games.

Ernesto told Amnesty International that he had dreamed that Qatar would offer "greener pastures", yet it did not take long for this dream to sour. In the end he would return home two years later, poorer and in greater debt than when he left.

Ernesto told Amnesty International in October 2017 that his problems began at the start of his employment with Mercury MENA in November 2015. Although Ernesto initially received a 12-month work visa, the company failed to provide him with his residency permit card, despite it being a legal obligation for the company to do so within 30 days of a migrant worker's arrival, and despite the fact that workers can face fines for not having correct papers. In the following months, he said his salary payments also began to be delayed, as it became apparent that the

company was experiencing financial problems.¹

Desperate to work and to get the money he was owed so that he could support his family, Ernesto initially continued working for Mercury MENA, hoping that his employer would resolve the problems. But with the expiry of his work visa on the horizon, little prospect of regular pay cheques, and no sign of the residency permit that would regularize his status, Ernesto decided in March 2016 that he wanted to return to the Philippines. He asked his recruitment agency to buy him a ticket home, and sought the permission of his company for an exit permit to leave Qatar – as required by the country’s sponsorship law.

However, Ernesto says that his project manager at Mercury MENA refused his request to leave, giving him no other option but to stay and work, with his livelihood reliant on promises of wages that were often not kept, and with the risk of detention because of his lack of a residency permit.

With no other options, Ernesto continued working for Mercury MENA at Lusail. Serious problems persisted, despite reassurances from local management that salaries would be paid, and once again between December 2016 and March 2017 he received no salary payments from Mercury MENA. As a result, Ernesto said that other workers at his labour camp – including colleagues who had been waiting at the camp for six months for their salary so they could go home – began to take action to put pressure on the company. Some workers refused to board company buses to go to work, while Ernesto and his other Filipino colleagues filed a complaint before the Ministry of Labour’s Labour Relations Department in March 2017, which then progressed to the Labour Courts after Mercury MENA failed to attend any of the scheduled “mediation” sessions.

Under increasing pressure, Mercury MENA paid Ernesto one month’s wages in April 2017. At the time of the completion of his project in August 2017, and with his case stuck in notoriously inefficient Labour Courts proceedings, Mercury MENA issued Ernesto with a final settlement

¹ In April and November 2017, two Mercury MENA managers told Amnesty International the company had serious cashflow problems, with one blaming contractors amending project requirements without adjusting payments, and another highlighting the effects of reduced oil prices on the construction industry.

document confirming the company still owed him 20,436 QAR (US\$5,612), but made no payment of the owed amount.

Staying in Qatar while waiting in vain for his payment, and heavily in debt, Ernesto thought he had found a partial solution to his problems when, on 1 October 2017, he was offered a job elsewhere in the country, at an oil well maintenance company in Dukhan. In contrast to his previous request for an exit permit, this time Mercury MENA agreed to grant him a “No Objection Certificate” (NOC) confirming that Mercury MENA would not oppose the transfer of his sponsorship to the new employer. This agreement would come with a sting in its tail, however, as a company representative said that Ernesto would have to renounce any claim to his unpaid wages. Desperate enough to consider accepting that, Ernesto was nevertheless unable to take the job because he had almost 2,000 QAR (US\$549) in outstanding fines imposed on him for not having a valid residency permit – something Mercury MENA had never provided him with despite being legally obliged to do so.

On 15 November 2017 Ernesto eventually left Qatar after the Ministry of Interior’s Search and Follow-Up Department, which is responsible for enforcing Qatar’s sponsorship law, agreed to waive his fines and send him home six months after his work visa had expired – and 18 months after first requesting to leave. He left still being owed four months’ wages and in greater debt than when he arrived, telling Amnesty International that his dreams had been “shattered”, and that “depression” would be at the forefront of workers’ thoughts when they watch the World Cup in 2022.

Vivek, working without pay to build “world-class” accommodation for other migrant workers

Ernesto was not alone in facing this situation; much of Mercury MENA’s workforce were facing similar problems. Between April 2017 and April 2018, Amnesty International analysed the cases of 78 Mercury MENA employees in Qatar who faced similar ordeals, interviewing 44 workers and reviewing documentation relating to 34 others. Fifty-eight of the workers came from Nepal, 15 from India and five from the Philippines. Some had worked for Mercury MENA for many years, but most had arrived since 2015. Amnesty International continues to be in touch with some of them.

Most workers interviewed by Amnesty researchers are owed between 5,000 QAR and 9,000 QAR (US\$1,370 and US\$2,470) in both salaries and end of service benefits, with one more senior worker owed as much as 89,907 QAR (US\$24,692) after more than a decade of service. Many of these workers lived in the “Street 3 camp” in the industrial area of Qatar’s capital city, Doha. In this camp alone, 143 workers were affected by unpaid salary problems since March 2017, while problems faced by Mercury MENA workers had been also been reported in the media in [Bahrain](#) and by [workers in the United Arab Emirates](#) (UAE). In February 2018, Amnesty International wrote to UAE and Bahrain asking for information about problems facing Mercury MENA workers in their countries, and any steps they had taken to help, but did not receive any response. In contrast to Qatar, Amnesty International also did not receive permission to enter either country to research the claims.

Those we interviewed worked on some of Qatar’s most prestigious projects including the “future city” of Lusail, the Qatar National Library, Mesaieed Workers’ Hospital, and, with great irony, the Barwa al Baraha workers’ accommodation complex (also known as Barwa village) – a new [53,000-capacity ‘state-of-the-art’ development](#) often used by the Qatar authorities to showcase claims that migrant workers, notably those working on World Cup sites and other high-profile projects, are well treated.

On the [Lusail City project](#), Mercury MENA was a contractor on the “CP2” development, contracted by Lusail Real Estate Development Company (LREDC), which itself is a subsidiary of the Qatari Diar Real Estate Investment Company (Qatari Diar). Amnesty International understands that [Qatari Diar](#) is the real estate branch of Qatar’s sovereign wealth fund, the Qatar Investment Authority. On the Barwa Al Baraha labour accommodation project, Mercury MENA was subcontracted to complete plumbing, drainage and electrical works for the main contractor, Construction & Reconstruction Engineering Co. Qatar (CRC). The ultimate client on this project was [Barwa Real Estate Group](#) (Barwa), whose major shareholder (45% stake) is also Qatari Diar..

One of the Nepali workers at the Barwa al Baraha complex, Vivek (not his real name), described to Amnesty International researchers the problems

he faced after he started working for Mercury MENA as an electrician in May 2015, fitting out dormitories and communal areas. Like Ernesto, Vivek suffered from salary delays, irregular payments and, in March 2017, the expiry of his work visa as the company had not taken the necessary steps to renew it.

Unwilling to live in fear of arrest, and exasperated with working without regular pay, he decided to resign and submitted a request to the company's local management to leave Qatar. He said the company authorized his request on 2 April 2017, but did not give him the salary he was owed – instead making verbal promises of pay upon the project's completion, once the funds from clients were transferred to Mercury MENA. Deciding he had little choice but to continue working until the project was completed, in June 2017, he then continued to wait in the camp without work, in the vain hope of receiving his unpaid salary and end of service benefits.

In October 2017, Vivek was still waiting to receive the money Mercury MENA owed to him when he contacted Amnesty International to describe how, when seeking help, he had been passed “from pillar to post” by the police and two different departments in the Ministry of Labour, as well as his own embassy. He said that in the end none of them assisted him. Finally, in November 2017, Vivek ended his wait and decided to borrow money from his family to book a flight home, despite still being owed 8,607 QAR (US\$2,364) for four months' unpaid wages and his end of service benefits.

Mercury MENA – evading responsibility and accountability

“Working at Mercury is like a lottery, if you are lucky you get your salary”.

- Joseph, Mercury MENA employee

The evolution of Mercury MENA

[Mercury MENA](#) is a specialist mechanical, engineering and plumbing contractor working in a number of countries in the Middle East and North Africa. It was [previously](#) known as Mercury Middle East, which itself was a subsidiary of Irish company Mercury Engineering. Mercury Middle East was at the centre of Qatar’s 2022 World Cup bid, as [playing a key role in the construction](#) of a 500-seat showcase stadium with state-of-the-art cooling technology that was central to Qatar’s winning presentation to FIFA in December 2010.

In 2013, Mercury Middle East [rebranded](#) as Mercury MENA following a period of restructuring when the CEO of Irinatech, another regional construction company, took over as President and CEO. Information on corporate ownership in Qatar remains inaccessible, and changes are difficult to verify, but the current CEO of Mercury MENA described Irinatech as their “parent company” in a call with Amnesty International in November 2017. In public interviews, the [CEO of Mercury Engineering has also said](#) that the Irish company no longer has projects in the Middle East.

In February 2015, all Mercury Middle East workers interviewed by Amnesty International received notification that their sponsorship had been transferred from Al Mana Trading (Mercury Middle East’s local partner) to Mercury MENA. A long-standing employee at the company told Amnesty International researchers that it was at this point that the “the first sign of problems” began to emerge, when waves of senior staff from the Mercury Middle East era began to leave in 2015.

Mercury MENA has a responsibility to respect human rights, including the right to just and favourable conditions of work and right to an adequate standard of living, as set out in international standards on business and human rights such as the UN Guiding Principles on Business and Human Rights (UNGPs). As noted in Principle 11 of the UNGPs the responsibility to respect human rights “exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations” and “it exists over and above compliance with national laws and regulations protecting human rights”.

Amnesty International believes that Mercury MENA has failed to meet its responsibility to respect human rights, because of its persistent failure to

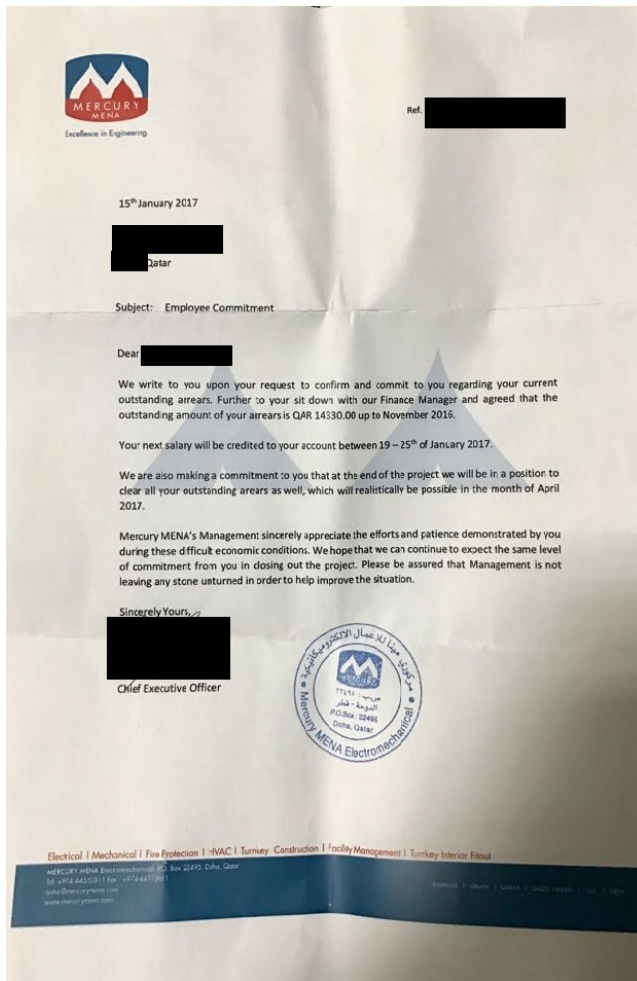
pay workers, its failure to provide legal documentation and, in some cases, the restrictions it placed on workers' ability to move jobs or leave the country. These restrictions include: the company refusing workers' requests to leave Qatar; the company only allowing workers to move jobs if they renounced any claim to unpaid wages; workers being unable to move jobs because of fines imposed for not having valid residency permit cards; and workers continuing to work on Mercury MENA projects or staying in Qatar in the hope of receiving unpaid wages, including on the back of promises of payment by the company.

Where non-payment of wages occurs over a long period of time whilst also being subject to manipulation as experienced by Mercury MENA workers it can [potentially amount to forced labour](#) as it increases vulnerability and the risk of suffering other human rights abuses or violations.

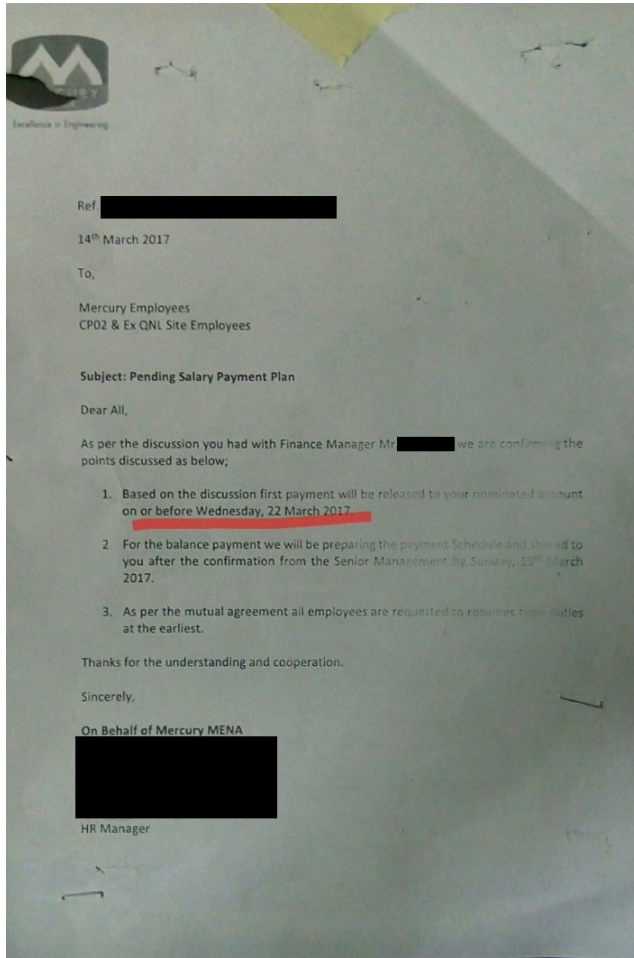
Mercury MENA's actions have also been contrary to Qatari law, which despite the major flaws inherent in the country's sponsorship system still provided some limited protections for workers. For example, Article 66 of Qatar's 2004 Labour Law, later replaced by the provisions of Article 66 of Law No. 1 of 2015, for example, requires employers to pay workers on time, while Article 9 of the 2009 Sponsorship Law and its replacement (Law No. 21 of 2015) obliges companies to provide valid identity documents for migrant workers.

From both letters and messages sent by Mercury MENA managers to workers, and interviews with Amnesty International, it is clear that Mercury MENA's management were fully aware, at the highest levels, of the problems with salary payments, and made repeated – but ultimately unfulfilled – promises to affected workers that they would be resolved.

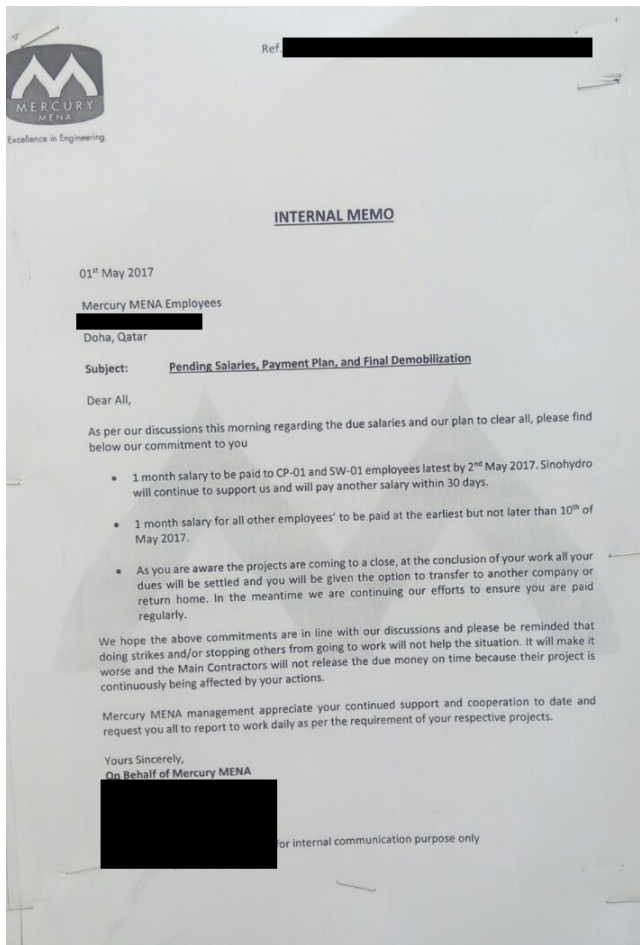
For example, on 15 January 2017, a Filipino employee received a letter (reproduced below) signed by Mercury MENA's CEO confirming that the company owed him 14,300 QAR (US\$3,920), promising that he would receive his next wage payment the following week and that at the end of the project the company would "be in a position to clear all outstanding arrears", realistically in April 2017. The letter also made clear that Mercury MENA expected "the same level of commitment from [him] in closing out the project".



Two months later, on 14 March 2017, Mercury MENA sent all of its employees working on the Lusail CP2 project a memo promising a wage payment by the 22nd of the month, and that a payment schedule for workers' outstanding balances would be communicated by 19 March once agreed with senior management, adding that "all employees are requested to resume their duties at the earliest."



Then on 1 May 2017, Mercury MENA sent a memo to all workers at their camp, promising payment of one month's salary and highlighting that "at the conclusion of your work all your dues will be settled and you will be given the option to transfer to another company or return home." The memo added that strikes "will not help the situation". Workers interviewed by Amnesty International did not receive the promised payments.



On 10 October 2017, Amnesty International researchers also spoke with the company's current sponsor,² a retired Qatari general, who confirmed that the financial situation of the company was very bad and that many migrant workers had not been paid for months and were unable to return home. He claimed that he had been misled when he took over the local ownership of the company. He also said that the Ministry of Labour had blacklisted the company, preventing them from recruiting new migrant workers, and that he had been banned from leaving the country – something confirmed by officials at Qatar's Ministry of Administrative

² Until May 2018, Qatari law required foreign limited liability companies operating on its territory to appoint a Qatari national as the [sponsor](#) and a majority shareholder. In May 2018, Qatar approved a [draft law](#) which will allow 100% foreign ownership for businesses in all sectors.

Development, Labour and Social Affairs (ADLSA).

On 13 November 2017 Amnesty International researchers also spoke to the CEO of Mercury MENA by phone, after we had emailed him detailing allegations of serious labour abuses and a food crisis affecting many of his company's workers, who were at this point still stranded in their camp.

The CEO acknowledged long-standing pay delays but denied exploiting workers. He said that Mercury MENA had been the victim of unscrupulous business partners resulting in "cashflow problems" and a number of disputes over payments with contractors and clients.

When Amnesty researchers asked if he had sought to contact the stranded workers at the camp, he said that "he did not go down to that level" and that staff dealt with the workers. He claimed to be "working on a solution", including selling of land in Bahrain to raise funds to resolve the financial problems at the company and pay workers what they were owed. However, none of the 78 workers interviewed for this article received their outstanding wages and benefits from Mercury MENA.

The call ended with Amnesty agreeing to send a series of questions for the CEO to provide further information on the situation of the workers and his plans to pay them what they were owed. These questions were sent by email on 20 November 2017, with a follow-up email on 30 January 2018, but Mercury MENA did not respond.

In November 2017 Amnesty International researchers visited the company offices to find them seemingly empty with court documents relating to several workers' claims for unpaid salaries on the ground and posted on the door. Amnesty International emails to the CEO of Mercury MENA in January 2018 also went unanswered.

In July 2018, we again wrote to the CEO of Mercury MENA outlining all our allegations and providing the CEO with an opportunity to respond and provide further information, but as of publication we have not received a response.

Qatar's partial reforms and inadequate response

Sponsorship system in Qatar: Key facts

1. Migrant workers in Qatar are subject to the sponsorship or “kafala” system meaning that in order to enter the country every migrant worker must have a “sponsor”, who must also be his or her employer. For most construction workers, like Mercury MENA workers, their sponsor is the registered company employing them.
2. Migrant workers cannot change jobs without the permission of their sponsor for the duration of their contract or for five years if they signed a permanent contract. This permission is called an “NOC” (No Objection Certificate). If workers leave their sponsor without permission, they are considered to have “absconded” – a criminal offence – and their sponsors are required to report them to the Search and Follow-up Department of the Ministry of Interior. Workers who “abscond” are likely to face detention and deportation.
3. Until September 2018, all migrant workers were unable to leave the country without their sponsor's permission. They had to obtain an “exit permit” from the authorities, approved by their employer, before they can clear immigration at the airport every time they leave the country. In September 2018 this was abolished for migrant workers covered by the Labour Law, but not for those like domestic workers who fall outside it.
4. Migrant workers should be issued residence permits (given in the form of ID cards) to demonstrate their right to work and live in Qatar, and to allow them access to a range of basic services. It is up to sponsors to arrange with the authorities for these critical documents to be issued. Workers without residence permits or whose permits have expired may be suspected of having “absconded” and detained as a result. Workers are fined 200 QAR (US\$55) per day, to a maximum of 6,000 QAR (US\$1,647), for not having valid permits even when it is the employer's fault; these fines must be paid for them to leave Qatar or change jobs.
5. Migrants workers should be issued with health cards which can only be obtained by those with residence permits. Health cards allow people access to subsidized non-emergency health care and co-paid medicine at state medical centres.
6. Sponsors are required by law to return their employees' passports to them after completing residence procedures. In reality, some low-income migrant workers do not have their passports returned to them.
7. Sponsors are expected to provide their employees with housing in Qatar. For construction workers, this is normally in dormitory-style “labour camps” with communal bathrooms and kitchens. Since 2011 it has been illegal for labour camps to be located in “family areas”, referring essentially to districts where Qatari families live.
8. Migrant workers' rights are outlined in the Labour Law including limits on working hours, mandated annual leave, living conditions, health and safety and the requirement for salaries to be paid on time. The Ministry of Labour is responsible for overseeing the Labour Law's implementation.

While Mercury MENA clearly failed to meet its responsibility to respect the human rights of their workers by paying them fairly and regularly, respecting their freedom of movement and providing correct legal documentation, the Qatari state has also failed to fulfil its duty under international law to protect their rights.

As a party to various international treaties prohibiting forced labour and other human rights abuses, including International Labour Organization Conventions 29 and 105, Qatar is obliged to protect workers from being exploited by companies such as Mercury MENA. This requires the government to proactively monitor and respond to allegations of abuses, investigate them and hold perpetrators to account whilst ensuring victims are provided with appropriate and effective remedies. Qatar's failure to respond effectively in the case of Mercury MENA places it in breach of these obligations.

Further, Qatar's labour laws and the country's "kafala" sponsorship system (see explainer in box above) violate international laws and standards by providing wide powers to employers like Mercury MENA that can be used to exploit their workers, for example by requiring their permission to change jobs or – until September 2018, when [the exit permit was abolished](#) for most migrant workers – to leave the country.

Since being awarded the 2022 FIFA World Cup in 2010, Qatar has come under increasing pressure to improve workers' rights as the conditions of migrant workers on prominent World Cup sites and associated infrastructure were exposed, including in a 2013 [report by Amnesty International](#) and an investigation by The Guardian newspaper that showed that [44 Nepali workers had died in a two-month period](#). This pressure led to a series of limited reforms, some of which were to be implemented during the very time in which workers were being exploited by Mercury MENA.

In May 2014, Qatar announced [plans](#) to reform its labour migration system, including a commitment to "replace" the sponsorship system. In reality, however, the proposed reforms were [limited](#) at best. In December 2015, the Emir of Qatar then signed a new sponsorship law, amidst renewed claims that the "kafala" system would be abolished when the new law came into force the following year. Yet, in reality, [it barely deviated](#)

[from the May 2014 proposed reforms](#), although it did introduce a new committee for workers to challenge employers who refused their request to exit the country.

[Amnesty International](#) and [the ILO](#) both highlighted how these reforms still did not meet international law and standards. For example, when the ILO reviewed the law in a comparison of sponsorship systems across the Gulf, it highlighted that the law “still places restrictions on the possibility for migrant workers to leave the country or to change employer [and] prevent workers who might be victims of abusive practices from freeing themselves from these situations.” Such restrictions can mean workers are not allowed to change jobs for up to five years, violating the right to freely choose or accept their work as outlined in Article 6 of the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR).

One reform that should have been beneficial to Mercury MENA’s workers was the introduction, in November 2015, of the “Wage Protection System” (WPS) – a new electronic payment protection scheme requiring monthly payment of workers’ salaries by electronic transfer. Officials at the ADLSA confirmed to Amnesty International that the system – which sends a warning when companies do not pay workers on time – did identify that Mercury MENA had failed to pay its workers, did give the company a warning, and led to the company being referred to the public prosecutor. Linked to this, the company was also “blacklisted” in December 2016 – preventing Mercury MENA from recruiting more migrant workers – and the sponsor was issued with a travel ban.

An ADLSA official also told Amnesty International in a meeting that warnings provided by the WPS did lead to salary arrears being paid on at least one occasion, in August 2016, but added that from 2017 the company did not respond to warnings and continued to fail to pay salaries. Thus, while the WPS does appear to have notified the authorities about payment problems, and some action does appear to have been taken against the company, it does not seem to have triggered a broader investigation into the company or other actions to ensure that salaries were paid, the workers’ status regularized, freedom of movement respected or remedy provided for the workers.

The Qatari authorities did take action in some complaints involving

Mercury MENA; however, these were limited. For example, in September 2016 the Ministry of Labour eventually intervened in a dispute between 37 Filipino workers who were owed six months' wages by Mercury MENA – but only after the Filipino Embassy intervened and the case was referred to [Builders and Wood Workers' International](#), an international trade union. The company finally agreed a settlement totalling 1.1 million QAR (US\$302,115) for the 37 workers. The 37 workers were not amongst the 78 cases documented by Amnesty International and highlighted in this article. In a letter to Amnesty International, the Qatari authorities also said that a group of workers filed a complaint with the ADLSA, after which they “called the employer but found that they did not have any money”.

The failure of the Qatari authorities to provide adequate assistance or remedy had stark consequences. By October 2017, when Amnesty International visited the Street 3 camp, at least 80 Mercury MENA workers were still there awaiting their wages, and many did not have enough to eat. Local Mercury MENA management had been distributing a weekly food allowance of 50 QAR, which was sometimes delayed by up to two weeks and reduced. Workers we interviewed described often surviving on one basic meal a day and food donations from a local church. Most of the workers remaining in the camp had stopped working for Mercury MENA between March and August 2017, having either resigned or completed the projects covered by their employment contracts. No worker had received a salary payment since May 2017, some had not received any pay since December 2016, and all were still owed their end of service benefit payments.

Amnesty International brought the situation to the attention of Qatar's National Human Rights Committee (NHRC) in October 2017, urging them to help arrange food deliveries to the camp and to urgently investigate and co-ordinate with the ADLSA and Human Rights Department at the Ministry of Interior to help the workers recover their money, transfer to new job or leave the country if they wanted to. Subsequently, the Qatar Red Crescent provided food to the workers, and the Ministry of Interior cancelled the fines that some workers had accrued due to lack of residency permit, though a commitment to provide some pro bono legal assistance was not followed up on.



Local charity delivers food to stranded Mercury Mena workers

Amnesty International first discussed the situation of Mercury MENA’s workers with the ADLSA in October and November 2017. Amnesty also met with and wrote to the ADLSA in July 2018, receiving a response in September 2018 saying they had “contacted directly to help those who wished to change their jobs... provided with all assistance in terms of providing food, medical support, housing for some of them, legal assistance in submitting complaints and following up on their cases” as well as “offered free tickets in case they wished to leave the country.” However, while it is possible that help was provided to some workers, all of the workers interviewed by Amnesty International said they paid for their own air fares to return home and few were able to submit official complaints.

A new era of reforms – a chance for redemption?

“I’m imagining things during [the World Cup]... People from all over the world cheering, laughing, touring some of the beautiful stadiums, recreational sites and hotels here... Will they ever think ‘what are the

stories behind those structures?’ I guess not... Blind eyes are common nowadays”

Ernesto, piping foreman, Mercury MENA, Lusail City project, Qatar

While Mercury MENA appears to have largely wound down its operations in Qatar – Amnesty International’s researchers found its offices locked up and out of use in November 2017, with a legal notice to pay one worker who had taken a case to court pasted on the door – the Qatari authorities have promised that their efforts to bring its migrant labour system in line with international standards are set to ramp up. Having agreed a three-year [Technical Cooperation Programme](#) with the ILO in October 2017, significant reforms to the sponsorship system are expected, and some – like the partial abolition of the exit permit – have begun. These reforms should include removing employers’ control over migrant workers’ legal status, as well as their ability to change jobs, and take away the very restrictions that kept Ernesto and scores of other Mercury MENA employees working against their will.

Removing such restrictions on freedom of movement would – alongside other measures needed such as guaranteeing the payment of salaries by strengthening the WPS and providing effective systems to provide remedy to workers who have faced labour abuse – go a long way towards preventing the type of exploitation faced by Ernesto, Vivek and their colleagues at Mercury MENA.

In May 2018, Qatar also announced its [ratification of two international human rights treaties](#) – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – albeit with “reservations” on gender equality, punishments under Shari’a law, and the right of migrant workers to form trade unions. [If Qatar was to take implementation of these treaties seriously](#), including by withdrawing its reservations which run contrary to the fundamental principles of the instruments, it could ensure respect for and protection of the rights to non-discrimination, fair pay, freedom of movement and many more rights that would, in effect, necessitate the end of its exploitative “kafala” system.

Yet Qatar has made headline-grabbing announcements before, claiming [it had “abolished the kafala system”](#) as far back as 2015, and this

investigation has provided another example showing that the limited reforms introduced since then – and their lack of implementation – provided little protection to workers in the country. This time must be different.

Today Ernesto is back in the Philippines. He is happy to be reunited with his wife and son, but is struggling under the pressure of the debt he accumulated to go to Qatar, and was unable to repay. His dreams of “greener pastures” in Qatar and a good living for his family may be over for now, but the opportunity for Qatar to put an end to the types of injustices he and others have faced is not. With the global football spectacle in Russia now behind us, all eyes now turn to the Gulf state, and the commitments its leaders have made. If the 2022 World Cup is indeed to be a catalyst for meaningful, systematic and lasting change for migrants workers’ rights, then the time for Qatar to make that happen is now. /
