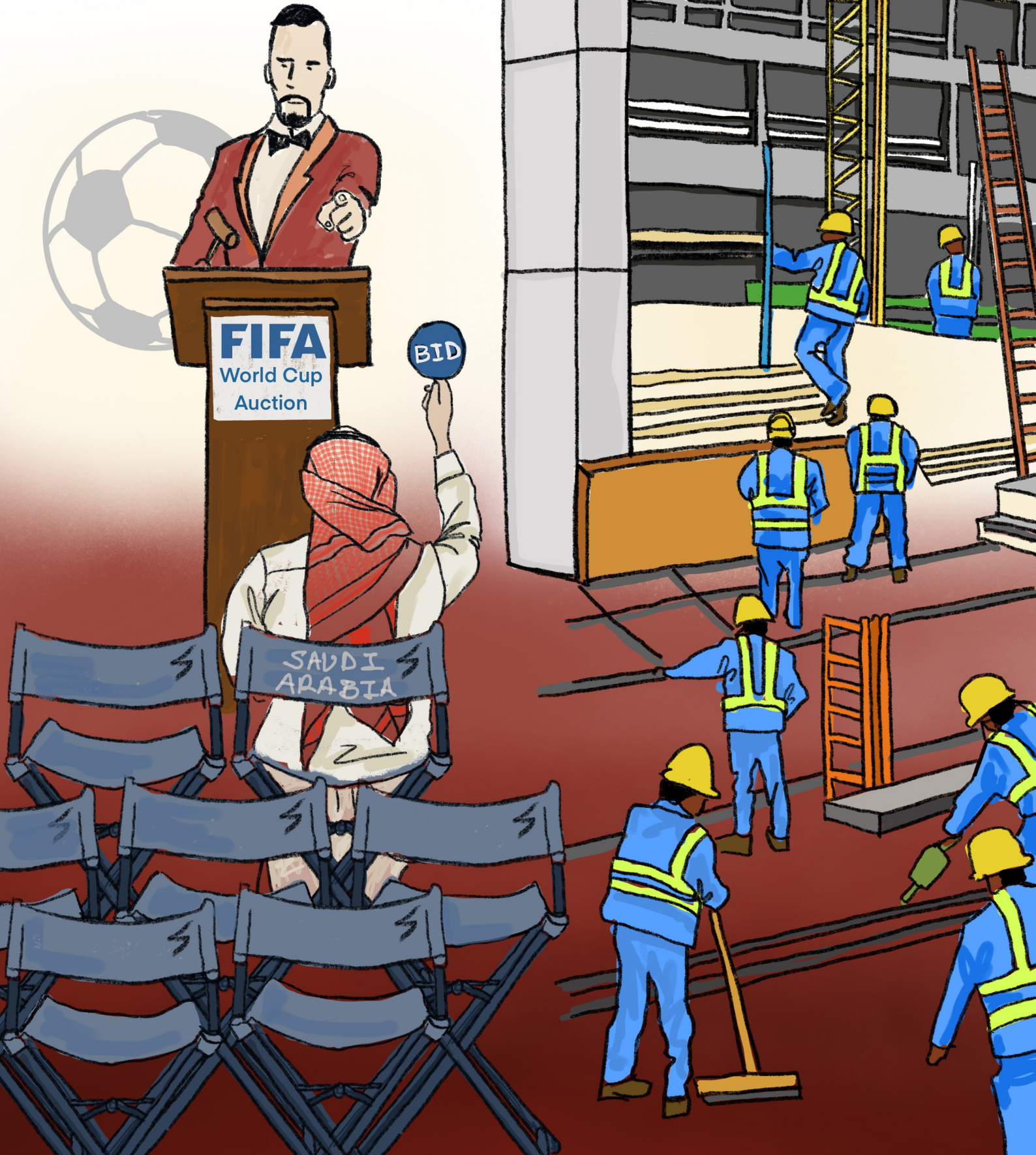


BROKEN PROMISES

Forced Labour in Saudi Arabia and the Fast Tracked World Cup Bid



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EQUIDEM

Equidem is a human rights and labour rights not-for-profit working globally to promote the rights of marginalised communities, accountability for serious violations, and building the human rights movement. Our team of worker activists, investigators and policy experts expose injustice, provide solutions for the most intractable human rights challenges and work closely with other grassroots and global civil society to empower the individual and the community.

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1. EXECUTIVE SUMMARY

"FIFA is fully committed to conducting its activities in connection with the bidding for and hosting of the final competitions of the FIFA World Cup 2030 and the FIFA World Cup 2034 in accordance with sustainable event management standards and practices¹ . . . , safeguarding principles for the protection of children and adults at risk and to respecting internationally recognised human rights in accordance with the United Nations Guiding Principles on Business and Human Rights."

- FIFA World Cup 2030 and FIFA World Cup 2034 Bidding Regulations²

When I first got here, I didn't know much about this place. I've had to endure a lot of verbal abuse and I have been slapped. Now, I just keep my head down and work quietly.³

- Nitin, an Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia

My salary is pretty low, so on the side, I do labourer jobs without the company knowing. I have to send some money back home. I can't afford a full meal, so I eat just enough to fill half my stomach. Trying to save wherever I can.⁴

- Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia

The management doesn't entertain complaints against Saudis. Saudis behave inappropriately, but we fear termination if we complain. However, if any migrant misbehaves, the management addresses those issues. We refrain from complaining about Saudis and the higher management out of fear of losing our jobs.⁵

- Rishit, a Bangladeshi cleaning worker employed in Jeddah, Saudi Arabia



1 FIFA's commitment to sustainable event management practices is in line with ISO 20121.

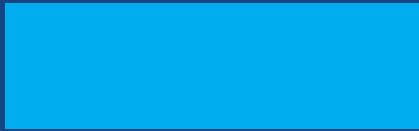
2 FIFA, FIFA World Cup 2030 and FIFA World Cup 2034 Bidding Regulations, available online, <https://digitalhub.fifa.com/m/51aef03d916e5ad/original/FIFA-World-Cup-2030-and-FIFA-World-Cup-2034-Bidding-Regulations.pdf>

3 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

4 An Indian maintenance worker employed at a hospital in Makkah, Kingdom of Saudi Arabia interviewed in 2023.

5 A Bangladeshi worker employed as a cleaner in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

FORCED LABOUR INDICATORS DOCUMENTED BY EQUIDEM IN KINGDOM OF SAUDI ARABIA



70% of migrant workers were deceived about the terms and conditions of their employment.



42% of migrant workers experience nationality-based discrimination at work that heightens vulnerability to abuse



53% of migrant workers paid recruitment fees creating ongoing risks of debt bondage to repay recruitment debt



12% of migrant workers had their passports confiscated by their employers



7% of migrant workers experience physical violence at work



9% of migrant workers face health issues due to physical labour under prolonged exposure to scorching heat



14% of migrant workers said they were required to complete unreasonable amounts of work under threats of penalty, including termination



35% of migrant workers said there were no adequate mechanisms in place to file complaints at their workplace, further heightening vulnerability to abuse

Global sporting events bring a range of human rights risks, including exploitation of construction, security and hospitality workers – most of whom are migrants. Despite the stated requirement that all countries bidding to host FIFA tournaments should uphold international standards in protecting human rights as a criterion for selection, Saudi Arabia was chosen to host the 2023 Club World Cup and is exclusively being considered to host the 2034 World Cup. This is alarming considering systematic labour and human rights violations by this regime that stand in breach of FIFA’s binding human rights eligibility requirements.

In-depth, confidential, one-to-one interviews with 42 migrant workers conducted by Equidem from May – December 2023 and February 2020 – July 2021 documented significant labour and human rights violations facing migrant workers in the hospitality, maintenance and construction sectors in Saudi Arabia. All interviews were conducted by Equidem team members who are either currently or formerly migrant workers in Saudi Arabia, providing critical insight into working conditions for the 13.4 million migrant workers employed in Saudi Arabia.⁶

Migrant workers in Saudi Arabia described nationality-based discrimination and vulnerability to abuse, deceptive recruitment practices, recruitment fees, and abusive working conditions—including physical violence, intimidation and threats, overwork, and exposure to high temperatures for extended durations. These indicators of forced labour, when taken

together, can and do create forced labour conditions for migrant workers in Saudi Arabia. The abuse faced by migrant workers violates labour and human rights commitments under the ILO Forced Labour Convention, 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105), and the Protocol of 2014 to the Forced Labour Convention, 1930 that are currently in force within the country.⁷

The pattern of rights violations documented in Equidem investigations take place in context of systematic legal exclusion of migrant workers from labour and human rights protections. The new labour laws passed in 2021 do not address the systemic discrimination, weak enforcement, and prohibition on migrant workers joining or forming a union that currently leaves millions at risk of modern slavery.⁸ Migrant workers in Saudi Arabia have no path to citizenship. They face legal, de facto, and structural discrimination and exploitation in a fundamentally unequal society, despite Saudi Arabia being acutely dependent on migrant workers in every aspect of the economy and public services. At the heart of the problem is Saudi Arabia’s Kafala system—a system of structural discrimination against non-citizens, a de-facto caste system based on national origin. Laws designed to protect migrant worker rights are poorly enforced and workers can face systematic discrimination and significant challenges accessing justice.

The persistence of rights violations and perpetuation of this context where migrant workers are particularly vulnerable to exploitation

6 “Foreigners makeup over 40% of Saudi population, census shows,” The New Arab, 1 June 2023, available online here: <https://www.newarab.com/news/foreigners-make-over-40-saudi-population-census-show>

7 ILO Normlex, Ratifications for Saudi Arabia, https://www.ilo.org/dyn/normlex/en/F?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103208

8 Equidem, “Human Rights Advocates Warn: New Saudi Labour Laws Won’t Address Pandemic Misery for Migrant Workers—Equidem urges Saudi government to address discriminatory laws and policies that place millions of migrant workers at risk of modern slavery”, March 14, 2021, <https://www.business-humanrights.org/en/latest-news/human-rights-advocates-warn-new-saudi-labour-laws-wont-address-pandemic-misery-for-migrant-workers/>.

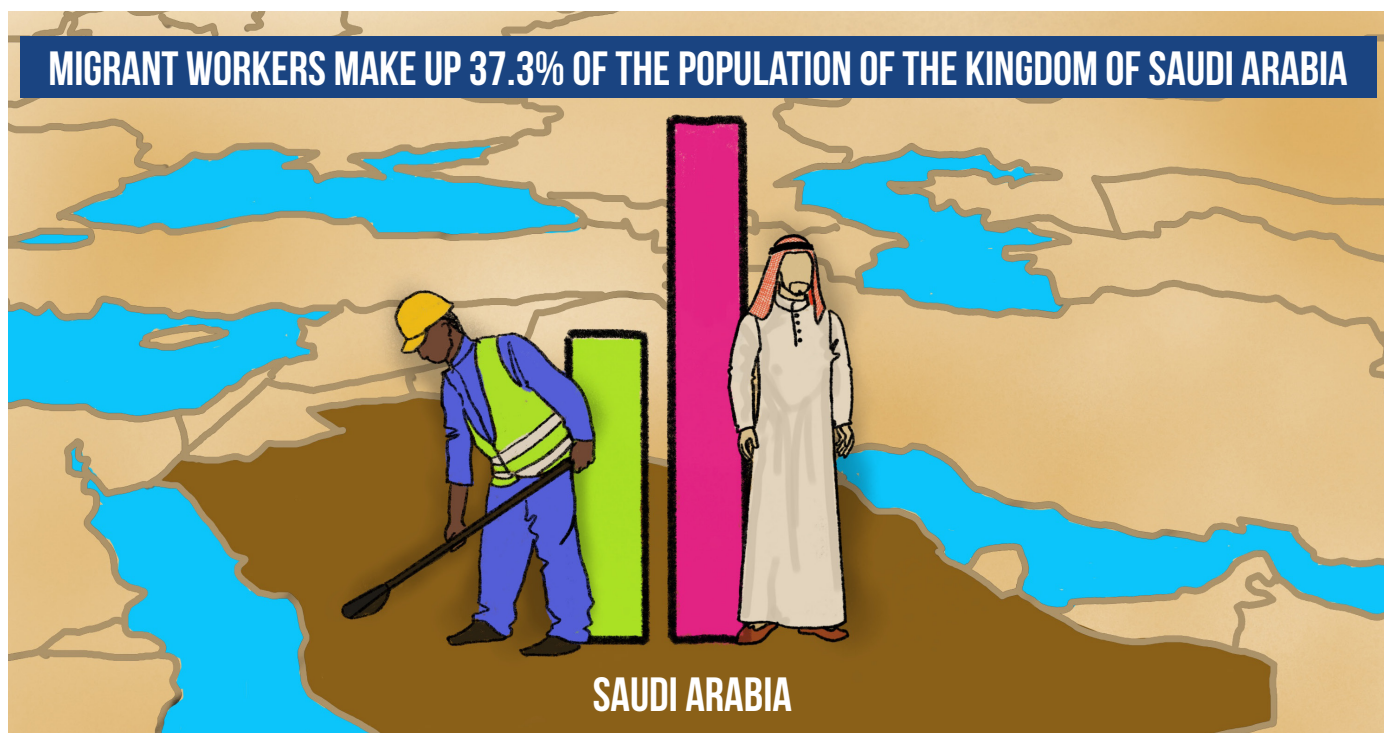
violates fundamental human and labour rights and underscores the inadequacy of labour and migration reform processes in Saudi Arabia. These factors indicate that Saudi Arabia does not meet FIFA requirements for protecting human rights. Accordingly, to uphold their human rights commitments, FIFA must ensure that the Saudi Arabia bid to host FIFA World Cup 2034 includes actionable and binding commitments to address risk factors for rights violations prior to confirmation.

Saudi Arabia is the third largest host of migrant workers globally, with migrant workers making up 37.3% of the population—the third largest per capita migrant population in the world.⁹ Saudi Arabia’s bid for the 2034 World Cup provides a window of opportunity to influence the government and secure better protections for the 13.4 million migrant workers in Saudi Arabia.

A: FIFA MUST MAKE BINDING AND ACTIONABLE COMMITMENTS TO UPHOLD LABOUR AND HUMAN RIGHTS A CONDITION OF CONFIRMING WORLD CUP BIDS

Equidem calls upon FIFA to apply and enhance its binding and actionable commitments to address risk factors for labour and human rights violations as a condition of confirming Saudi Arabia’s bid to host FIFA World Cup 2034. Saudi Arabia cannot guarantee compliance with international human rights and labour standards without taking significant measures to dismantle the Kafala system, protect freedom of association, extend labour rights to migrant workers and address nationality-based discrimination, unfair hiring practices, workplace violence, exploitative wages, overwork, and exposure to occupational health and safety risks. These issues are rooted in the lack of democratic power for workers and is reflected in other human rights issues including the targeting of rights activists, restrictions

⁹ IOM, World Migration Report 2022, pp. 25, 202, available online: <https://publications.iom.int/system/files/pdf/WMR-2022.pdf>



on freedom of expression, the enactment of repressive laws, the abuse of the criminal justice system, and the mistreatment of women and LGBTQI+ communities.

B: FIFA'S RESPONSE TO REPORT FINDINGS

Prior to publication, Equidem shared its findings in writing with FIFA and the Saudi Arabian government. Unfortunately, these actors did not respond.

C: PATTERN OF LABOUR AND HUMAN RIGHTS VIOLATIONS PERPETRATED AGAINST MIGRANT WORKERS IN SAUDI ARABIA

1. FORCED LABOUR INDICATORS

Equidem researchers found that migrant workers employed in the construction, maintenance, security, and hospitality sectors in Saudi Arabia were subjected to various combinations of forced labour indicators, including: abuse of vulnerability, deception, intimidation and threats, retention of identity documents, withholding wages, and abusive working and living conditions. These indicators of forced labour, when taken together, can and do create forced labour conditions for migrant workers in Saudi Arabia. While individual indicators are described in detail in subsequent sections, these should be understood together as resulting in forced labour conditions or a high risk of forced labour for migrant workers in Saudi Arabia.

NATIONALITY-BASED DISCRIMINATION AND VULNERABILITY TO ABUSE

Forty-nine percent of the workers Equidem spoke to reported experiencing discrimination at work. Rahul, an Indian maintenance worker employed in Makkah, Saudi Arabia described being treated differently from Arab and Pakistani workers:

There is discrimination against Indian workers. . . We're asked to have lunch last, whereas Pakistani and Arab people have lunch first. . . We are given more work than they and they are even allowed to drink water and use the restroom. When we attempt to do so, the officers shout at us.¹⁰

Vivaan, a Bangladeshi national employed as security worker in Tabuk, Saudi Arabia described nationality-based wage discrimination:

There is discrimination between local Saudis and migrant workers. Arab salaries are consistently higher. At times, the salary is determined based on the currency and living costs of the workers' countries of origin.¹¹

In discriminatory, hierarchical workplaces, migrant workers are particularly vulnerable to abuse. Among the workers Equidem researchers spoke to for this report, sixteen percent said that their workplace hired exclusively Saudi nationals for supervisory roles. These hiring practices have been reinforced by Nitaqat, a nationalization programme that was introduced in 2011 to increase the percentage of Saudi citizens working in the private sector. In practice, this programme has resulted in a system wherein supervisory and other higher positions are reserved for Saudi

¹⁰ An Indian maintenance worker employed in Makkah, Kingdom of Saudi Arabia interviewed in 2023.

¹¹ A Bangladeshi security guard employed in Tabuk, Kingdom of Saudi Arabia, interviewed in 2023.

nationals. Arjun, an Indian construction worker employed in Jeddah, Saudi Arabia explained:

After the Nitaqat policy change, higher positions are exclusively reserved for Saudi nationals. Only civilians from Saudi Arabia can occupy the upper strata jobs.¹²

Concentration of Saudi nationals in supervisory positions, together with nationality-based discrimination within Saudi Arabia, heightens migrant worker vulnerability by undermining the ability to raise complaints.

DECEPTIVE RECRUITMENT PRACTICES

According to the ILO Special Action Programme to Combat Forced Labour, an employer's failure to deliver what has been promised to the worker either verbally or in writing amounts to deception—an indicator of forced labour.¹³ Seventy percent of the workers Equidem spoke to were deceived about the terms and conditions of their employment. Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia, described being misled about the conditions of his employment:

Before coming here, the agent promised me a salary of Rs 2,000 [USD 533] and free accommodation, food, and treatment. However, upon arrival, I only receive the salary, and I have to cover my living expenses and food. . .¹⁴

Arnav, a Bangladeshi loading worker employed in Tabuk, Saudi Arabia told Equidem he was deceived about the nature of his employer:

The middleman deceived me by portraying the company as a regular employer, but it turned out to be a labour supply company. About 5-6 hours before my departure to Saudi, the lady middleman took my signatures, and I couldn't question her. . . She rushed the process, and I ended up paying a recruitment fee of BDT 3,10,000 [USD 2,825].¹⁵

RECRUITMENT FEES AND DEBT

Workers in forced labour are often working to pay off debt arising from wage advances or loans to cover recruitment, transportation, or daily living.¹⁶ Fifty-three percent of the workers Equidem spoke to paid recruitment fees. Arnav, a Bangladeshi security guard employed in Tabuk, Saudi Arabia paid BDT 3,20,000 [USD 2,916]:

The recruitment agency took my signature on the contract at the eleventh hour, close to the flight time. I had to sign numerous documents without reading or reviewing them. I paid BDT 3,20,000 [USD 2,916].¹⁷

Krish, an Indian mechanic employed in Makkah, Saudi Arabia described paying an agent INR 90,000 [USD 1,080], approximately three times more than the costs of a visa and one way ticket from India to Saudi Arabia. He described taking on additional employment in order to repay this loan:

12 An Indian Construction worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

13 "ILO Indicators of Forced Labour," ILO, available online here: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_227848.pdf

14 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

15 A Bangladeshi loading worker employed in Tabuk, Kingdom of Saudi Arabia, interviewed in 2023.

16 ILO, Indicators of Forced Labour, October 2012, https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm

17 A Bangladeshi security guard employed in Tabuk, Kingdom of Saudi Arabia interviewed in 2023.

The agent took 90,000 Indian rupees [USD 1,080] for the visa and ticket. I borrowed money at 5 percent interest to pay him back. I don't get food from the company, and my salary hasn't increased since I got here. To make enough money to live and send home, I fix air conditioners for friends and use that cash for my expenses.¹⁸

Employer retention of identity documents can be an element of forced labour if workers are unable to access these items on demand and if they feel that they cannot leave the job without losing their documents. Among the workers Equidem researchers spoke to in Saudi Arabia, twelve percent had their passports confiscated by their employers. Arjun, an Indian construction worker employed in Jeddah, Saudi Arabia told Equidem that the sponsor was holding his passport.¹⁹

Manjil, an Indian maintenance worker employed in Jeddah had to submit his passport to his employer as soon as he started work:

My passport is deposited in the office. I had to give it to my employer as soon as I came here.²⁰

Khem, an electrical maintenance worker employed in Jeddah described a company practice of holding workers' passports and only returning them during annual leaves:

My passport is with the company. We only have our ID on hand. When we apply for our annual leave, then we get our passport back. After we come back, we have to hand it over again.²¹

ABUSIVE WORKING CONDITIONS

Physical violence, intimidation, threats, and overwork

Seven percent of workers interviewed by Equidem researchers described being subjected to physical violence at work. Rishi, an Indian maintenance worker employed in Jeddah, Saudi Arabia reported being slapped and threatened with termination:

One day I was feeling pain in my body, so I took rest for a while. The supervisor came and abused me and slapped me twice. After that I was instructed and threatened that if this happens again, I will be fired from the job.²²

Among the workers Equidem interviewed for this study, sixteen percent reported that they were routinely subjected to verbal abuse by their supervisors. Krish, an Indian mechanic employed in Makkah, Saudi Arabia described being made to work unpaid overtime and facing routine verbal abuse:

It's tough here. I'm always under pressure to work. . . There's no overtime pay, and my salary hasn't gone up since I got here. . . They throw around insults, threats, and shout like it's nothing new. I've just gotten used to it, living here.²³

As explained by Krish, these patterns of abuse are so pervasive that they are normalised. Among the workers interviewed by Equidem researchers,

18 An Indian mechanic employed in Makkah, Kingdom of Saudi Arabia, interviewed in 2023.

19 An Indian construction worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

20 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

21 An Indian mechanic employed in Makkah, Kingdom of Saudi Arabia, interviewed in 2023.

22 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

23 An Indian mechanic employed in Makkah, Kingdom of Saudi Arabia, interviewed in 2023.

sixteen percent said they were required to complete unreasonable amounts of work under the threat of penalty. Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia, described experiencing high levels of pressure at work.

There's a ton of work pressure on me. They expect me to squeeze 12 hours of work into just 8 hours. If I don't manage, the officers start yelling and scolding me. It's tough to work here.²⁴

Heat stress

Climate related impacts have significant consequences for workers employed in the industrial and service sectors in Saudi Arabia where the climate is dry with subtropical desert conditions. Among the workers Equidem talked with, nine percent faced health related concerns as an aftermath of exposure to extreme heat.

Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia experiences headaches from working long hours in the heat:

The sun is really intense here, and morning duty can be tough because you have to work under the sun. That often leaves me tired and with a headache.²⁵

Shankar, an Indian electrical maintenance worker employed in Jeddah described asthma, kidney stones, and joint pain as common conditions associated with working in high heat:

Everyone is experiencing health risks related to the climate. Seasonal changes significantly impact those of us with asthma and kidney stones. Joint pain from uric acid is common in this environment.²⁶

2. BARRIERS TO SEEKING RELIEF

Heightening vulnerability to labour and human rights violations, migrant workers in Saudi Arabia face barriers to seeking relief when they face abuse, including denial of freedom of association, inadequate complaint mechanisms, retaliation, and inadequate government inspections. These barriers contribute to employer impunity.

DENIAL OF FREEDOM OF ASSOCIATION

Freedom of association is a cornerstone right because it creates the conditions for workers and their organisations to intervene in racism, discrimination, and rights violations by advancing, defending, and enforcing all other labour rights. Although trade unions are not prohibited in Saudi Arabia, they do not exist in practice. Worker committees are allowed, but only Saudi Nationals in companies that employ more than 100 can join.²⁷ While migrant workers in Saudi Arabia cannot join trade unions or workers committees, Equidem researchers found that migrant workers nonetheless organise informally and take collective action to address workplace exploitation. This is despite threats of persecution: fourteen percent of the migrant workers we spoke to told Equidem that they were not allowed to organise and could be persecuted if they were caught.

24 Naresh, an Indian maintenance worker employed at a hospital in Makkah, Kingdom of Saudi Arabia, interviewed in 2023.

25 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

26 An electrical maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

27 "Saudi Arabia: Regulatory framework governing migrant workers," ILO, 14 December 2023, available online here: https://www.ilo.org/beirut/projects/fairway/WCMS_776522/lang--en/index.htm

Construction workers in Saudi Arabia have taken collective action to secure their rights. Veer, an Indian construction helper went on strike in 2020, together with all of the other workers employed by the company:

I worked through the lockdown, but I did not receive my salary for 6 months. The company withheld payment for most of the workers. A few days ago, all the workers in the company went on strike. After that, the company paid us two months of the salary they owed. They still owe four months' salary and overtime.²⁸

The success of this collective action to demand unpaid wages underscores the urgency of protecting the fundamental rights to freedom of association and collective bargaining for all migrant workers in Saudi Arabia.

Construction workers in Saudi Arabia also described retaliation for asking for wages and support to access medical care. Akshay, an Indian helper working on a construction site in Saudi Arabia described not receiving his salary for six months. When workers demanded their wages, they were threatened by management with termination and jail time:

I have not been paid my salary since January [6 months ago]. I had no money to buy food. When we went to demand our salary, we were threatened by the company: 'if you speak, you will be sent to jail.' We gathered everyone to raise our voice, but the company dismissed us every time. They fired workers without their rightful salary and end of service settlement.²⁹

Threats of termination, deportation, and jail time in response to demands for timely wage payment are not isolated incidents. Akash, an Indian worker employed as an electrician on a stadium construction site in Saudi Arabia also described not receiving his salary despite working through lockdown. Workers who demanded their wages were terminated without receiving owed wages or severance.³⁰

INADEQUATE COMPLAINT MECHANISMS AND GOVERNMENT INSPECTIONS

Among the workers interviewed by Equidem researchers, thirty-five percent said that they did not have access to adequate complaint mechanisms. Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia told Equidem that he did not complain at work due to fear of retaliation:

There's no proper complaint system. The authorities don't pay attention to the workers. Our employers claim we make excuses and tell lies to avoid work. Anyone who tries to complain here ends up getting fired. So, out of fear, no one really speaks up.³¹

Despite government inspections, sixteen percent of the workers Equidem spoke to said that inspections were not adequate to protect their rights. Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia at King Abdullah Sports City Stadium—one of the stadiums that hosted the football world cup—explained to Equidem that government officials visited the stadium where he worked, but that he

28 Indian worker employed as a construction helper in Kingdom of Saudi Arabia, interviewed in 2020.

29 Indian worker employed as a construction helper in Kingdom of Saudi Arabia, interviewed in 2020.

30 An Indian electrician employed in Kingdom of Saudi Arabia, interviewed in 2020.

31 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

was afraid to report rights violations:

There are a lot of stadiums here, so officials often come and go while monitoring the work. Officials do not ask about the problems faced by the workers. The company has also instructed the workers not to talk directly to the officers. Whoever does speak up, action will be taken against him, and he will be fired. That's why we are afraid.³²

As explained in Part V(B) of this report, the violations detailed in this summary of our most recent investigation are part of a pattern of rights violations documented by Equidem beginning in February 2020 in the wake of the global COVID 19 pandemic.

3. CONCLUSION

The pattern of legal exclusion, discrimination, exploitation, and suppression of freedom of association in Saudi Arabia violates fundamental human rights. It underscores the inadequacy of labour and migration reform processes in Saudi Arabia, and indicates that Saudi Arabia does not meet the standard of respecting human rights required in order for FIFA to uphold commitments to anchor respect for human rights in the bidding and hosting of FIFA events.

In order to uphold meaningful human rights commitments, FIFA must select tournament host countries where there is demonstrable evidence that the state has the capacity and ability to prevent and remedy human and labour rights violations in collaboration with human rights defenders and civil society. Instead, FIFA's track

record of broken promises in the arena of labour and human rights, heightens risks of imminent labour and human rights violations if the exclusive bid from Saudi Arabia is confirmed without FIFA upholding their own binding and enforceable human rights commitments on not only labour but also human rights.

As detailed in this report, and despite persistent engagement with FIFA by Equidem and other rights organisations, the global football governing body is failing to uphold its own standards by entertaining the bid from Saudi Arabia. FIFA also has a track record of failing to protect migrant workers from labour and human rights violations prior to, during, and after the 2022 FIFA World Cup Qatar.³³ FIFA has reportedly refused to publish a commissioned report advising the organization to set up a fund to compensate individuals and others subjected to human rights abuses due to their activities, including during the 2022 FIFA World Cup Qatar.³⁴ FIFA should use its leverage as the keeper of the most prestigious sporting event in the world to ensure countries that would hope to host the World Cup take genuine efforts to respect their human rights obligations. FIFA's continued failure to apply its own binding human rights requirements on the Saudi Arabia bid raises the spectre of yet another World Cup built on the exploitation and abuse of thousands if not more.

32 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

33 Equidem, "If we complain, we are fired": Discrimination and Exploitation of Migrant Construction Workers on FIFA World Cup Qatar 2022 Stadium Sites, 2022.

34 Amnesty International, "Global: FIFA must publish its review into compensation for workers harmed delivering the World Cup in Qatar," May 9, 2024, <https://www.amnesty.org/en/latest/news/2024/05/fifa-must-publish-its-review-into-compensation-for-world-cup-workers-in-qatar/>.

A. RECOMMENDATIONS TO FIFA

Require Saudi Arabia to submit the following components as part of their bid. Delay bid confirmation until these elements are satisfied.

1. An explicit public commitment from Saudi Arabia to respect all internationally recognised human rights in line with the United Nations' Guiding Principles on Business and Human Rights.
 - 1.1. Require Saudi Arabia to commit to upholding its obligations under the following ILO Conventions by taking action to protect migrant workers from the rights violations laid out in this brief. These conventions have been ratified by Saudi Arabia and are currently in force.
 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
 - Forced Labour Convention, 1930 (No. 29)
 - Abolition of Forced Labour Convention, 1957 (105)
 - Labour Inspection Convention, 1947 (No. 81)
 - Hours of Work (Industry) Convention, 1919 (No. 1)
 - Protection of Wages Convention, 1949 (No. 95)
 - Prevention of Major Industrial Accidents Convention 1993 (No. 174).
 - 1.2. Call for Saudi Arabia to ratify and commit to upholding the following ILO Conventions and to extend these protections to all migrant workers:
 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) the Equal Remuneration Convention, 1951 (No. 100)
 - Violence and Harassment Convention, 2019 (No. 190)
2. A proposal from Saudi Arabia for a human rights strategy on how to identify and address the risks of adverse impacts on human rights and labour standards. This strategy should include the following measures to protect migrant worker rights:
 - 2.1. Call for Saudi Arabia to support the establishment of a genuinely independent Migrant Worker Centre.
 - Given the extreme power imbalances between migrant workers and employers in Saudi Arabia, migrant workers are at significant risk for discrimination and exploitation. The nationality-based racial hierarchies in Saudi Arabia, moreover, are entrenched by policies that deny migrant workers paths to long-term residency or permanent citizenship. In this context, migrant workers require forums for collective action to safeguard their rights and promote their interests. Establishing a genuinely independent migrant workers centre in Saudi Arabia is a key first step towards advancing freedom of association and creating a modern, rights-respecting labour system in Saudi Arabia.
 - 2.2. Call for Saudi Arabia to commit to recognising the freedom of association and workers' right to join or form a trade union irrespective of nationality, identity, or background.
 - 2.3. Call for Saudi Arabia to ensure that planned labour rights inspections include the following:
 - Engagement with migrant workers in a manner that enables workers to share their concerns while protecting workers' privacy and safeguarding workers from retaliation.
 - Processes for identifying and remediating worker deaths, nationality-based discrimination, wage theft, illegal recruitment, forced labour, overwork, workplace violence, health and safety risks, and practices used by

employers to create a captive and controllable work force. This list of rights violations represents the spectrum of rights violations documented by Equidem during FIFA World Cup Qatar 2022, a pattern of rights violations endemic to the process of building and running infrastructure in advance of global sporting events that must be addressed in order to uphold human and labour rights.³⁵

- Responsible workforce downsizing practices
3. Call for Saudi Arabia to make the following measures a requirement for all entities responsible for the construction and renovation of stadiums, training sites, hotels, and airports. Host cities should be required to commit to enforcing these standards.
 - 3.1. Require employers to produce proof of wages paid timely and in full through WPS documentation of transfers. Paperwork signed by workers confirming wages can be easily falsified.
 - 3.2. Require that employers produce and enforce transparent salary grades through evidence-based and objective criteria. Where national governments established skill-based salary grades, companies should demonstrate enforcement through contracts and corresponding WPS payments. Where national governments have not established salary grades based upon skill level, the multinational company should establish and enforce skill based salary standards determined by country.
 - 3.3. Contribute to emergency funds, and require contributions from subcontractors, that are sufficient to support

- Contractually owed wages for all workers regardless of employment status for at least three months while they serve notice of termination
 - Severance pay
 - Relocation costs
 - Health insurance for workers who face sudden termination during health emergencies.
4. Establish health standards for employer provided housing, including ample space for social distancing and access to PPE.

B. RECOMMENDATIONS TO SAUDI ARABIA

1. Advance freedom of association
 - 1.1. Pass legislation recognising workers' right to freely associate, organise, bargain and form a trade union in line with international labour conventions.
 - 1.2. Ratify and effectively implement the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (C87) or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
 - 1.3. Establish a genuinely independent Migrant Worker Centre as a key first step towards advancing social dialogue, freedom of association and creating a modern, rights-respecting labour system in Saudi Arabia.
2. End forced labour
 - 2.1. Effectively implement ILO Forced Labour Convention, 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105), and the Protocol of 2014 to the Forced

35 See Equidem, "If we complain, we are fired": Discrimination and Exploitation of Migrant Construction Workers on FIFA World Cup Qatar 2022 Stadium Sites, 2022, https://www.equidem.org/assets/downloads/Equidem_Qatar_World_Cup_Stadiums_Report_Final.pdf; Equidem, "We work like robots": Discrimination and Exploitation of Migrant Workers in FIFA World Cup Qatar 2022 Hotels, 2022, <https://www.equidem.org/reports/we-work-like-robots>

Labour Convention, 1930 that are currently in force within the country.

- 2.2.** Allow all categories of workers to exercise their rights to freely change their employer and leave the country as and when they wish to.
- 2.3.** Punish employers for forced labour with criminal sanctions. All cases of forced labour and sanctions imposed should be published on a regular basis and made publicly available.
- 2.4.** Intensify awareness efforts for migrant workers around what is considered a legally permissible contract, how to identify forced labour, and resources to help if they find themselves in forced labour.
- 2.5.** Penalise companies that subject workers to forced labour conditions. Sponsors who put their employees under forced labour conditions should face repercussions beyond paying a fine, and should face additional consequences such as the inability to purchase a subsequent business licence.
- 3.** End racial discrimination against migrant workers by providing employment, health and other protections and benefits to all women, men, and children without distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin, gender or sexuality.
- 4.** Protect workers from heat stress
 - 4.1.** Mandate that employers provide workers with easy access to water and refrigerated food storage facilities at work sites, along with fully air-conditioned accommodations and rest areas.
 - 4.2.** Implement Ministerial Decision No. 17 for 2021 banning work from 12:00 pm to 3:00 pm

from June 15 – September 15. Impose fines and firm closures.

- 5.** Strengthen labour inspections of workplaces
 - 5.1.** Labour inspections should include engagement with migrant workers directly in a manner that enables workers to share their concerns while protecting workers' privacy and safeguarding workers from retaliation.
 - 5.2.** Labour inspections should occur on a regular basis, by staff trained on how to recognise the indicators of forced labour.
- 6.** Right to remedy
 - 6.1.** Simplify procedures for migrant workers to submit complaints, and enable workers to make complaints even after the worker has left Saudi Arabia.
 - 6.2.** Remove the crime of absconding from Saudi law, and put in place protections against retaliation from employers for workers who make complaints about this treatment, or seek to change jobs or leave the country.
 - 6.3.** Ensure that workers have access to representation, adequate guidance on required documentation and how to prepare for court hearings.
 - 6.4.** Build the skills of conciliation staff through comprehensive training. Design standard operating procedures and monitor the efficiency of grievance mechanisms.
 - 6.5.** Provide a system for appeal for migrant workers who demonstrate nationality-based discrimination in the adjudication of their complaints.
- 7.** Provide long-term migrant workers with a path to seek permanent residency and citizenship if they so choose.

C. RECOMMENDATIONS TO STATES OF WORKER ORIGIN

1. Intensify awareness efforts for migrant workers around what is considered a legally permissible contract, how to identify forced labour, and resources to help if they find themselves in forced labour.
 - 1.1. Make pre-departure orientation mandatory. Increase budget allocation for pre-departure orientation and awareness campaigns.
 - 1.2. Conduct destination and sector-specific training.
 - 1.3. Widely publicise all information and resources available to labour migrants using print and multimedia strategies designed to reach labour migrants at various skill levels.
 - 1.4. Make pre-departure orientation modules accessible online for skilled workers as well as in worker centres.
 - 1.5. Publicise the importance of contracts in protecting the rights of labour migrants. Make contract consultations accessible to labour migrants during pre-departure trainings and within migrant resource centres.
 - 1.6. Build the capacity of trade unions and civil society organizations to conduct outreach and training in areas where there are high levels of overseas migration for employment.
 - 1.7. Involve returned migrants in pre-departure trainings at the community level.
 - 1.8. Establish migrant resource centres in each state and every city that has a major international airport.
 - 1.9. Ensure that toll-free helplines are operative in regional languages.
 - 1.10. Include resources available upon return.
2. Support the right to freedom of association and the right to organise
 - 2.1. Negotiate to include the fundamental right to freedom of association for migrant workers during MOU negotiations with Saudi Arabia.
 - 2.2. Collaborate with other sending countries at the bilateral, regional, and international levels to advance the freedom of association for migrant workers in Saudi Arabia.
3. Improve accountability in the regulation of recruitment:
 - 3.1. Ratify ILO Private Employment Agencies Convention (No. 181) and establish compliant regulations.
 - 3.2. Register all recruitment agents and agencies.
 - 3.3. Bring sub-agents under the ambit of regulations. This should include clear terms of reference governing the relationship between visa brokers, travel agents, and recruitment agents.
 - 3.4. Bring foreign education agents under regulation.
 - 3.5. In consultation with organizations representing workers and employers, prepare a standard rate for the services provided by recruitment agencies and work towards a non-fee payment structure.
 - 3.6. Develop standard contracts as part of the MOUs with other countries.
 - 3.7. Promote e-contracts to prevent contract substitution.
 - 3.8. Monitor and grade agencies according to performance and make this information accessible to migrants.
4. Efficiently and promptly intervene and support resolution of claims and disputes:

- 4.1. Inform labour migrants about resources available to assist them in destination countries.
- 4.2. Establish help desks for labour migrants at the airports in destination countries. Help desks should be equipped to provide information on legal processes, social security benefits and other entitlements.
- 4.3. Increase the capacity for embassies in Saudi Arabia to support labour migrants in distress.
 - Ensure that the embassy has expertise on labour migration by assigning a labour attaché.
 - Ensure that the embassy has expertise on intervening to end forced and compulsory labour.
 - Establish toll-free helplines operated by the embassy in Saudi Arabia. Helplines should receive complaints, provide legal assistance, facilitate access to medical services, and give information on visa renewal and exit visas.
- 4.4. Initiate collaborations with civil society organizations in Saudi Arabia to secure the rights of labour migrants. Maintain updated information on these resources at embassies in Saudi Arabia.
5. Ratify and implement ILO and United Nations Conventions that pertain to protecting the rights of labour migrants, including but not limited to:
 - 5.1. Migration for Employment Convention, 1949 (No. 97)
 - 5.2. Migration for Employment Recommendation, 1949 (No. 86)
 - 5.3. Migrant Workers Convention (Supplementary Provisions), 1975 (No. 143)
 - 5.4. Recommendation for Migrant Workers Convention, 1975 (No. 151)
 - 5.5. Private Employment Agencies Convention,

1997 (No. 181)

- 5.6. Protection of Wages Convention, 1949 (No. 95)
- 5.7. Minimum Wage Fixing Convention, 1970 (No. 131)
- 5.8. Maintenance of Social Security Rights Convention, 1982 (No. 157)
- 5.9. United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

D. RECOMMENDATIONS TO BUSINESSES INVESTED IN OR OPERATING IN SAUDI ARABIA

Affirmatively demonstrate compliance with international labour standards, including for all contractors, especially in areas with high risks of violation.

1. Eradicate forced labour on all worksites, including among all contractors.
 - 1.1. Conduct rigorous worksite inspections by independent third parties that include engagement with migrant workers directly in a manner that enables workers to share their concerns while protecting workers' privacy and safeguarding workers from retaliation.
 - 1.2. Ensure that third party inspectors are well trained in how to recognise the indicators of forced labour.
2. Produce proof of wages paid timely and in full through WPS documentation of transfers. Paperwork signed by workers confirming wages can be easily falsified
3. Produce and enforce transparent salary grades through evidence-based and objective criteria.

4. Contribute to emergency funds, and require contributions from subcontractors, that are sufficient to support
 - 4.1. Contractually owed wages for all workers regardless of employment status for at least three months while they serve notice of termination
 - 4.2. Severance pay
 - 4.3. Relocation costs
 - 4.4. Health insurance for workers who face sudden termination during health emergencies.
5. Establish health standards for employer provided housing, including ample space for social distancing and access to PPE.

2. METHODOLOGY

Field research for this report was conducted in Saudi Arabia in two phases: from May to November 2023 including interviews with 9 workers employed in stadium maintenance and 8 in construction; and from February 2020-July 2021, including interviews with workers employed in hospitality (4) and construction (20), across three hotels and 12 construction sites. Migrant workers interviewed for this study were from Bangladesh, India, and Nepal.

Migrant worker interviews were carried out on a one-to-one basis, in-person and remotely over the phone. During our investigation from February 2020 – July 2021, our research protocols were in line with social distancing and other COVID-19 guidelines set by authorities in these countries and the World Health Organization. Our interviews include extended structured interviews, and shorter unstructured interviews.

This approach allowed us to engage with the maximum number of migrant workers employed on selected sites, utilizing a detailed questionnaire where possible but also incorporating unstructured testimony when time and access constraints prohibited extended engagement.

Women and men working in low-wage jobs in the Gulf live in an environment of high surveillance, little privacy, and significant physical and mental stress. In the light of this, all interviews were conducted with the informed consent of the participants in private locations to respect confidentiality in line with Equidem duty of care policy and procedures. Most of the workers interviewed requested that their identity not be revealed. Accordingly, we have used pseudonyms to shield workers from the risk of retaliation from their employers or the state.

We contextualised these interviews through extensive desk research, including laws and other state legal instruments, orders, and guidelines; United Nations special rapporteur reports and statements, independent human rights research, and international and local media reports; and company websites and industrial analysis focused on the construction and hospitality sectors.

3. BROKEN PROMISES

A. FIFA PROMISES

1. HUMAN RIGHTS REQUIREMENTS FOR TOURNAMENT HOST COUNTRIES

In response to a pattern of egregious worker rights abuses during the 2014 World Cup in Brazil and the 2018 World Cup in Russia, the global

labour movement and human rights advocates organised sustained campaigns to pressure FIFA into addressing practices that resulted in dangerous, exploitative jobs. In November 2017 FIFA published a “Guide to the bidding process for the 2026 FIFA World Cup,” in which it states that the host of the World Cup must:

“Provide specific commitments and information on human rights and labour standards, including:

- an explicit public commitment to respect all internationally recognised human rights in line with the United Nations’ Guiding Principles on Business and Human Rights;
- a proposal for a human rights strategy on how to identify and address the risks of adverse impacts on human rights and labour standards;
- guarantees of compliance with international human rights and labour standards from the government and host cities . . . , as well as from the entities responsible for the construction and renovation of stadiums, training sites, hotels and airports.”³⁶

Despite the stated requirement that all countries bidding to host the tournament should uphold international standards in protecting human rights as a criterion for selection, Saudi Arabia was chosen to host the 2023 Club World Cup and is exclusively being considered to be the host of the 2034 World Cup. As detailed in this report, this is alarming considering labour rights conditions in the country and widespread human rights violations by this regime.

2. FIFA HUMAN RIGHTS POLICY

In 2017, FIFA adopted a human rights policy within its fundamental statute.³⁷ In 2018, FIFA specified that it would include detailed requirements on human and labour rights in stadium agreements, promote responsible recruitment and employment practices by all contractors and subcontractors, and require contractors to use a wage structure that provides for a fair wage included in written contracts.³⁸

To realise these new human rights requirements, in 2017 FIFA appointed a Human Rights Advisory Board. The first Board was composed of eight international experts in human and labour rights and anti-corruption issues, including representatives from the United Nations (UN) system, trade unions, civil society, and business. In 2017, the Human Rights Advisory Board released an overview of FIFA’s progress across core areas of responsibility, including adopting a human rights policy commitment, embedding it throughout the organisation, identifying and addressing human rights risks, tracking and reporting on implementation, and enabling access to remedy. The 2017 report included a slate of recommendations covering specific as well as systemic issues. The initial 2-year mandate for the Human Rights Advisory Board was renewed in 2019.

In December 2020, however, the Board was disbanded. In their final report, the Board advised that (1) FIFA should embed human rights oversight within its internal governance

36 <https://www.fifa.com/tournaments/mens/worldcup/canadamexicousa2026/news/fifa-publishes-guide-to-bidding-process-for-the-2026-fifa-world-cuptm-2916170>

37 FIFA, “Guide to the Bidding Process for the FIFA World Cup”, available online at: <https://digitalhub.fifa.com/m/5730ee56c15eeddb/original/hgopypqftviladnm7q90-pdf.pdf>

38 FIFA Human Rights Advisory Board, 2018, “Second Report by the FIFA Human Rights Advisory Board” p. 57-62, available at <https://resources.fifa.com/image/upload/fifa-second-human-rights-advisory-board-report.pdf?cloudid=hw134aljrosbxevkwwh>.

structures, and (2) FIFA should obtain independent evaluation of its human rights efforts through the entire life cycle of the FIFA World Cup Qatar 2022. The Advisory Board also called upon FIFA to engage companies linked to the World Cup to support respect for international labour rights standards:

“FIFA should be actively encouraging other companies linked to FIFA World Cup-related construction in host countries, such as major hotel companies, to support respect for international labour rights standards, as well as the adoption of independent labour monitoring practices, in connection with their operations. Good practices developed by FIFA and its local partners in specific contexts should be shared with a wider audience in the long-term interests of workers and the FIFA World Cup brand.”³⁹

In addition, The Advisory Board called upon FIFA to identify predictable risks to the exercise of civil and political rights, including issues of freedom of association and anti-discrimination.⁴⁰ FIFA claims to have integrated much of this oversight function internally—although this is disputed.

3. FIFA LEGACY FUND

FIFA claims they have set aside money for a legacy fund that is “dedicated to establishing a labour excellence hub in partnership with the International Labour Organisation (ILO). The role of the programmes will be to share best practices in labour matters and support adherence

to the United Nations Guiding Principles on Business and Human Rights when hosting FIFA tournaments.”⁴¹ Despite access to remedy being a foundational principle of the UN Guiding Principles to which FIFA itself is bound, FIFA continues to turn a blind eye to the thousands of workers in Qatar who made their tournament possible and are owed compensation.

B. BROKEN PROMISES

1. FIFA SELECTION OF SAUDI ARABIA TO HOST CLUB WORLD CUP AND CONSIDERATION OF SAUDI ARABIA’S BID FOR THE 2034 WORLD CUP

Despite the stated requirement that all countries bidding to host FIFA tournaments should uphold international standards in protecting human rights as a criterion for selection, Saudi Arabia was chosen to host the 2023 Club World Cup and is exclusively being considered to host the 2034 World Cup. This is alarming considering systematic labour and human rights violations by this regime that stand in breach of FIFA’s binding human rights eligibility requirements.

As detailed in this report, migrant workers in Saudi Arabia described nationality-based discrimination and vulnerability to abuse, deceptive recruitment practices, recruitment fees, and abusive working conditions—including physical violence, intimidation and threats,

39 FIFA Human Rights Advisory Board, “Report by the FIFA Human Rights Advisory Board”, September 2017, available online at: <https://digitalhub.fifa.com/m/684bc3b9ec3f4811/original/ab2ywftc8qle92nghiee-pdf.pdf> and “Second Report by the FIFA Human Rights Advisory Board” p. 57, available online <https://resources.fifa.com/image/upload/fifa-second-human-rights-advisory-board-report.pdf>.

40 FIFA Human Rights Advisory Board, “Report by the FIFA Human Rights Advisory Board”, September 2017, available online at: <https://digitalhub.fifa.com/m/684bc3b9ec3f4811/original/ab2ywftc8qle92nghiee-pdf.pdf> and “Second Report by the FIFA Human Rights Advisory Board” p. 63 and 72-62, available online at: <https://resources.fifa.com/image/upload/fifa-second-human-rights-advisory-board-report.pdf>.

41 <https://www.fifa.com/tournaments/mens/worldcup/qatar2022/media-releases/fifa-world-cup-qatar-2022-tm-legacy-fund-to-benefit-people-most-in-need>

overwork, and exposure to high temperatures for extended durations. These indicators of forced labour, when taken together, can and do create forced labour conditions for migrant workers in Saudi Arabia. Migrant workers also face barriers to seeking relief that lock them into violent and exploitative employment relationships. Migrant workers face retaliation for collective action and reporting rights violations. In Saudi Arabia's apartheid system, complaint procedures and government inspections favor Saudi Arabian employers and managers, providing migrant workers with no fair channel to raise and address rights violations.

Moreover, Saudi Arabia has a long list of recent human rights abuses that violate FIFA standards for selecting tournament hosts in addition to the human and labour rights violation covered in this report. Same sex sexual activity is criminalised and members of the LBGTQ+ community have been arrested and executed;⁴² Peaceful critics of the Saudi regime, including women's rights activists, prominent clerics, academics, public intellectuals and human rights activists have been imprisoned and tortured;⁴³ Women continue to be repressed as part of Saudi's male guardianship system;⁴⁴ In 2018 Washington Post columnist Jamal Khashoggi, who had been critical of the Saudi regime, was murdered and dismembered

by Saudi agents⁴⁵ directed by Crown Prince Mohammed bin Salman himself.⁴⁶

In addition, it was reported that between March 2022 and June 2023, Saudi border guards had killed at least hundreds, possibly thousands of Ethiopians migrants and asylum seekers, including women and children, who attempted to cross the Yemen-Saudi border.⁴⁷ This included being attacked by mortar projectiles and other explosive weapons and being shot at from close range. One 17-year-old boy reported that he and other survivors were forced by Saudi border guards to rape two girl survivors after the guards killed another survivor who refused.⁴⁸

2. FIFA FAILURE TO ADDRESS WIDESPREAD RIGHTS VIOLATIONS DURING 2022 WORLD CUP QATAR

NOTICE TO FIFA OF RIGHTS VIOLATIONS IN THE CONSTRUCTION, HOSPITALITY AND SECURITY SECTORS IN QATAR

FIFA has not upheld these promises. Prior to, during, and following the 2022 FIFA World Cup in Qatar, Equidem spoke with more than 1,200 workers employed in stadium construction

42 "Saudi Arabia," Human Dignity Trust, available online here: <https://www.humandignitytrust.org/country-profile/saudi-arabia/>

43 Adam Coogle, "The High Cost of Change: Repression Under Saudi Crown Prince Tarnishes Reforms," Human Rights Watch, 4 November 2019, available online here: <https://www.hrw.org/report/2019/11/04/high-cost-change/repression-under-saudi-crown-prince-tarnishes-reforms>

44 "Saudi Arabia: End Male Guardianship," Human Rights Watch, 8 March 2023, available online here: <https://www.hrw.org/news/2023/03/08/saudi-arabia-end-male-guardianship>

45 "Saudi Arabia: much-touted personal status law discriminates against women - new briefing," Amnesty International, 8 March 2023, available online here: <https://www.amnesty.org.uk/press-releases/saudi-arabia-much-touted-personal-status-law-discriminates-against-women-new>

46 Arwa Youssef, "US Should Sanction Saudi Crown Prince: Overwhelming Evidence of Role in Khashoggi Murder, Other Abuses," Human Rights Watch, 3 March 2019, available online here: <https://www.hrw.org/news/2021/03/03/us-should-sanction-saudi-crown-prince>

47 Nadia Hardman, "'They Fired on Us Like Rain:' Saudi Arabian Mass Killings of Ethiopian Migrants at the Yemen-Saudi Border," Human Rights Watch, 21 August 2023, available online here: <https://www.hrw.org/report/2023/08/21/they-fired-us-rain/saudi-arabian-mass-killings-ethiopian-migrants-yemen-saudi>

48 Nadia Hardman, "'They Fired on Us Like Rain:' Saudi Arabian Mass Killings of Ethiopian Migrants at the Yemen-Saudi Border," Human Rights Watch, 21 August 2023, available online here: <https://www.hrw.org/report/2023/08/21/they-fired-us-rain/saudi-arabian-mass-killings-ethiopian-migrants-yemen-saudi>

and by FIFA hospitality and security partners. Workers described labour rights violations that included illegal recruitment charges, nationality-based discrimination, unpaid wages, exposure to extreme heat and other health and safety risks, overwork, and workplace violence, with some practices amounting to forced labour indicators, as defined under international standards.

Equidem also documented efforts by a major World Cup construction contractor owned by the Qatar royal family to conceal abuse from labour inspectors.

FIFA FAILURE TO TAKE ACTION IN RESPONSE TO RIGHTS VIOLATIONS IN THE CONSTRUCTION, HOSPITALITY, AND SECURITY SECTORS IN QATAR

Equidem contacted FIFA on multiple occasions in the months before and after the World Cup, providing detailed worker testimony from 144 workers on labour rights violations on FIFA stadiums and in FIFA partner hotels and security companies.⁴⁹ Equidem provided the names of every employer accused of exploitation and significant detail of the patterns of abuse and the approaches taken to evade labour inspections. None of the workers interviewed by Equidem in Qatar were willing to share their names with FIFA out of fear of reprisals by their employers and Qatar authorities. Migrant workers in Qatar risk ill-treatment and abuse in detention, prosecution and prison or deportation for speaking about their work and living conditions.

FIFA's staff responsible for its human rights responsibilities acknowledged receiving this

information and discussed aspects of it with the Equidem team on numerous occasions. However, apart from a formal written response affirming the organisation's commitment to human rights, FIFA did not substantively respond to information about the worker exploitation cases shared by Equ

4. RISK FACTORS FOR HUMAN AND LABOUR RIGHTS VIOLATIONS IN SAUDI ARABIA

"FIFA is fully committed to conducting its activities in connection with the bidding for and hosting of the final competitions of the FIFA World Cup 2030 and the FIFA World Cup 2034 in accordance with sustainable event management standards and practices⁵⁰ . . . , safeguarding principles for the protection of children and adults at risk and to respecting internationally recognised human rights in accordance with the United Nations Guiding Principles on Business and Human Rights."

— FIFA World Cup 2030 and FIFA World Cup 2034 Bidding Regulations⁵¹

FIFA's bidding regulations espouse a commitment to respect internationally recognised human rights in accordance with the United Nations Guiding Principles on Business and Human Rights

49 "The Cost of Contagion" <https://www.equidem.org/reports/the-cost-of-contagion> ; "Discrimination and Exploitation of Migrant Construction Workers on FIFA World Cup Qatar 2022 Stadium Sites" <https://www.equidem.org/reports/if-we-complain-we-are-fired> ; "Discrimination and Exploitation of Migrant Workers in FIFA World Cup Qatar 2022 Hotels" <https://www.equidem.org/reports/we-work-like-robots>

50 FIFA's commitment to sustainable event management practices is in line with ISO 20121.

51 FIFA, FIFA World Cup 2030 and FIFA World Cup 2034 Bidding Regulations, available online, <https://digitalhub.fifa.com/m/51aef03d916e5ad/original/FIFA-World-Cup-2030-and-FIFA-World-Cup-2034-Bidding-Regulations.pdf>

TIMELINE OF EQUIDEM ENGAGEMENT WITH FIFA ON RIGHTS VIOLATIONS DURING FIFA WORLD CUP QATAR 2022

MARCH 2022

- Equidem sent FIFA 144 cases of rights violations against migrant workers employed in construction and security on FIFA stadiums and by FIFA hospitality and security partners. Equidem shared detailed information on the worksites, employers, and labour and human rights violations. FIFA representatives acknowledged receipt of this information, but the organization has never explained what investigations it carried out nor what remedies have been provided, if any.
- Equidem staff met with FIFA to discuss the cases raised and how FIFA's responsibility for remedy could be structured for those who had faced violations including verbal and physical abuse, unpaid wages, illegal recruitment fees, and unpaid overtime.

MAY 2023

- Equidem contacted FIFA regarding retaliation against workers by Stark Security, a company hired by FIFA to provide security for the World Cup. After the World Cup was over, Stark Security terminated hundreds of its employees without any prior notice, despite having months left on their contracts. Around 250 of the workers organised themselves to engage in a discussion with the company. This led to their arrest and deportation. Incredibly, the Qatar authorities prosecuted and convicted three of the Stark workers who had helped organise the group. They were sentenced to six months in jail and each of the three men was fined 10,000 QAR [USD 2,700].
- FIFA responded to the Stark Security cases raised by Equidem after they were featured in the international media. Apart from acknowledging the workers' complaints, as far as Equidem is aware, none of the hundreds of workers whose cases were submitted to FIFA received compensation for the exploitation they faced while working to ensure security for players and spectators during the 2022 World Cup Qatar.

(UNGPs). The UNGPs call for business enterprises to carry out human rights due diligence to identify, prevent, mitigate, and account for how they address their adverse human rights impacts.⁵²

Accordingly, business enterprises must identify and assess any actual or potential adverse human rights impacts with which they may be involved—either through their own activities or because of their business relationships.⁵³

The rights violations documented in this report are rooted in laws and employment practices in Saudi Arabia that ensure that employers have access to a hiring pool of migrant workers, while systematically excluding these workers from adequate labour, employment, and social protections. This imbalance between worker and employer power in this ecosystem poses significant risks for unchecked rights abuses, including nationality-based discrimination and vulnerability to abuse, deceptive recruitment practices, recruitment fees, and abusive working conditions—including physical violence, intimidation and threats, overwork, and exposure to high temperatures for extended durations. As presented in this report, these indicators of forced labour, when taken together, can and do create forced labour conditions for migrant workers in Saudi Arabia.

Risk factors for labour and human rights abuses in Saudi Arabia include widespread employment of migrant workers in temporary positions, where under the kafala system, workers are subjected to employer control without adequate labour

standards protections, including the freedom of association protections required to enforce labour standards.

A. KAFALA SYSTEM

The kafala system is a regulatory paradigm that has existed since the 1960s in which interlocking local laws and policies function to bind a worker's immigration and residency status to an individual kafeel or sponsor. The kafala system imbues employers with the authority to restricts workers' job mobility, freedom to enter and exit the country, and negotiating power. This structural dependence enables an environment where abuse is perpetrated routinely and with impunity. As our research shows, this imbalanced power dynamic in favour of the employer over the worker⁵⁴ continues to undermine the ability of large numbers of workers to exercise labour rights and address labour exploitation, despite initiatives over the last five years to loosen employer control in Saudi Arabia.

Saudi Arabia did introduce some welcome reforms in 2021, waiving the "No objection certificate" (NOC) requirement for migrant workers to change jobs under Saudi's Resolution No. 51848/1442. Passed on March 14, 2021, this resolution eliminated requirements that migrant workers seek the permission of their employer to change jobs, open a bank account, and do other administrative tasks. The new laws appear to eliminate these restrictions for migrant workers employed in the private sector in certain types of jobs, such as construction, hospitality, oil and gas,

52 Guiding Principles on Business and Human Rights article 17 available online at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf

53 UNGP Article 18: See the doc available online at: <https://globalnaps.org/ungp/>

54 Ref- https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_552697.pdf

and infrastructure works. However, the labour reforms do not apply to nearly 4 million women and men working as domestic workers, farmers, gardeners, drivers, and security guards, as well as those on short-term visas. Workers in these sectors are among the most at risk from modern slavery and other labour exploitation.

Furthermore, migrant workers will still need to seek permission from the Ministry of Human Resources and Social Development to leave or enter the country, and can only transfer to another job after a year of employment or at the end of their contract. It remains a crime for migrant workers to 'abscond' from their employer, and employers can easily report an individual as an abscondee (known as a 'huroob'). This immediately invalidates their work visa and places them outside the protection of the labour law. Moreover, Saudi Arabia continues to hold migrant workers outside the ambit of legal protection under national employment laws, including minimum wage, health and safety, and workers' compensation law.

Labour rights advocates have directed attention to how waiving NOCs may, in fact, contribute to shifts in the structure of labour markets, creating more precarity and an acceleration of decent work deficits for all workers in the labour market, including foreign workers, local workers, and even refugees where applicable. As policy makers seek alternatives to the problematic kafala system, they must keep labour rights issues in mind and carefully consider alternative approaches. Institutionalizing a gig economy system of "self-employment" may free workers from the legal tie to a single employer, but at the cost of reduced

claims to labour protections, elimination of employer accountability for violations, and high fees.

Moreover, while these reforms are certainly being made in the right vein, sizeable gaps in implementation remain. Equidem field research found that workers continued to have negative experiences with obtaining NOCs even after these positive reforms. In some instances, workers were unaware of the new law, and employers were either similarly unaware, or wilfully ignored the changes in the law. In 2023, for instance, Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia described believing he required an NOC from the employer for changing his job long after NOCs had been eliminated:

Employers can be legally changed, but for that you will have to take company NOC. And the company does not give NOC.⁵⁵

B. DENIAL OF FREEDOM OF ASSOCIATION

1. FREEDOM OF ASSOCIATION AS A FUNDAMENTAL RIGHT

The status of the freedom of association and collective bargaining as fundamental principles and rights at work has been well established among ILO member states.⁵⁶ Freedom of association is recognised as a fundamental right in every international and regional human rights instrument, from the Universal Declaration of Human Rights (UDHR) and related international covenants to regional human rights charters and governing documents of international

⁵⁵ An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

⁵⁶ ILO Declaration on Social Justice for a Fair Globalization, available online at: https://www.ilo.org/global/about-the-ilo/mission-andobjectives/WCMS_099766/lang-en/index.htm#:~:text=The%20International%20Labour%20Organisation%20unanimously,the%20ILO's%20Constitution%20of%201919

organisations. Freedom of association is also guaranteed in almost all national constitutions.⁵⁷

Freedom of association is a cornerstone right because it creates the conditions for workers and their organisations to intervene in racism, discrimination, and rights violations by advancing, defending, and enforcing all other labour rights. In short, it allows workers through their trade unions to intervene in structural violence. Moreover, in the arena of legislation and policy, trade unions have the capacity to impact labour standards beyond the capacity of any individual worker.

Trade unions are not explicitly prohibited in Saudi Arabia but they do not exist in practice. Worker committees are allowed, but only Saudi Nationals in companies that employ more than 100 can join.⁵⁸ Although migrant workers cannot in practice join trade unions or workers committees, Equidem found that migrant workers nonetheless organise informally and take collective action to address workplace exploitation, testifying to the critical importance of collective action in addressing systemic rights abuses.

For instance, faced with rampant wage theft during the COVID 19 pandemic, construction workers in Saudi Arabia described taking collective action to secure their rights, even in contexts where they are legally prohibited from joining trade unions. Veer, an Indian construction helper employed in Saudi Arabia described going on strike in 2020, together with all of the other workers employed by the company:

I worked through the lockdown, but I have not received my salary for 6 months. The company withheld payment of most of the workers. A few days ago, all the workers in the company went on strike. After that, the company paid us two months of the salary they owed. They still owe four months' salary and overtime.⁵⁹

The success of this collective action to demand unpaid wages underscores the urgency of protecting the fundamental rights to freedom of association and collective bargaining for all migrant workers in Saudi Arabia.

2. RETALIATION FOR SPEAKING OUT AGAINST RIGHTS ABUSES

Construction workers in Saudi Arabia described retaliation for asking for basic service entitlements, like wages and support to access medical care. Akshay, an Indian helper working on a construction site in Saudi Arabia described not receiving his salary for six months. When workers demanded their wages, they were threatened by management with termination and even jail time:

I have not been paid my salary since January. This was months before the lockdown even started. I had no money to buy food. I sleep with a half empty stomach most days. When we went to demand our salary, we were threatened by the company: 'if you speak, you will be sent to jail.' We tried many times to gather everyone to raise our voice, but the company dismissed us every time. They fired workers without their rightful salary and end of service settlement.⁶⁰

57 ILO: Giving a voice to rural workers, ILC, 104th Session, Geneva, 2015, p. 87-88, para 275, available online at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_343023.pdf

58 "Saudi Arabia: Regulatory framework governing migrant workers," ILO, 14 December 2023, available online here: https://www.ilo.org/beirut/projects/fairway/WCMS_776522/lang--en/index.htm

59 Indian worker employed as a construction helper in Kingdom of Saudi Arabia, interviewed in 2020.

60 Indian worker employed as a construction helper in Kingdom of Saudi Arabia, interviewed in 2020.

Threats of termination, deportation, and jail time in response to demands for timely wage payment are not isolated incidents. Akash, an Indian worker employed as an electrician on a construction site in Saudi Arabia also described not receiving his salary despite working through lockdown, and that workers who demanded their wages were terminated without receiving owed wages or severance.⁶¹

Workers also described fearing retaliation for forming a workers' organization. Nitin, an Indian maintenance worker employed in Jeddah explained:

There is no organization of employees here, and forming such an organization is prohibited. Anyone who thinks of doing this will not only lose his job, but legal action will also be taken against him. That's why no one here even thinks like this.⁶²

Rashid, a Bangladeshi maintenance worker employed at a FIFA partner company in Jeddah, Saudi Arabia at King Abdullah Sports City Stadium described being terminated from his job after protesting and striking to demand a wage increase:

Once, workers protested and went on strike demanding a salary increase. However, the company swiftly terminated the leaders of the protest, resulting in approximately 120 workers losing their jobs. Unfortunately, I was one of those terminated.⁶³

Absent legal protection of the right to form and join trade unions, workers who take action to

demand wages and other fundamental rights are at risk of retaliation. For low wage migrant workers, the exercise of freedom of association all too often leads to deprivations of liberty.

C. INADEQUATE WAGE PROTECTIONS

The Wage Protection System in Saudi Arabia mandates that employers pay workers' wages through bank transfers instead of cash, a protection that will extend to migrant domestic workers in July 2024, but only those employed in households that employ 3 or more domestic workers.⁶⁴ Absent minimum wage protections and protections against wage discrimination, however, these standards fall far short of the protection migrant workers require to ensure fair wages in line with international standards. Migrant workers in Saudi Arabia report widespread wage reductions and changes in employment conditions once they have entered into employment in Saudi Arabia.

1. NO MINIMUM WAGE PROTECTIONS AND WAGE DISCRIMINATION

Absent minimum wage protections in Saudi Arabia, salaries for migrants are set through de facto nationality-based wages scales, leading to large pay discrepancies between workers who fulfill the same role. Workers in Saudi Arabia described drastic pay discrepancies between nationalities. Ishaan, a Bangladeshi worker employed as a Restaurant Chief Steward in a hotel in Saudi Arabia explained:

61 Indian worker employed as an electrician on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

62 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

63 A Bangladeshi national employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

64 "Saudi Arabia Extends Wage Protection System to Domestic Workers," Migrant-Rights.org, May 27, 2024, <https://www.migrant-rights.org/2024/05/saudi-arabia-extends-wage-protection-system-to-domestic-workers/>

There is no equal pay for equal work. For example, if my job is done by any Saudi or other Arab people, their salary might be 2500-4000 [SAR] [USD 666 – 1066] higher. There is inter-country nepotism on promotion.⁶⁵

Rayansh, a Bangladeshi worker employed as a front desk concierge at a hotel in Saudi Arabia described even greater discrepancies at the hotel where he works, citing the lack of minimum wage protection as a key contributor to the difference in pay.

Arabic language speakers and western people get the highest salaries. The rest of us receive the same salaries. Concierge salaries for workers from countries like Bangladesh are 1,900 SAR [USD 507]. Saudi nationals and European workers get approximately 7,000 SAR [USD 1,866]. Our job title, hours of work, nature of work and department are all the same. Only the salary is different. The Saudi Arabian labour ministry set minimum wages for Saudi nationals at 5,000 SAR [USD 1,333]. That is why they get paid more.⁶⁶

Nationality-based wage hierarchies among Asian workers are also an issue. Workers from more established migration corridors are also more likely to have become established in management positions over a lifetime of migration and may play a part in providing higher salaries and better job placements to migrant workers from their country of origin. Anirban, a Bangladeshi document controller, employed on a construction site in Saudi Arabia described these nationality-based distinctions consolidating into a three-tiered wage system:

Arabic and western people get the highest pay. Among migrants, Indians are paid more than Bangladeshi workers. Among Asian workers, this is because of nepotism in determining salaries and better job placement. There are three salary grades: (1) Saudi people get the highest pay; (2) western people are next; and (3) people from third country nations (TCNs) get the lowest pay. This has nothing to do with skill level. It is common for Saudi workers to get higher salaries than their immediate supervisors if the supervisor is Asian.⁶⁷

2. WAGE REDUCTIONS AND CHANGES IN EMPLOYMENT CONDITIONS

In our interviews with construction workers employed in Saudi Arabia, migrant workers described being promised a particular monthly salary prior to migration, and then having that salary reduced upon arrival. Workers also arrived to work in roles and conditions distinct from what they had agreed upon, and in some instances were not provided the food and accommodations they were promised. While some workers discovered that the wages, hours, and working conditions were not what they had agreed to upon reaching the destination country, others described finding out when they received their contract at the airport—but by then, it was too late to negotiate terms and they had to accept the contract they received or forfeit the job entirely. Anirban, a Bangladeshi worker employed as a document controller on a construction site in Saudi Arabia described his experience:

I was promised I would get 2,000 SAR [USD 533] monthly, but when I came here, I got only

65 Bangladeshi worker employed as a Restaurant Chief Steward in Kingdom of Saudi Arabia, interviewed in October 2020.

66 Bangladeshi worker employed as a front desk concierge in Kingdom of Saudi Arabia, October 2020.

67 Bangladeshi worker employed as a document controller in Kingdom of Saudi Arabia, September 2020.

1,500 [USD 400]. The agent told me I could get as much overtime duty as I liked, but then I got only 2 hours of overtime duty in a day. I only got the contract at the airport. It was too late for me to do anything.⁶⁸

Workers also described agreeing to a particular type of employment, but being required to work in more labour intensive and demeaning roles upon arrival. Sahil, an Indian worker employed at a civil works company in Dammam told Equidem researchers that he expected to earn 1,200 SAR [USD 320]/month and instead, upon arrival in Saudi Arabia, was made to clean toilets for 900 SAR [USD 240]/month:

I did not get the job and salary I was promised. The agent told me I would work in the company, but after coming here, I was made to clean the toilets. At that time the agent told me that I would get 1,200 [SAR] salary, and that the company would provide food. After coming here, the company gave me only 900 [SAR] each month.⁶⁹

The wage related rights violations described in this section, including wage discrimination and changes in wages and working conditions unilaterally determined by the employer, run rampant in a context where the state does not define and enforce minimum wage and other labour standards. In fact, the lack of wage and other labour rights protections in Saudi Arabia function to relieve the State from the role of protecting migrant workers' rights. This leaves migrant workers subject to false promises by recruiters and unilaterally determined conditions set by employers with few legal avenues for relief. The imbalance of power between workers and

employers is exacerbated further by the denial of freedom of association.

5. LABOUR RIGHTS VIOLATIONS IN SAUDI ARABIA

A. FIFA CLUB WORLD CUP 2023

In the lead up to the FIFA Club World Cup 2023, Equidem researchers spoke to migrant workers employed in the construction, maintenance, and hospitality sectors—sectors instrumental to sporting events. The forced labour indicators and barriers to seeking relief in cases of rights violations documented in this section reflect FIFA's failure to protect worker rights in the lead up to the FIFA Club World Cup 2023. They also lend up to date insight into the risk factors faced by migrant workers in the construction, maintenance, and hospitality sectors that should disqualify Saudi Arabia from hosting the FIFA World Cup 2034 unless the bid from Saudi Arabia includes binding and enforceable commitments to address risk factors for labour and human rights violations.

1. FORCED LABOUR INDICATORS

Equidem researchers found that migrant workers employed in the construction, maintenance, security, and hospitality sectors in Saudi Arabia were subjected to various combinations of forced

⁶⁸ Bangladeshi worker employed as a document controller on a construction site in Kingdom of Saudi Arabia, interviewed in September 2020.

⁶⁹ Indian worker employed on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

labour indicators. In these sectors, we found abuse of vulnerability, deception, intimidation and threats, retention of identity documents, withholding wages and abusive working and living conditions. These indicators of forced labour, when taken together, can and do create forced labour conditions for migrant workers in Saudi Arabia. Individual indicators are described in detail in subsequent sections, but these should be understood together as resulting in forced labour conditions or a high risk of forced labour for migrant workers in Saudi Arabia.

A. NATIONALITY-BASED DISCRIMINATION AND VULNERABILITY TO ABUSE

Discrimination in wages, working conditions, and access to benefits

Forty-two percent of the workers Equidem talked to reported experiencing discrimination at work, heightening their vulnerability to abuse—a risk factor for forced labour. Vivaan, a Bangladeshi national employed as a security guard in Tabuk, Saudi Arabia described nationality-based wage discrimination between Saudi and migrant workers:

There is discrimination between local Saudis and Third Country National (TCN) migrant workers. Arab salaries are consistently higher. The salary is determined based on the currency and living costs of the workers' countries of origin.⁷⁰

Workers also described nationality-based hierarchies among migrant groups. Rahul, an Indian maintenance worker employed in Makkah, Saudi Arabia explained:

The workers here get different salaries and facilities. The Arabic and Pakistani workers get food and accommodation, but I have to spend my own money on food. There is discrimination against Indian workers, especially since most of the officers are from Pakistan. We face unequal treatment. We're asked to have lunch last, whereas Pakistani and Arab people get to have lunch first. It's disheartening to see them eating while we work on an empty stomach. We are given more work compared to them. They are allowed to drink water or use the restroom, but when we attempt to do so, the officers shout at us.⁷¹

Rishit, a Bangladeshi worker employed as a cleaner in Jeddah, Saudi Arabia described discrimination in wages and access to benefits:

There is salary discrimination based on nationality. Indians and Pakistanis receive more than Bangladeshis. Additionally, medical cards are categorised as A, B, and C—and we have the lowest category: C. There is no regular system for salary increments, it depends on the management's discretionary decisions.⁷²

Lower wages for Bangladeshi nationals were also confirmed by Rashid, a Bangladeshi maintenance worker employed at a FIFA partner company in Jeddah, Saudi Arabia at King Abdullah Sports City Stadium:

The basic salary for Bangladeshi workers was 900 SAR [USD 240], while workers from other nations, such as Indians, received more, with a basic salary of 1,200 SAR [USD 320].⁷³

70 A Bangladeshi security guard employed in Tabuk, Kingdom of Saudi Arabia, interviewed in 2023.

71 An Indian maintenance worker employed in Makkah, Kingdom of Saudi Arabia interviewed in 2023.

72 A Bangladeshi cleaning worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

73 A Bangladeshi national employed in Jeddah, kingdom of Saudi Arabia interviewed in 2023.

Workforce nationalization, workplace hierarchy, and fear of termination

Nitaqat is a nationalization programme that was introduced in 2011 to increase the percentage of Saudi Arabian citizens working in the private sector and reduce the gap in the rate of employment of Saudi Arabian citizens between public and private sector positions. In particular, the policy aimed to address high unemployment among Saudi Arabian nationals, lack of female workforce participation, and challenges related to matching worker qualifications and opportunities. In short, the Nitaqat programme aimed to motivate businesses to hire qualified Saudi Arabian workers over foreign nationals by assigning the business a rating based upon the percentage of the workforce comprised of Saudi nationals.⁷⁴

In practice, workers report that this programme has resulted in a system wherein supervisory and other higher positions are reserved for Saudi Arabian nationals. Arjun, an Indian construction worker employed in Jeddah, Saudi Arabia explained:

After the Nitaqat policy change, higher positions are exclusively reserved for Saudi nationals. Only civilians from Saudi Arabia can occupy the upper strata jobs.⁷⁵

Khem, an Indian electrical maintenance worker employed in Jeddah, Saudi Arabia, also described reservations for Saudi nationals in senior positions in his sector:

Saudi civilians are working here as supervisors, and after the policy change (Nitaqat), supervisor positions are exclusively reserved for them.⁷⁶

These practices were confirmed by a Ravi, an Indian maintenance worker employed in Dammam, Saudi Arabia:

Supervisor positions are reserved exclusively for Saudi civilians.⁷⁷

Concentration of Saudi nationals in supervisory positions, together with nationality-based discrimination within Saudi Arabia undermines the ability of migrant workers to raise complaints. Rishit, a Bangladeshi worker employed as a cleaner in Jeddah explained:

Generally, the management doesn't entertain complaints against Saudis. Saudis sometimes behave inappropriately, but we fear termination if we complain. However, if any migrant misbehaves, the management addresses those issues. We refrain from complaining about Saudis and the higher management out of fear of losing our jobs.⁷⁸

In addition to functionally reserving senior and supervisory positions for Saudi nationals, workers also told Equidem researchers that due to the Nitaqat programme they are in constant fear of losing their jobs and being replaced by Saudi Arabian workers. Arjun, an Indian construction worker employed in Jeddah, Saudi Arabia shared the fear of job loss due to changing labour laws:

74 Daniyal Chishti and Albatul Alharthi, "Everything You Need to Know About Nitaqat in Saudi Arabia," November 29, 2022, TASC, available online, <https://tascoutsourcing.sa/en/insights/everything-you-need-to-know-about-nitaqat-in-saudi-arabia>

75 An Indian construction worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

76 An electrical maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

77 An Indian maintenance worker Employed in Dammam, Kingdom of Saudi Arabia interviewed in 2023.

78 A Bangladesh worker employed as a cleaner in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

Significant changes have already been made to the labour laws here, leading to an increased uncertainty about job security. The risk of being replaced by locals is a constant concern for us, aligning with the 2030 vision aimed at minimizing, if not eliminating, the presence of expatriates in Saudi Arabia. The evolving labour regulations pose a daily risk of termination for many of us.⁷⁹

B. DECEPTIVE RECRUITMENT PRACTICES

According to the International Labour Office Special Action Programme to Combat Forced Labour, an employer's failure to deliver what has been promised to the worker either verbally or in writing amounts to deception—an indicator of forced labour.⁸⁰

Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia, described being misled about the conditions of his employment:

Before coming here, the agent promised me a salary of Rs 2,000 [USD 533] and assured me free accommodation, food, and treatment. However, upon arrival, I am only receiving the salary, and I have to cover my living expenses and food with my own money.⁸¹

Arnav, a Bangladeshi worker employed in loading work for a contractor in Tabuk, Saudi Arabia described being deceived about his employer:

The middleman deceived me by portraying the company as a regular employer, but it turned out to be a supply/sub-contract company. About 5-6 hours before my departure to Saudi, the lady middleman took some of my signatures, and I couldn't question her at that moment. She rushed the process, and I ended up paying a recruitment fee of BDT 3,10,000 [USD 2,816].⁸²

Krish, an Indian worker employed as a mechanic in Makkah, Saudi Arabia was deceived about his salary as well as other conditions of employment:

When I first came here, the agent told me I'd get 1,800 SAR [USD 480] and free accommodation, food, and medical treatment from the company. Turns out, none of that happened. It's been 7 years, and my salary hasn't gone up even a bit.⁸³

Deceptive recruitment practices persist, in part, because migrant workers may not receive a contract or their terms of employment prior to departure, or for some, even after starting employment. Nikhil, an Indian maintenance worker employed in Jeddah, Saudi Arabia, explained to Equidem researchers that the company did not provide him with a copy of his employment contract, even after starting employment:

According to the company, my contract is written, but I don't have a copy of the contract yet.⁸⁴

79 An Indian construction worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

80 ILO Special Action Programme to Combat Forced Labour, ILO Indicators of Forced Labour, p. 7, available online at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.

81 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

82 A Bangladeshi loading worker employed in Tabuk, Kingdom of Saudi Arabia, interviewed in 2023.

83 An Indian mechanic employed in Makkah, Kingdom of Saudi Arabia interviewed in 2023

84 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

C. RECRUITMENT FEES AND DEBT

Workers in forced labour are often working to pay off debt arising from wage advances or loans to cover recruitment, transportation, or daily living.⁸⁵

Fifty-three percent of the workers Equidem spoke to paid recruitment fees. Nitin, an Indian maintenance worker employed at a stadium in Jeddah, Saudi Arabia, described paying INR 1,30,000 [USD 1,560] in recruitment fees:

My friend told me that there is a job for a cleaning worker in a Saudi stadium and the company will provide a salary of 2,000 Riyal [USD 533], accommodation, food, and medical treatment. He had quoted the cost of getting this job as Rs 1,30,000. He took half the money in advance and the other half after getting the flight ticket. He had told that the job agreement would be given to me in Saudi. After that he sent me on a tourist visa. A month after my arrival, I got a job and a written agreement.⁸⁶

Kunal, an Indian worker employed as a health and safety officer in Dammam, Saudi Arabia described paying INR 50,000 [USD 602] in recruitment fees.⁸⁷

Arnav, a Bangladeshi security worker employed in Tabuk, Saudi Arabia described paying a recruitment fee of BDT 3,20,000 [USD 2,907]:

The recruitment agency obtained my signature on the contract paper just at the eleventh hour, close to the flight time. I had to sign numerous

documents without reading or reviewing them and paid BDT 3,20,000 [USD 2,923].⁸⁸

Krish, an Indian worker employed as a mechanic in Makkah, Saudi Arabia described paying a recruitment fee of INR 90,000 [USD 1,076] and taking on additional employment in order to repay this loan and send money home:

The agent took 90,000 [USD 1,076] Indian rupees for the visa and ticket. I borrowed money at 5 percent interest to pay him back. I don't get food from the company, and my salary hasn't increased since I got here. To make extra money, I fix air conditioners for friends and use that cash for my expenses. The company doesn't know about it, and I do it to send money home. It's not easy, but I manage.⁸⁹

Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia paid a recruitment fee of INR 70,000 [USD 840]:

When I decided to come here, the agent asked for 70,000 INR [USD 840] thousand for the visa and ticket. To pay him, I had to borrow money with interest. It's been a financial struggle.⁹⁰

D. HOLDING IDENTITY DOCUMENTS

Retention of passports and other identity documents by employers can be an element of forced labour if workers are unable to access these items on demand and if they feel that they cannot leave the job without losing their documents. Moreover, the practice of employers

85 ILO, Indicators of Forced Labour, October 2012, https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm

86 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023

87 An Indian worker employed in Dammam, Kingdom of Saudi Arabia interviewed in 2023.

88 A Bangladeshi security guard employed in Tabuk, Kingdom of Saudi Arabia interviewed in 2023.

89 An Indian mechanic employed in Makkah, Kingdom of Saudi Arabia interviewed in 2023.

90 Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia, interviewed in 2023.

holding worker identity documents is prohibited under Article (6) of Saudi Labor Law. Despite these legal protections, however, among the workers Equidem researchers spoke to in Saudi Arabia, twelve percent had their passports confiscated by their employers. Arjun, an Indian construction worker employed in Jeddah, Saudi Arabia told Equidem that the sponsor was holding his passport.⁹¹

Manjil, an Indian maintenance worker employed in Jeddah, had to submit his passport to his employer as soon as he started work:

My passport is deposited in the office. I had to give it to my employer as soon as I came here.⁹²

Khem, an electrical maintenance worker employed in Jeddah, Saudi Arabia, described a company practice of holding workers' passports and only returning them during annual leaves:

My passport is with the company. We only have our ID on hand. When we apply for our annual leave, then we get our passport back. After we come back, we have to hand it over again.⁹³

E. ABUSIVE WORKING CONDITIONS

Physical violence, intimidation and threats

Seven percent of workers interviewed by Equidem researchers described being subjected to physical violence at work. Rishi, an Indian maintenance worker employed in Jeddah, Saudi

Arabia reported being slapped and threatened with termination:

One day I was feeling pain in my body, so I took rest for a while. The supervisor abused me and slapped me twice. After that I was instructed and threatened that if this happens again, I will be fired from the job.⁹⁴

Atif, an Indian worker employed in stadium maintenance in Jeddah, Saudi Arabia described avoiding verbal and physical abuse by avoiding supervisor attention:

When I first got here, I didn't know much about this place. I've had to endure a lot of verbal abuse and have been slapped a couple of times. Now, I just keep my head down and work quietly.⁹⁵

Migrant workers described verbal abuse as common across worksites in Saudi Arabia. Among the workers Equidem interviewed for this study, sixteen percent reported that they were routinely subjected to verbal abuse by their supervisors. Krish, an Indian mechanic employed in Makkah, Saudi Arabia described being made to work unpaid overtime and facing routine verbal abuse:

It's tough here. I'm always under pressure to work. . . There's no overtime pay, and my salary hasn't gone up since I got here. . . They throw around insults, threats, and shout like it's nothing new. I've just gotten used to it, living here.⁹⁶

91 An Indian construction worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

92 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

93 An Indian mechanic employed in Makkah, Kingdom of Saudi Arabia, interviewed in 2023.

94 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

95 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

96 An Indian mechanic employed in Makkah, Kingdom of Saudi Arabia, interviewed in 2023.

As explained by Krish, these patterns of abuse are so pervasive that they are normalised. Among the workers interviewed by Equidem researchers, fourteen percent said they were required to complete unreasonable amounts of work under threats of penalty. Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia, described experiencing high levels of pressure at work.

There's a ton of work pressure on me. They expect me to squeeze 12 hours of work into just 8 hours. If I don't manage, the officers start yelling and scolding me. It's tough to work here.⁹⁷

Overwork and inadequate nutrition

Atif, an Indian stadium maintenance worker employed in Jeddah, Saudi Arabia described insufficient staffing in his department:

There are approximately 24 workers in my department, both inside and outside the stadium. However, the cleaning staff is insufficient, leading to a significant workload and increased work pressure.⁹⁸

In order to complete this workload, Atif explained that he and the other workers in his department are not given regular meal breaks and are even prevented from taking breaks to drink water. He explained:

We don't have regular meal breaks here, and we can't even take breaks to grab a drink of water. There's a water supply inside the stadium, but

the supervisors keep yelling at me whenever I try to go there.⁹⁹

Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia also described irregular lunch breaks and facing abuse if he took a break to drink water, use the toilet, or rest for even two minutes:

We don't get breaks on time here. Instead of the usual one-hour lunch break, it's only half an hour . . . It is common for supervisors to shout at workers, put pressure on us to work constantly—even when we go to drink water or to the toilet, they shout at us. If a worker is found resting for even two minutes, he has to hear abuse.¹⁰⁰

Migrant workers in Saudi Arabia described sustaining these unreasonably rigorous workloads, working continuously without breaks for meals, water, or to use the toilet, but still being unable to afford nutritious food. Arjun, an Indian construction worker employed in Jeddah, Saudi Arabia, informed Equidem that he is unable to afford nutritious food:

I find it difficult to afford healthy food due to a lack of sufficient funds.¹⁰¹

Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia described being unable to afford to eat full meals despite working extra jobs:

97 Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia interviewed in 2023.

98 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

99 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

100 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

101 An Indian construction worker employed in Jeddah, Kingdom of Saudi Arabia, interviewed in 2023.

My salary is pretty low, so on the side, I do labourer jobs without the company knowing. I have to send some money back home. I can't afford a full meal, so I eat just enough to fill half my stomach. Trying to save wherever I can.¹⁰²

Overwork, low caloric intake and extended working hours for workers employed in stadium construction and maintenance take a toll on worker health. Kunal, a health and safety officer in Dammam, Saudi Arabia explained:

I've been getting allergies because of the fiber dust at work. And the lack of proper sleep really messes with my blood pressure.¹⁰³

Heat stress

Climate related impacts have significant consequences for workers employed in the industrial and service sectors, especially in Saudi Arabia where the climate is dry with subtropical desert conditions. During the summer, temperature and humidity levels are at their peak and rainfall is scarce. Exposure to excessive heat levels can lead to chronic kidney injuries and heatstroke with potentially fatal outcomes.

Workers in all sectors are affected, but certain occupations are especially at risk because they involve more physical effort and/or take place outdoors. These jobs are typically found in construction, emergency repair work, transport, delivery services, security services and agriculture. In addition to direct health impacts of heat exposure, heavy physical activity during

extreme heat can cause distraction (due to discomfort), extreme fatigue and psychological strain. Heavy work in high temperatures can also decrease cognitive and behavioural performance and can increase accident rates by affecting reaction time, attention, and memory.¹⁰⁴ The impacts of heat stress are accentuated for migrant workers from countries with different climate profiles, leaving them less acclimated to the harsh climate.

Among the workers Equidem talked with, nine percent faced health related concerns as an aftermath of exposure to extreme heat. Kunal, an Indian worker employed as a safety officer in Dammam, Saudi Arabia described heat and sun exposure due to the lack of adequate resting spots at the worksite:

We've got just a few resting spots at the site, and we're often left exposed to direct sunlight for extended periods.¹⁰⁵

Khem, an Indian electrical maintenance worker employed in Jeddah, Saudi Arabia described the heat in Saudi Arabia as intolerable:

The climate here is intolerable. Sand winds trigger allergies. and the heat creates uric acid-related issues. Our safety in terms of climate protection measures is compromised in these conditions.¹⁰⁶

According to Shankar, asthma, kidney stones, and joint pain are common conditions associated with working in high heat:

102 Naresh, an Indian maintenance worker employed at a hospital in Makkah, Saudi Arabia interviewed in 2023.

103 An Indian worker employed in Dammam, Kingdom of Saudi Arabia interviewed in 2023.

104 Danyela Samaniego-Rascón et al., "Solar energy industry workers under climate change: A risk assessment of the level of heat stress experienced by a worker based on measured data," October 2019, available online at: <https://www.sciencedirect.com/science/article/pii/S0925753518309561>.

105 An Indian worker employed in Dammam, Kingdom of Saudi Arabia interviewed in 2023.

106 An electrical maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

Everyone is experiencing health risks related to the climate. Seasonal changes significantly impact those of us with asthma and kidney stones. Joint pain from uric acid is common in this environment.¹⁰⁷

Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia told Equidem that he experienced headaches from working long hours in the heat:

The sun is really intense here, and morning duty can be tough because you have to work under the sun. That often leaves me tired and with a headache.¹⁰⁸

Denial of paid sick leave

Despite suffering health consequences associated with sustaining extreme workloads in high heat and under physical and mental stress, migrant workers who spoke with Equidem explained that they were not able to get paid sick leave when they fell ill.

Atif, an Indian maintenance worker employed in Jeddah, Saudi Arabia described denial of paid sick leave except in cases of severe illness or accidents:

Regular sick leave isn't an option. Leave is only granted in cases of severe illness or accidents. If you need to take leave for common health issues like tiredness, cough, or cold, you won't receive a salary for that day.¹⁰⁹

Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia also described institutionalised barriers to getting sick leave:

We do get holidays here. But for that one has to get it prescribed by a doctor, and to get it prescribed by a doctor one has to go to a government hospital. On going there, doctors do not prescribe bed rest for common illnesses like fatigue, fever, cold, cough, hence workers are not able to take sick leave.¹¹⁰

A Bangladeshi loading worker employed in Tabuk, Saudi Arabia described similar challenges:

Approval for sick leave is contingent on both the doctor's prescription and the satisfaction of the supervisor.¹¹¹

2. BARRIERS TO SEEKING RELIEF

Heightening vulnerability to labour and human rights violations, including clusters of forced labour indicators, migrant workers in Saudi Arabia face significant barriers to seeking relief when they face abuse at the hands of their employers. Barriers to seeking relief documented by Equidem include denial of freedom of association—as laid out in part IVB of this report, inadequate complaint mechanisms, retaliation for reporting rights violations, and inadequate government inspections. These barriers to seeking relief and accountability contribute to employer impunity.

107 An electrical maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

108 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

109 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

110 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

111 A Bangladeshi loading worker employed in Tabuk, Kingdom of Saudi Arabia interviewed in 2023.

INADEQUATE COMPLAINT MECHANISMS

Among the workers interviewed by Equidem researchers, thirty-five percent said that there were not adequate mechanisms in place to file complaints. Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia told Equidem that he did not complain at work due to fear of retaliation from his employer:

There's no proper complaint system in place here. The authorities don't pay attention to the workers. Our employers claim we make excuses and tell lies to avoid work. Anyone who tries to complain here ends up getting fired. So, out of fear, no one really speaks up.¹¹²

Atif, another Indian worker employed in maintenance in Jeddah, Saudi Arabia also told Equidem that workers who complain are fired:

I never complained, because here anyone who complains is fired from their job.¹¹³

Atif told Equidem that even when workers do complain, they do not receive support from company officials:

Complaining is not at all possible. Most company officials don't listen to or trust the workers. They consistently blame workers for lacking loyalty and commitment.¹¹⁴

INADEQUATE GOVERNMENT INSPECTIONS

Despite government inspections, sixteen percent of the workers Equidem talked to said that inspections were not adequate to protect their rights. Workers explained that during inspections, inspectors neither cover the entire worksite, nor do they engage with migrant workers. Workers are also described being afraid to speak out during inspections. Accordingly, rights violations go undetected and unaddressed.

Arjun, an Indian construction worker employed in Jeddah, Saudi Arabia described government inspections as inadequate to pick up rights violations due to failure to engage with workers:

Inspections focus mainly on worksites, and workers are not typically involved in government inspections.¹¹⁵

Kunal, an Indian worker employed as a safety officer in Dammam, Saudi Arabia told Equidem that government inspections only cover select parts of the worksite:

I have never seen inspection officials coming inside the plants. They did visit our workshop once to check if people are following precautions during summertime.¹¹⁶

Nitin, an Indian maintenance worker employed in Jeddah, Saudi Arabia at King Abdullah Sports City Stadium—one of the stadiums that hosted the football world cup—told Equidem that government officials did visit the stadium where he worked, but that he was afraid to report rights

112 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

113 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

114 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

115 An Indian worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

116 An Indian worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

violations due to fear of employer retaliation:

There are a lot of stadiums here, so officials often come and go while monitoring the work. Officials do not ask about the problems faced by the workers. The company has also instructed the workers not to talk directly to the officers. Whoever does speak up, action will be taken against him, and he will be fired. That's why we are afraid.¹¹⁷

B. LABOUR EXPLOITATION DURING COVID-19

From February 2020 – July 2021, Equidem documented rights violations perpetrated against migrant workers in both the hospitality and construction sectors in Saudi Arabia, including among FIFA hospitality partners. Our research documented how financial losses were systematically displaced onto low wage migrant workers through large-scale retrenchment without prior notice; non-payment of wages and end-of-service benefits; and denial of access to basic healthcare in the midst of a life-threatening pandemic. By systematically excluding migrant workers from labour law protections and freedom of association, Saudi Arabia created the conditions for widespread wage theft, forced labour, and occupational safety risks during the successive shockwaves of the global COVID 19 pandemic. The displacement of economic risk onto migrant workers—and its dire consequences—was particularly acute in Saudi Arabia.

1. STATE WITHDRAWAL OF LABOUR RIGHTS PROTECTIONS

Measures enacted by GCC States in the wake of the global pandemic exacerbated the system of labour exploitation—the kafala system and exclusion from labour standards and social protection—laid out in this report. Saudi Arabia tightened controls at their borders with the rationale of containing the spread of the virus. In practice, these state responses further restricted mobility and labour rights for migrant workers, while at the same time facilitating access to “essential” migrant labour pools. As in most of the world, bailout measures selectively benefited the private sector and citizens, and migrant workers were entirely excluded from protection.

The limited number of policies from Saudi Arabia directly addressing the situation of migrant workers were focused on three areas: maintaining legal status of migrant workers already in the country, addressing border administration, and facilitating employer access to a low wage labour pool while completely suspending worker protection. While individual policy measures varied by country, this approach to migration management was consistent across the region.

In order to curb the economic impacts of the global pandemic, Saudi Arabia took measures to keep businesses open. In Saudi Arabia, despite a 24-hour curfew at the beginning of the pandemic, construction permits were still issued on a case-by-case basis and many construction sites remained open.¹¹⁸

117 An Indian maintenance worker employed in Jeddah, Kingdom of Saudi Arabia interviewed in 2023.

118 Patrick McPherson et. al, “Building Law and Regulation In Saudi Arabia During Covid-19,” CMS Legal, 23 April 2020, available online here: <https://cms.law/en/int/expert-guides/cms-expert-guide-to-covid-19-impact-on-construction-industry/saudi-arabia>

Health measures designed to control the spread of COVID 19 in Saudi Arabia were applied to workers regardless of migration status. Accordingly, migrant workers were required to follow and benefited from state regulations requiring PPE and imposing social distancing and reduced capacity. In Saudi Arabia, free medical treatment was also guaranteed to all regardless of legal status.

Further exacerbating the systemic disadvantages to migrant workers embedded in the Kafala system, in April 2020, Saudi Arabia passed a resolution which granted near unilateral power to employers over employment terms and conditions, allowing the employer to implement salary deductions and paid and/or unpaid leave for a 6-month period, relaxing employer contractual requirements by establishing COVID 19 as force majeure grounds to terminate all employment contracts.

Saudi Arabia also instituted a travel ban for non-citizens entering the country. Unable to leave the country due to border closures, exorbitant expenses associated with pandemic travel, and fear of being unable to return, migrant workers were forced to accept wage deductions and periods of forced leave. Put another way, many migrants had no choice but to work under employment conditions that were distinct from what they had agreed to while facing near insurmountable barriers to leaving—conditions that together meet the standard for forced labour under the ILO Forced Labour Convention (No. 29), 1930 which had long been in force within Saudi Arabia.

These COVID 19 policy responses by Saudi Arabia maintained employer access to a low wage workforce while systematically withdrawing labour rights protections and excluding migrant

workers from social protection. These measures violate international standards, including Article 1 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) which expressly prohibits state exclusion on the basis of national origin that nullifies or impairs human rights.

2. EXPLOITATION IN THE CONSTRUCTION AND HOSPITALITY SECTORS

In response to COVID 19 economic impacts, our research documents how both the construction and hospitality sectors in Saudi Arabia took deliberate measures to unilaterally maintain or contract their workforce to meet the waxing and waning needs of these industries across different waves and stages of the pandemic. While responses at the level of industry, the company, and the worksite differed between the construction and hospitality sectors, the expansion and contraction of the workforce was facilitated across sectors by state suspension of contract enforcement, and employment practices of withholding wages from a literally captive workforce.

In the wake of the COVID 19 pandemic, our research documented widespread labour rights abuses against migrant workers in both the construction and hospitality sectors. Our findings from both sectors indicate that migrant workers were pushed to extreme levels of financial distress: on the one hand they were excluded from social protection; and on the other, they were stripped of wage security. Some workers were terminated, while others were required to work. In both instances, migrant workers described rampant wage theft practices—including non-payment or underpayment of wages and severance.

RIGHTS VIOLATIONS ACROSS SECTORS



SUDDEN AND IMMEDIATE LOSS OF EMPLOYMENT

As companies in both, the hospitality sector and the construction sector responded to the impacts of the COVID 19 pandemic and state-imposed lockdowns, migrant workers employed in Saudi Arabia were suddenly at immediate risk of losing their jobs and livelihoods.



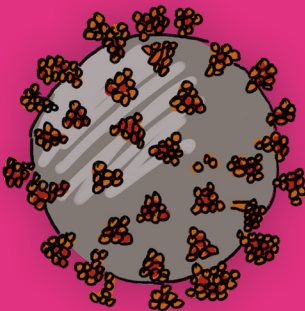
WAGE THEFT

In both the construction and hospitality sectors, wage theft practices—including non-payment and underpayment of wages and severance were rampant.



RESTRICTIONS ON MOBILITY

Migrant workers in the hospitality and construction sectors faced barriers to leaving the country, moving between employers, and even leaving employer accommodations.



HEALTH AND SAFETY RISKS

In both sectors, migrant workers exhibited much higher risks in terms of health and safety when compared with their counterparts from the local labour force. As a result, when COVID-19 spread through hotels and especially construction sites and companies, it spread like wildfire. Many workers recount difficulties in accessing urgent medical care, and others lost their lives.

RESISTANCE AND RETALIATION



Faced with rampant wage theft, construction workers in Saudi Arabia described taking collective action to secure their rights, even though they are and continue to be legally prohibited from joining trade unions.

Workers described retaliation for asking for basic service entitlements, like wages and support to access medical care, including physical violence, being thrown out of employer provided housing, and termination.

ABRUPT TERMINATION WITHOUT PAYMENT OF SALARY AND BENEFITS

Rehan, an Indian worker employed as a helper at a construction company in Saudi Arabia described mass layoffs wherein companies did not pay workers owed salaries or benefits:

The company has so far fired around one thousand workers, The company did not even pay workers' salary and allowances when they were fired.¹¹⁹

Despite Saudi Arabia issuing a ministerial order in April 2020 that gave employers alternatives to mass firings,¹²⁰ widespread termination of 1,000 or more workers was common. Safdar, an Indian procurement engineer employed by a FIFA construction partner in Saudi Arabia also described more than 1,000 workers being fired without receiving the end of service entitlements they were owed:

The company fired 1,000 workers of different nationalities. They did not even get the end of service settlement that they were owed.¹²¹

Ishaan, a Bangladeshi chief steward, at a hotel in Riyadh, Saudi Arabia, explained that workers who did not find new employers within two months of termination were required to leave the country.

During the pandemic 20 - 30 workers were fired. They had two months to find new employers, otherwise they were sent home.¹²²

Faruk, an Indian worker employed in Riyadh described borrowing money to afford food and seeking embassy assistance to return home when he was fired:

The company fired me. They made me sign a document saying that all my salary and other benefits were paid, but in reality, I did not get a dime. I have to borrow money to eat while I wait to return home. I have to borrow money for my ticket home as well. I am talking to the Embassy and they think I will be able to return home in a couple of days.¹²³

RESTRICTED MOBILITY

Renewal of an employment contract is essential for workers in Saudi Arabia to maintain legal residence. Munbir, an Indian worker employed as a welder at a contracting company in Saudi Arabia described living in a camp where none of the 3,000 workers on the camp have a valid Iqama [residence proof]:

About 3,000 people from the company where I worked live in this camp. None of us have Iqama—it expired more than a year ago. The company is not renewing Iqamas, and they are not sending people home. We are living here like bonded labourers.¹²⁴

Aman, an Indian worker employed as a construction foreman by a FIFA partner in Saudi Arabia described restrictions he faced when his Iqama residence permit lapsed:

119 Indian worker employed as a helper on a construction in Kingdom of Saudi Arabia, interviewed in 2020.

120 For a period of six months, employers can: Reduce employees' salaries in line with a reduction in working hours; request employees use annual leave; and request employees to go on an exceptional leave (i.e. unpaid leave) in accordance with Article 116 of the Labour Law.

121 Indian worker employed as a procurement engineer in Kingdom of Saudi Arabia, interviewed in October 2020.

122 Bangladeshi worker employed as a restaurant chief steward in Riyadh, Kingdom of Saudi Arabia, interviewed in 2020.

123 Bangladeshi hotel worker, employed in Kingdom of Saudi Arabia, interviewed in July 2020.

124 Indian worker employed as a welder on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

I am not even eligible to return to India since we need a valid Iqama for the authorities to stamp on the exit visa. We are not able to send money from our salary home either, we have to ask our co-workers who have a valid Iqama to transfer money to our family in India and they ask for a commission to transfer the money. We are also not eligible for free health care services provided by the company without Iqama.¹²⁵

Workers who lost their jobs described being stuck in company accommodations and unable to leave, either to find alternate work within the destination country or to return home. Aniket, a Bangladeshi worker employed in the hospitality sector in Saudi Arabia explained that he had to borrow money from friends and relatives to survive:

The company has moved me into their building, and I am not allowed to leave. I do not have money to eat, and I am living by borrowing money from my friends and relatives.¹²⁶

Workers who remained in labour camps described having to spend these extended periods in limbo in their rooms, or as discussed in the sections that follow, to expose themselves to overcrowded common areas. Pratyush, an Indian worker employed as a welder for a construction company operating in Dammam, Saudi Arabia described having no room to even walk around during lockdown:

There are 6 people in a room. There is no place for us to walk. We have no news or entertainment. We stay in our room all day.¹²⁷

DISCRIMINATION IN SELECTING EMPLOYEES TO WORK AND RECEIVE PAY

When employers withheld wages, not all workers were impacted equally. With these shifts in working hours and associated pay, hotel management were tasked with selecting workers for employment. Pre-existing structures of nationality-based pay discrimination were reflected in who experienced wage theft and termination.

A Bangladeshi front desk concierge¹²⁸ and a restaurant chief steward¹²⁹ working at two different hotels in Saudi Arabia described having their salaries reduced and withheld while their western and Saudi co-workers were paid in full and on time.

Prasheen, an Indian steel and glass fixer told Equidem that his company discriminated against migrant workers when deciding who to terminate:

The company discriminated against us. They fired many other workers but did not fire a single Saudi.¹³⁰

FALSIFIED, AND COERCIVE-SIGNING OF WAGE-RELATED DOCUMENTS

Alston, a Nepalese worker employed as an assistant security supervisor by a FIFA partner construction company in Saudi Arabia told Equidem researchers that workers were coerced into either signing documents agreeing to six months of paid leave or losing their jobs. He

125 Indian worker employed as a construction foreman in Kingdom of Saudi Arabia, interviewed in September 2020.

126 Bangladeshi hotel worker employed in Kingdom of Saudi Arabia, interviewed in 2020.

127 Indian worker employed as a welder on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

128 Bangladeshi hotel worker employed as a Front Desk Concierge in Kingdom of Saudi Arabia, interviewed in October 2020.

129 Bangladeshi worker employed as a restaurant chief steward in Riyadh, Kingdom of Saudi Arabia, interviewed in 2020.

130 An Indian steel and glass fixer employed in Riyadh, Saudi Arabia interviewed in 2020.

described the situation in July 2020, five months after workers stopped receiving regular wages:

Workers here have not been paid since March. The Company required us to sign a paper which says, "I am ready to stay on unpaid leave for six months." Those who signed the paper were allowed to just stay and sleep in the camp. I refused to sign the paper, so the company terminated my contract.¹³¹

Sahil, an Indian worker employed at a civil works company in Dammam, Saudi Arabia described workers losing their jobs, being fired without pay, and being required to sign paperwork upon termination:

The company said that it has less work now, so it has to retrench. After that, they fired many workers, and sent them home without paying them. The company took a signature on a paper from everyone but did not pay their salary.¹³²

Faruk, an Indian worker employed in Riyadh, described being forced to sign a document accepting his termination and stating he was not owed the benefits and salary that he was in fact owed:

Instead of paying me, the company decided it was easier to fire me... They made me sign a document stating all my salary and other benefits were paid, but in reality, I did not get a thing. In the name of signing my exit paper, I was robbed of my salary. Now I do not even have money to buy food.¹³³

Prasheen, an Indian steel and glass fixer told Equidem he was tricked into signing his termination letter

On March 16, the owner (of the company) glared at me. He told me to sign a document, he did not explain what it was. After I signed it, he said I was terminated. The company discriminated against us... We did not get any help or money after signing the paper. I have neither money nor accommodation. I am buying food by borrowing some money from my friends and relatives. I am living in an old building, which is not built for accommodation purposes. We have to bring water from far away to the building.¹³⁴

WITHHELD WAGES

Kabir, an Indian worker employed as an instrument technician on a construction site in Saudi Arabia was owed wages since 2014:

I am waiting for three months of pending salary. They still owe me two months of salary from November and December 2014. I have not got my payment for August 2020 either. My vacation money and other benefits are also pending.¹³⁵

Surya, an Indian worker employed as a labourer at a civil works company in Damam, Saudi Arabia also described being required to sign papers and return home on unpaid leave without receiving four months of unpaid wages, together with thousands of workers from the company who were in the same position:

131 Nepalese worker employed as an assistant security supervisor in Kingdom of Saudi Arabia, interviewed in July 2020.

132 Indian worker employed as a labourer on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

133 An Indian worker employed in Riyadh, Kingdom of Saudi Arabia, interviewed in 2020.

134 An Indian steel and glass fixer employed in Riyadh, Kingdom of Saudi Arabia, interviewed in 2020.

135 Indian worker employed as an instrument technician in Kingdom of Saudi Arabia, interviewed in September 2020.

Every time we asked about our payment, the company said, 'no one will get salary during this corona period'. Later, they made us sign a paper and said they will call us as soon as the work starts... My contract period was up to July 2021, but they sent me back to India anyway. There are thousands of workers in the company who are facing the same problem as me. Only a few workers there still have a job and are still being paid.¹³⁶

Rajat, an Indian worker employed as an appliance group foreman by a subcontractor to a FIFA partner company also described unpaid wages:

The company does not pay our salary on time. My salary from December 2017 is still pending till date. This year, they did not pay my August salary. The company always does this. We are fed up with its unexplained delay.¹³⁷

These unilaterally determined, indefinite duration unpaid leave assignments were used by companies as a loophole to immediately stop paying wages, not pay owed wages, and avoid severance pay associated with termination.

REDUCED WAGES

Salary cuts across the entire workforce were commonly described. Safdar, an Indian worker employed as a procurement engineer for a FIFA partner in Saudi Arabia described wage cuts across a workforce of 6,000 workers:

My salary has been reduced by 25% starting May 2020. The company informed us about the

salary cut beforehand. I used to earn 8,500 SAR [USD 2266] before May, now I just earn 6,375 SAR [1,700]. There are nearly 6,000 workers in the company itself, who are facing the same issue.¹³⁸

In many cases, workers were paid reduced wages while still being required to work. Sahil, an Indian labourer employed by a civil works company in Dammam, Saudi Arabia described working for half his salary:

I worked as a cleaner during the lockdown, but the company only paid me half the salary. I asked for back wages but haven't received them.¹³⁹

FOOD AND LIVELIHOOD INSECURITY

Kamal, an Indian worker employed on a construction site in Dammam, Saudi Arabia explained that workers from his company lost their jobs, were fired without pay, unable to leave the labour camp, and had extreme difficulty accessing food:

There are still many workers trapped in the labour camp here. They have lost their jobs, are not being paid, and the company is not even arranging for these workers to eat. They are asking their families to send money so they can buy food. Air travel is closed, so they are not able to go home either.¹⁴⁰

Workers who lost their employment status described being in desperate conditions but receiving no help from the company where they

136 Indian worker employed as a labourer at a construction site in the Kingdom of Saudi Arabia, interviewed in 2020.

137 Indian worker employed as an appliance foreman at a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

138 Indian worker employed as a procurement engineer at a construction site in Kingdom of Saudi Arabia, interviewed in October 2020.

139 Indian worker employed as a labourer for a civil works company in Dammam, Kingdom of Saudi Arabia, interviewed in 2020.

140 Indian worker employed as a labourer for a civil works company in Dammam, Kingdom of Saudi Arabia, interviewed in 2020.

were previously employed. Apoorv, an Indian worker who had been employed as a construction helper by a FIFA partner company in Saudi Arabia described having no money to meet his most basic needs:

My Iqama period ended in January 2020. I don't have any money at the moment. I have no money for food. I am living on rice and dal. I have no money for even fruit or vegetables since the lockdown. All my clothes are torn, and I have no money to buy or stitch new clothes. My boots are torn, and my slippers are broken. The company doesn't care if you live or die.¹⁴¹

HEALTH AND SAFETY RISKS

In the first wave of the pandemic, migrant workers across sectors in Saudi Arabia were either left without work or required to work despite risks of contracting COVID 19.¹⁴²

Exposure to COVID 19 on worksites

Workers in Saudi Arabia described being exposed to health and safety risks at work. Bhairav, an Indian worker employed as a construction helper by a FIFA partner company in Saudi Arabia described employees not only being denied PPE, but also being threatened with termination if they were unable to obtain their own equipment or had a high temperature:

So far, the company has not given anything to us. We buy masks and sanitisers with our money. Company officials have said that morning and evening temperatures will be

checked at the workplace. If their temperature is high, the worker will be removed from the company. The officer said that the worker who does not have a mask, sanitiser, will not get work in the company.¹⁴³

Bhairav described the spread of COVID 19 in the company where he worked:

More than one thousand people were infected in my company. Many people have died. Most of the people who fell sick were Sri Lankan and Bangladeshi. The first Sri Lankan worker to die from Corona was Sunil. His body was buried here. The company did not make any payment to his family members.¹⁴⁴

Every hospitality worker we spoke to also knew of someone from their workplace who had contracted COVID 19. In some cases, COVID 19 spread rapidly among hotel staff. Rayansh, a Bangladeshi worker employed as a front desk concierge in a hotel in Saudi Arabia described a mass outbreak in the hotel where he worked:

140 workers were infected with COVID 19. The company took those workers to the hospital by ambulance. They were then kept in separate isolated accommodation areas.¹⁴⁵

141 Indian worker employed as a helper on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

142 "The Cost of Contagion," Equidem, November 2020, available online here: <https://www.equidem.org/reports/the-cost-of-contagion>

143 Indian worker employed as a helper on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

144 Indian worker employed as a helper on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

145 Bangladeshi worker employed as a front desk concierge, employed in Kingdom of Saudi Arabia, interviewed in October 2020.

Exposure to COVID 19 in employer-provided housing

In Saudi Arabia, employers' cost-saving practices exposed workers to COVID 19 not only at workplaces, but also at accommodation camps. Equidem received reports of severe overcrowding in common areas, kitchens, toilets, and dormitories, despite government directives to ensure that workers can effectively distance themselves.

Construction workers described sharing rooms with 8 or more people and experiencing overcrowding in common areas. Accommodation for construction workers employed by a FIFA contractor was so ill-equipped that there were not enough beds. Bhairav, an Indian worker employed as a helper described the dire situation:

There is no adherence to social distance, 8-10 people live in small rooms. Two people sleep on each bed. A single toilet is used by 8-10 people.

Even when employers reduced the number of workers per room, crowding in other areas of the accommodation nullified the impact of these changes. Sahil, an Indian worker employed at a civil works company in Dammam:

Before lockdown, there were 8 people in a room but now, there are just 4. Even though the number of people in a room has decreased, the overall number is the same. We use the same bathroom, same hall, and same kitchen. We do not have space to follow any social distancing rules. The company does not provide masks, sanitisers, or gloves.

Challenges accessing health care services

Under international labour standards, contracting COVID 19 as a result of work should be considered an employment injury,¹⁴⁶ entitling workers to health care and financial compensation. As laid out in the sections that follow, however, in violation of these standards, not only were migrant workers routinely and negligently exposed to COVID 19 on worksites and in housing areas, but they also faced significant challenges in accessing medical care due to the increase in COVID 19 cases and nationality-related discrimination.

Increasing the challenge of accessing appropriate care, workers who had lost their jobs and work permits lost access to health insurance. Bhairav, an Indian worker employed as a construction helper by a FIFA partner in Saudi Arabia described not being able to access healthcare without paying out of pocket when his Iqama [work permit] expired:

My Iqama expired in January, but the company did not renew my Iqama or send me back home. During the lockdown, I was sick with a high fever and chest pain. The company did not help me get treated. I went to a nearby hospital. The doctor would not give me medicine since I did not have a health card. I had to buy the medicines with my own money.¹⁴⁷

Munbir, an Indian migrant worker employed as a welder described how workers with lapsed residence permits were unable to access affordable care:

146 See Schedule 1 of Employment Injury Benefits Convention, 1964 (No. 121), para. 29.

147 Indian worker employed as a helper on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.

The only medical facility people here get is by spending their own money. Most of our Iqamas have expired and we have no medical insurance. The company does not pay for our medical treatment. We buy medicines with our own money.¹⁴⁸

The pattern of legal exclusion, discrimination, exploitation, and suppression of freedom of association in Saudi Arabia during and in the aftermath of COVID 19 violates fundamental human rights, underscores the inadequacy of labour and migration reform processes in Saudi Arabia, and indicates that Saudi Arabia does not meet the standard of respecting human rights required in order for FIFA to uphold commitments to anchor respect for human rights in the bidding and hosting of FIFA events.

148 Indian worker employed as a welder on a construction site in Kingdom of Saudi Arabia, interviewed in 2020.



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