

United Arab Emirates

Migrant Profile

The population of the United Arab Emirates currently stands at about 9.3 million people.¹ The last official set of government population statistics suggests that the nation's populace was nearly 89% migrant in the year 2010, when the total population was estimated to stand at 8.3 million and the migrant population was estimated to stand at 7.3 million.²

The same report also suggests that the migrant male population is roughly five times the size of the migrant female population. In 2010, there were roughly 5.6 million migrant males, while there were only 1.6 million migrant females.³

Migrants come mostly from the Indian subcontinent, as the graph below shows.

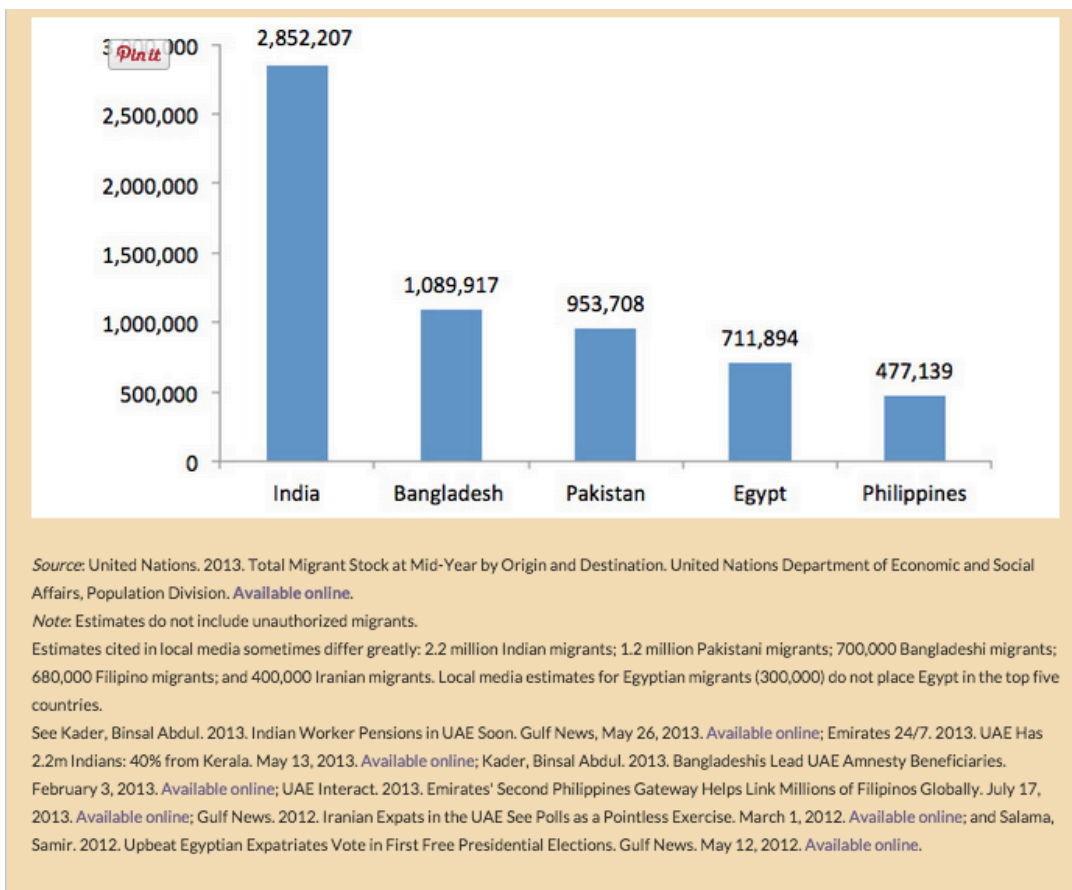


Figure 1: Top Five Origin Countries of the Foreign-Born Population in the United Arab Emirates.⁴

Figures from 2009 suggest that around 14% of the migrant population is involved in the construction industry, which includes 16% of all migrant males.⁵

Furthermore, in 2013, the ILO estimated - based on 2008 figures - that nearly 240,000 of these migrants work as domestic workers, of which nearly 150,000 are female.⁶

Policies for Migrant Workers

Like the other nations in the Gulf Cooperation Council, the United Arab Emirates institutes a version of the “kafala”, or sponsorship, system. Unlike Qatar, however, the UAE has not explicitly codified this system in the form of a law: there is no mention of the concept of sponsorship in the nation’s 1980 Labour Law. However, subsequent legislations, such as Ministerial Resolutions No. (52) of 1989, No. (467) of 1995, No. (951) of 2003, No. (370) of 2005, No. (1186) of 2010, No. (1188) of 2010, and Administrative Circular No. (77) of 2005 regulate the system.⁷

Moreover, as Human Rights Watch reports, the Labour Law also contains “prohibition(s) on worker strikes, collective bargaining, and worker associations”.⁸

Labour Laws

The nation’s labour protections stem largely from the UAE Labour Law, officially named Federal Law No. (8) of 1980. This document has stipulations on “mimimum wage”, “maximum working hours, and annual leave and overtime pay”.⁹ However, despite the existence of these stipulations enforcing its payment, there is no document that details what the minimum wage rate is. The Labour Law also prohibits “employers from making workers pay recruitment fees”.¹⁰

The UAE has instituted many policies to enhance labour protections and relax sponsorship laws over the last decade.

First, in 2001 and later in 2004, a court in Dubai ruled that it was illegal for sponsors to hold onto their employees’ passports. However, there was no attempt from the government to pass legislation explicitly banning this action, and there is conclusive evidence of this practice continuing.¹¹

Then in 2005, the federal government instituted a “mid day break” law to prevent outdoor workers from suffering heat related injuries.¹²

In 2009, the government introduced the Wage Protection System, an “electronic salary monitoring system” to “crack down on nonpayment of salaries in the

private sector”.¹³ The resolution, which is contained in Ministerial Resolution No. (788) of 2009, states that “any company that does not pay a worker’s salary within a month of its due date is temporarily suspended from obtaining new work permits”.¹⁴ Moreover, the Ministry of Labour “may...refer all those responsible to the judicial entities to take action”.¹⁵ The National Committee to Combat Human Trafficking has reported that as part of this system, the Human Trafficking Crime Control Centre of the Dubai Police “recovers money from companies that are late in paying salaries and redistributes the funds to workers”.¹⁶ For example, the Centre claims that over USD 750000 was redistributed by the police in 2012.¹⁷ As Human Rights Watch notes, however, the Centre is yet to disclose the names of any agents who were found not to have paid their workers.

This resolution was then followed by the Cabinet of Ministers Resolution No. (26) of 2010, which “requires all firms subject to the labour law (to) provide bank guarantees, to cover, among other things, payments to workers in the event of non-payment of wages and fines incurred for violation regulations on labour accommodation”.¹⁸ The National Committee to Combat Human Trafficking has reported that the Ministry of Labour settled the disputes of 3033 workers in 2012 and annulled USD 8.58 million in bank guarantees of agents involved in “untimely, improper, or non payment of salaries”.¹⁹ That being said, however, Human Rights Watch has noted once again that there is no mention of which companies were impacted by these actions and why these fines were paid.

Also in 2010, the government instituted the Ministerial Resolution No. (1283) of 2010, which bans private recruitment agents from extracting “any sums, monies, rights, or gains under the name of commission, fees, or anything else for any other reason and through any means whatsoever” from migrant workers.²⁰ The Ministry of Labour was instructed to coerce agents to return any money they had sought from workers, and was empowered to revoke the licenses of agencies involved in these illegal actions.²¹

In 2011, the government issued Ministerial Decision No. (1186) of 2010, while considerably loosened the restrictions of the sponsorship system by allowing a worker to change employers after two years without obtaining a No Objection Certificate from his/her current employer. Moreover, the resolution also stipulated that a worker could change jobs if:

...his employer violates his “legal or consensual” obligations; if his employer has “not exercised activity for more than two months,” as verified by a report from the inspections department of the Ministry of Labour; if a court rules in favor of the employee in a case referred by the Ministry of Labour; or if the employer terminates or neglects to renew the worker’s contract.²²

Once again, Human Rights Watch has noted that there has been no explicit mention of the “legal or consensual” obligations that employers need to uphold. The resolution merely provides one example of an action that violates these obligations – “non payment of wages for sixty days”.²³

Crucially, the protections afforded to labourers under these laws do not apply to domestic workers, who form a large proportion of the migrant labour force in Qatar. Article 3 of the UAE Labour Law – Federal Law No. (8) of 1980 – states that labour laws shall not apply to “domestic servants working in Private residences and the like”.²⁴

Problems Migrant Workers Face

Construction Site Labourers

The sponsorship system inherently brings with it numerous problems for migrant construction workers. Essentially, the system ties workers’ visas to a single employer, or sponsor, which opens the door for these sponsors to exploit their labour forces. For example, despite laws to the contrary, sponsors in the UAE have on many occasions been accused of holding onto their employees’ passports, which severely restricts their ability to move freely. Moreover, employers have also been able to prevent workers from freely changing jobs: this process entails a change in sponsor, and hence requires the explicit consent of the current sponsor. Until 2011, sponsors were required to issue No Objection Certificates to workers who sought to change jobs even after the expiration of their employment contracts.²⁵ Given this law, workers have found it nearly impossible to escape from abusive employers despite “the non-payment of wages, dangerous working conditions, and sub-standard housing conditions”.²⁶ This, the agency reports, effectively creates the “circumstances for forced labour”.²⁷

Moreover, although laws have been passed over the last decade to protect the interest of labour, there is little evidence of these laws being rigourously enforced. For example, workers still report having to pay fees to recruitment agents, and struggling under the debt burdens they incur as a result. Similarly, it is unclear if workers have been able to change employers more easily following the reforms of 2011.²⁸

In 2014, Human Rights Watch commissioned a report on the condition of the migrant construction labour force involved in the Saadiyat Island project in the emirate of Abu Dhabi. The study found that workers here were routinely subjected to what can rightfully be considered human rights violations. For example, many workers were deported immediately after they “went on strike...to protest low wages”.²⁹ Many others didn’t receive wages at all – the report noted

that while “electronic payments (instituted as a result of the 2009 WPS) help in detecting non-payment of wages, they do nothing to prevent employers from delaying wage payment at a time or not paying at all”.³⁰ Moreover, workers were housed in extremely squalid and equally unsafe conditions (Ibid. 25). The report records the following scene:

The workers were living crammed into two rooms, 15 in one room and 12 in another. The video shows insects crawling around the kitchen; exposed electrical wires wrapped around a shower head; a room containing six bunk beds with makeshift beds on the floor underneath three of the bunk beds (in the room that slept 15 men); and a hole punched in the fire escape door, which was locked. Foodstuffs such as rice bags were stored in the bedroom, along with work tools.

The 27 men shared two small toilets and also washed their work clothes in the bathroom, they said. Several of the men complained of sickness and dizziness from inhaling paint, but said that they wore masks at work.³¹

While these observations were made only at the Saadiyat Island project, it is certainly plausible that labourers at other construction sites face similar issues. There have, however, been a slew of efforts in the recent past aimed at enhancing the quality of life for these workers: hopefully, they will be wholly implemented soon.

Domestic Workers

Domestic workers, on the other hand, do not enjoy even the nominal protections afforded to construction site labourers as they are not subject to the Labour Law. This means that these domestic workers enjoy few rights at all, if any. For example, there are no legal restrictions on the number of hours these labourers can work, and there is no mechanism for them to seek redress either.

Moreover, domestic workers cannot leave even abusive employers easily: the 2011 amendment to the sponsorship law does not apply to them. A worker who attempts to change sponsors without procuring the explicit approval of his/her current employer is considered to have “absconded”.³² This is an “administrative offense that can result in fines, deportation, and a one-year entry ban”.³³

As a result of these restrictive laws, domestic workers often face oppression at their workplaces. Human Rights Watch has noted that employers often confiscate passports and even mobile phones from their domestic workers.³⁴

In June 2014, the government issued a new standard employment that all foreign domestic workers are expected to sign when they reach the nation. This new

contract does make improvements on its earlier incarnation, but still does not provide serious protections to domestic workers, as Human Rights Watch notes:

This (new contract) differs from its predecessor inasmuch as it provides for at least eight continuous hours of rest (i.e., sleep) each day; one day off per week or compensation equal to that day’s work; and an annual paid vacation of thirty days. However, it also allows the employer the right to deduct at source from the domestic worker’s salary any damage “or loss of any goods or property attributable to default or negligence” of the worker. The new standard contract contains no limit on working hours (other than the daily eight-hour rest period), no provisions for overtime pay, and no workers compensation.³⁵

In 2012, the government “stated...that the cabinet had approved a bill on domestic workers, and that it would be promulgated once the Interior Ministry completed implementing registration”. However, this act has yet to see the light of day, even though it was reported as being in the “final stages” of drafting as far back as June 2013.³⁶

At a Glance

Data/Policy	
A. Total number of migrants in the country	Total: 7.3 million+ Men: 5.6 million+ Women: 1.6 million+ (Figures from 2013)
B. Key countries of origin: (with number if available)	1. India: 2.8 million 2. Bangladesh: 1.1 million 3. Pakistan: 950,000 4. Egypt: 715,000 5. Philippines: 418,000 (Figures from 2013)
C. Key work sectors employing migrant workers (with numbers if available)	1. Retail 17% 2. Private Production 14% 3. Construction 14% 4. Transport 9% (Figures indicate % of employed migrants involved in these fields. Figures from 2009)
D. Types of visas:	Work visa sponsored by employer
E. Minimum wage in the	n/a

<p>country:</p> <p>Application of the minimum wage to migrant workers:</p> <p>If no, the typical wage paid to migrant workers:</p>	<p>n/a</p> <p>Varies by industry.</p> <p>Construction labour: In the region of AED 720 = USD 200 per month basic wage. Reports have suggested figures between USD 100 and 250 a month at different points of time.</p> <p>Domestic workers: different market created wages for different nationalities.</p> <p>Per month:</p> <p>Philippines AED 1720 = USD 400 India AED 1,100 = USD 300 Nepal AED 900 = USD 245 Sri Lanka AED 825 = USD 225 Indonesia AED 800 = USD 218 Bangladesh AED 750 = USD 205</p>
F. Maternity protection is applied to migrant women:	Yes
G. National labour laws are applied to migrant labour:	Yes – except domestic workers
H. Migrants are covered by Social Security or equivalent:	No
I. Migrants can join a trade union:	No
J. Migrants can form a trade union:	No
K. Path to permanent residency:	No
L. Path to citizenship:	No
M. Migrants' children can access public schools:	No

Ratification status of relevant conventions	
ICCPR	No
ICESCR	No
ICERD	Yes 20 June 1974
CEDAW	Yes 2004
CRC	Yes 3 January 1997
Intl Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	No
ILO29 (Forced Labour)	Yes 27 May 1982
ILO105(Forced Labour)	Yes 24 February 1997
ILO87 (Freedom of Association)	No
ILO98 (Collective bargaining)	No
ILO100 (Equal remuneration)	Yes 24 February 1997
ILO111 (discrimination in employment and occupation)	Yes 28 June 2001
ILO97 (Migration)	No
ILO143 (Migrant Worker)	No
ILO189 (Domestic Worker)	No

¹ Froilan T. Malik Jr. and Ali Al Youha, 'Labor Migration in the United Arab Emirates: Challenges and Responses', 18/09/2013. Available at <http://www.migrationpolicy.org/article/labor-migration-united-arab-emirates-challenges-and-responses> (accessed 22/06/2015).

² United Arab Emirates National Bureau of Statistics, 'Methodology of estimating the population in UAE'. Available at <http://www.uaestatistics.gov.ae/ReportPDF/Population%20Estimates%202006%20-%202010.pdf> (accessed 24/06/2015). Also noted in Human Rights Watch, 'Migrant Workers' Rights on Saadiyat Island in the United Arab Emirates'. Available at <http://www.hrw.org/reports/2015/02/10/migrant-workers-rights-saadiyat-island-united-arab-emirates-0> (accessed 13/06/2015).p.20.

³ UAE National Bureau of Statistics, 'Methodology of estimating', p.10.

⁴ Malik Jr. and Youha, 'Labor Migration in the United Arab Emirates'.

⁵ United Arab Emirates National Bureau of Statistics. Available at <http://www.uaestatistics.gov.ae/EnglishHome/ReportDetailsEnglish/tabid/121/Default.aspx?ItemId=1850&PTID=104&MenuId=1> (accessed 19/06/2015).

⁶ Human Rights Watch, 'I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates'. Available at <http://www.hrw.org/reports/2014/10/22/i-already-bought-you> (accessed 16/06/2015). p.12.

⁷ Ibid., p.23.

⁸ Ibid., p.20.

⁹ Ibid., p.21.

¹⁰ Ibid., p.25.

¹¹ Ibid., p.22.

¹² Malik Jr. and Youha, 'Labor Migration'.

¹³ Ibid.; Human Rights Watch, 'I Already Bought You', p.27.

¹⁴ Human Rights Watch, 'Migrant Workers Rights', p.26.

¹⁵ Ibid., p.27.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid., p.26.

¹⁹ Ibid.

²⁰ Ibid., p.62.

²¹ Ibid.

²² Ibid., p.23.

²³ Ibid.

²⁴ 'U.A.E Labour Law: Federal Law No. (8) of 1980. Labour Law and its Amendments'. Available at http://www.dsg.gov.ae/sitecollectionimages/content/pubdocs/uae_labour_law_eng.pdf (accessed 14/06/2015). Article 3.

²⁵ Human Rights Watch, 'Migrant Workers Rights', p.23.

²⁶ Ibid., p.20.

²⁷ Ibid.

²⁸ Ibid., p.23.

²⁹ Ibid., p.41.

³⁰ Ibid., p.53.

³¹ Ibid., p.54.

³² Human Rights Watch, 'I Already Bought You', p.62.

³³ Ibid., p.19.

³⁴ Ibid., p.20.

³⁵ Ibid., p.22.

³⁶ Ibid., p.29.