



# SHATTERED DREAMS

Migrant workers and rights violations  
in the Dubai tourism sector

**Report #75**

**SWED  
WATCH**

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Swedwatch is a religiously and politically independent organization that examines Swedish companies' business operations abroad. The organization's purpose is to reduce adverse social and environmental impacts, encourage best practice, share knowledge and hold an open dialogue with Swedish companies so that the business community pays greater attention to these issues. Swedwatch has six member organizations: the Church of Sweden, Diakonia, the Swedish Society for Nature Conservation, Fair Action, Solidarity Sweden-Latin America and Africa Groups of Sweden.

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## Executive summary

This year more than 20,000 people will travel to Dubai with Sweden's three biggest tour operators (Apollo, Fritidsresor and Ving), a number that is expected to more than threefold in the coming two years.

Dubai is marketed as a safe, sunny destination steeped in excess where some of the world's most iconic buildings reach for the sky. Or as one Swedish tour operator phrases it: A place where everybody's dreams come true.

The luxury of Dubai is built on the labour of millions of migrant workers. These migrant workers make up more than 80 percent of the population and come from all parts of the world. They do not only build the hotels but also staff them once they are built.



**Noel, 35**  
Housekeeping  
Filipino

»It can be very exhausting working for 12 hours. It's like killing yourself.«

The money earned by these workers and remitted back home is an important part of the economy of the home country. But living and working abroad has its risks. In Dubai, where, migrant workers lack basic human and labour rights, they are a vulnerable group.

Housekeepers, room attendants and other migrant workers at hotels marketed to Swedish consumers by two or more of the companies Apollo, Fritidsresor and Ving are no exception. This report reveals that they work days as long as twelve hours with little or no overtime pay.

Workers at two of the three hotels state that they paid for employment, despite this being illegal in Dubai. All three hotels also restrict the workers mobility by holding their passports – which according to the International Labour Organization is a sign of forced labour. Of the 30 migrant workers we interviewed only two held their passports.

These are practices that violate both the local labour law and international conventions, as well as the human rights policies of the Swedish tour operators themselves.

Workers who are not employed by the actual hotels, but rather by subcontracted staffing companies, paint an even darker picture. They describe how they were lured to Dubai by recruiters using false documents and empty promises. They sold property and family land to cover the recruitment fees, but when they arrived they were forced to sign new contracts with salaries much lower than they originally agreed upon.

Trapped by the need to provide for families back home, these workers have no other choice but to endure– with the threat of deportation constantly hanging over them.

At the root of this situation lies a system known as kafala – used to manage the massive influx of migrant workers. The essence of kafala is that every migrant worker needs a local sponsor who takes full responsibility for the worker during his or her

stay in the country. For most unskilled workers it is impossible to change sponsors and therefore the migrant worker has no choice but to stay with the employer for the whole contract – regardless of the working conditions.

Recently the Swedish government launched a *National Action Plan for Business and Human Rights* with the explicit expectation that all Swedish companies shall respect human rights – as specified in the *United Nations Guiding Principles on Business and Human Rights* (UNGP).

The tour operators Apollo, Fritidsresor and Ving all commit to these principles in theory. The reality however, is different. The required process of human rights due diligence is lacking to the extent that the companies have no knowledge about rights violations at the hotels where their customers are staying.

The Swedish companies have a responsibility to use their leverage to improve the human and labour rights of the migrant workers in the hotels that they use in Dubai. Therefore this report makes several recommendations to the tour operators.

Some of these recommendations are acute measures to make sure that the hotels stop withholding the workers' passports and follow the local law on issues like overtime and overtime payment. Other recommendations are on long-term commitments on issues like collective bargaining and other labour rights in Dubai.

## 1. Introduction

There are more migrant workers in the world today than ever before. This development is caused by a demand for unskilled labour in developed countries along with increasing poverty and unemployment in many developing countries. These migrant workers are vulnerable to exploitation, even though they contribute economically both to their host countries and to the sending countries. They also often enjoy little social and legal protection.<sup>1</sup>

This is clear in Dubai, one of the seven emirates that comprise The United Arab Emirates (UAE).<sup>2</sup> Here, tourism is big business. Through huge investments in attractions and infrastructure the UAE has become one of the top tourism destinations in the world.<sup>3</sup> To house these visitors Dubai has built, on average, seventeen hotels every year since 1999.<sup>4</sup>

Considering that more than 80 percent of the UAE population are migrant workers these hotels are built and staffed almost exclusively by people from other countries.<sup>5</sup> Meanwhile, the International Trade Union Confederation (ITUC) identified the UAE as one of the world's ten worst countries for workers.<sup>6</sup>

The focus of this criticism is the combination of law and informal practice known as kafala, which gives an employer considerable power by compelling, and sometimes forcing, the migrant to stay with the employer for at least two years irrespective of the working conditions.<sup>7</sup>

The number of Swedes visiting Dubai is modest but increasing. During Christmas and the winter sport holiday however, it is a top ten package holiday destination, according to travel agent Ticket.<sup>8</sup> The main reason is that Swedes are looking for sunny alternatives to Egypt and Thailand.<sup>9</sup>

The vulnerability of migrant workers in the tourism industry is recognized and addressed in article nine of the Global Code of Ethics for Tourism by the UN World Tourism Organization Network. The code states that the fundamental rights of workers in the tourism industry should be guaranteed by the administration in both host countries and sending countries.<sup>10</sup>

Since it is the expectation of the Swedish government that all Swedish companies respect human rights Swedwatch now investigates what steps the three biggest Swedish tour operators are taking to ensure that migrant hotel workers are respected and protected in Dubai.

The purpose of this report is to highlight the greatest human rights risks within the Dubai tourism sector, and assess to what extent the Swedish companies are managing these risks in accordance with international guidelines such as the UNGP.

## 2. Methodology

This report is the result of a desk study combined with a series of interviews in Dubai. The 30 migrant workers interviewed for this study were selected because they are, or have been, working at one of the three hotels included in this study. The hotels are big, belong to well-known brands and were selected because they are marketed in Sweden by two or more of the tour operators: Ving, Apollo and Fritidsresor.

The interviews were conducted by a local consultant using questions provided by Swedwatch. Our focus was the lowest paid workers since they are the most vulnerable. The purpose was to ascertain the conditions of the migrants to determine whether their rights were respected.

The interviews were performed outside of the workplace without the employers' knowledge. To protect the participating workers they will not be named, neither will Swedwatch name the hotels where they work – to make sure that no workers suffer any negative consequences.

Of the 30 interviewed workers 25 are men and 5 are women. Due to challenges of accessibility we could not ensure a gender balance among the interviewed workers.



**Mark, 24**  
**Housekeeping**  
**Filipino**

»They will penalize you if you complain or ask too many questions.«

Considering the realities of fieldwork and the timeframe of the field study Swedwatch had to focus on workers who were willing to be interviewed, rather than ensuring correct gender representation.

26 workers are from the Philippines while the others are from Uganda, Burma, Pakistan and Kenya. As a group they illustrate the different labour flows between Dubai and the world. A majority were either recruited by agencies (8 workers), or came on a tourist visa and changed to a working visa once they found a job (8 workers). The rest were recruited directly by the hotel companies in their home countries (4 workers) or locally in the UAE (3 workers). Some preferred not to say (4 workers).

A majority of the interviewed migrants work in housekeeping, either as room attendants or as coordinators/supervisors. The rest work as security guards, with food and beverages, as lifeguards or do other jobs in areas like logistics and ticketing. Two workers are low-level managers.

Some interviewees work at the hotels but are employed by subcontracted staffing companies instead of the actual hotel companies. Due to difficulties in gaining access to the subcontracted workers we only managed to interview three such workers. Therefore it is hard to draw general conclusions from only their accounts but these workers are a vulnerable group and their stories provide insight into the world of recruitment agencies and sub-recruiters in sending countries.

Swedwatch also conducted a research trip to Dubai – visiting the hotels and doing follow-up interviews with several workers, often in the accommodations provided by their employers. Two embassy officials were also interviewed. These officials have requested not to be named but both represent countries that send many migrant workers to Dubai.

Finally the representatives of the tour operators were interviewed to provide background information and elaborate on the sustainability work of the respective companies. They were also given the opportunity to read the report before the launch.

## 3. Companies and human rights

The research and recommendations in this report are based on the UNGP. This is a framework developed to clarify corporate responsibilities regarding human rights. The UNGP distinguish between the state *duty to protect* against human rights abuses and the corporate *responsibility to respect* human rights.

In this context human rights are defined, as a minimum, as the rights in the *International Bill of Human Rights* along with fundamental labour rights in the core conventions of the International Labour Organization.<sup>11</sup> In addition to these basic rights, a company should also respect the rights of groups that require particular attention, such as migrant workers and their families.

A central concept here is human rights due diligence. The process of due diligence should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. This should not only be done when moving into new areas but be an on-going process, recognizing that human rights risks may change over time.

Other central concepts are linkage and leverage. Linkage describes how a company can be linked to adverse human rights impacts through a business relationship – for instance a tour operator’s relationship with the hotels they use. The concept of leverage is the ability of company to effect change when the business partner is causing or contributing to an adverse human rights impact.<sup>12</sup>

FACT

### United Nations Guiding Principles for Business and Human Rights

To respect human rights according to the UNGP, businesses must take measures to address adverse human right impacts. These measures include prevention, mitigation and, when needed, remediation. In order to meet these requirements a company should: 1) Have a policy commitment regarding human rights. 2) Conduct on-going human rights due diligence to identify actual and potential adverse human rights impacts. 3) Establish mechanisms to enable remediation of any adverse human rights impacts that they are causing and/or contributing to.

According to the UNGP the company’s connection to adverse impacts on human rights can take three forms: The company is either (1) causing the impact directly through its activities, (2) contributing to it or (3) being involved because the impact is caused by an entity with which it has a business relationship with and is linked to its own operations.<sup>13</sup>

If the company is at risk of involvement solely because the impact is linked to its operations (for example through a business partner), it does not have responsibility for the impact. According to the UNGP that responsibility lies with the business partner. Therefore the company does not have to provide remediation. However, the company still has a responsibility to use its leverage to encourage the other entity (the business partner responsible for the impact) to prevent or mitigate its recurrence.<sup>14</sup>

When a company is only linked to adverse human rights impacts through a business partner the primary responsibility is forward-looking, to avoid the impact from continuing or recurring. The way to go about this depends on the nature of the “linkage”. If the leverage is there, a company should exercise it to prevent and mitigate adverse impacts. If the company lacks leverage it should seek to increase it, for example by collaborating with other actors.<sup>15</sup>

What leverage a company has on a business partner is dependent on several factors. Such as the terms of contract between the parties, the proportion of business the enterprise represents for the business partner or the harm that would be caused to the partners reputation if the relationship was withdrawn.<sup>16</sup>

## 4. A billion dollar trip

The global tourism industry is booming. In 2014 approximately 1.1 billion tourists travelled abroad – an increase by 4.7 percent compared to 2013. According to the World Tourism Organization the industry has grown for five consecutive years since the crisis of 2009, and the number of international travels is expected to grow by three to four percent globally during 2015.<sup>17</sup>

Travel and tourism contributes 9.5 percent of the global GDP and generates high levels of employment. Nearly 266 million jobs were related to travel and tourism in 2013 – one in eleven out of every job in the world.<sup>18</sup>



Juan, 29  
Housekeeping  
supervisor  
Filipino

»Our cleaners sometimes get 30 rooms per person.«

The UN task team on the Post-2015 development agenda specifically mentions tourism as a force to generate economic development and poverty reduction.<sup>19</sup> However, the sustainability challenges within this sector are substantial, both when it comes to environmental impacts and human rights risks such as poor working conditions.

An important subsector of tourism is the hotel business, and a growing number of people are migrating to work in hotels. But according to the International Labour Organization (ILO) migrants are often paid less and remain at lower skill levels than locals.<sup>20</sup>

In the Middle East, tourism is expected to grow by five percent during 2015.<sup>21</sup> The main tourism destination of the region is Dubai, where the Department of Tourism has a plan to double the number of international tourists in five years.<sup>22</sup> Considering this planned course of action the demand for migrant workers, particularly the low skilled ones, can be expected to remain high during this decade.

## 5. Dubai

Dubai is one of the seven emirates that make up the UAE – which is a rich nation with one of the highest per capita incomes in the world.<sup>23</sup> Each emirate has large degree of independence, but a supreme council of rulers made up by the seven emirs governs the UAE. The president is Sheikh Khalifa bin Zayed, the ruler of Abu Dhabi.<sup>24</sup>

About 10 percent of the world’s total known oil reserves are located in the UAE. About a tenth of this is in Dubai and the rest in Abu Dhabi. While the Abu Dhabi oil reserves are expected to last for a hundred years – the Dubai reserves are estimated to last only about ten years.<sup>25</sup>

Originally it was the oil industry that drew huge numbers of foreign workers to the UAE. But as Dubai was forced to reduce the economy’s dependency on oil by focusing on the financial, construction and tourism sectors the dependence on foreign labour remained.<sup>26</sup>

Last year foreigners working in the six GCC-states sent home more than \$100 billion dollars in remittances – a figure that has doubled in just four years .



Today the UAE is one of the most dynamic economies in the Middle East with a modern infrastructure and highly developed commercial sector. Emiratis, who make up about 15 percent of the population are guaranteed a high living standard, including free education and health care. While locals work predominantly in the public sector, the migrant workers are mainly found in the private sector. There are no political parties or trade unions.<sup>27</sup>

There is no minimum wage in the UAE and no income tax, making Dubai a lucrative place to do business.<sup>28</sup> However, to make up for losses due to the recent fall in oil prices, the government is considering to introduce both value added tax (VAT) and a corporate tax.<sup>29</sup>

FACT

### United Arab Emirates

**Population:** 8,2 million (2010 est.)

**International migrants:** 83,7% of total population (2013).

**GDP:** \$269.8 billion (2013 est.)

**GDP per capita:** \$29,900 (2013 est.)

**GDP growth:** 4% (2013 est.)

**Inflation rate:** 1.3% (2013 est.)

**Life expectancy at birth:** 77.1 years

**Infant mortality rate:** 10.92 deaths/1,000 live births

The UAE is ranked 40 out of 187 countries in the UNDP Human Development Index 2014. And ranked 25 out of 174 countries in the Transparency International Corruption Perception Index.

**Sources:** CIA World Factbook, UNDP, Transparency International.

## 5.1 Creating luxury

To a large extent Dubai lacks both natural and historical attractions. Even so, the emirate has managed to create a thriving tourism industry geared towards shopping, luxury and man-made attractions such as some of the world's tallest and most well-known buildings.

As a result, tourism is now a main component of the economy. Hotels and restaurants accounted for five percent of GDP in 2013, but tourism in a broader sense is a big creator of economic growth and officials have indicated that as much as 30 percent of the GDP is tourism related.<sup>30</sup>

According to the Dubai Department of tourism and commerce the target for the future is to strengthen the economy by attracting new visitors and increasing investment. The goal is to reach 20 million yearly visitors by 2020 when Dubai is hosting the World Expo.<sup>31</sup>

During the preparations for the World Expo the hotel industry is considered a main driver of employment – and recruitment is growing faster than in any other sector. In 2014 the government of Dubai estimated that at least 91 hotels would open in the coming two years.<sup>32</sup>

## 5.2 Human rights under pressure

The UAE is lagging behind with respect to human rights protection. The country has not signed or ratified the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights.

Freedom of expression is guaranteed in the constitution but in reality these rights are limited.<sup>33</sup> Civil society organisations and Non-governmental organizations are strictly monitored and may be shut down by the authorities.<sup>34</sup>

The authorities have been accused of arbitrary detentions and torture. According to Human Rights Watch (HRW) the courts invoke repressive laws to prosecute government critics. However, the main criticism regards exploitation of migrant workers.<sup>35</sup>

## 5.3 Waves of workers

The first migrant workers came to the Gulf Cooperation Council (GCC) region to work in the oil industry.<sup>36</sup> Migration surged after the increase in oil prices during the 1970's and workers hailed primarily from other Arab states. But the governments in the region felt that the workers brought dangerous political views with them from their home countries, and worried that these ideas could threaten their rule. These concerns culminated in 1991 when Iraq invaded GCC-member Kuwait. Some Arab states sided with Iraq and therefore their citizens were regarded as a security threat.<sup>37</sup>



**Shane, 32**  
Food & Beverage  
Filipino

»There is no fairness. They treat filippinos differently.«

So the Arab migrant workers in the GCC region were replaced by Asians. In later years the demand for labour has diversified, and today the construction workers are joined by large numbers of domestic workers and workers in the services sector.<sup>38</sup>

Money sent home by migrant workers is referred to as remittances and in 2014 foreigners working in the six GCC states sent home more than \$100 billion dollars in remittances. Saudi Arabia tops the list with \$44 billion with the UAE coming in at second with \$29 billion.<sup>39</sup>

The migrant workforce in the UAE has the lowest educational profile of all GCC-countries, after Oman, with 49 percent having little or no education.<sup>40</sup> But officially these workers are not migrants – but “temporary contractual labourers” who have no chance of permanent settlement or becoming citizens. They can only enter the country with a fixed term employment contract and have to leave once the employment is terminated.<sup>41</sup>

As a result the average time of permanence in the country is one to four years. However, almost 30 percent of the migrant workers in the UAE have stayed in the country for a decade or more.<sup>42</sup> There are also large numbers of illegal migrant workers in the country. During a series of crackdowns last year more than 7,785 undocumented migrants were arrested.<sup>43</sup>

### 5.3.1 Empty promises

Because of the extensive restrictions on the labour market in Dubai, many potential migrants apply for jobs in their home countries – and this is often where the recruitment takes place. This has resulted in a system heavily dependent on local recruitment agencies that play a big role in shaping the migrants' lives in the host country.

These recruiters, as well as sub-recruiters, in the sending countries often charge migrants for their services. Fees are generally high in relation to the prospective migrants' income – forcing them to use savings, sell possessions or take loans in order to obtain possible employment.

As a result workers are often in debt in the early stages of migration, maybe even before they board the plane. Sometimes it takes years to pay of this debt and during this time the worker may have no other option but to endure harsh conditions.<sup>44</sup>



**John, 39**  
Housekeeping  
Filipino

»I was supposed to be paid 1500, but when I started I only got paid 700.«

According to Andrew Ross, labour studies scholar and professor at New York University, the fees can trap a worker in debt bondage. The average worker arrives in the UAE with \$2,000 in debt – a huge amount for a migrant worker. Since they do not have the right to stay in the country without their sponsor they end up in a very vulnerable position.<sup>45</sup>

An embassy official of a sending country, who was interviewed by Swed-watch with the promise of anonymity, explains how it can take months for the worker to pay the debt.

- There are some very unscrupulous recruiters out there. It is all about money. They treat human beings like a commodity. But even some legal recruiters charge illegal fees. Sometimes they even partner up with money lenders who charge unreasonable interests.

Deception about wages, as well as living and working conditions, is common. In many cases, a recruiter will give the migrant information about the contract and the worker will agree to a certain wage – only to arrive and discover that the actual wage is hundreds of dollars less per month. Thus the pressure to pay off their debts increases, which can force migrants to accept conditions that they would not accept otherwise.<sup>46</sup>

Sending states are often aware of the need to protect citizens working abroad. In some cases laws have been drafted and government bodies created to minimize the risk for migrant workers.<sup>47</sup> But according to Migrant Forum in Asia there are serious gaps between the formal procedure and the actual experience of the migrant workers in the recruitment process.<sup>48</sup>

Charging a migrant for recruitment is illegal in the UAE but is still a widespread practice. In many cases the fees are charged in the sending country where this is not illegal. However, the ILO claims that even though the recruitment fees are charged in another country the problem originates in the GCC countries' lack of attention to mal-practices. According to an ILO study from 2011 no serious efforts in combating forced labour of migrant workers have been recorded in the region in the recent years.<sup>49</sup>

## 5.4 Labour law

The UAE labour law does not allow the formation of trade unions.<sup>50</sup> Besides mediation by the ministry of labour, the only way for an employee to seek redress is through the courts.<sup>51</sup> Although the law does not explicitly prohibit strikes there is no legal protection for workers who strike and a migrant worker who strikes may be suspended, fired or deported.<sup>52</sup>



**Rachel, 34**  
Housekeeping  
Coordinator  
Filipino

»Of all my relatives only my mother is still in the Philippines. The rest are all in Dubai.«

The labour law applies to all employees except for domestic workers, agricultural workers or those working for the government or other public bodies. In the Dubai economic free zones (like Dubai International Financial Centre or Dubai Airport Free Zone) different legislation may apply.

There is no minimum wage in the UAE. The maximum prescribed working hours for an adult is eight hours per day (or 48 hours per week) – but this can be increased to nine hours per day if the worker is employed in hotels, cafeterias or as a guard. An employee may not work more than five consecutive hours and is entitled to overtime pay if and when overtime is needed. However, more than two hours of overtime daily is only allowed in extreme cases.

After a year of employment the worker is entitled to 30 days leave with pay. If a worker has worked for six months but not the full year, he or she is entitled to two days of leave for every month of service.

After three months of service (following the probation period) the worker may go on sick leave with full salary for the first 15 days (and with half salary for the following 30 days). An employee cannot be dismissed from service during sick leave.

An employer may terminate an employment contract without notice and with immediate effect under certain circumstances, for example if the employee commits a mistake causing the employer a substantial financial loss.<sup>53</sup>

The labour ministry has taken steps to modernize the labour law, and in 2006 the minister announced that a new law was drafted. However as of 2014 no changes had been made to allow freedom of association or collective bargaining rights.<sup>54</sup>

There have been some changes through ministerial decisions and resolutions to address some of the more common labour and employment problems that are part of the sponsorship system – known as kafala.<sup>55</sup>

FACT

### United Arab Emirates and the ILO

The UAE have ratified six out of eight ILO core conventions. The two conventions not ratified are number 87: "The Freedom of Association and Protection of the Right to Organise Convention". And number 98: "Right to Organise and Collective Bargaining Convention".

## 5.5 Kafala

The rights of migrant workers in Dubai are regulated by a practice known as kafala. Kafala, having both formal and informal aspects, does not concern the actual employment – but rather governs the migrant workers' immigration to and legal residence in the UAE.<sup>56</sup>

Kafala means sponsorship and the core principle of the system is that every worker needs a local sponsor (a kafeel) to obtain a work permit. This work permit only allows the migrant to work for that particular sponsor, who not only is the employer but also takes financial and legal responsibility for the migrant.<sup>57</sup> In reality this binds the migrant worker to the sponsor and to a particular job for a specific period of time (usually two years). During the stay the worker relies on the sponsor for his or her legal right to stay in the country.<sup>58</sup>



**Romeo, 29**  
Housekeeping  
Filipino

»We sometimes work from 9 to 9. Not all of it is paid.«

The sponsor applies for the visa on behalf of the worker and is also financially responsible for repatriating the worker when the contract is fulfilled or terminated.<sup>59</sup> The system is a way for governments to delegate responsibility for migrants to private citizens or companies.<sup>60</sup>

Kafala was created in the 1950's to minimize the three main risks perceived with having large numbers of foreign workers in the country: 1) Migrant workers were considered a security dilemma. 2) There were fears that migrants who become citizens would dilute the indigenous culture. 3) There were concerns that educated workers would keep nationals from jobs in the private sector. Thus the sponsorship system was devised to prevent migrants from putting down permanent roots.

The system has guaranteed a steady supply of cheap labour. At the same time, since kafala is preventing migrants from putting down formal roots, the perceived impact of immigration on security, culture and national identity is minimized.<sup>61</sup>



The regulation of visas and work permits through the kafala system has created a severely restricted labour market.<sup>62</sup> There are basically three ways for a migrant worker to enter Dubai: 1) Recruitment through an agency in their home country. 2) Direct recruitment by companies in Dubai that set up operations abroad. 3) Coming to Dubai on a tourist visa and then changing to a working visa after finding employment. The last method is a relatively liberal feature of the UAE system and reflects the country's huge demand for workers.



**Chris, 40**  
**Restaurant**  
**Assistant Manager**  
**Filipino**

»Even if we hold the same position, a westener or arab will have higher wages.«

According to an announcement in september 2015 the UAE plans labour reforms intended to protect foreign workers. In the past however such reforms, intended to make it easier for migrant workers to change jobs and sponsors, have mainly benefited highly educated workers.

Among these past reforms of the UAE kafala system is a law passed by the government in 2010 intended to make it easier for a migrant worker to change employers.<sup>63</sup> According to this law a worker can be granted a new work permit if two conditions are met: If the worker has spent more than two years with the first employer, and if the employment ends by mutual agreement – the employee gets a so-called “No objection-certificate” (NOC) from the old employer.

There are exceptions to the mutual agreement rule, for example if the worker is fired, the firm is closed or a court rules in favour of the employee in a labour complaint. The only exception to the two-year rule is if the worker is offered a new position which (for the least educated workers) pays 5,000 dirhams (about 1,350 USD) a month.<sup>64</sup>

Since 5,000 dirhams is substantially more than most uneducated workers earn, this exception only applies to a small number of workers. A worker earning less needs to complete two years of service and get the employers consent to change jobs. If these conditions are not met the workers get a six to twelve month employment ban, even if they have consent from the old employer.

If a work permit is cancelled the worker is given 30 days to leave the country. If the worker does not leave, he or she is considered overstaying and must pay penalty fees for each day of overstay.

An employer is required to report any foreign worker who is absent from his place of work for seven or more consecutive days without prior notification. The worker is then considered absconding and will be deported. He or she is also permanently banned from the country. Sponsors failing to report absconding workers are subject to heavy fines.

If a migrant worker has a falling out with his or her employer and leaves, the sponsor can request the Ministry of Labour to cancel the worker's labour card and residency permit. The worker is then required to leave the UAE within 30 days.<sup>65</sup>



Workers at all three hotels claim that their working hours are well above the legal maximum, and that they do not receive the overtime pay that they are entitled to according to the labour law.



Kafala is used to govern labour migration in all GCC countries and for many migrant workers in Lebanon and Jordan. Although the systems are similar in many ways there are differences, in Qatar for instance the worker needs written permission from the sponsor in order to leave the country.

## 6. Kafala and forced labour

Forced labour can take many forms. However, according to the ILO the distinct feature is that the perpetrators use different types of coercion. The means of coercion can be physical but are more often more subtle – like deception, threats, and manipulation of wages.<sup>66</sup>

The ILO points out two main mechanisms behind the forced labour process: abusive recruitment and failures in wage payment systems. Wage manipulations, including wage deductions, debt manipulations or simply the non-payment of wages is a powerful way to force workers to remain in conditions that they would not accept otherwise.<sup>67</sup>

Another way is for the employer to require workers to hand over their passports or other identity papers or use the threat of confiscation of these documents to force the employee to work. Thus a withheld passport is a clear indicator of forced labour and a

violation of the workers' rights. Other instruments of coercion are induced indebtedness and threatening migrant workers with deportation to their home countries.<sup>68</sup>

All these features are to some extent present either in the formal or informal aspects of the kafala system and the kafala system has been pointed out by the ILO as conducive to the exaction of forced labour.<sup>69</sup> According to Global Slavery Index, even when the kafala system is not directly responsible for the prevalence of slavery and forced labour, it is still problematic because it effectively ties a migrant worker's legal status to the employer.<sup>70</sup>

The UN has a number of standards and principles on forced labour, like article 23 of the Universal Declaration of Human Rights, which provides that everyone has the right to free choice of employment.<sup>71</sup>

The right for everyone to gain his or her living by work that is freely chosen and accepted is also elaborated on in the International Covenant on Economic, Social and Cultural Rights.<sup>72</sup>

Furthermore, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families states that no migrant worker should be required to perform forced or compulsory labour.<sup>73</sup>

## 7. What we found

Half an hour by car from downtown Dubai with its white beaches and spectacular skyscrapers lies one of many areas where migrant workers live. The area is a maze of low concrete buildings where busses transport migrant workers to and from their accommodations at all times. In these dusty crowded streets, where many different languages are spoken, lie the buildings where the hotel companies house their migrant workers.

Swedwatch entered worker accommodations of all three hotel companies in order to interview migrant workers. In all three cases a security guard manned the front desk and the entrance was covered by several security cameras. Further into the accommodation the lights are dim and in some cases naked wires hang from the ceiling.

At first the workers are reluctant to discuss their experiences. Some of them have signed non-disclosure agreements while others are simply afraid that the employers will learn about them talking about working conditions. But when assured about their anonymity they tell their stories, about the realities of working at a hotel and about how they came to Dubai.

Despite their different backgrounds and employers the workers' motivations for coming to Dubai are similar. Most of them (20 workers) came to Dubai for economic reasons – to provide for family members back home or to avoid unemployment and low salaries in their home country. Some said that they wanted to travel or get experience from the hotel sector (3 workers). The rest preferred not to say (7 workers).

Most complaints regard the workload, the working hours and the lack of overtime pay. Another issue is the lack of transparency in the payment of salaries. Since the workers do not receive a pay slip it is impossible for them to know if they have been paid correctly. Other complaints are regarding conflicts at work, racial discrimination and cases of harassment.

A recurring theme in the interviews is the sponsorship system and the highly controlled labour market where the workers are tied to their employers for the duration of their two-year contract. Several of them claim that they would change employers if it would not lead to a labour ban or result in them being forced to pay the employer back for the costs of recruiting them.

## 7.1 Recruitment and passports

Confiscating passports or other travel documents is illegal in the UAE. It is also in violation of the International Convention on the Protection of the Rights of All

Migrant Workers and Members of Their Families, which states that it is unlawful for anyone other than a public official to confiscate passports or equivalent identity documents.<sup>74</sup>

Only two out of 30 interviewed workers state that they are holding their own passports. Antonio, 38, left the Philippines to get experience from the hotel sector but now he feels forced to work.

- We don't hold our passports, the HR-department has them. We can request them, but we won't get them unless it's to renew our visas or when we are leaving for our vacation.

One worker mentions that some employers hold the workers' passport until the contract is finished and only gives it back at the airport when the worker is flying home – so they can punish the worker for not renewing the contract by preventing them from finding another job.

Regarding recruitment fees UAE law states that no costs related to recruitment should be paid by the employee.<sup>75</sup> ILO Convention 181: The Private Employment Agencies Convention also prohibits private employment agencies from charging any fees or costs to workers.<sup>76</sup>

But workers at two of the hotels, twelve of thirty interviewed workers, state that they paid either for recruitment or for expenses related to recruitment, like medical examinations or visa costs.<sup>77</sup> The amount paid range from \$200 to \$400 or more. In some cases the employer covered these expenses and will charge the worker this amount if he or she does not fulfil the contract.

Romeo, 29, left the Philippines to earn money and provide for his children.

- If you don't finish your two-year contract but want to leave after one year, you have to pay back half the recruitment cost. You have to pay 3000-4000 dirhams in order for you to get your passport. You cannot do anything about it unless you pay.



**Roy, 38**  
Housekeeping  
Filipino

»I was happy when I got this job. Because now I would finally support my family.«

## 7.2 Working conditions and salaries

The UAE labour law states that the maximum prescribed working hours for hotel workers are nine hours per day. If the employee has to work overtime he or she is entitled to overtime pay equivalent of the normal wages plus an additional amount of no less than 25 percent.<sup>78</sup>

Along the same lines, ILO states that normal working hours should not exceed eight in one day and 48 in one week.<sup>79</sup> Long hours without overtime pay can also be a breach of article 23 of the Universal Declaration of Human Rights which states that everyone has the right to just and favourable conditions of work as well as just and favourable remuneration for their work.<sup>80</sup>

However, our interviewees describe working hours that are substantially longer than the legal maximum. Working days as long as twelve hours are common at all three hotels. This, along with the lack of overtime pay, is a violation of both local law and international conventions.

Chen, 31, from Burma sometimes cleans 24 rooms in one shift.

- According to my contract I should work nine hours per day, but there are so many rooms to clean that I sometime work twelve hour shifts. When we work longer hours we don't get any overtime pay, only 2 dirhams per extra room.

The housekeepers explain how their departments are constantly understaffed and that the workload regularly increases when the group has to cover for workers who are on sick leave or absent for other reasons, like training new employees. The lack of staff means that room attendants in some cases have to clean up to 30 rooms in a day.

Roy, 38, saves money for his children's college education. He never went to college and don't want his children to end up as labourers in the Middle East like him.

- These two years in housekeeping have been one of the most difficult experiences of my life. We don't get any proper rest and are constantly overworked, doing longer hours than we signed up for. But if I only got paid properly for the job I'd be able to do it.

Dubai has no minimum wage. A reality of kafala is that all migrant workers are on temporary contracts with little room for negotiations regarding salaries. Since there are no unions and no collective bargaining the only way to increase the salary is to look for a new job, which is difficult, if not impossible. Thus the main concern regarding salaries is the overtime pay.

The interviewed workers have monthly salaries ranging from 800 dirhams (approximately \$215) for housekeepers and room attendants, to 2500 dirhams (approximately \$680) for managers. This is a basic salary and in addition to this the workers often receive food allowance in some form and have free accommodation. Sometimes the workers also receive tips.

### 7.3 Exploitation of subcontracted staff

Three of the interviewed migrants work at the hotels but are employed by subcontracting companies. One of them is a Pakistani security guard who came to Dubai as a tourist but changed to a working visa once he found employment with the subcontractor. He works long hours without overtime pay but is generally treated the same as any other worker.

The other two are subcontracted housekeepers from Uganda and Kenya. Just like the other interviewees they have had their passports confiscated but in addition to this, they were also drastically misled during the recruitment process.



**Christina, 40**  
Food & Beverage  
Filipino

»We work overtime when it is busy. But it's not paid.«

Even though they come from different countries the two workers' stories are similar. Recruiters in their home countries falsified documents to lure them to Dubai where they were forced to accept work under conditions that have several characteristics of forced labour – which in all forms is prohibited according to international law. Together with the confiscation of passports and the threat of deportation inherent in the sponsorship system, this creates a situation where the worker becomes trapped.

The workers claim to be trapped by three main factors. The first is high recruitment fees, that caused them to sell land or other property to pay for their employment. While it is illegal to charge the employee for recruitment in the UAE it might be legal in the sending country.

Andrew, 23, from Kenya works for a subcontractor as a hotel steward - The pastor in my village is a much respected religious figure. He introduced me to a recruiting agent who promised me a well-paid job in Dubai. So I sold the land that I had inherited from my father. Selling your land is a big taboo for us but I did it anyway because I made a calculation based on the contract I signed and thought that I would be able to buy the land back and still have money over to buy a house.

The second factor is contract substitution, which means that when the worker arrives in Dubai the contract that they signed back home is replaced by one with lower salary and a different job description. Fear of losing the recruitment fee forces the worker to sign the new contract.

- When I came to Dubai I was picked up at the airport by a man who took my passport and all my papers. He took me to the staffing company where they said that my contract was not valid because they did not know the agent who hired me. If I did not sign a new contract I would be sent home. So I signed. I had no choice. My land was gone, and the only way to buy it back was to work here in Dubai, says Andrew.

Read Andrew's story in full on page 25

The third factor is illegal deductions, which means that the employer takes money out of the employee's salary. According to the labour law such deductions are only legal under specific circumstances like repayment of advances or if the employee has



	Hotel #1	Hotel #2	Hotel #3
<b>Interviewed workers</b>	13 workers interviewed	8 workers interviewed	9 workers interviewed
<b>Withheld passports</b>	YES	YES	YES <i>Three workers at this hotel state that they are holding their own passports. While the rest state that the employer withholds their passports.</i>
<b>Illegal overtime</b>	YES	YES	YES
<i>Workers at all three hotels state that they sometimes work shifts as long as 12 hours.</i>			
<b>Non-existent overtime pay</b>	YES	YES	YES
<i>Workers at all three hotels state that they never receive the overtime pay that they are entitled to by law.</i>			
<b>Recruitment fees</b>	YES <i>One worker state that he paid for recruitment but was reimbursed.</i>	YES	NO

#### Problems specific for subcontracted workers

<b>• Abusive recruiting practices</b>	-	-	YES
<b>• Illegal deductions of salary</b>	-	-	YES
<b>• Contract substitution</b>	-	-	YES

*These are all phenomena described by subcontracted workers. However, Swedwatch could only interview such workers at hotel number three.*

caused damages. These illegal deductions makes it difficult for the worker to protest against abusive behaviour.<sup>81</sup>

James, 22, from Uganda works for a subcontractor as a hotel steward at the same hotel. He sold both his mother's business and his own in order to pay for recruitment. - They offered me 1500 dirhams if I work for 12 hours every day. But I don't get my whole salary and I don't get it on time. When I ask them why not, they say that they are deducting for money spent on my bus card and my medical examination. My first pay was 686 dirhams.

These factors put the worker in such a vulnerable position that they do not use the available means of legal recourse (through the labour office or courts) due to the threat of deportation.

- When my friend got sick they took him to the hospital but did not pay the bill. When he could not work, two men came and deported him back to Uganda. They said that he only pretended to be sick and that his work did not keep up with the company standard, says James who share a small room with five other workers.

## 8. The tour operators and Dubai

### 8.1 Apollo

Apollo is Sweden's third largest tour operator and until September 2015 owned by Swiss travel group Kuoni.<sup>82</sup> Kuoni Nordic (Apollo in Sweden, Finland, Norway and Denmark) has nearly 900 employees and a total of 1 million travellers annually to destinations worldwide.<sup>83</sup>



**Tony, 34**  
**Logistics**  
**Filipino**

» If you terminate your contract, you have to pay the company.«

Apollo is currently making a move to drastically increase their volumes to Dubai. In 2015 approximately 15,000 people will travel with Apollo from the Nordic countries to Dubai, making it Apollos third largest winter destination, after the Canary Islands and Thailand. The plan is to double the number of visitors next year and double it again the year after that.<sup>84</sup>

According to Kajsa Moström, communication and CSR manager, Apollo has performed a risk analysis regarding human rights in Dubai. This analysis showed that Dubai is a high-risk destination and Moström specifies the discrimination of migrant workers as a primary risk.<sup>85</sup>

All Apollo hotels and other suppliers must sign the "Supplier Code of Conduct" of parent company Kuoni where the supplier agrees to comply with specific ethical guidelines. The Apollo website states that these guidelines give the company the power to act if there is any suspicion, that people are being abused or harmed. The code mentions international conventions only when referring to child labour or sexual exploitation of children.<sup>86</sup>

## Andrew's story



My name is Andrew and I am a Massai from the Rift valley in Kenya. I am the first born son in my family, but I had to quit my university education because I did not have the money. The pastor in my village is a much respected religious figure. He introduced me to a recruiting agent who promised me a well-paid job in Dubai. The agent showed me names and photographs of hundreds of people that she said she had helped earn big money.

So I sold the land that I had inherited from my father.

Selling your land is a big taboo for us but I did it anyway because I made a calculation based on the contract I signed and thought that I would be able to buy the land back and still have money over to buy a house. And for education – for me and even maybe for my sister. My dream was to become an important person in our community.

When I came to Dubai I was picked up at the airport by a man who took my passport and all my papers. He took me to the staffing company where they said that my contract was not valid because they did not know the agent who hired me. If I did not sign a new contract I would be sent home.

So I signed. I had no choice. My land was gone, and the only way to buy it back was to work here in Dubai. The company got me different jobs cleaning and parking cars.

Then I ended up working as a steward at one of the big hotels. Every day I was picked up from the accommodation in a bus and driven to the hotel, where I entered through a side door.

A foreman from the staffing company told me what to do, I never talked to the hotel foremen. I worked from seven in the morning to seven in the evening and had to stand up the whole time. I could not go on a break and could not take the days off that were my right, according to the contract.

I had to get up and take the bus at five in the morning. The bus brought our staff to many different locations so the trip takes hours. After work I have to wait for the bus for maybe an hour and sometimes I don't get back until one or two at night.

At the accommodation we are free to come and go as we like. But who has the energy after a day like that? After a month I asked to be transferred to another hotel.

I cannot survive working like this. But my family is depending on the money I send home. There is nothing wrong with bringing people here to work. But it is not right to treat people like this. If I had known this would happen I would not have sold my land. It is impossible for me to come home empty handed.«





**Jose, 29**  
Finance/Ticketing  
Filipino

»I want to leave this job, but I can't because I will have to pay the company.«

The code states that the supplier must follow international and national law. All forms of forced labour are forbidden and all employees shall be free to terminate their employment through their own choice, when they choose to do so and without penalty. The supplier must also recognize the freedom of association and the right to collective bargaining.<sup>87</sup> But according to Kajsa Moström Apollo is not actively engaged in efforts for labour rights in Dubai.

Kajsa Moström explains that the staff responsible for the contact with the hotels have instructions to report any breach of the code. They can also request that the auditor Travelife conducts an audit.<sup>88</sup> But Apollo has not requested any such audit in Dubai because there, according to Apollo, have been no indications that the code is not being followed by the hotels.<sup>89</sup>

In case of breaches of the terms in the code Kuoni reserves the right to immediately terminate any contract and cooperation with the supplier as well as to take any further legal action.<sup>90</sup>

The Kuoni group has a written statement on human rights. According to this statement the group is committed to respecting and supporting human rights as contained in the UNGP and the ILO Core Conventions. This commitment applies to the entire group as well as to counterparts within the tourism supply chain.

The document states that Kuoni conducts human rights due diligence in sensitive destinations and promotes best practice. The Group Internal Audit reviews and reports on the conditions of human rights within the operations and Kuoni encourages the reporting of any transgressions against this statement – by individuals, organisations, businesses or others.<sup>91</sup>

According to the Kuoni sustainability report the group adheres to the UNWTO Global Code of Ethics for Tourism<sup>92</sup> and is a member of the Roundtable of human rights in tourism<sup>93</sup> that acknowledges the Bill of Human Rights and the ILO Labour standards. It also welcomes the UNGPs and “commit to our human rights responsibility and due diligence in tourism”.<sup>94</sup>

## 8.2 Ving

Every year 650.000 people travel with Ving to more than 400 destinations in 50 countries. The company has 180 employees and is part of the Thomas Cook group, listed on the London stock exchange.<sup>95</sup>

In 2015 Ving will fly approximately 1,000 people to Dubai, making it a minor destination. According to Magdalena Öhrn, Head of Communication at Ving, the company uses a local agent who signs contracts with the hotels, which is a standard setup when Ving does not own neither hotels nor airlines.<sup>96</sup>

According to Ving, sustainability is to meet the company's needs without jeopardizing the future of the communities the company works in. This means doing business in a responsible way, for the environment but also with regards to social responsibility.<sup>97</sup>

Without specifying how, the company website states that Ving will strive to ensure that working conditions include the freedom to join a labour union, minimum wages, a sound working environment and regulated working hours.<sup>98</sup>



**Krista, 36**  
Housekeeping  
Coordinator  
(former)  
Filipino

»We had a british worker. She was promoted within months.«

Dubai has been a destination for Ving since 2004 but according to Magdalena Öhrn the company has not performed any due diligence regarding human rights for the destination.

There is no code of operations signed by the company's suppliers, only clauses in the contract. But in the case of Dubai this contract is signed by the agent and does not extend to the hotels in Dubai. According to Magdalena Öhrn this means that the hotels they use have not signed anything ensuring that they live up to the commitments of Ving. Instead the company relies on the personal meeting and trust between Ving and their agent in Dubai.

If there were to be any violations Ving contacts the agent or hotel and tries to improve the issue. If there is no improvement, or no will to improve, the company might terminate the contract.<sup>99</sup>

The sustainability policies of parent company Thomas Cook do not mention human or labour rights. The sustainability report from 2014 however states that suppliers are expected to meet the legal requirements of their country. Thomas Cook also states that suppliers are required to address any specific issues of concern that may not be covered in their own laws. In the report Thomas Cook recognize the UNGPs and state that it is aligned with the UN Global Compact.<sup>100</sup>

## 8.3 Fritidsresor

Fritidsresor is the biggest tour operator in Sweden. It is part of Germany based TUI group, which is the world's leading tourism group. According to the Fritidsresor website TUI Nordic has a 20 percent share of the Nordic market.<sup>101</sup>

Dubai has been a destination for Fritidsresor for 24 years. Although between 1991 and 2005 there was a break due to the situation in Iraq. The company's prognosis is that 6,300 people will travel to Dubai with Fritidsresor this year, making it a minor destination for the company.

Mikael Edwards, Head of Crisis Management & Sustainable Business Development at Fritidsresor, explains that the company performs risk analysis concerning human rights at destinations considered high risk. However, since the volumes to Dubai are so small, the company has focused their human rights work on other destinations.<sup>102</sup>



Most of the migrant workers interviewed by Swedwatch came to Dubai to provide for relatives who stayed in the home country. Many workers left children and other family members behind.



**Jim, 24**  
**Restaurant &**  
**Housekeeping**  
**Filipino**

»We use subcontracted workers for cleaning. They have different rights.«

All Fritidsresor suppliers sign the “Sustainable Development Contract Addendum” of parent company TUI, which states that suppliers must comply with local employment legislation. The document only refers to ILO conventions concerning child labour.<sup>103</sup>

According to their website, Fritidsresor conducts controls to ensure that suppliers live up to the clauses in the “Sustainable Development Contract Addendum”. There are also check-ups regarding working conditions as a part of the Health, Safety & Sustainability Audits.<sup>104</sup>

Edwards says it can be difficult to ensure that hotels live up to the clauses in the “Sustainable Development Contract Addendum”. To a large extent Fritidsresor depends on random controls and self-assessments. One weak area, says Mikael Edwards, is the relationships between supplier and sub-supplier where insight is limited.<sup>105</sup>

In the 2013 Sustainable Holidays report from parent company TUI, the company acknowledges the UNGP and states that it has a number of policies and initiatives in place to identify, prevent, mitigate and account for their work on addressing human rights issues. One of them is the

“Supplier Code of Conduct” that sets minimum standards that TUI expects from suppliers regarding human rights and labour laws.<sup>106</sup>

The code of conduct states that suppliers must treat their employees with dignity and respect, as defined by the ILO or applicable law as well as to ensure that agencies that provide migrant workers also complies with the laws of both sending and receiving countries.

Furthermore, all forced and involuntary labour is forbidden and no suppliers may “require workers to surrender any government-issued identification, passports, or work permits as a condition of employment”. Additionally no worker should be required to pay for their recruitment and shall be free to leave their employment through their own choice.

According to the document suppliers shall also ensure that working hours comply with national law, that employees are provided all legally mandated benefits and that they are paid for their work in a timely manner.<sup>107</sup>

Fritidsresor claims to act on all violations and reserves the right to terminate contracts if there have been violations, but according to Mikael Edwards this is only used as a last resort. The preferred method is to contact the hotels and try to work together to improve conditions.<sup>108</sup>

## 9. Analysis and conclusions

By examining working conditions at hotels marketed to Swedish consumers this report reveals that the featured tour operators lack awareness on adverse human rights impacts in Dubai.

All three tour operators have policies regarding human rights. In practice, however, there is limited knowledge about adverse human rights impacts resulting from working conditions at the hotels that they use in Dubai.

All but two of the interviewed migrant workers state that the employers withhold their passports and all of them say that they work many hours above the legal maximum. Sometimes the days are twelve hours long, without overtime pay. At two of the hotels workers say that they were charged for recruitment.

In addition to this subcontracted workers describe how they were lured to Dubai with false contracts and are now trapped. These are all violations not only of national law but also of several international conventions and the companies’ own policies on human and labour rights.

The violations that tour operators Ving, Fritidsresor and Apollo are linked to through their business relationships with the hotel companies’ fall into two categories: The first category is acute breaches of local labour law and the informal aspects of kafala, while the second concerns the lack of labour rights in Dubai in general.

Violations in the first category are confiscation of passports, excessive overtime, non-existent overtime payment and illegal recruitment fees. These are all illegal practices that take place at hotels that the Swedish tour operators are linked to by their business relationships.



**Najeeb, 31**  
**Security Guard**  
**Pakistani**

»They will threaten to deport you back to your country.«

The workers that we interviewed only ask for the freedom of holding their own passports and the privilege of being paid in full for the work that they perform – demands that the Swedish companies should use their leverage to fulfil, according to the UNGPs.

When the Swedish minister of enterprise Mikael Damberg presented the Swedish National Action Plan for Business and Human Rights, based on the UNGP, he clearly stated that it was his expectation that all Swedish companies respect human rights.<sup>109</sup>

The answers differ when the tour operators are asked whether due diligence regarding human rights has been performed in Dubai. Apollo performed a human rights plotting as a part of the general analysis for every destination while Ving did not perform any risk analysis on human rights. Fritidsresor claims to have focused the company’s resources on bigger destinations.



The UNGP requires a due diligence process not only to identify and assess adverse human rights impacts but also to act to prevent and mitigate these impacts. These measures should also be tracked and communicated externally.<sup>110</sup>

The responsibility to perform human rights due diligence is a central concept in the UNGP. Without a proper process to identify, prevent, mitigate and account for how they address human rights impacts Apollo, Fritidsresor and Ving has no way of handling, or even learning about, human rights risks in their supply chain.<sup>111</sup>

The second category of risks is systemic issues related to the UAE, such as the lack of trade unions, the fact that the UAE does not have a minimum wage, as well as the legal aspects of the kafala system. Tackling these practices are harder, since they are the law in Dubai.

However, the corporations' responsibility to respect human rights exists independently of the state's ability or willingness to fulfil their human rights obligations. The Swedish companies are linked to the adverse impacts at the hotels through their business relationships with the hotel companies and have a responsibility to respect the human rights of the workers.



**Chen, 31**  
**Housekeeping**  
**Filipino**

»Sometimes they cancel my day off and don't pay for it.«

The UNGP recognizes that when a business is linked to adverse human rights impacts through a business relationship the situation is more complex than if the company is directly responsible. However, a company is still required to act on information of adverse rights impacts. If the situation is such that the company lacks leverage to influence the business partner the UNGP states that companies should act to increase their leverage. There are a number of ways to do this.

A company can increase its leverage by cooperating with other companies or acting through the parent company, which in all three cases are big and influential international groups. The tour operator could also work through joint industry initiatives for human rights.<sup>112</sup>

Companies can work from the ground and up as well. It is not the role of the Swedish tour operators to form unions but they should promote and declare support for workers' right to organize and bargain collectively.

They should also strive to increase workers' opportunities to participate in decision-making and channel their views and concerns while they educate workers about their rights and train the management in human rights.

Fritidsresor and Ving both refer to their small volumes when discussing their ability to address adverse human rights impacts in Dubai. According to the UNGPs however, the actual volumes are irrelevant. According to the framework a company should prioritize their Human Rights work not based on the value of their business but on what impacts causes the greatest harm.

If a company has complex supply chains and a multitude of partners then maybe it cannot address all human rights impacts immediately but has to prioritize the work. This prioritization however has to be based not on the volume of travellers

but rather on what actual and potential impacts causes the greatest harm to people. This is another case where a company first should seek to prevent and mitigate those impacts that are most severe or where delay would make them irremediable.

A striking aspect is that most violations presented in this report are the result of rather well-known phenomena that probably would have been identified when conducting human rights due diligence. Therefore one might argue that the adverse human rights impacts might have been avoided, or at least mitigated, had only the companies lived up to specifics on human rights due diligence as described in the UNGP.



## 10. Recommendations to the companies

### 10.1 Acute recommendations

- Make sure that all hotels used in Dubai, as a minimum, comply with national law. Apollo, Fritidsresor and Ving all have this stated in their policies and should make sure it is followed. This work should also extend to contract workers and agency staff who might not be employed by the hotel.
- Conduct due diligence to identify and mitigate the most salient adverse human rights impacts at hotels in Dubai. The due diligence process should follow the "assess, respond, track and communicate" format that is referenced in the UNGP and in the Swedish National Action Plan for Business and Human Rights. Specific priority should be given to the issues highlighted in this report, such as: confiscation of passports, recruitment fees, overtime payment and excessive overtime.
- Introduce routines for performing follow-ups on compliance with the human rights commitments in the hotel contracts.

### 10.2 Further recommendations

- Perform human rights due diligence at all destinations, starting with locations where the risk of adverse human rights impacts are most severe, for example where migrant workers constitute a large portion of the work force. The long-term ambition should be to perform human rights due diligence at all destinations worldwide.
- Introduce routines for follow-ups on whether all hotels adhere to the commitments to human rights that they make when signing the contract, starting with locations where the risk of adverse human rights impacts are most severe.
- Introduce a grievance mechanism for the hotel workers. This could be a hotline or another way for the hotel workers to contact the tour operators without going through the hotel companies. The workers should be sufficiently informed and educated about this grievance mechanism.
- Capacity build by increasing the workers' opportunity to participate in decision-making and channel their views and concerns. Educate workers about their rights and train the managers in human rights.
- Set up a strategy regarding freedom of association and labour rights in Dubai, including declaring support for workers' right to organize and bargain collectively.
- Seek to increase leverage in order to effect real change regarding labour issues in Dubai. This can be done through cooperation between companies, through the respective parent companies, through joint industry initiatives or together with the Global Union for Farm, Food and Hotel Workers (IUF).
- Use commercial incentives to reward hotels with better social performance. Incentives could be price premiums, volume increases and extended contract durations.

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