

Process	Challenges
<p>Step 1 Companies decision to recruit Construction company decides on the number and skills of the workers</p>	
<p>Step 2 Companies – Ministry of Labour</p> <ul style="list-style-type: none"> Construction Company : <ul style="list-style-type: none"> issues “demand letters” specifying the terms and conditions of employment for workers may give power of attorney to the recruitment agency to fulfil the visa processing requirements on behalf of the company. The “demand letters” require certification by relevant labour governing bodies: <ul style="list-style-type: none"> The government provide permission to issue visas to construction companies at a nominal cost 	<p>In Qatar, the Ministry of Labour has quotas and therefore decides to which nationalities the visas are granted.</p> <p>From a companies’ perspective the fewer nationalities it has to deal with the better. Ideally, the team of workers along with the head of the team would be from the same nationality, which implies better communication and therefore efficiency in delivering the works.</p> <p>Demanding visas for fewer nationalities from the Ministry is a lengthy and difficult process.</p> <p>The visa “demand letter”, has become a valuable commodity and has therefore been the subject of illicit sales by company representatives to agents or brokers that would, in turn, sell them to other companies.</p>
<p>Step 3 Companies – Local agents or brokers (optional)</p> <ul style="list-style-type: none"> The Company may decide to hire a local Qatari agent or broker, which will act as an intermediary between the Company as employer and the agencies in the countries of origin of workers. <p>OR</p> <ul style="list-style-type: none"> The Ministry of Labour may grant approval to an employer or his representative to directly recruit workers from abroad. <p>In any event, in accordance with the law, the party that is recruiting the workers is prohibited from collecting any sum from recruited workers.</p>	<p>These intermediaries are often involved in the sale of “demand letters” to the highest bidder, generating illegal profit at the ultimate expense of the workers, which end up paying the actual recruitment fees themselves.</p> <p>Practices like this may occur with or without the knowledge of the employing company, and can occur regardless of whether a company pays directly the registered recruitment agency in the worker’s country of origin.</p>
<p>Step 4 Countries of Origin Agencies (mandatory)</p> <ul style="list-style-type: none"> In order to find suitable candidates and carry out the hiring process in the workers’ country of origin, companies are required by law to use the services of an accredited qualified person or company. Each of the countries of origin has a list of recruitment agencies allowed to recruit workers from abroad, for foreign companies. The companies can only use these listed agencies. The agents in the countries of origin generally act through layers of sub-agents across the country. 	<p>Agents from the countries of origin and the network of sub-agents add up layers of complexity to manage the recruitment process while increasing the costs.</p> <p>Sub-agents are essential for locating and recruiting rural workers in remote areas. In many cases, these sub-agents are local heads of villages or family members of those being recruited. All these sub-agents can at any time charge the candidates with fees.</p> <p>The practice of “double charging” is very common: Recruiters and sub-agents charge workers even when employing companies are paying the recruitment fees.</p>
<p>Step 5 Workers’ pre-departure – departure – arrival fees</p> <p>Pre-departure:</p> <ul style="list-style-type: none"> To be selected and interviewed, workers from rural areas have to find the sub-agent (generally head of the village) who is connected to the recruitment agencies in the city, <u>which is generally subject to a fee.</u> Candidates have to pass a test to verify their skills to qualify for a specific type of job, <u>which is also subject to a fee.</u> Once candidates are selected, the countries of origin agents prepare and process the necessary documents: <ul style="list-style-type: none"> Passport Insurance Visa <p><u>These steps are all subject to payment of costs and fees.</u></p> <p>Departure:</p> <ul style="list-style-type: none"> Transit travel, from the workers’ rural village to the city, is <u>subject to additional fees.</u> Airfare (not always paid by the companies) <p>Arrival: In accordance with Qatari law, to be employed and be granted a work permit the migrant worker has to fulfil the following conditions:</p> <ul style="list-style-type: none"> Obtain a residency permit Be medically fit <p>The document processing for the residency permit and medical tests are <u>subject to a fee.</u></p>	<div data-bbox="1213 1834 1980 2190" style="border: 1px solid black; padding: 5px;"> <p>Abusive fees & corruption</p> <p>Candidates risk to be charged excessive fees at every step of the recruitment process even when the company pays the agents for all recruitment fees</p> <p>Deception</p> <p>Candidates also risk being deceived by corrupt agents that offer different contractual terms that the ones promised at the time of recruitment in the worker’s countries of origin.</p> </div>

Recruitment fees put workers into extreme debt
which many migrants are able to pay only after taking out loans with high interest rates – leading to extreme indebtedness and contribute to other forms of

Debt Bondage
Forced Labour
Human Trafficking

PRESS RELEASE

Rueil-Malmaison, 24 March 2015

VINCI entirely refutes Sherpa's allegations and decides to file a lawsuit for defamation

VINCI has been working in Qatar via QDVC since 2007 and employs 3,500 people in the country. We have repeatedly welcomed unions, international NGOs and journalists onto our building sites. They have ascertained that we do more than merely comply with local labour law and respect fundamental rights. All QDVC employees are free to retrieve their passports at any time, and we strictly observe working hours and rest time.

VINCI strives to improve employee working and living conditions throughout the world. This is the case in Qatar, where we have built new housing facilities at the beginning of this year in order to provide our workers with better living conditions. Moreover, 70% of our workers decide to return to QDVC and sign new two-year contracts when their previous contracts expire and they return from their holidays.

We are therefore appalled by the accusations against us and have decided to:

- file a lawsuit against Sherpa, whose slanderous allegations constitute a serious attack on our image;
- invite Sherpa representatives, and any journalists who so wish, to visit our building sites and living quarters in order to inspect working and living conditions first-hand, at their earliest convenience.

VINCI has been a signatory to the United Nations Global Compact since 2003. Under this compact, businesses commit to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption.

About VINCI

VINCI is a global player in concessions and construction, employing more than 185, 000 people in some 100 countries. We design, finance, build and operate infrastructure and facilities that help improve daily life and mobility for all. Because we believe in all-round performance, above and beyond economic and financial results, we are committed to operating in an environmentally and socially responsible manner. And because our projects are in the public interest, we consider that reaching out to all our stakeholders and engaging in dialogue with them is essential in the conduct of our business activities.

www.vinci.com

PRESS CONTACT
Paul-Alexis BOUQUET
Tel.: +33 1 47 16 31 82

paul-alexis.bouquet@vinci.com



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Accusations de travail forcé : ouverture d'une enquête sur Vinci au Qatar

🏠 > Faits divers | 25 avril 2015, 11h35 | [f](#) [t](#) [m](#) 14



L'information était révélée dans nos colonnes (nos éditions de mars) : fin mars, l'ONG Sherpa portait plainte contre QDVC, filiale qatarienne de Vinci construction grands projets. L'association de défense des victimes de crimes économiques dénonçait des faits de « travail forcé » et de « réduction en servitude » sur des chantiers du géant français du BTP au Qatar. Une accusation vigoureusement réfutée par Vinci qui, depuis, a déposé plainte à son tour pour diffamation contre Sherpa et ses dirigeants.

Selon nos informations, Catherine Denis, la nouvelle procureur du parquet de Nanterre (Vinci a son siège social dans les Hauts-de-Seine), a décidé d'ouvrir une enquête préliminaire, prévue pour durer plusieurs mois. Le choix de confier ensuite -- ou non -- cette enquête à un juge d'instruction et d'engager des actes d'investigation au Qatar ne sera pris qu'après l'été.

Vinci, qui réalise quelque 40 milliards d'euros de chiffre d'affaires annuel et emploie 191000 salariés dans le monde, a remporté ces dernières années d'énormes contrats au Qatar, tels que celui de la construction du métro de la ville de Lusail, via sa filiale commune avec le groupe local Qatari Diar, QDVC.



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2022 World Cup in Qatar: Sherpa Files Complaint against Vinci Construction and the Management of its Qatar Branch QDVC

Mis en ligne le 24 March 2015 dans la catégorie : -Press release-en

Paris, 24th March 2015 – Sherpa files a complaint against Vinci Construction Grands Projects (VCGP) and the French managers of its Qatari branch (QDVC) over violation concerning forced labour, servitude and receiving stolen goods in connection with migrants employed on their building sites in Qatar. Investigations carried out on site conclude that these companies are employing various threats to compel a vulnerable population to live and work in undignified conditions for a derisory remuneration.

The violation of the fundamental rights of migrant workers building facilities for the 2022 World Cup in Qatar – the richest country in the world – have been denounced in numerous reports by different organisations. The French group VINCI, represented by its QDVC branch, has won contracts worth several millions of euros in connection with the event and employs thousands of workers onsite both directly and via numerous subcontractors incorporated in Qatar.

After several months of investigation and having encountered numerous obstacles, Sherpa's advocates and lawyers, supported and invited by the National Federation of Construction, Wood and Furnishings Workers CGT (FNSCBA CGT) to a delegation organised in Doha by the Building and Woodworkers International, have managed to pull together overwhelming evidence of the working conditions at QDVC's building sites, allowing the organisation to file a complaint on 23rd March 2015.

Marie-Laure Guislain, Sherpa's head of litigation for the Globalisation and Human Rights programme, underlines these difficulties: **"The enormous pressure put on employees made our task very difficult; the migrants are terrorised by the threat of reprisals that they could suffer. Nevertheless, we have been able to collect conclusive evidence on the spot of undignified working and living conditions and remuneration that bears no relation to the work performed, which is carried under duress and threats."**

Indeed, the evidence testifies to inhuman and dangerous working conditions violating international and even local law, which explains the frequent accidents and deaths on the building sites. Worse still, **passports are confiscated by the company and workers are threatened if they claim their right to better working and living conditions or if they want to resign or change employer. They are also compelled to accept undignified working conditions that bear no relation to the remuneration they receive.** These conditions are far from those boasted by VCGP in its communications and code of ethics and far from the standards imposed by Qatari and international documents.

This new social drama highlights, as did Rana Plaza, the urgent need to adopt a law on the duty of vigilance by multinationals concerning infringements of human rights by their branches or subcontractors in the context of their overseas activities. Indeed, if the legal grounds employed in these charges must allow questioning of the parent company in this case, they concern only violations relating to forced labour and therefore only a tiny proportion of the harm caused to workers or communities that are victims of economic crimes. Furthermore, it is not possible to prevent such a disaster by legal action: the aim of a general law on the duty of vigilance is to prevent harm before it occurs and it is too late.

A text aimed precisely at preventing the most serious and frequently inflicted harm in the spheres of health, environment and fundamental liberties will be voted on in the National Assembly on 30th March. While the efforts of the members of parliament promoting this bill are to be welcomed, pressure from employers' organisations must not be allowed to water it down to an improved reporting obligation affecting only a small number of companies. **If the government is to honour its promises and international commitments while achieving its goal of enhancing the accountability of multinationals to avoid deaths in Qatar, as in Bangladesh, it is imperative that the text be amended during the vote.**

Laetitia Liebert, Director of Sherpa, hopes **"that this action will force Vinci to scrupulously respect the rights of migrant workers in the years to come and will be an example for the building and civil engineering sector as a whole. The work will continue and even intensify as the World Cup approaches. Yet the various questions raised by the trade unions or human rights organisations seem insufficient to achieve change. It is therefore crucial to prevent future violations of the fundamental rights of workers through this legal action."**

Sign the petition to encourage the ministry of justice to launch an enquiry and allow migrant workers to work with dignity.

Press contacts:

Laetitia Liebert, Director of Sherpa, 06 52 16 35 61

Marie-Laure Guislain, Head of Litigation, CSR: 01 42 21 33 25

Serge Plechot, Secretary General, FNSCBA CGT: 01 55 82 85 15.

Additional information for answering question 1 of part III for the facilitator to share with students

A human rights lens on retaliatory law suits

In the business and human rights field there has been a particular emphasis on the private sector's role in promoting or, conversely, infringing upon the civil society space. Lawsuits against civil society are particularly frowned upon. For instance, the Special Rapporteur on the situation of human rights defenders¹ has deplored the practice of companies "engaging in retaliatory lawsuits against defenders for having unveiled corporate human rights abuses."² The Business and Human Rights Resource Centre has documented 450 cases against human rights defenders in 2015-2016 and has found that "criminalization", which includes bringing lawsuits, is the most common form of attack against these defenders. In 2017, the World Economic Forum (WEF) placed the spotlight on the "closing civil society space" which "refers to actions by governments and others that, intentionally or otherwise, result in the prevention, limitation or eradication of civil society activities."³ The WEF stated that the fraying rule of law and declining civic freedoms was a significant challenge facing the world.

Some governments have also taken a position on the issue. The Canadian government, for instance, has stated that lawsuits against human rights defenders make them "the target of threats and intimidation" and called upon all companies operating abroad to consider publicly expressing support for human rights defenders and encourage protection of civic freedoms.⁴ A number of organisations, such as Adidas and FIFA, have also publicly committed to protecting human rights defenders. This is gaining traction, and in 2018 eight multinational companies and investors signed a statement linking protecting human rights defenders with protecting sustainable and profitable business.⁵

We have also seen companies take pro-active steps to defend and protect civil society organisations that may be seeking to expose issues on the ground. In a well-publicised case, the Thai company Natural Fruit launched a defamation lawsuit in Thailand against a researcher for drafting a report exposing poor working conditions in its factory. One of the companies sourcing from Natural Fruit,

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- 1 A human rights defender refers to "individuals or groups that, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights." General Assembly resolution 53/144 on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The Special Rapporteur adopts a broad and inclusive definition of defenders working on business and human rights, which includes "members of the media, lawyers, judges and academics." **UN Report of Special Rapporteur on the situation of human rights defenders**, dated 19 July 2017, A/72/170, available at: <https://undocs.org/A/72/170>
 - 2 **UN Report of Special Rapporteur on the situation of human rights defenders**, Article 17, dated 19 July 2017, A/72/170, available at: <https://undocs.org/A/72/170>
 - 3 "*Fraying Rule of Law and Declining Civic Freedoms: Citizens and Civic Space at Risk*", World Economic Forum, Global Risk Report 2017, available at: <http://reports.weforum.org/global-risks-2017/part-2-social-and-political-challenges/2-2-fraying-rule-of-law-and-declining-civic-freedoms-citizens-and-civic-space-at-risk/>
 - 4 **CSR Snapshot #7 – Private Sector Support for Human Rights Defenders: A Primer for Canada Businesses**, Global Affairs Canada, available at: <https://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-snapshot-7.aspx?lang=eng>
 - 5 **Supporting Civic Freedoms, Human Rights Defenders and the Rule of Law**, available at: https://www.business-humanrights.org/sites/default/files/Statement_Public_v2.pdf

Finnish company S Group, decided to take active steps to support the researcher, including testifying in his favour at trial and providing financial support. The company notes that its primary motivation was that “[i]t is in the interest of companies, too, to have a functioning civil society.”⁶ Football governance organisation FIFA has also decided to take concrete actions to strengthen civil society in the locations where it, and its football member associations, are operating. FIFA’s grievance mechanism is open to all human rights defenders and FIFA commits to take action to protect these individuals. For instance, when Chechnyan authorities jailed one of Russia’s most prominent human rights defenders, Oyub Titiev, in the run-up to the 2018 World Cup, FIFA’s Secretary General took a strong public position that all human rights defenders should be able to perform their work freely without fear of reprisals.⁷

As Sherpa is considered a human rights defender, VINCI’s defamation lawsuit against Sherpa has come to be seen by many observers as a Strategic Lawsuit against Public Participation (SLAPP)⁸, regardless of the intentions of the company for filing the counter lawsuit.

VINCI was featured in a 2017 publication produced by the Business & Human Rights Resource Centre (BHRRRC) titled “Lawsuits by companies seek to silence accountability advocates.”⁹ After describing a SLAPP, the publication references VINCI’s defamation lawsuit against Sherpa before stating that “[a]ccording to Sherpa, SLAPPs have increased and so has the amount demanded by companies as damages, which are often far out of proportion to the means of those targeted in SLAPPs. Sherpa has also said that given the financial risks of these suits, they lead to self-censorship by organizations, threatening freedom of expression.”¹⁰

A 2019 publication produced for the European Parliament, also noted that VINCI’s defamation lawsuit provided an example of the “[p]otential use of Strategic Lawsuit against Public Participation or SLAPP allegedly used to ‘intimidate’ NGOs.”

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- ⁶ **“Should business defend environmental and human rights campaigners?”** Sustainability = Smart Business, available at: <http://sustainablesmartbusiness.com/2016/08/should-business-defend-environmental-and-human-rights-campaigners/>
- ⁷ **“Companies Operating in a Conflict or Post-Conflict Country: Exercise Leverage or Stand Ready for Litigation”**, *Rights as Usual*, dated 22 January 2019, available at: <http://rightsasusual.com/?p=1306>
- ⁸ Strategic Lawsuits against Public Participation, also known as SLAPP suits, ordinarily arise out of defamation lawsuits. Defamation is a common-law tort whereby one citizen can sue another citizen for damage to reputation. The difference between an ordinary defamation lawsuit and a SLAPP suit is that the plaintiff in a SLAPP suit does not generally plan to actually win their lawsuit. Instead, SLAPP suits are intended to intimidate, censor, disparage, burden, and punish activists for exercising their right to free speech and protest. SLAPP suits are used against individuals who may have meagre resources and are unable to afford the legal counsel necessary to help them protect their rights.” <https://cldc.org/slapp-suits/> The BHRRRC describes SLAPPs as law suits “filed by companies to intimidate and silence people seeking to participate in matters of public interest (local communities, trade unionists, journalists, NGOs, lawyers, whistle-blowers), tying them up in costly litigation processes until they abandon their criticism or opposition. In most cases, they have little likelihood of succeeding on their merits. But even requiring victims of human rights abuse, NGOs, journalists and others to defend against these claims can threaten civic space and keep victims from accessing justice.” **Corporate Legal Accountability Quarterly Bulletin – Issue 24, September 2017**, Business and Human Rights Resource Centre, available at: <https://us3.campaign-archive.com/?u=bdd1a6a40ffad39c8719632f&id=36e3109468>
- ⁹ **Corporate Legal Accountability Quarterly Bulletin – Issue 24, September 2017**, Business and Human Rights Resource Centre, available at: <https://us3.campaign-archive.com/?u=bdd1a6a40ffad39c8719632f&id=36e3109468>
- ¹⁰ **Corporate Legal Accountability Quarterly Bulletin – Issue 24, September 2017**, Business and Human Rights Resource Centre, available at: <https://us3.campaign-archive.com/?u=bdd1a6a40ffad39c8719632f&id=36e3109468>