

Migrant Worker Conditions in the Kingdom of Saudi Arabia:

An Overview of Worker Abuses
Linked with Forced Labour



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I. Overview

The Kingdom of Saudi Arabia (KSA) has long been criticized for its human rights record. This document details several abuses linked with forced labour to which Saudi Arabia’s substantial migrant workforce is subjected. The assessment is premised on several sources, including:

- **Chapter II:** Secondary research referring to *Forced Labour* as from reports from human rights groups and UN bodies, including the ILO.
- **Chapter III:**
 - Detailed qualitative data from representative migrant worker cases, as highlighted in the *Representative cases* section;
 - A sample of 193 cases of migrant worker testimony from India, Pakistan, Nepal, Sri Lanka, Bangladesh, and the Philippines, are presented in the *Survey results* section.

The document examines the violation of rights and poor working conditions of migrant workers in Saudi Arabia that indicate dangers of forced labour. Although the conditions and protection of rights for Saudi citizens are much better than for migrants, its citizens are also prevented from enjoying some human rights, especially freedom of expression and freedom of association. Exercise of those rights may be judged to be criminal offenses.



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One of the key ways in which migrant workers are abused is the non-payment of wages. For example, two Saudi-based construction companies went bankrupt in 2016 leaving 21,000 workers

from Nepal, Pakistan, Bangladesh, and the Philippines with unpaid wages and other pending fees for almost a decade.¹ Human Rights Watch (HRW) reports the following developments: “In late 2023, Saudi Oger’s trustee and Mohammad Al-Mojil Group (MMG)’s Bankruptcy Trustee, the trustees of the two Saudi-based construction companies...announced that former employees should register for their payments. The extent of unpaid wages is enormous. The Executive Court in Riyadh estimated in 2019 that the now-liquidated Saudi Oger owes an estimated SAR 2.6 billion (about US\$693 million) in unpaid wages and other benefits to workers.”²

For Saudi Arabia, such non-payment of wages and other obligations is not atypical. Low-wage migrant workers, predominantly from developing nations in South Asia, Africa, and South East Asia, comprise as much as 38 percent of the country’s population and over 80 percent of its private-sector workforce.^{3,4} Despite the introduction of limited reforms in recent years, migrant workers continue to suffer gross human rights violations and harsh working and living conditions. ALQST, a human rights group, reports that, despite the introduction of limited modifications of the *kafala* sponsorship system⁵ by the Saudi authorities in March 2021, the system remains largely intact,⁶ with migrant workers continuing to be abused. Since March 2021, migrant workers are allowed to change jobs under specific circumstances and apply for an exit permit to leave the country without obtaining their employer’s consent. However, the guidelines implementing the initiative fail to address important issues or protect workers from abusive employer behaviour.

1 Human Rights Watch. “Saudi Arabia: Migrant Workers’ Long Overdue Wages at Risk.” Human Rights Watch, February 29, 2024. Accessed May 14, 2024. <https://www.hrw.org/news/2024/02/29/saudi-arabia-migrant-workers-long-overdue-wages-risk>.
 2 Ibid.
 3 United Nations Department of Economic and Social Affairs (DESA). “International Migrant Stock.” Accessed May 14, 2024. <https://www.un.org/development/desa/pd/content/international-migrant-stock>.
 4 Human Rights Watch. “Saudi Arabia: Labor Reforms Insufficient.” Human Rights Watch, March 25, 2021. Accessed May 14, 2024. <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.
 5 International Labour Organization. “Employer-Migrant Work Relationships in the Middle East: Exploring Scope for Internal Labour Market Mobility and Fair Migration” PDF file. Geneva: International Labour Organization. Accessed May 14, 2024.
 6 ALQST for Human Rights. “The Soaring Fantasy: The Harsh Reality - Human Rights in Saudi Arabia in 2023.” Alqst.org. Accessed May 14, 2024. <https://www.alqst.org/en/post/the-soaring-fantasy-the-harsh-reality-human-rights-in-saudi-arabia-in-2023>.

The lives of Saudi nationals are not without substantial difficulties either, with leading activists for women's rights being persecuted and jailed.⁷

In February 2023, the Crown Prince, Mohammed Bin Salman, announced a package of legislative reforms, including the nation's first ever set of criminal laws, defining crimes and punishment in a penal code that would substantially limit judges' discretion. Amnesty International points out that the penal reforms codify the use of the death penalty as a primary punishment for a range of crimes, punishes freedom of expression, fails to protect the rights to freedom of association and peaceful assembly, and does not protect women and girls from gender-based violence.⁸

Although certain restrictions on women have been lifted in recent years, such as permitting women to apply for their own passports and lifting driving restrictions, the Personal Status Law (PSL) passed on 8 March 2023 codifies discrimination against women in most aspects of family life.⁹

The framework for development in Saudi Arabia is found in its economic model and developmental plans. According to a 2022 IMF report, oil continued to account for 40 percent of the country's real GDP, despite its declared plans to ensure economic diversification away from fossil fuels.¹⁰ A large segment of Saudi Arabia's economic plans involve the expansion of mega-projects as part of its *Vision 2030*¹¹, as well as expansion of the MICE (Meetings, Incentives, Conferences and Events) industry.¹² It tries to obscure its systematic human rights violations and boost its international image by seeking to host large events such as the 2034 FIFA World Cup.¹³

At the heart of these plans for economic progress is the exploitation of vulnerable communities including both Saudi nationals, and non-nationals. The forced displacement of communities to acquire land for state projects has been a longstanding practice. This has been the case for as many as 20,000 members of the Huwaitat tribe in order to construct Saudi Arabia's megacity NEOM along the Red Sea coast,¹⁴ There was also the eviction of more than half a million people for the development of the Jeddah Central project, which includes a sports stadium and recreational and tourist areas.¹⁵

Amongst the most vulnerable communities are low-wage migrant workers from developing nations. Migrant workers build these mega projects once lands have been acquired whilst being subjected to harsh working and living conditions and, often, being deprived of their wages.^{16 17}

7 See for example: "Saudi Activist Who Urged Women's Driving Rights Gets Nearly 6-Year Prison Term." NPR. December 28, 2020. Accessed May 14, 2024. <https://www.npr.org/2020/12/28/950765197/saudi-activist-who-urged-womens-driving-rights-gets-nearly-6-year-prison-term>; Saudi Arabia Lifts Ban on Driving for Women After Lengthy Campaign." International Bar Association. Accessed May 14, 2024. <https://www.ibanet.org/article/c8d82237-545d-4fca-ad14-3e56add4734b>; "Saudi Arabia: Woman Jailed for 11 Years for Online Expression Supporting Women's Rights." Amnesty International. Accessed May 14, 2024. <https://www.amnesty.org/en/latest/news/2024/04/saudi-arabia-woman-jailed-for-11-years-for-online-expression-supporting-womens-rights/>.

8 Amnesty International. "Saudi Arabia: Kingdom of Repression." Accessed May 14, 2024. <https://www.amnesty.org/en/projects/saudi-arabia-kingdom-of-repression/>.

9 Alqst. "Feminist Detainee Exposed to Vicious Abuse in Saudi Jail." Accessed May 14, 2024. <https://alqst.org/en/post/feminist-detainee-exposed-to-vicious-abuse-in-saudi-jail>.

10 "Article A001." International Monetary Fund eLibrary. Accessed May 14, 2024. <https://www.elibrary.imf.org/view/journals/002/2022/275/article-A001-en.xml>.

11 "Saudi Arabia's Vision 2030." Saudi Arabia's Vision 2030. Accessed May 14, 2024. <https://www.vision2030.gov.sa/en/>.

12 "MICE industry to hit \$1.4bn in five years; GCC major source market." Zawya. Accessed May 14, 2024. <https://www.zawya.com/en/business/mice-industry-to-hit-14bn-in-five-years-gcc-major-source-market-rq9hrfrf>.

13 "2034 World Cup: Saudi Arabia launches bid for tournament as sole contender to host." BBC Sport. Accessed May 14, 2024. <https://www.bbc.com/sport/football/68449959#:~:text=Saudi%20Arabia%2C%20the%20only%20contender,the%20hosts%20later%20this%20year>.

14 Alqst. "The Dark Side of NEOM: Expropriation, Expulsion, and Prosecution." Accessed [May 14, 2024]. <https://alqst.org/en/post/the-dark-side-of-neom-expropriation-expulsion-and-prosecution>.

15 Migrant-Rights.org. "Out with the Old." Accessed May 14, 2024. <https://www.migrant-rights.org/2022/03/out-with-the-old/>.

16 United Nations Department of Economic and Social Affairs (DESA). "International Migrant Stock." Accessed May 14, 2024. <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

17 Human Rights Watch. "Saudi Arabia: Labor Reforms Insufficient." Human Rights Watch, March 25, 2021. Accessed May 14, 2024. <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.

A 2023 report by AI, which investigated the working conditions of Nepali migrant workers employed by two of Amazon's subcontractors in Saudi Arabia, said "In Nepal, they were deceived by the supply companies and their recruitment agents about the nature of their employment. Once in Saudi Arabia, they were cheated of promised pay and benefits, punished if they complained, and overworked in Amazon's warehouses. Once their positions with Amazon ended, they remained tied to the supply company, housed in appalling conditions, and prevented from changing jobs or leaving the country. Given the deception and the severity of their treatment, it is highly likely that the abuse suffered by many of the workers in this report amounts to human trafficking for the purpose of labour exploitation as defined by international law and standards."¹⁸ Subsequent to this raft of egregious human rights violations, Amazon finally paid USD 1.9 million to over 700 migrant workers, especially in connection with illegal recruitment fees and related costs.¹⁹



Photo credit: businessdailyafrica.com

It is important to recognise the relationship between the types of exploitation that communities experience their intersectional identities and vulnerabilities. This is especially apparent with domestic workers. Domestic workers have several dangers and forms of exploitation, including low disposable income, systemic gender-based discrimination as well as other forms of discrimination based on socio-economic class and nationality. The system values and protects employers rather than workers, both in law and practice. Domestic workers are often required to work around the clock seven days a week, have their passports confiscated, and are employed to do work outside their job descriptions. ALQST has reported cases where domestic workers were found working in several houses in rotation, being paid by the hour.

Some have been victims of sexual exploitation and violence. Saudi authorities issued a new law for domestic workers effective 21 September 2024 on sexual exploitation.

On 2 October 2023, Saudi Arabia's Ministry of Human Resources and Social Development introduced a law. The law has several important provisions, including a ban on passport confiscation, the establishment of maximum working hours (10 hours per day), minimum age restrictions (21 years of age), and allowing contract termination by domestic workers under certain circumstances. The law does not address issues other important issues, such as bringing domestic workers under basic minimum wage protections. The effectiveness of the law will depend on enforcement and implementation. Unfortunately, the record on enforcement and implementation has been poor.²⁰

18 "Saudi Arabia: Migrant Workers Who Toiled in Amazon Warehouses Were Deceived and Exploited." Amnesty International. Accessed May 14, 2024. <https://www.amnesty.org/en/latest/news/2023/10/saudi-arabia-migrants-workers-who-toiled-in-amazon-warehouses-were-deceived-and-exploited/>.

19 "Amazon has paid \$1.9m to workers in Saudi Arabia and will undertake reforms." The Guardian. Accessed May 14, 2024. <https://www.theguardian.com/us-news/2024/feb/23/amazon-saudi-arabia-workers#:~:text=Amazon%20has%20paid%20%241.9m.giant's%20warehouses%20in%20Saudi%20Arabia.>

20 ALQST for Human Rights. "The Soaring Fantasy: The Harsh Reality - Human Rights in Saudi Arabia in 2023." Alqst.org. Accessed May 14, 2024. <https://www.alqst.org/en/post/the-soaring-fantasy-the-harsh-reality-human-rights-in-saudi-arabia-in-2023.>



Photo credit: pexels.com

II. Forced Labour

The Kingdom of Saudi Arabia has ratified the C029- Forced Labour Convention, and its 2014 Protocol. Forced or compulsory labor is defined by the ILO Convention No. 29, Article 2.1, as, “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily.”²¹ The Forced Labour Protocol (Article 1(3)) explicitly reaffirms this definition.

The definition contains three basic elements:

- 1) **Work or service:** Some form of work or service must be provided by the individual concerned to a third party;
- 2) **Menace of any penalty:** The work is performed under the threat of a penalty;
- 3) **Involuntariness:** The work is undertaken involuntarily.

Each of the elements of the forced labour definition has been developed over time by the ILO supervisory mechanisms. The three core aspects of the forced labour definition, along with its eleven indicators detailed below, provide a necessary insight and lens upon the conditions of low-wage migrant workers in Saudi Arabia.

The 11 indicators of forced labour are:

1. Abuse of vulnerability.
2. Deception.
3. Restriction of movement.
4. Isolation.
5. Physical and sexual violence.
6. Intimidation and threats.
7. Retention of identity documents.
8. Withholding of wages.
9. Debt bondage.
10. Abusive working and living conditions.
11. Excessive overtime.

A) Non-Payment of Wages (*Withholding of Wages*)

A.1 Non-Payment of Wages: The Extent and Forms of Non-Payment in KSA

A complaint of many migrant workers is non-payment of wages.^{22 23} That practice is exacerbated during crises such as the pandemic. This is clear for bankruptcy as shown by the 2024 report by HRW mentioned earlier documenting at least 21’000 migrant workers owed wages for an estimated amount of SAR 2.6 billion (about US\$ 693) by the two bankrupt companies Saudi Oger and MMGs since 2016, and a 2021 report by Migrant Forum in Asia (MFA), which examines the problems of migrant workers across the six Arab Gulf states and Malaysia during the COVID-19 pandemic. The MFA report observes, “All [migrant worker] groups [including in Saudi Arabia] reported situations of non-payment of wages, wage cuts, employers seeking forced signatures to waive their obligations, compensation, and in some cases, retirement benefits, among other things. For workers dependent upon their employers for food and accommodation, employers withdrew such services or allowed workers to stay for only a few months before laying them off and forcibly repatriating them.”²⁴ The

21 “What is forced labour, modern slavery and human trafficking?” International Labour Organization. Accessed May 14, 2024. <https://www.ilo.org/topics/forced-labour-modern-slavery-and-human-trafficking/what-forced-labour#:~:text=According%20to%20the%20ILO%20Forced,offered%20himself%20or%20herself%20voluntarily.%22>.

22 United Nations Department of Economic and Social Affairs (DESA). “International Migrant Stock.” Accessed May 14, 2024. <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

23 Human Rights Watch. “Saudi Arabia: Labor Reforms Insufficient.” Human Rights Watch, March 25, 2021. Accessed May 14, 2024. <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.

24 “Report: Crying out for justice: Wage theft against migrant workers during Covid-19.” Migrant Forum in Asia. Accessed May 14, 2024. <https://mfasia.org/report-crying-out-for-justice-wage-theft-against-migrant-workers-during-covid-19/>.

report additionally states, “Among the countries of destination, we observe that KSA has registered the highest number of cases of wage theft, at 292 cases [out of 388 wage theft cases].”²⁵ Civil society stakeholders such as MFA and many others around the world have long argued that the non-payment of wages amounts to *wage theft*.²⁶ The Institute for Human Rights and Business (IHRB) and the Migrant Justice Institute (MJI) also stress the links between wage theft and the perpetuation of different types of modern day slavery.²⁷

Table A.1 below details the different guises under which the non-payment of wages occurs in Saudi Arabia.

Table A.1 - Non-Payment of Wages in KSA: The Different Forms

Non-Payment of Wages (Different forms in KSA) <i>(Withholding of wages; Abuse of vulnerability; Deception)</i>	Details of Corresponding Abuses Typically Observed Amongst Migrant Worker Population in KSA
Non-payment of wages, benefits, and allowances	This includes the non-payment of monthly wages, as well as benefits ranging from insurance coverage to bonuses promised to workers (either in written contracts or verbally), but subsequently reneged upon by employers.
Wage deductions	As in the MFA report above, several reports indicate that workers often face illegal wage deductions by their employers. Examples can range from their food allowances being illegally deducted, to their wages being deducted when taking sick leave. Workers are often not paid for overtime hours.
Non-payment of gratuity	In some cases, migrant workers are denied their gratuity or retirement benefits. In addition to the immediate survival implications for workers, the non-payment of gratuities has long-term implications for low-wage migrants. It may destroy savings accumulated over many years. For many, this has immediate and dire implications for the sustainability of their incomes.

The *Protection of Wages Convention- C095* has been in force since December 2020 in Saudi Arabia, while the *Forced Labour Convention- C029* and the *Abolition of Forced Labour Convention- C105* have also been in force since 1978. The non-payment of wages on a regular basis directly contravenes Article 12 of the *Protection of Wages Convention*, which states, “Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.”²⁸ In addition, Article 9 stipulates, “Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited”.

25 The total cases (across all different case types) = 702; while the total individual wage theft cases = 388

26 “Report: Crying out for justice: Wage theft against migrant workers during Covid-19.” Migrant Forum in Asia. Accessed May 14, 2024. <https://mfa-sia.org/report-crying-out-for-justice-wage-theft-against-migrant-workers-during-covid-19/>.

27 “Ending Impunity for Wage Theft Against Migrant Workers: Here’s How.” Institute for Human Rights and Business. Accessed May 14, 2024. <https://www.ihrb.org/focus-areas/migrant-workers/ending-impunity-for-wage-theft-against-migrant-workers-heres-how>.

28 International Labour Organization. “C095 - Protection of Wages Convention, 1949 (No. 95).” Normlex Database. Accessed May 14, 2024. URL.

A.2 Non-Payment of Wages: Part of KSA's Regime of Wage Discrimination

One of the most rampant forms of abuse of low-wage migrants in Saudi Arabia, the practice of non-payment of wages, is housed within a larger regime of law and practice which is highly discriminatory against migrant workers. For example, although migrant workers comprise as much as 38 percent of the country's overall population and over 80 percent of its private sector workforce^{29,30}, there are no minimum wage provisions for them³¹.



Photo credit: www.vaticannews.va

By contrast, the minimum wage for Saudi nationals is SAR 4,000 (USD 1,067). A 2021 report by Equidem describes the legal and policy regime in Saudi Arabia (together with its Qatari and Emirati counterparts) as, “a two-tier labour system that treats low-wage migrant workers as less human than nationals and high-wage migrant workers.”³² The report, referring to first-hand testimony from migrant workers in the country, observes that wage-based discrimination premised on nationality is widespread in Saudi Arabia.³³ The report proceeds to note that Saudi Arabia has ratified the Convention on

the Elimination of All Forms of Racial Discrimination (CERD), which it required to observe. The analysis underscores KSA's discriminatory approach towards migrants during its COVID response, which comprised measures to protect solely the wages of Saudi nationals, whilst simultaneously taking measures to enable the salary reduction of migrant workers, or place them on annual and/or unpaid leave. With respect to those sacrifices, worker consent is unusual. Saudi Arabia's worker rights violations in these areas are exacerbated by their failure to protect freedom of association, which allows workers to protect their rights and interests.

A.3 Non-payment of Wages Perseveres Given WPS Gaps in Enforcement; Implementation

The systemic issue of the non-payment of wages to migrant workers has not been deterred either by KSA's 2021 reforms³⁴, or by its introduction of the Wage Protection System (WPS).³⁵ As explained by Migrant-rights, the 2021 reforms cover only 6.7 million workers, with millions of other workers left out. “Around 3.6 million domestic workers, farmers, shepherds, home guards, and private drivers – who are already among the most vulnerable and least protected segment of the workforce – are excluded. So are an estimated 3.5 to 4.4 million undocumented workers living in the Kingdom.”³⁶

29 United Nations Department of Economic and Social Affairs (DESA). “International Migrant Stock.” Accessed May 14, 2024. <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

30 Human Rights Watch. “Saudi Arabia: Labor Reforms Insufficient.” Human Rights Watch, March 25, 2021. Accessed May 14, 2024. <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.

31 “Saudi Arabia Must Protect Financial Rights of Migrant Workers.” Oxford Human Rights Hub. Accessed May 14, 2024. <https://ohrh.law.ox.ac.uk/saudi-arabia-must-protect-financial-rights-of-migrant-workers/>.

32 “The Cost of Contagion.” Equidem. Accessed May 14, 2024. <https://www.equidem.org/reports/the-cost-of-contagion>.

33 Ibid.

34 “Saudi Labour Reforms to Come into Force Tomorrow.” Migrant-Rights.org. March 2021. Accessed May 14, 2024. <https://www.migrant-rights.org/2021/03/saudi-labour-reforms-to-come-into-force-tomorrow/>.

35 “Saudi Arabia to Begin the Final Phase of the Wage Protection System.” Migrant-Rights.org. November 2020. Accessed May 14, 2024. <https://www.migrant-rights.org/2020/11/saudi-arabia-to-begin-the-final-phase-of-the-wage-protection-system/>.

36 “Saudi Labour Reforms to Come into Force Tomorrow.” Migrant-Rights.org. March 2021. Accessed May 14, 2024. <https://www.migrant-rights.org/2021/03/saudi-labour-reforms-to-come-into-force-tomorrow/>.

As of December 2020, the government of Saudi Arabia extended WPS to the entire private sector rather than restricting it to businesses with over five workers.^{37 38} Given that the traceability of wage payments to workers is crucial owing to the nature of non-payment of wages to migrant workers, this was a step in the right direction. In a 2020 report, Migrant-rights observes, “According to the latest regulations, businesses that fail to pay workers’ wages for two months will be penalised with a fine of SR10,000 (USD 2,666) each month until due wages are paid.



Photo credit: borgenproject.org

MHRSD [Ministry of Human Resources and Social Development] also will block the business from all government services except issuing and renewing work permits.” The report additionally notes that the MHRSD would block any business from services and allow employees to transfer jobs without employer consent if three months of non-payment were detected. The report indicates that, although the WPS system has the potential to fortify complaint mechanisms and flag wage theft cases to the authorities, its main function has been to serve as an electronic payments system.³⁹

The introduction of a system is also a different matter from its implementation, enforcement, and governance processes. Although in 2020, the KSA government shutdown 1,441 companies over their non-compliance with WPS, together with the computer systems of 89 companies that failed to respond to worker complaints, migrant workers still lack access to legal redress.⁴⁰ Overall, although WPS has been introduced, migrant workers remain unable to resolve wage complaints and claims effectively.

B) Contracts and Recruitment Fees

It is commonplace for low-wage migrant workers from developing countries to possess tenuous contractual relationships with their employers in KSA, thus rendering them vulnerable to exploitation. The types of exploitation occur across a spectrum, and include contract substitution, a dearth of written contracts, the payment of illegal recruitment fees by workers, and linkages between these recruitment fees and debt bondage.

In some cases, workers subjected to recruitment fraud may have also been subjected to human trafficking or other forms of modern-day slavery. For example, in February 2022, four directors of a recruitment company in Saudi Arabia were charged with human trafficking, after a Ugandan domestic worker’s family reported that the perpetrators had removed her kidney without her knowledge.^{41 42} The police enquiries which subsequently ensued found evidence of the falsification of the worker’s medical records by the four accused recruitment

37 International Labour Organization. “Details of the Wage Protection System in KSA.” Accessed May 14, 2024. PDF file.

38 “Saudi Arabia to Begin the Final Phase of the Wage Protection System.” Migrant-Rights.org. November 2020. Accessed May 14, 2024. <https://www.migrant-rights.org/2020/11/saudi-arabia-to-begin-the-final-phase-of-the-wage-protection-system/>.

39 Ibid.

40 Ibid.

41 Capital Radio Uganda. “Directors for Labour Recruitment Company Charged with Human Trafficking.” Capital Radio Uganda. February 14, 2022. Accessed May 14, 2024. <https://capitalradio.co.ug/news/latest/2022-02-14-directors-for-labour-recruitment-company-charged-with-human-trafficking/>.

42 “Directors for Labour Recruitment Company Charged with Human Trafficking.” Business & Human Rights Resource Centre. Accessed May 14, 2024. <https://www.business-humanrights.org/en/latest-news/directors-for-labour-recruitment-company-charged-with-human-trafficking/>.

directors.⁴³ In another example, an investigation in November 2021 identified a Riyadh-based recruitment agency, *Fayez and Al Waseet Group*, as complicit in human trafficking. “The research found that traffickers, recruiters, and facilitators used Facebook and Instagram profiles, as well as Messenger and WhatsApp to exchange the women’s documentation — including passports, airline tickets, visas and working contracts — promote them [the women workers] for sale and arrange buying, selling and fees. Every part of the supply chain was paid a commission in exchange for their services.”⁴⁴ The AP investigation, based on internal documents from Facebook, also notes that as much as 60 percent of the content relating to the sale of women was generated from Saudi Arabia.⁴⁵

Saudi Arabia is a signatory to the C029- Forced Labour Convention and its 2014 Protocol; as well as the C105- Abolition of Forced Labour Convention.⁴⁶ In addition to its ratification of those ILO conventions, the country has stipulated some basic labour protections for migrant workers within its national laws. Saudi Arabia’s national laws should be changed to better protect migrant workers. This is especially true for freedom of association. Trade unions are banned in the kingdom.⁴⁷ By law, migrant workers are entitled to fixed-term written contracts with their sponsors or *kafeels*. Despite those provisions, however, workers experience contract violations, as detailed in Table B.1.

Figure B.1- Content of an Employment Contract, According to MHRSD



Image Source: Website of the Ministry of Human Resources and Social Development (MHRSD)⁴⁸

43 Capital Radio Uganda. “Directors for Labour Recruitment Company Charged with Human Trafficking.” Capital Radio Uganda. February 14, 2022. Accessed May 14, 2024. <https://capitalradio.co.ug/news/latest/2022-02-14-directors-for-labour-recruitment-company-charged-with-human-trafficking/>.

44 “The Facebook Papers: Saudi and Egyptian Companies Involved in Domestic Worker Trafficking Network.” Mada Masr. November 29, 2021. Accessed May 14, 2024. <https://www.madamasr.com/en/2021/11/29/feature/politics/the-facebook-papers-saudi-and-egyptian-companies-involved-in-domestic-worker-trafficking-network/>.

45 “The Facebook Papers: Maid Abuse.” Associated Press. Accessed May 14, 2024. <https://apnews.com/article/the-facebook-papers-maid-abuse-94909f43c725af09522704348e35bd25>.

46 International Labour Organization. Normlex Database. Accessed May 14, 2024. https://webapps.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:11200:0::NO::P11200_COUNTRY_ID:103208.

47 “Saudi Arabia: Proposed Reforms Neglect Basic Rights.” Human Rights Watch. Accessed May 14, 2024. <https://www.hrw.org/news/2021/02/25/saudi-arabia-proposed-reforms-neglect-basic-rights>.

48 “Media-center.” Human Resources Social Development. Accessed May 14, 2024. <https://www.hrsd.gov.sa/en/media-center/media/276?search=contract>.

Table B.1 - Types of Contract and Recruitment Fee Abuses Faced by Migrant Workers

Contracts and Recruitment Fees <i>(Abuse of Vulnerability; Deception; Debt Bondage; Withholding of Wages)</i>	Corresponding Abuses Typically Observed by Migrant Worker Population in KSA
1) Gaps in written contracts, Contract substitution, and Recruitment fraud	<p>Although by law, KSA requires all migrant workers to have written contracts for fixed terms signed by both the employer and the worker, there is a sizeable gap between law and practice. To begin with, workers often do not have written contracts in line with the commitments made to them, often by fraudulent recruitment agents or sub-agents. Workers find themselves subjected to contract substitution, where the nature of work in which migrant workers are engaged upon reaching KSA differs from the promises made by either employers or fraudulent middlemen prior to their departure. In 2019, Bangladesh shut down 166 recruitment agencies which engaged in recruitment fraud worker deception, after a series of worker allegations of sexual abuse and torture by employers. Two workers described how they were promised household janitor jobs but were tricked into being employed as domestic workers in KSA upon their arrival.</p>
2) Payment of illegal recruitment fees; Linkages between recruitment fees and debt bondage	<p>Connected with illegal recruitment agents is the payment of illegal recruitment fees. According to KSA labour laws (Article 40), “An employer shall bear the fees pertaining to the recruitment of non-Saudi workers, the fees for issuing and renewing residence permits (Iqama) and work permits, and the fines resulting from their delay, as well as the fees pertaining to change of profession, exit and re-entry visas, and return tickets to the worker’s home country at the end of the relation between the two parties.” Furthermore, the law makes it incumbent upon employers to bear the cost of the “transfer of worker services to him/her.”</p> <p>Despite the above, fraudulent recruitment agents often charge workers illegal recruitment fees. Workers are known to take informal loans to pay these exorbitant fees, thus perpetuating a never-ending cycle of debt, and placing workers in debt bondage. A 2019 investigation observes the dire working conditions faced by migrant workers employed by contractors and sub-contractors of state-owned Saudi Aramco. One of the workers in the report states that he had taken a loan to pay his recruitment fees, for which he pays 5% interest, resulting in “a lot of mental pressure.”</p>

Table B.1 - Types of Contract and Recruitment Fee Abuses Faced by Migrant Workers

Contracts and Recruitment Fees <i>(Abuse of Vulnerability; Deception; Debt Bondage; Withholding of Wages)</i>	Corresponding Abuses Typically Observed by Migrant Worker Population in KSA
3) Falsified absconding charges	<p>Even where workers possess formal written contracts which are being upheld, the relationship between employers and workers remains in favour of the employer. This can especially be seen in the cases of <i>falsified absconding charges</i> by employers imposed upon workers, which Migrant-rights describes as “just a click away.” “In Saudi, reporting absconding workers is ‘just a click away’ ... “There are practically only two ways of getting out the ‘huroob’ complaint: Turn yourself in at Tarheel centres, pay a fine of up to SAR 10,000, [USD 2,666] then be deported and banned from re-entry for five years. If the sponsor has also filed a theft charge, then this avenue is closed to the worker. Or, pay ‘agents’ or the kafeel a hefty fee to drop the charge.”</p> <p>Despite the 2021 reforms, Migrant-rights observes in another report: “Saudi Arabia has recently revamped absconding regulations for private sector workers, granting those with such cases filed against them a two-month window to secure new employment or leave the country. The new regulations for domestic workers partially mirror this approach, but a critical gap remains for workers in both sectors: the lack of adequate notification from the Ministry about absconding cases filed against workers. This can unknowingly push them into irregular worker status.”</p>

Definitions of Key Terms in Section B:

Contract substitution:

As per the ILO’s definition, “*Contract substitution* is the practice whereby, despite having signed an authorized contract prior to departure, upon arrival in the country of employment, the worker is issued with a new contract specifying lower conditions of work, pay and so on. Such a practice has been known to occur particularly in the Gulf States. In this regard, the Committee notes the specific reference in the report from India that emigration clearance is only given to nationals when the Protector General of Emigrants is satisfied that “the worker will be deployed in the same job for which he/she has been recruited.”⁴⁹

Note: In addition to the above definition, the nature of the contractual promises made to the migrant worker prior to their departure could be *either* written or verbal.

Recruitment fees:

According to the ILO, “Recruitment fees and related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters, or other third parties, and they should not be collected directly or indirectly, such as through deductions from wages and benefits.”⁵⁰ The ILO has an extensive definition of *recruitment fees and related costs*⁵¹, which it stipulates must be read in conjunction with the *General principles and operational guidelines for fair recruitment*.⁵²

49 “R.3 - Information and Reports on the Application of Conventions and Recommendations.” International Labour Organization. Accessed May 14, 2024. <https://webapps.ilo.org/public/english/standards/relm/ilc/ilc87/r3-1b3.htm>.

50 “Definition: Recruitment Fees and Related Costs.” International Labour Organization. Accessed May 14, 2024. <https://www.ilo.org/resource/definition-recruitment-fees-and-related-costs#:~:text=The%20definition%20recognizes%20the%20principle,related%20costs%20for%20their%20recruitment>.

51 “ILO Definition of Recruitment Fees and Related Costs.” FL Business Network. Accessed May 14, 2024. <https://fibusiness.network/library/ilo-definition-of-recruitment-fees-and-related-costs/>

52 International Labour Organization. “General Principles and Operational Guidelines for Fair Recruitment.” Accessed May 14, 2024. <https://www.ilo.org/publications/general-principles-and-operational-guidelines-fair-recruitment-and>.

The ILO includes the following three areas under its definition of recruitment costs⁵³:

- a) **Recruitment fees** – These fees include payments for recruitment services by workers, whether collected by third parties, recruitment agents or employers.
- b) **Related costs** – Expenses integral to recruitment and placement (Examples include – Medical costs, insurance costs, costs for verifying skills, qualifications, costs for training and orientation, travel and lodging costs, administration costs)
- c) **Illegitimate, unreasonable, and disclosed costs** – These fees include extra-contractual, undisclosed, inflated, or illegitimate costs (Examples include- Bribes, extortion, kick-back payments, etc.)

Saudi Arabia must ensure that its legal and policy frameworks, together with industry practices, do not allow for migrant workers to be subjected to contract substitution as defined by the ILO. Furthermore, the country must ensure that migrant workers do not continue to pay illegal recruitment fees and related costs, which remain a common practice.

C) The Sponsorship System

The root cause of the abuse and modern-day slavery of migrant workers is from Saudi Arabia's employer-tied visa sponsorship system, *Kafala*, which comes from the word *kafeel* (sponsor). Each of the Arab Gulf states has its own national laws and interpretations of *Kafala*, which takes the form of discriminatory legal and policy regimes that provide separate legal frameworks for nationals and non-nationals. These laws and policies are further exacerbated by practices which discriminate against low-wage migrant workers from developing nations. Despite the differences in how national laws implement *Kafala*, a shared theme of discrimination undergirds this system of sponsorship across the six Gulf states. In one report, Equidem accurately describes *Kafala* as, "a two-tier labour system that treats low-wage migrant workers as less human than nationals and high-wage migrant workers."⁵⁴

Further exacerbating the abuses experienced by migrant workers is that trade unions continue to be banned in the kingdom, for migrant workers and nationals alike where most of the working population in low-wage jobs are migrants with tenuous contracts.⁵⁵

The ILO makes the following observation about the *Kafala* (sponsorship) system, implemented in the six Arab Gulf states, including Saudi Arabia:⁵⁶

"The admission and employment system implemented by most countries in the Arab States region is based on relatively liberal entry, restricted rights and limited duration of employment contracts and visas. This is known as the *Kafala* (sponsorship) system where *kafeels* (employers and/or sponsors) often have both liability for the conduct and safety of the migrant they bring into the country, as well as control over that migrant's movement and employment. While in some cases, employers may welcome the responsibilities of the *Kafala* system and treat the worker well, the inherent imbalance in the rights and responsibilities of each party can create a situation which is exploitative of the worker. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), which is responsible for evaluating the state of application of international labour standards, has noted that "the *kafala* system may be conducive to the exaction of forced labour and has requested that the governments concerned protect migrant workers from abusive practices."⁵⁷

Saudi Arabia is dependent on the labour of low-wage migrant workers for its economic growth. This is apparent from the country's emphasis on building mega-projects such as NEOM. As noted by HRW, "Construction is underway for NEOM, a USD 500 billion mega-city development project in Tabuk province. Human rights organizations have documented violations by Saudi authorities, including forced evictions, against the Huwaitat community to make room for construction."⁵⁸ Migrant workers from developing countries in South Asia, Africa and South East Asia typically provide the workforce to facilitate the construction of mega-projects such as

53 International Labour Organization. "Definition: Recruitment Fees and Related Costs." Accessed May 14, 2024. <https://www.ilo.org/resource/definition-recruitment-fees-and-related-costs#:~:text=The%20definition%20recognizes%20the%20principle,related%20costs%20for%20their%20recruitment.>

54 Equidem. "The Cost of Contagion." Accessed May 14, 2024. <https://www.equidem.org/reports/the-cost-of-contagion.>

55 Human Rights Watch. "Saudi Arabia: Proposed Reforms Neglect Basic Rights." Accessed May 14, 2024. <https://www.hrw.org/news/2021/02/25/saudi-arabia-proposed-reforms-neglect-basic-rights.>

56 International Labour Organization. "Labour Migration in the Arab States." Accessed May 14, 2024. <https://www.ilo.org/resource/labour-migration-ar-ab-states.>

57 Ibid.

58 Human Rights Watch. "World Report 2023: Country Chapters - Saudi Arabia." Accessed May 14, 2024. <https://www.hrw.org/world-report/2023/country-chapters/saudi-arabia.>

NEOM, since the national population is insufficient in volume to address its labour needs: Saudi nationals are also habitually employed in more highly-remunerated capacities.

Table C.1 - The Sponsorship System and the Migrant Worker Abuses it Perpetuates

Sponsorship System <i>(Abuse of Vulnerability; Deception; Restriction of Movement)</i>	Details of Corresponding Abuses Typically Observed Amongst Migrant Worker Population in KSA
1) Severe Entry and Exit Restrictions	<p>Migrant workers have historically faced heavy restrictions on both, entering and exiting Saudi Arabia. The kingdom instituted reforms in 2021 marginally easing these restrictions, and additionally permitting workers to change jobs without their employers’ consent. Yet, as HRW observes, the reforms “do not go far enough to dismantle the abusive kafala system.” Firstly, the reforms to these restrictions exclude 3.6 million of some of the most vulnerable migrant worker populations such as domestic workers and farmers, also excluding between 3.5 to 4.4 million undocumented workers.</p> <p>Moreover, despite the country’s claim of having abolished kafala, worker mobility remains heavily curtailed, with permissions to exit still having to be sought by migrant workers. The party from whom permissions must be sought has now shifted away from employers, whom workers had to previously approach, to the MHRSD.</p> <p>Regarding the transfer of jobs, workers still do not possess complete job transfer mobility, even in the post-reform era of 2021. This is because workers may only request for their sponsorship to be transferred to another employer either after one year under their employment contract has been completed, or if their contract has expired. This remains a considerable concern for rights groups since migrant workers may often be in distressing circumstances with an employer, which they ought to be able to leave of their own volition. It should not be necessary for migrant workers to wait a year to leave a job.</p>
2) Azad Visas and Migrant Worker Deception	<p>Saudi Arabia’s employer-tied visa sponsorship system creates an acute imbalance of power between employers and workers. This creates an enabling environment for employer abuse of workers with impunity, even if employer conduct runs counter to national laws. The impact of transgressions by wayward employers is often felt more by migrant workers than by employers. One such example is the Azad visa, an illegal practice which Migrant-rights describes as follows. “Private sector businesses receive a quota of migrant worker visas to operate smoothly, and individuals receive a quota of domestic worker visas based on their needs and financial stability. The sponsors (kafeels) offer some of the visa quotas as ‘azad’ (freedom) visas for profit. The workers pay the kafeel a regular fee and cover all visa costs, in exchange for the freedom to work for other employers.”</p> <p>Despite being illegal, these visas may offer temporary respite to large numbers of low-wage migrants to whom this may be much-welcome sources of livelihoods. Yet, crackdowns on azad visas in recent years have rendered migrant workers worse-off through detentions under harsh circumstances, together with deportations and a loss of their livelihoods. Migrant workers, therefore, often bear the brunt of employer transgressions: this has an impact on the sustainability of their long-term livelihoods.</p>

D) Passport Confiscation by Employers

According to Saudi Labour Law (Article 6), employers are not permitted to retain worker passports, iqama (resident permits) or medical insurance cards without a written statement of consent from the migrant workers. Despite this law, the practice of passport confiscation by employers continues to be rampant. As observed in a report on Saudi 2021 labour reforms, the Gulf state, “introduced labor reforms in 2015 that introduce or raise fines for employers who violate regulations, including prohibitions on confiscating migrant workers’ passports, failing to pay salaries on time, and failing to provide copies of contracts to employees. However, the 2015 reforms also did not apply to domestic workers and others excluded from the labor law. Many of the abuses the penalties were meant to deter also remain rampant.”⁵⁹

The confiscation of passports by employers results in many problems for workers. On the one hand, it places further restrictions on the mobility of migrant workers, which is already heavily curtailed owing to the entry and exit requirements under KSA laws. Workers in distress who may attempt to leave could face further impediments by being classified as undocumented or having falsified absconding charges filed against them by employers. A report from 2020 reiterates this problem⁶¹, describing the case of a Filipino domestic worker who arrived in Saudi Arabia early that year, only to be abused and sexually harassed by her employer. She was also not paid her monthly wages. Although she finally escaped her employer’s residence upon the lifting of COVID restrictions, the employer had already confiscated her passport and iqama, and filed an absconding complaint against her.⁶²

There is a pressing need for the KSA government, and specifically the MHRSD, to ensure the proper enforcement of Article 6 of the labour law, which expressly prohibits the confiscation of worker passports.



Image Source: Website of the Ministry of Human Resources and Social Development (MHRSD)⁶⁰

59 Human Rights Watch. “Saudi Arabia: Labor Reforms Insufficient.” Accessed March 25, 2021. <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.

60 Human Resources Social Development. “Media.” Accessed May 14, 2024. <https://www.hrsd.gov.sa/en/media-center/media/64242?search=passport%20confiscation>.

61 Migrant-Rights.org. “New Reforms and Ongoing Challenges in Saudi’s Labour Justice System.” Accessed August 2020. <https://www.migrant-rights.org/2020/08/new-reforms-and-ongoing-challenges-in-saudis-labour-justice-system/>.

62 Ibid.

E) Lack of Effective Redress for Workers

There have been some steps taken to address concerns surrounding migrant worker abuse: for example, in 2018, the Saudi labour courts began taking cases. With the labour courts entirely digitized, cases are overseen by expert judges appointed by the Ministry of Justice. This is a shift from earlier practice, where MHRSD detectives adjudicated disputes, executed by branches called *Labour Offices*. While these are measures in the right direction, many issues remain to be addressed if migrant workers are to have sufficient avenues for redress. The measures have been introduced within a system that perpetuates systemic inequality against migrant workers, through a discriminatory employer-tied visa sponsorship system. KSA's legal and policy framework discriminates against non-nationals, treating them as second-rate to nationals, also creating an imbalance of power heavily in favour of employers.⁶³ For example, a report from 2020 indicates that Saudi nationals were allowed seamless access to labour offices, as opposed to migrant workers, who were required to book appointments days in advance. The report also indicates that some workers who had filed cases had these cases put on hold during COVID-19. The report stresses that most worker grievances likely never reach the justice system, due to the problems indicated below:⁶⁴

- 1) **Access hurdles linked with inequality:** Socio-economic inequality within a larger discriminatory system means that a migrant worker may not be able to reach a labour office to acquire more information. For example, it could be extremely difficult to even leave the workplace owing to employer surveillance, or migrant workers may be unable to afford transport to the labour offices.
- 2) **Dearth of access to many services in languages other than Arabic:** The aforesaid report⁶⁵ says that workers are likely to find it exceedingly difficult even if they manage to approach the labour offices. The report quotes an Egyptian respondent who had recently visited a labour office as saying the following. "If you are not an Arabic speaker, strong-willed and assertive, I am not sure you can manoeuvre here."⁶⁶
- 3) **Workers' lack access to information:** Although MHRSD runs awareness campaigns, these seem inefficient in reaching workers- its online portal is also not always intuitive for migrant workers.⁶⁷
- 4) **Worker distrust in the system:** Workers tend to have little trust in the system, despite the measures taken, as the overall employer-tied visa sponsorship regime is heavily discriminatory.⁶⁸

63 Migrant-Rights.org. "New Reforms and Ongoing Challenges in Saudi's Labour Justice System." Accessed August 2020. <https://www.migrant-rights.org/2020/08/new-reforms-and-ongoing-challenges-in-saudis-labour-justice-system/>.

64 Ibid.

65 Ibid.

66 Ibid.

67 Ibid.

68 Ibid.

III. Representative Cases and Survey Results

BWI, together with a coalition of human rights groups, has received a significant number of cases from workers who have been subjected to wage theft and a raft of other human rights violations. Together, these cases provide substantive evidence to indicate that workers have been subjected to forced labour. Saudi Arabia relies heavily on its sizeable labour force of migrant workers from developing countries in South Asia, Africa, and South East Asia to achieve its economic goals, but migrant workers cannot rely on government to protect their rights or employers to respect them.

A) Representative Cases

“We suffered. We slept in a warehouse, with rats and mosquitoes. Begged for food. Forced to take odd jobs. Some of us were not able to be with our loved ones in time for their death. We had to suffer from cold and hot weather. Got sick without receiving medical care.”

Interviewed migrant worker, May 2024

Migrant worker 1 arrived in Saudi Arabia in 2008 from the Philippines. From 2008 to 2016, he worked for Saudi Oger, with a basic monthly salary of SAR 1'500 (US\$ 400), and 11 hours of overtime work per week. The company confiscated and held his passport. Prior to 2016, Saudi Oger had started to both withhold and delay the payment of wages to Migrant worker 1 due to financial problems. From January 2016 to May 2016, Migrant worker 1 and another 8'829 Overseas Filipino Workers (OFWs) employed by the same company did not receive their monthly salaries or any other pending benefits. In May 2016, the company went bankrupt and stopped providing food as well as monthly wages to workers.

Migrant worker 1 had to stop sending money to his dependent family, having an adverse impact also on his family's survival, long term, in addition to his own. He had to rely on food and other forms of relief provided by the Consulate authorities of his country of origin, simply to eat and ensure his basic subsistence for several months until December 2016, when he finally decided to return home. Owing to a severe fear of reprisal either from his employer, Saudi Oger, and/or from the Saudi government, Migrant worker 1 and his co-workers did not lodge complaints. There were several verbal reports among the workforce that workers who protested the non-payment were consequently ransacked by the authorities: a clear sign of intimidation and threats. Furthermore, given the se-

Migrant Worker 1: Key Indicators Summary

Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	No
Isolation	No
Physical and sexual violence	No
Intimidation and threats	Yes
Retention of identity documents	Yes
Withholding of wages	Yes
Debt bondage	*
Abusive working and living conditions	Yes
Excessive Overtime	Yes
Total = 7 of 11 indicators; With a vulnerability towards debt bondage	

* Vulnerable in the long term

vere curtailment of freedom of association and banning of trade unions, migrant workers could not organize, owing to the fear of arrest, further intimidation, discrimination, or even detention under falsified charges (see the notes on Saudi Arabia’s Absconding Laws and employer practices in this regard).

During his 8 years of service for the company, he has accumulated outstanding wages and end of service benefits amounting to SAR 34’000 (US\$ 9’000). Such acute precarity could drive workers into debt bondage, given that the amount of outstanding wages and benefits from Saudi Oger are equivalent to 50 times the minimum monthly wage in the Philippines (US\$ 198). Complaints have been filed against the company in 2016 and won by the claimants but, to date, Migrant Worker 1’s outstanding wages have not been settled.

Migrant Worker 1: Key Indicators Summary	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

Migrant worker 2 is from the Philippines and has been working as an electrical supervisor in Saudi Oger, where he worked from as far back as 1990, to June 2015. His passport was held by his employer. When the company began slowing down its operations in January 2015, it withheld the payment of wages for Migrant worker 2 and several other workers in the same company. Migrant worker 2, who had worked in Saudi Arabia for a total of 30 years, dating back to 1985, faced severe financial strain to simply meet his basic subsistence needs, owing to the withholding of wages by Saudi Oger. Unable to meet his basic subsistence needs for daily living, or to send money home to his family which is dependent on him, he started to look for another part-time job. Saudi Oger refused to release him to another employer as he was under an employment contract.

By means of intimidation by his manager, he was told that he would have to pay a huge amount of money to be released. He could not afford the price and he was forced to continue to work for his old employer without pay, amounting to forced labour. For Migrant worker 2 to make a living, he finally took a loan with interest from an informal money lender and turned over his debit card to the money lender as a guarantee of his timely re-payment of the debt. Many other workers in the company did the same.

Owing of the cessation of Saudi Oger’s provision of food to workers, some workers were forced to rely on food waste to eat on a daily basis. Indebted, hopeless, and ashamed for not being able to provide for his family in his country of ori-

Migrant Worker 2: Key Indicators Summary	
Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	No
Isolation	No
Physical and sexual violence	No
Intimidation and threats	Yes
Retention of identity documents	Yes
Withholding of wages	Yes
Debt bondage	Yes
Abusive working and living conditions	Yes
Excessive Overtime	Yes
Total = 8 of 11 indicators; With a vulnerability towards debt bondage even for dependent family members	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

gin, Migrant worker 2 decided to return home. Migrant worker 2 finally died of a heart attack ten days before his return flight, scheduled for the day of his daughter’s graduation. His body was held in Saudi Arabia for 40 days. Although the company eventually paid the expenses for repatriating the body, no compensation was ever paid to the family. The family of Migrant worker 2 is still owed around PHP 2 million (US\$ 34’360) in unpaid wages and other sums. The family, deprived of a relative as well as a steady source of income, now relies on a combination of part-time and on-call jobs in fast-food and housekeeping. After more than 8 years from the date of Migrant worker 2’s demise and from filing a case file for payment of his outstanding wages, his wife is still awaiting her remedy. Not only did the non-payment of wages result in forced labour conditions for Migrant worker 2; it also propelled his dependent family members into a cycle of debt and the risk of debt bondage.

Migrant worker 3 sold his land in Nepal prior to migrating to pay illegal recruitment fees charged by his recruitment agent for a job with Aramco in Saudi Arabia. He paid the recruitment agent NPR 150’000 (US\$ 1’115), which is equivalent to 13 times the minimum monthly wage in Nepal (US\$ 82). He was told he would be directly employed by Aramco for SAR 1’700 a month (US\$ 450). However, a few hours before his flight in December 2022, his further inspection of his visa documents and consultation with other workers made him realise that, contrary to what had been promised by his recruitment agent, Aramco would not be his employer. Migrant worker 3’s employer turned out to be another construction company*. Having already paid the recruitment agency in Nepal, he was forced to accept the new condition and to work for a new employer. Through the new employer, he now works for yet another company*, a contractor involved in oil, gas, and construction projects. This latter is a joint stock company, which has been operating in the Gulf for more than six decades and has reportedly employed more than 10,000 workers.

Migrant worker 3 reports that the agency, misled him by hiding the names of both companies: his current employer, as well as its subcontractor. He would not have accepted the job if he was aware that he was not a direct hire of Aramco. Migrant worker 3 was subjected to contract substitution, together with the payment of illegal recruitment fees, which should be paid for by the employer, in line with the ILO’s *General Principles and Operational Guidelines of Fair Recruitment*. Today, Migrant worker 3 works as a helper at a gas plant in Jubail. He receives SAR 1’250 (US\$ 333) as his monthly wage, which is SAR 450 (US\$ 120) less than what his agent had promised him in Nepal.

Migrant Worker 3: Key Indicators Summary	
Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	No
Isolation	No
Physical and sexual violence	No
Intimidation and threats	No
Retention of identity documents	No
Withholding of wages	Yes
Debt bondage	No
Abusive working and living conditions	Yes
Excessive Overtime	Yes
Total = 5 of 11 indicators; With potential health problems due to working outdoors for long periods of time despite promises made by the recruitment agent	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

* The names of the companies are available upon request.

He works outdoors on his 10-hour shift, despite the recruitment agent informing him that his job would be an indoor job, involving eight hours of work a day, together with paid annual leave. Contrary to the promises made by his recruitment agent, Migrant worker 3 faced deception and an abuse of vulnerability together with many other deceived workers from developing nations. He also reported living in a cramped labour camp, under harsh living conditions. Contrary to the promises made by his recruitment agent, Migrant worker 3 faced deception and an abuse of vulnerability together with many other deceived workers from developing nations. He reported also living in a cramped labour camp, under harsh living conditions.

Migrant worker 4 works for a fast-food chain in Saudi Arabia through a manpower agency, for a salary of SAR 1'200 (US\$ 320) a month. Migrant worker 4 reports that his monthly wage is three times lower than that of other workers that were hired directly by the company, rather than the manpower agency: co-workers are employed in similar roles and capacities. Migrant worker 4 attributes this discrimination in wages between himself and direct hires to fraudulent behaviour on the part of the manpower agency.

Furthermore, on a daily basis, Migrant worker 4 is forced to work for more than eight hours, both without his consent and without adequate compensation for overtime work. In the time span of one-month, Migrant Worker 4 reports having worked 4 hours of overtime every workday, amounting to a total of 12 work hours each day, while his company compensated him with SAR 200 (US\$ 53) instead of the SAR 550 (US\$ 147), which had been promised.

Migrant worker 4 finally refused to work overtime, requesting permission from the company to return to his home country, Nepal. When the manpower agency threatened Migrant worker 4 with the request of a lumpsum additional payment of SAR 5'200 (US\$ 1'390) to approve his exit, he was forced to continue working.

Migrant Worker 4: Key Indicators Summary	
Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	Yes
Isolation	No
Physical and sexual violence	No
Intimidation and threats	Yes
Retention of identity documents	No
Withholding of wages	Yes
Debt bondage	No
Abusive working and living conditions	Yes
Excessive Overtime	Yes
Total = 7 of 11 indicators; With worker forced to work against his consent and unable to return to his home country	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

Migrant Worker 5, a migrant worker from Kenya, worked as a domestic worker in Hafar Al Batin, in the Eastern province of Saudi Arabia. For the first two weeks of her employment, she was provided with food and was reportedly treated well, although she worked for 24 hours each day. After this initial period of two weeks, however, Migrant worker 5 reports that her sponsor/employer began sexually assaulting her on a regular basis. Living in fear, she informed the recruitment agent of her employer’s acts of physical and sexual violence against her. The recruitment agent did not take any actions to support her. She could not tell the wife in the household either, who threatened her with physical violence if she were to be made aware of any sexual approaches toward Migrant worker 5 by the husband. In addition to being subjected to physical and sexual violence by her employer, therefore, Migrant worker 5 faced neither any access to escaping her circumstances of extreme distress, nor any access to complaints platforms, and faced further intimidation and threats from the wife of her employer.

After months of her employer raping her, in addition to hitting her, abusing her physically, and intimidating her with threats and further harm, including threatening her with a gun, Migrant worker 5 ended up at the hospital owing to her physical harm. At the hospital, she was further warned and threatened by the employer not to raise any complaint. She was sent back home with medicine and the sexual assault continued. Upon returning to the house of her sponsor, while Migrant worker 5 was deliberating her escape from the household as advised by her community members, the employer brought home six men. Together with the employer, these 6 men threatened to rape her, kill her, and dispose of her dead body in garbage bags. Migrant worker 5 finally fled from the employer’s home, and reported their abuse to the police. The police, as well as her agent, required her to provide evidence of her abuse from the same family responsible for abusing her. She refused to ask her employer’s family for evidence of her abuse. Upon her return to the employer’s family home, she was beaten and sold to the brother of the employer.

By then, owing to the negligence of her abuse by the police authorities as well as her employer, all her injuries were infected with pus. Migrant worker 5 also had no access to medication: none of these circumstances, nor the bodily harm caused to her, including its negligence, was considered evidence in the case. Once more, at the house of the brother of her prior sponsor, Migrant worker 5 worked excessive overtime hours without compensation, from 6 am to 3 am, with hardly any food, or monthly wages. She now faced physical and sexual violence from an additional perpetrator, with sexual assault and violence now being inflicted upon her by the son of the new household and sponsor with whom she worked. After an attempt to murder her by poison, Migrant worker 5 developed stomach pain and bleeding, and was taken to the hospital. From the hospital, she was sent to the office of the manpower agency, where she was locked up with other Africans with similar cases.

Migrant Worker 5: Key Indicators Summary	
Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	Yes
Isolation	Yes
Physical and sexual violence	Yes
Intimidation and threats	Yes
Retention of identity documents	Yes
Withholding of wages	Yes
Debt bondage	No
Abusive working and living conditions	Yes
Excessive Overtime	Yes
Total = 9 of 11 indicators; With worker’s long-term livelihood prospects destroyed together with living with severe trauma	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

Migrant worker 5 was advised by the agency to run away to the police, and seek repatriation to her home country of Kenya. The poisoning affected her liver. Combined with the forced abortions and other injuries from the extreme physical and sexual violence that she was subjected to by her two employer households, Migrant worker 5 is back in her country. She has been made unable to work and suffers from trauma and other illnesses. Now having to live out the remainder of her life with severe trauma visited upon her by her employers, the exploitation of her two sponsors has adversely impacted the long-term life and livelihood of Migrant worker 5. There remain no complaints filed against the two sponsors, and such a case exemplifies that future abuse of other domestic workers is likely to be an additional concern.

Migrant worker 6 came to Saudi Arabia as a domestic worker after signing an employment contract with a recruitment agent in Kenya, her country of origin, promising work in Dubai at a salary of KES 35'000 (US\$ 295). After departing from Nairobi, she lost contact with the recruitment agent, and after three days of waiting at the Jeddah airport, she was picked up by her new sponsor and forced to work for long hours in a big house, together with another Kenyan domestic worker.

Following continuous physical and sexual violence inflicted by both the landlord and his sons, she complained to the landlady, who did not believe her. She was threatened at gunpoint by the men in the household, after which the oldest son of her sponsor also attempted to rape her. The sponsor and his family continued to harass Migrant worker 6, causing her daily physical and sexual harm, until she decided to escape. Upon fleeing the house of her sponsor, Migrant worker 6 ran into a man who offered to help her and took her to a detention centre in the Al Rehab district of Jeddah. The detention centre hosted numerous people, mostly women, who had sought refuge in the centre after facing daily physical and sexual violence.

At the detention centre, it was commonplace for detainees to not be given food. The deaths of detainees were a routine occurrence: Migrant worker 6 slept amongst dead bodies for days. Migrant worker 6 finally managed to get deported back to Kenya, based on pregnancy due to sexual violence.

Migrant Worker 6: Key Indicators Summary	
Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	Yes
Isolation	Yes
Physical and sexual violence	Yes
Intimidation and threats	Yes
Retention of identity documents	Yes
Withholding of wages	Yes
Debt bondage	No
Abusive working and living conditions	Yes
Excessive Overtime	Yes
Total = 9 of 11 indicators; With worker's long-term livelihood prospects threatened owing to severe trauma.	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

Migrant worker 7 has been working in Saudi Arabia as a security guard for four years and hails from the state of Punjab, in India. In line with Saudi law, the renewal of his Iqama (ID) is subject to the approval of the employer. Most recently, when Migrant worker 7's Iqama expired and he asked the company to renew it, he was ignored- with the expectation that he would illegally continue working, against his consent.

Over the course of four years, Migrant worker 7 was also refused the right to annual leave by his employer, making it impossible for him to leave the country and see his family. Repeated requests from Migrant worker 7 to take his annual leave led to the employer levying false charges against him of cable theft, together with his subsequent confinement on the company premises. He was held by his employer with his movement severely restricted, and without any access to legal aid.

There was no proof submitted in support of the theft accusation. To secure his freedom and return to his country of origin, Migrant worker 7 was asked by the company to pay INR 13'00'000 (US\$ 15'607). As he could not afford the price of his freedom, the false charge of theft was formalised, upon which Migrant worker 7 was transferred to jail. After almost a year, with the support of the Embassy services to which his family had appealed in the home country, the Saudi Court delivered a judgement in his favour, and the case was dismissed.

At present, Migrant worker 7 is still in jail, awaiting the completion of the administrative procedures that will allow hm to return to India.

Migrant Worker 7: Key Indicators Summary	
Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	Yes
Isolation	Yes
Physical and sexual violence	No
Intimidation and threats	Yes
Retention of identity documents	Yes
Withholding of wages	No
Debt bondage	No
Abusive working and living conditions	Yes
Excessive Overtime	Yes
Total = 8 of 11 indicators; With worker being subjected to additional prosecution for almost a year by courts despite his innocence.	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

Migrant worker 8 arrived in Saudi Arabia in 1983 from the Philippines. The company confiscated and held his passport. From 1983 to 2015, Migrant worker 8 worked as a storekeeper, and after being dismissed in 2015, he kept working for one of the managers without any compensation until mid-2017. Even prior to 2015, Saudi Oger had started to both withhold and delay the payment of wages to Migrant Worker 8, owing to financial problems. During the period from October 2015 to mid-2017, Migrant worker 8 was advised by his workplace unit to stay in Saudi Arabia and work while awaiting his salary and benefits. Throughout this period (October 2015 to Mid-2017), no salary was provided, and the worker only received food delivered from the Saudi Arabian government to the workers, presented as a welfare scheme but at the same time offered as compensation for the ones that kept working. Throughout his 34-year service in Saudi Arabia, Worker 8 worked 6 days per week, and 10 hours a day.

When recruited in the Philippines, Migrant Worker 8 was shown a contract, but upon his arrival in Saudi Arabia, he was presented a different contract, with different clauses and substantially different benefits. For example, in the original contract that he was shown prior to his departure, 30 days of paid leave per year was included. However, the contract he received after arriving in Saudi Arabia only gave him 10 days of paid leave per year for the first 15 years; and after 15 years, he received 15 days of paid leave. Only after 20 years of work with the same employer, would he receive a month of paid leave each year. Migrant worker 8 was subjected to contract substitution.

In 1988, Migrant worker 8 also suffered a case of sexual harassment, perpetuated by a high-ranking Saudi national at the workplace. Migrant worker 8 reported the incident to his supervisor, who thereafter referred the complaint to a supervising manager. As a result of the complaint, Migrant worker 8 was transferred from Riyadh to a western province of Saudi Arabia, after which he was demoted from being an assistant manager at the store, to being a storekeeper again. Given this demotion, he lost the privileges he had earned from his hard work, once more going from having a single room, to having to share his room with three other persons. Migrant worker 8 was subjected to sexual violence in the workplace, and upon complaining, faced punitive action for his complaint, rather than his perpetrator being brought to justice.

After this incident, Migrant worker 8 never received another promotion until his dismissal in 2015. He received greater responsibilities after a period of time, but was never promoted, and always received the lowest pay increases amongst his colleagues. The perpetrator of the sexual violence, who was also an employee, was promoted very soon after the complaint was made.

Migrant Worker 8: Key Indicators Summary	
Forced Labour Indicators – Checklist	Yes/ No
Abuse of vulnerability	Yes
Deception	Yes
Restriction of movement	Yes
Isolation	No
Physical and sexual violence	Yes
Intimidation and threats	Yes
Retention of identity documents	Yes
Withholding of wages	Yes
Debt bondage	No
Abusive working and living conditions	Yes
Excessive Overtime	No
Total = 8 of 11 indicators; Perpetrator of sexual violence never brought to justice and promoted instead; Worker penalised for filing complaint	
Freedom of Association – Checklist	Yes/ No
Has freedom to participate in a union	No
Has freedom to join a leadership position in a union	No
Has access to even a marginally representative body (such as a worker committee)	No
Has access to complaints mechanisms and/or options without fear of reprisal	No
Total = 4 of 4 indicators are negative; Indicating no freedom of association	

B) Survey Results

Amidst the considerable number of cases received by BWI and human rights groups involving workers subjected to wage theft and other human rights violations, a total sample of 193 cases involving migrant workers from India, Pakistan, Nepal, Sri Lanka, Bangladesh, and the Philippines has been compared with key indicators of forced labour. After being cleaned and coded, these cases are presented in Table 3.1 below for analysis.

Note on data collection for the cases represented below:

The cases represented in table 3.1 below were collected between 15 April 2024 and 15 May 2024-Workers were posed the same questions using the same questionnaire format, employing the following hybrid methods:

- Legal clinic interviews in the Philippines (conducted on 24 April 2024)
- Face-to-face interviews with workers (in their home country)
- Telephonic interviews with workers (in KSA and/or their home country)
- Online interviews with workers

The majority of the workers interviewed were in their countries of origin at the time of the interviews, having returned home during their leave period, or in some cases, post-repatriation; while some of the workers interviewed were still in Saudi Arabia. All interviews were conducted in adherence with stringent duty of care protocols, extending to both respondents and interviewers. The sample cannot be made statistically representative owing to the severe curtailment of freedom of expression and freedom of association rights in Saudi Arabia: public surveys are hence impossible in the current circumstances. It is also essential to consider grassroots and inclusive approaches to quantitative research on migrant workers, given that rights violations are often invisible. The most fitting approaches to surveys amongst migrant populations centre the worker's perspectives and experiences first, which is the approach this survey has taken. Furthermore, the combined assessment of this team from several primary and secondary data sources, as evidenced in this document, indicates that the conditions of low-wage migrant workers are many degrees worse than stipulated in this document. This is due to a combination of factors, including workers' fear of reprisal from employers and government authorities; the low number of workers likely to report abuses and lodge complaints relative to the total numbers facing abuse; the severe curtailment of freedom of expression and association rights in Saudi Arabia; and finally, the punitive measures typically taken by the Saudi authorities against workers or other individuals voicing human rights concerns.

Table 3.1- Key Findings from 193 migrant worker interviews

	Yes	No	Response other than yes/no	No response	Total responses
1. Does the employer restrict workers from leaving the workplace?	26%	74%	0	0	193
2. Does the employer restrict workers' freedom to come and go from the dormitories	26%	74%	0	0	193
3. Does the employer use violence or the threat of violence to intimidate workers?	17%	83%	0	1%	193
4. Does the employer delay or withhold wage payments in order to coerce workers to work?	46%	54%	0	0	193
5. Does the employer force workers to work, to discipline them, or as punishment for participation in a strike?	7%	93%	0	0	193
6. Does the employer deny workers access to their personal documents (such as birth certificates, passports, work permits and ID cards) when they release them?	65%	34%	1%	0	193
7. Does the employer use threats such as deportation, cancellation of visas, or reporting to the authorities in order to force workers to stay at the job?	20%	80%	0	0	193
8. Does the employer use any other coercive tactics to overwhelm workers' ability to make decisions in their own interests?	17%	83%	0	0	193
9. Are the workers free to terminate employment with reasonable notice, and to leave the job when the contract expires?	34%	63%	0	3%	193
10. Can a worker with debts with the employer freely leave the job?	10%	85%	4%	1%	193
11. Are workers forced to work overtime under threat of penalty?	25%	75%	0	0	193

Key findings:

Across the 193 interviews, workers were posed questions to assess the extent of their vulnerability to the indicators of forced labour. In Table 3.1 above, all the responses in categories which exceeded 25% of the sample (or over a quarter of the sample of workers interviewed) have been highlighted in red. It is also important to mention that the above data was collected between April and May 2024: a few years after Saudi Arabia’s introduction of its 2021 reforms, together with its claims that kafala has been abolished. This is apparent, for example, from the issue of the *Retention of identity documents*: an unfortunately common practice, as shown by the survey results (refer Table 3.1 above). The findings from this survey indicate that Saudi Arabia is very far from abolishing kafala, with profoundly discriminatory practices against workers still rife, and ranging across an array of forced labour indicators. The four most mentioned abuses from the survey are detailed in the following paragraphs.

1) Debt bondage:

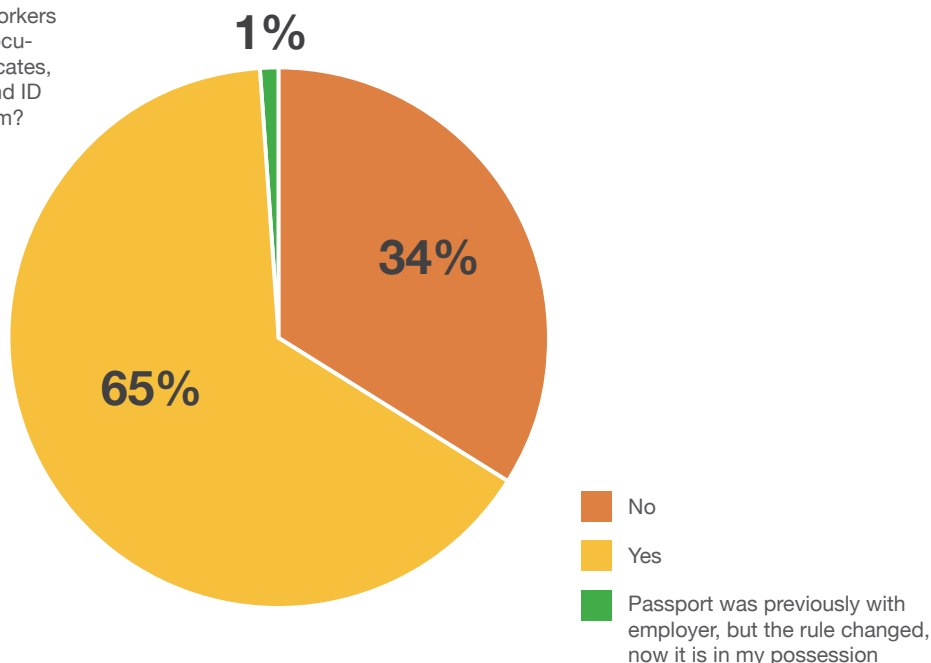
A total of 85 percent of the 193 workers interviewed stated that workers would not be able to change jobs freely if they had debts with their respective employers. This data aligns closely with the findings from secondary research showcased in the preceding sections of this document. From cases like that of *Migrant worker 2* detailed in the *Representative Cases* submission, it is apparent that most low-wage migrant workers have racked up substantial debts owing to the payment of illegal recruitment fees, which must be borne by their employers, as per the ILO’s *General Principles and Operational Guidelines of Fair Recruitment*. In the case of *Migrant worker 2*, who had been employed with Saudi Oger, for several reasons, including the withholding of wages by the employer, had to take out a loan from a money lender to pay off his recruitment fee debt- Not being given food daily, culminated in adverse health effects, with his final return home in a coffin. The survey results argue that debt bondage is a significant issue amongst migrant workers, indicating that the Saudi authorities must enforce the requirement for employers to pay all recruitment fees and related costs.

2) Retention of identity documents:

A concerning 65% of the 193 respondents stated that their employer retains different types of personal identity documents (including passports, birth certificates, work permits and ID cards). This confirms that the issue has not been resolved. The employer-tied visa sponsorship system of Kafala, which values the employer over the worker, remains very much in place. Moreover, the retention of identity documents renders workers vulnerable: workers can be concerned about falsified absconding charges, should they wish to change jobs or simply leave their current sponsor. In other cases, workers whose identity documents are retained could also have their mobility even more restricted, since they would be unable to go back to their home countries if they so desired. This issue is further substantiated by the case of *Migrant worker 7*, detailed in the *Representative Cases* submission. In the case of *Migrant worker 7*, an Indian who had been working as a security guard in United Othaim company, his employer confiscated his Iqama, keeping him in forced labour conditions and illegally making him work against his consent.

Figure 4.1- Survey question: Retention of identity documents

Does the employer deny workers access to their personal documents (such as birth certificates, passports, work permits and ID cards) when they need them?



3) Workers unable to terminate jobs/exit contracts at will (Abuse of vulnerability; Deception):

As many as 63% of the 193 respondents stated that they were not able to terminate employment with reasonable notice or leave their jobs when their contracts expired. This is a strong indicator that workers are being forced to work by employers against their consent, with their respective employers also using the power imbalances in the employer-based visa sponsorship model to indenture workers, abuse workers' vulnerability and using deception. The case of *Migrant worker 5*, as detailed in the *Representative Cases* submission, presents a distressing case of a Kenyan domestic worker who, despite repeated cases of physical and sexual violence towards her by her sponsors, was unable to exit or terminate her employment with either of her two sponsors. This finally resulted in completely thwarting her ability to have a long-term sustainable livelihood. The case of *Migrant worker 5*, when read together with the survey results, is also an indication that different worker groups are likely to be more vulnerable to different types of forced labour indicators. Domestic workers, especially those which are residential, tend to live in circumstances where the boundaries between their personal space and the workspace is blurred: unscrupulous employers, such as those of *Migrant worker 5*, exploit this vulnerability to their advantage. This data reiterates the need for Saudi Arabia to ensure the enforcement of the reforms that were introduced in 2021 and make further strides towards abolishing the tied nature of worker visas to sponsors.

4) Withholding of wages (and other benefits):

A sizeable 46% of the sample stated that their employer withholds wages or other payments to coerce them to work. This finding conforms with both the qualitative data submitted under the *Representative Cases* submission, as well as the extensive data collected via secondary sources and presented in the report. The case of *Migrant worker 4* in the *Representative Cases* submission exemplifies this point. After emigrating via a recruitment agency to Saudi Arabia, *Migrant worker 4* reports first that he faces wage discrimination, as he receives a salary which is three times lower than several co-workers employed in similar capacities. He further reports that he works four overtime hours each day, which would amount to a total of 12 hours of work each day. He was compensated at an overtime rate less than half of what he had been promised, and finally could not exit the job as per his wishes, since the company asked him for a sizeable payment of USD 1,390 prior to his exit. He continued to work with his employer, against his consent, under forced labour conditions.

In addition to the four key abuses highlighted above, over a quarter (over 25%) of the workers in the survey reported the following:

- Employer restrictions to leave from the workplace (26%)
- Employer restrictions on entry/exit from dormitories and/or the industrial park or zone in which the factory is located (26%)
- Forced overtime work under threat of penalty (25%)

The above analysis from the survey of 193 migrant worker respondents, together with the eight representative cases submitted, along with the secondary data in this document, provides strong evidence that low-wage migrant workers in Saudi Arabia are subjected to forced labour. Further exacerbating workers' dire situations is the lack of freedom of association, with workers having no options to join unions, or even a choice to lodge a complaint without the fear of reprisal.

IV. Conclusions

This analysis indicates that migrant workers in Saudi Arabia, forming the bulk of the country's private sector work force, experience a raft of abuses which are indicate forced labour. The abuses are in several areas, including but not limited to, the non-payment of wages; the confiscation of worker passports; restrictions on worker mobility; workers being unable to change jobs (despite the 2021 reforms on paper); the payment of illegal recruitment fees; debt bondage; and physical and gender-based harm. As identified in the above analysis, it must also be stressed that the intersectional vulnerabilities of workers, including socio-economic class, nationality, gender, and various other considerations, interact with a discriminatory visa regime which overly favours employers over workers, both in law and in practice.

Overall, this analysis indicates that despite certain measures from the 2021 reforms being welcome, such as a marginal expansion in some considerations for domestic workers, most migrant workers from low-wage contexts will likely continue to face exploitation. Despite Saudi Arabia's claims to have dismantled kafala,⁶⁹ this analysis is a strong indicator that the profound, continual, and systemic exploitation of the migrant workforce which enables the country's economic progress remains far from being addressed. The circumstances of migrant workers are likely to deteriorate if the system continues without a substantial overhaul, especially in the light of global issues such as climate change. According to a report by Fair-square, the country will likely see at least a 3 degrees Celsius rise in temperatures by the turn of the century: a worrying prospect in a country where the temperatures already exceed 40 degrees Celsius for 180 out of 365 days.⁷⁰ Given that migrant workers form the labour force most likely to be hard-hit by high temperatures, as they are more likely to be employed in sectors such as construction or other outdoor work, the country must take firm action towards adequate protections. The Fair-square report further notes that the main measure taken by Saudi Arabia to protect migrant workers from heat, (much like its counterparts in the Gulf region), is to ban work during specific hours of the day during particular months: both unscientific moves which are not sufficient.⁷¹

By virtue of its membership of the ILO, Saudi Arabia is committed to uphold fundamental principles and rights at work, including freedom of association and collective bargaining. Freedom of association and the right of all workers, migrant or Saudi, to form independent trade unions, is a vital advance that is needed if workers, in the future, are to be able to defend their full range of rights and eradicate all forms of human and labour right abuses.

69 Human Rights Watch. "Saudi Arabia: Labor Reforms Insufficient." Accessed March 25, 2021. <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.

70 Vital Signs Project. "Report 3." Accessed [Insert Access Date]. <https://vitalsignsproject.org/research/report-3/>.

71 Ibid.

Migrant Worker Conditions in the Kingdom of Saudi Arabia

An Overview of Worker Abuses Linked with Forced Labour

Building and Wood Workers' International

54, route des Acacias
Carouge GE 1227
Switzerland

Tel.: + 41 22 827 37 77
+ 41 22 827 37 70

Email: info@bwint.org

URL: www.bwint.org



BWI
Building and Wood
Workers' International
www.bwint.org