



What are an employer's health and safety obligations in relation to its staff?

The Qatari Labour Law provides that "the employer shall take all precautionary measures for protecting the workers during the work from any injury or disease that may result from the work performed in his establishment or from any accident, defect or breakdown in the machinery and equipment therein or from fire"

The Qatar Financial Centre imposes a duty of care on every employer to ensure the health, safety and welfare of its employees, including putting in place adequate systems that minimise risks to health and safety and provide information, instruction, training and supervision to employees in English, Arabic or any other language, if appropriate, to ensure their health and safety at work.

The Supreme Committee for Crisis Management, as well as the Ministry of Public Health, has urged all entities to raise awareness on the health and safety risks of COVID-19 and deploy means to ensure proper care against the spread of this virus in the workplace, including sterilising the workplace, distributing masks, sanitisers and soap, as well as regular screening for migrant workers.

The Ministry of Administrative Development, Labour and Social Affairs (MOADLSA) recently issued a policy regarding the measures that companies should take to protect workers and mitigate the spread of COVID-19 in the workplace and accommodation, as follows:

- Raise worker's awareness about the measures that are being adopted at the enterprise and government level
- Highlight the importance to take temperature regularly and monitor for respiratory symptoms
- Highlight the importance to observe good personal hygiene by reminding the workers to wash their hands regularly, cover their mouth with their elbow when coughing or sneezing and to avoid touching their face
- Work with worker representatives/welfare officers who can communicate in the worker's language – encourage workers to share information and perspectives, ask questions, and verify information
- Increase frequency of routine cleaning and sanitation of areas with high human contact in worksites, accommodation, bus, bathrooms, kitchens, canteens, etc.
- Provide disposable wipes so that commonly used surfaces can be wiped down by employees before each use

Employers must limit social gathering to the minimum essential, including:

- Reduce working hours to six hours until further notice
- Stagger entry and exit of workers from the workplace
- Restrict the use of common spaces to a limited number of workers at the same time
- Reduce the number of workers in the workplace and accommodation by allocating six square meters per worker in accommodation
- Prohibit all in-person meetings that are not essential and limiting internal movement
- Suspend all training events

In addition, the roles of the Occupational Safety and Health Officers are to be enhanced to supervise workers and ensure that protective measures are applied, in particular:

- Perform risk assessment to protect workers and mitigate the spread of the virus
- Work with public health authorities to develop a plan to identify suspected cases and contacts with the virus in the workplace and manage them properly
- Consider the impact on mental health
- Provide psychological and social support to infected employees after recovery
- Examine workers' temperatures before taking buses to go to the workplace and to return the accommodation
- Isolate any worker with a high temperature and report to the MoPH hotline on 16000
- Take advantage of the clinics available in companies to carry out examination procedures and to follow up the health status of workers; provide additional precautionary measures to workers most vulnerable to infection, such as those with chronic diseases
- Limit the number of workers and users of buses to a maximum of 50% of the number of chairs on the bus
- Ensure the use of masks and availability of hand sanitisers in the workplace
- Ensure that there are no gatherings inside the workplace and that the safe distance between the workers is kept at all time while performing the work
- Do not forget about other safety and health risks in the workplace

The Labour Inspection Department will monitor employer's compliance with strict inspection campaigns and failure to comply will result in the application of penalties

Should employers place restrictions on work-related international travel?

Yes.

In early March 2020, Qatari authorities began imposing entry restrictions on all passengers coming from Egypt, Bangladesh, China, India, Iran, Iraq, Lebanon, Nepal, Pakistan, the Philippines, South Korea, Sri Lanka, Syria, Sudan, Thailand, Italy, France, Germany and Spain. These passengers include those with a residence/work permit, temporary visitors and visitors eligible for a visa on arrival.

In mid-March 2020, Qatari authorities suspended all inbound flights to Qatar for at least 14 days, effective from 18 March 2020 (except cargo, passengers transiting through Doha to other destinations and returning Qatari citizens who will be quarantined for 14 days upon arrival). On 1 April 2020, the suspension of incoming flights to Doha was extended (except for transit and air cargo). Also, Qatari citizens abroad, in addition to the children and spouses of Qatari citizens, and holders of a permanent residence in Qatar can return any time, but they must:

- Be quarantined for a period of 14 days
- Notify the Qatar embassies in the countries from which they will travel at least 72 hours in advance in order for relevant officials to make the necessary arrangements at the airport and quarantine facilities

Under what circumstances can employees continue working or leave the house?

On 1 April 2020, the Council of Ministers issued several new measures to combat the spread of the virus (effective for two weeks, commencing on 2 April 2020), including:

- The decision to reduce the number of employees present in government agencies (to 20% capacity) is extended until further notice
- Working hours for employees and workers in the government and private sector will be six hours/day from 7 a.m. to 1 p.m. (except food stores, pharmacies and restaurants working on deliveries)
- All meetings for employees and workers in the government and private sectors must be conducted remotely through video conferencing unless a face-to-face meeting is essential, in which case, the meeting shall be attended by a maximum of five people
- The number of workers present in the workplace in the private sector shall be reduced to 20% with the remaining 80% working remotely

Excluded from the above are military and security sectors; ministry of foreign affairs and diplomatic missions; health sectors; oil and gas sector; government agencies that require employees to be present; and workers in major state projects.

All other employees should continue to work remotely and avoid leaving the house unless absolutely necessary.

The Ministry of Public Health implemented isolation and quarantine measures early on, particularly for travellers coming from China, South Korea and Iran. Furthermore, individuals who have recently returned to Qatar from a country who has reported an outbreak of COVID-19 and have a cough/fever symptoms were asked to come forward for testing. Residents travelling back to Qatar were required to spend 14 days in isolation, even if they do not show any symptoms.

Therefore, employees who have recently travelled or who have any cough/fever symptoms should be asked to isolate themselves for 14 days to avoid the spread of the virus. This should be extended to employees who were in contact with individuals who recently returned to Qatar from a country suffering from COVID-19 or who have developed cough/fever symptoms. Particular classes of citizens, including the elderly, those suffering from chronic illnesses and pregnant women, were asked to avoid going out unless absolutely necessary.

The Emir of Qatar has amended Law No. 17 of 1990 on Protection from Infectious Diseases to penalise (i) anyone who fails to notify the authorities of someone suffering, or suspected of suffering, from an infectious disease, including employers; and (ii) anyone who fails to isolate or quarantine as per the competent health authorities procedures and controls. Employers should remain up to date with the latest government requirements and instructions and alert the health authorities of any employees who have self-isolated due to COVID-19 symptoms.

What is the latest guidance from the government regarding employment measures that can be taken to protect jobs?

MOADLSA recently issued key points in the workplace, such as:

- All workers in isolation, quarantine or receiving treatment will still be paid their basic salary and receive their allowances irrespective of whether they are entitled to sick leave benefits
- For workers employed in sectors that have followed government instructions to cease, services will continue to receive their basic salary and allowances from their employer
- Employers have the right to terminate contracts; however, the termination of employment must be carried out in full compliance with the provisions of the Qatar Labour Law and the contract, including the notice period and the payment of all pending entitlements, including return ticket to home countries
- Employers and workers may mutually agree that workers take unpaid leave or use their annual leave, if the business has been halted and the worker is not assigned any work; however, employers must continue to provide all other benefits, including accommodation and food
- For workers who are outside the country and unable to return, the employer and worker should discuss working conditions and benefits; the worker is entitled to refuse any adjustment to the contract – in case of termination of employment, this must be carried out in full compliance with the provisions of the Qatar Labour Law and contract, including the notice period and the payment of all pending entitlements.

MOADLSA set up a hotline (16008) for workers to complain if they have a problem about their employment or accommodation.

Will making reductions to employees' salaries cause issues for employers being in breach of the wage protection system?

It is important to collaborate through this period to minimise the damage for the benefit of both the employer and employee, taking into account the survival of the business and employment over the long term. The employer and employee should discuss working conditions and benefits. Generally, the employer is required to continue paying employees their basic salaries and allowances. The employee is entitled to refuse any adjustment to the contract and should contact MOADLSA if they have a complaint or problem about their employment. If the salary reductions are made with the consent of the employee and properly informed to the relevant department at MOADSLA, there should not be any findings of breach of the wage protection system or penalties under the Qatar Labour Law.

Do employers have to pay an employee if they are required to self-isolate?

Yes, according to the latest guidelines issued by MOADLSA, all employees in isolation, quarantine or receiving treatment will still be paid their basic salary and receive their allowances irrespective of whether they are entitled to sick leave benefits.

The position is less clear if the employee self-isolates due to fears of infection without having a valid medical certificate. If an employee succumbs to his/her fears of COVID-19 and self-isolates without a valid medical certificate or any symptoms, the employer should decide on a case-by-case basis whether to continue to pay the employee, i.e. if the employee can work from home, this would be the practical approach. This approach may not be feasible for specific categories of employees who cannot work from home and ignore the employer's instructions.

What should employers do if a member of staff is confirmed as having the virus and has recently been in the workplace?

Employers should report this outbreak to government officials of the Ministry of Public Health and Ministry of Interior via the various hotlines in place (for the Ministry of Public Health, contact: 16000, and for the Ministry of Interior, contact: 4457999). Employers should also arrange for complete disinfection and sanitisation of the workplace and place temporary restrictions on office access during this process.

If the situation worsens and employers are considering closing one of their sites, do they have a right to lay off/furlough staff in these circumstances? Are they obliged to continue to pay them?

There is no right to lay off employees without pay in these circumstances. Although employers have the right to terminate contracts, such terminations must be carried out in full compliance with the provisions of the Qatar Labour Law and employment contract, including the notice period and the payment of all pending entitlements, including a return ticket to the employee's home country. Employers and employees may mutually agree that employees take unpaid leave or use their annual leave if the business has been halted and the worker is not assigned any work. However, employers must continue to provide all other benefits, including accommodation and food. Employers will also need to ensure that any agreed periods of unpaid leave are properly notified to the authorities to avoid any sanctions for breach of the wage protection system.

For employers who were ordered by the Ministry of Commerce and Industry to close shop, such as salons, barbers, department stores, clothing stores, shopping complexes, etc., and who have not terminated, their employees should still receive their basic salary and allowances from their employer. As for employees who are abroad and unable to return, the employer and employee should discuss working conditions and benefits. The employee is entitled to refuse any adjustments to the contract. In case of termination of the employment contract, this must be carried out in full compliance with the Qatar Labour Law and the employment contract, including the notice period and the payment of all pending entitlements.

What other steps are employers taking to respond to the challenging economic situation caused by coronavirus?

In Qatar, many employers have taken the following measures:

- Compelling staff to take some of their paid annual leave entitlement
- Asking for volunteers for unpaid leave/sabbaticals
- Reduced working hours with consent
- Deferral of annual pay increases and bonuses
- Shifting employees to different facilities that are still operational
- Reducing headcount through termination (be careful of notice provisions in unlimited duration contracts and liability for early termination under fixed-term contracts)

The majority of these changes can only be implemented with the consent of the employees and any changes to employees' terms and conditions should be clearly documented in writing. Employees are more likely to consent, however, if it is made clear to employees that the employer is taking such steps to minimise the need for possible redundancies and that the financial pain is being shared to at least the same extent by management.

Are redundancies permitted?

Yes – redundancies are permitted and must be in full compliance with the provisions of the Qatar Labour Law and employment contract, including notice period and payment of entitlements.