

# SAFE TIPS: Steps and Advice for Foreign Employment to Combat Trafficking in Persons

Pre-Employment Guidance for East Africans Seeking Jobs in the Gulf States



# Acknowledgements



This guide was made possible through the generous support of the United States Department of State's Bureau of Democracy Human Rights and Labor (USDOS-DRL). The opinions expressed herein are those of the authors and do not necessarily reflect the views of the United States Department of State.

The guide was written by Sarah Lince, who serves as Project Director, Max Travers, who serves as Project Manager, and Evie Simkins, the Project Analyst. Erin Klett provided oversight of the project. Julie Sobkowitz Brown, Lawrence David, and Carrie Schwartz assisted with design and layout of the guide. Interviews conducted by Equidem Research and Consulting with migrant workers from Kenya and Uganda in 2017 to 2019 also contributed to the guide. Lastly, and most importantly, Verité would like to thank the migrant workers, experts in Kenya, Uganda, Qatar, and the UAE who contributed their valuable time, experiences, and perspectives for the development of this guide.

While every effort has been made to ensure the accuracy and reliability of information contained in this guide, the contents herein do not constitute legal advice or guidance, nor are they intended to replace formal consultation with a legal professional.

The photographic images included in this guide are used solely to illustrate the content discussed. The people shown in the photographs do not represent any specific person or group of people noted in the text.

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# 1. Map of Gulf Cooperation Council Countries

Member states of the Gulf Cooperation Council: Qatar, United Arab Emirates, Saudi Arabia, Bahrain, Kuwait, and Oman.





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## 2. Glossary

### International Human Rights Terms

- **International Labour Organization (ILO)** – A United Nations agency focused on promoting human rights of workers.
- **Forced Labor** – As defined by the ILO, any work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily and with fully informed consent.<sup>i</sup>
- **Trafficking in Persons (TIP), Human Trafficking for the Purposes of Labor Exploitation, Human Trafficking** – The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of exploitation in the form of involuntary servitude, debt bondage or slavery.

### Government and Policy Terms

- **Kafala System** – A legal framework that has been used in Gulf countries to define the relationship between foreign migrant workers and their employer. Under this system, the Gulf country government gives local individuals or companies sponsorship permits to employ foreign workers.
- **Employment Visa** – Document from the host country where employment will take place allowing entry to a foreigner for the purposes of employment. Foreigners are prohibited from working in the host country if they entered with a tourist visa.

## 2. Glossary

### Labor Market and Recruitment Terms

- **Foreign Employment** – A job outside of the worker’s home country
- **Employer** – The person or company who is seeking workers from East Africa to fill vacancies for a job in a Gulf country.
- **Employment Contract** – A written agreement between the employer and employee containing all terms and conditions of a job.
- **Job Offer** – Information about the type of job and terms and conditions of employment provided to a worker seeking a foreign job.
- **Job Order or Demand Letter** – A document which includes a basic description of a job vacancy that the employer uses to apply to its government for a visa for a foreign worker.
- **Labor Agent** – Any person assisting a worker with obtaining a foreign job.
- **Labor Supplier** – The person or company in the destination country providing workers to the employer.
- **Recruitment Agent** – A person or company contracted to supply workers for the labor supplier or employer in the destination country.
- **Licensed Recruitment Agent** – A recruitment agency that has passed requirements to obtain a license with the local government.
- **Sub-agent, Broker** – A person or company working at the village level to connect workers seeking foreign employment with a labor agent or job opportunity; usually operates without legal status as a business.
- **Recruitment** – The process through which a worker is found and hired for a job.
- **Recruitment Cost** – An item required for a foreign job, e.g., a passport.
- **Recruitment Fee** – Any payment charged by a labor agent or any entity assisting a worker with searching for, applying for, or otherwise obtaining a job.
- **Worker** – The person seeking and/or obtaining foreign employment.





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### 3. Introductory Remarks

Each year, hundreds of thousands of workers from Kenya and Uganda travel to jobs in Qatar, the United Arab Emirates (UAE), Saudi Arabia, and other countries in the Gulf Cooperation Council (GCC). These workers travel far from home for a foreign job in hopes of earning a greater income and working towards a better life for their families. Recent years have seen a significant increase in the demand for workers from these and other Anglophone African countries by employers in Gulf countries.

Workers from Kenya and Uganda are mainly hired for “low-wage” jobs in the Gulf. These jobs often involve difficult manual labor, including domestic service, nannying, commercial cleaning, commercial and domestic driving, private security, groundskeeping or other facilities maintenance, hospitality, or airport service jobs such as laundry, cleaning, and catering, as well as construction sector jobs such as laboring, masonry, electrical work, and carpentry. While foreign employment can present promising opportunities, workers need to be equally aware of the risks they may face which can become barriers to a successful foreign employment

experience and result in not earning anticipated wages, exploitation by a foreign employer, and other disappointing outcomes.

Although employment and wage-earning occurs in a foreign country, the risks of an unsuccessful foreign employment experience actually originate during the job seeking process before the worker has left the sending country. Kenyans and Ugandans seeking employment may receive false information from a labor agent regarding the job offered – for example, about the nature of the work and wages promised; they may receive fraudulent documentation or gain debt by paying high fees to a labor agent, which can lead to debt bondage. Workers who receive incorrect documentation in their home country, such as a tourist visa instead of a work visa to enter the country of employment, are extremely vulnerable to harassment or abuse on the job, including withholding of wages, from an employer who exploits the worker’s fear of imprisonment in the foreign country, or deportation. In such cases, workers might end a foreign job in greater debt and in a more vulnerable position than before they sought a foreign job.





### 3. Introductory Remarks

The COVID-19 pandemic has presented additional challenges for workers. During the pandemic, it has been documented that thousands of low-wage foreign workers in Gulf countries have been denied wages for six months or longer, have lived in unhealthy workers' accommodations, and have been denied access to healthcare. To learn more about this, Verité recommends the report “**Cost of Contagion: The Human Rights Impacts of COVID-29 on Migrant Workers in the Gulf**,” published by the non-profit organization Equidem ([www.equidem.org/reports/the-cost-of-contagion](http://www.equidem.org/reports/the-cost-of-contagion)).

Although employment occurs in a foreign country, the risk of an unsuccessful foreign employment experience actually originate during the job seeking and recruitment process before the worker has left their home country.



The purpose of this SAFE TIPS guide is to support civil society and community-based organizations in Kenya to raise awareness among workers and their communities about the risks workers face in seeking foreign employment and the practical steps they can take to protect themselves as they navigate the foreign employment labor market to seek greener pastures.



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## 4. Why Workers Need SAFE TIPS

Workers who migrate from East Africa to the Gulf for employment do so out of hope for better opportunities, but the process of recruitment for foreign employment and the employment experience itself present serious risks to workers of exploitation by unscrupulous employers and labor agents. Organizations and news outlets have documented cases in which the exploitation that workers from Kenya and Uganda experienced in the Gulf was severe enough to resemble forced labor.



### Defining Forced Labor

The International Labour Organization (ILO) Forced Labour Convention 29 (1930), the most authoritative convention on forced labor, defines forced or compulsory labor 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 voluntarily.”<sup>ii</sup> In other words, if work is carried out involuntarily and under a threat or menace of penalty, it meets the internationally recognized definition of forced labor, which is legally prohibited in Gulf countries including Qatar, Saudi Arabia, and the UAE.<sup>iii</sup>

While terms such as “involuntary work” and “threat of penalty” may at first appear subjective and open to interpretation, the actions and conditions that can be counted as indicators of forced labor have been carefully defined and agreed upon by the international community. The ILO first presented a framework for indicators of forced labor in 2012,<sup>iv</sup> which was updated in 2018 by the International Conference of Labour Statisticians (ICLS).<sup>v</sup> The forced labor indicators help to identify the presence of any involuntary work and menace of penalty.

# 4. Why Workers Need SAFE TIPS

## Selected indicators of forced labor<sup>vi</sup> found in Verité research of East African workers in Qatar and the UAE<sup>vii</sup>

Involuntary Work	Threat or Menace of Penalty
<ul style="list-style-type: none"><li>• The worker must perform a job of different nature from that specified during recruitment, without the worker's consent</li><li>• Abusive requirements for overtime or on-call work that were not previously agreed with the employer</li><li>• Work in hazardous conditions to which the worker has not consented, with or without compensation or protective equipment</li><li>• Work with very low or no wages</li><li>• Degrading living conditions imposed by the employer, recruiter, or other third party</li><li>• Work for other employers than agreed</li><li>• Work for a longer period of time than agreed</li><li>• Work with no or limited freedom to terminate work contract</li></ul>	<ul style="list-style-type: none"><li>• Threats or violence against workers or workers' families and relatives, or close associates</li><li>• Restrictions on workers' movement</li><li>• Debt bondage or manipulation of debt</li><li>• Withholding of wages or other promised benefits</li><li>• Withholding of valuable documents (such as identity documents or residence permits)</li><li>• Abuse of workers' vulnerability through the denial of rights or privileges, or threats of dismissal or deportation</li></ul>



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## 5. Drivers of Risks for Workers

### What impacts the risks workers face in the labor market?

The level of risk facing an individual worker can be impacted, in part, by systemic factors such as labor markets and the legal frameworks that govern them. In labor markets where the pool of applicants is larger than the pool of potential jobs, workers may feel pressured to accept riskier terms from a labor agent and, as a result, riskier employment. Worker vulnerability can be further increased when legal frameworks in East African and Gulf countries are weak or not sufficiently enforced to protect workers. This section will describe how risks to workers are driven by labor market dynamics and legal frameworks governing the East African-Gulf labor markets.





# 5. Drivers of Risks for Workers

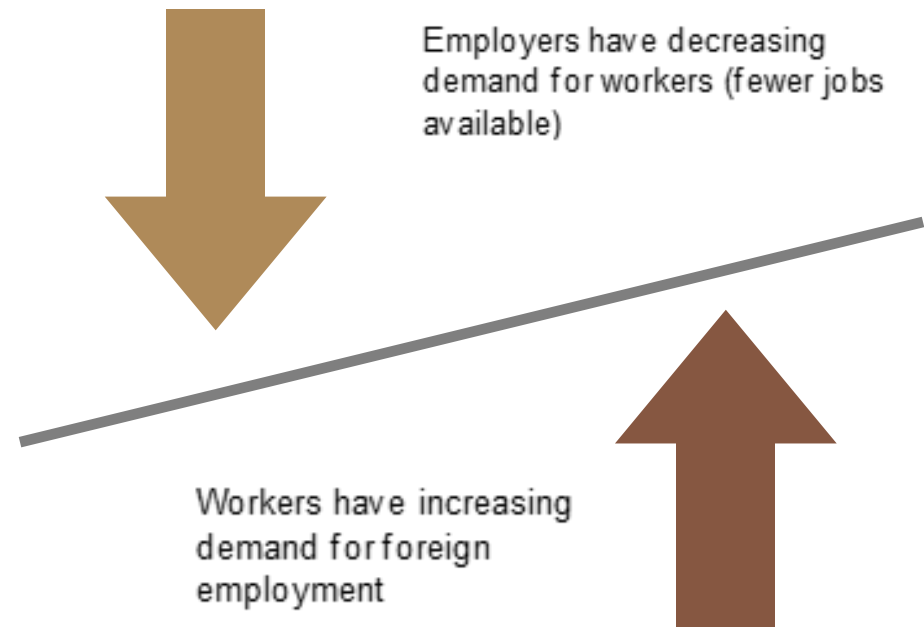
## Labor Market Dynamics

Workers from East Africa seeking foreign employment are entering into a global labor market. Like many markets, the labor market for jobs in Gulf countries is based on “supply and demand” dynamics. Employers rely on the low cost of foreign workers and the large supply of workers willing to take low-wage jobs.

This is based on an unbalanced labor market: there is a large supply of workers, but limited jobs are available. In this situation, employers in Gulf countries hold greater power to dictate wages, terms and conditions, and other aspects of jobs offered to workers in East Africa, knowing that any job they offer is likely to be in high demand. This leaves workers vulnerable to exploitation.

Workers are more vulnerable when there is an imbalance between the demand for workers and the number of workers seeking jobs.

**FIGURE 1:** Imbalance Between Demand for Workers and Demand for Jobs



# 5. Drivers of Risks for Workers

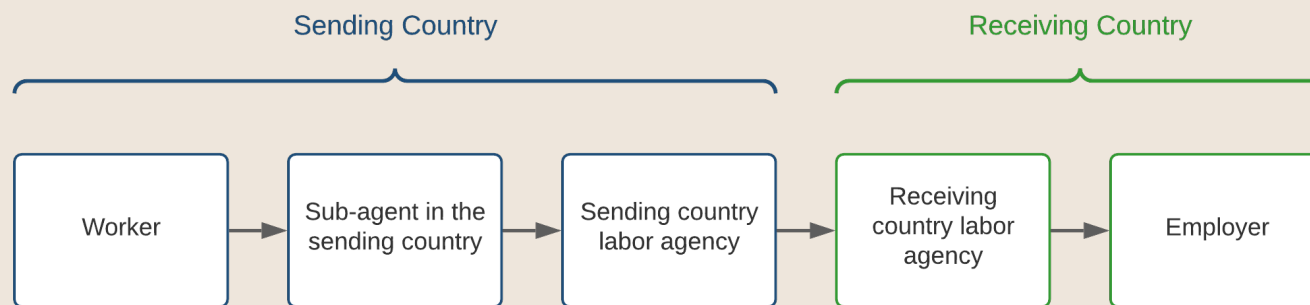
## Labor Market Dynamics (Continued)

Supplying workers from East Africa to employers in Gulf countries is big business and there are many companies that act as intermediaries or middlemen between workers and employers, hoping to make their own profit. A single migrant worker may be exposed to more than three middlemen when seeking employment in a Gulf country. These labor agents may be paid by employers for job placement services, but it is typical for a labor agency to make the majority of their money by charging jobseekers themselves. The fees charged are often so high that jobseekers resort to financing the fees through high-interest loans, or selling possessions including land.

Middlemen acting as labor agents play an important role connecting a worker seeking foreign employment to all the steps required to obtain a job. However, each layer of middlemen in a labor market presents a risk that workers will be deceived, manipulated, or charged high fees; in some cases, exploitation may rise to the level of forced labor.

There may not be a licensed labor agency in the area where many people are seeking foreign employment. For example, in April 2021 the Kenyan National Employment Authority (NEA) website listed 320 licensed labor agencies, and most of these agencies are located in large metropolitan areas such as Nairobi and Mombasa.<sup>viii</sup> To reach different geographic regions and communities, labor agencies often rely on a network of unregistered and unregulated “sub-agents” to find workers to fill their clients’ foreign job openings. Because these sub-agents are for the most part not licensed nor regulated by the government – and because the employers generally have no oversight of what they do – sub-agents tend to operate with little accountability. If a worker experiences fraud, deception, or any other problems when dealing with a sub-agent, they may not have access to legal avenues of redress. (See more about labor agents and sub-agents in Step 2 of the SAFE TIPS.)

**FIGURE 2: A LONG LABOR SUPPLY CHAIN.** Each additional middleman between the worker and employer increases risks of deception and other forms of exploitation during recruitment.

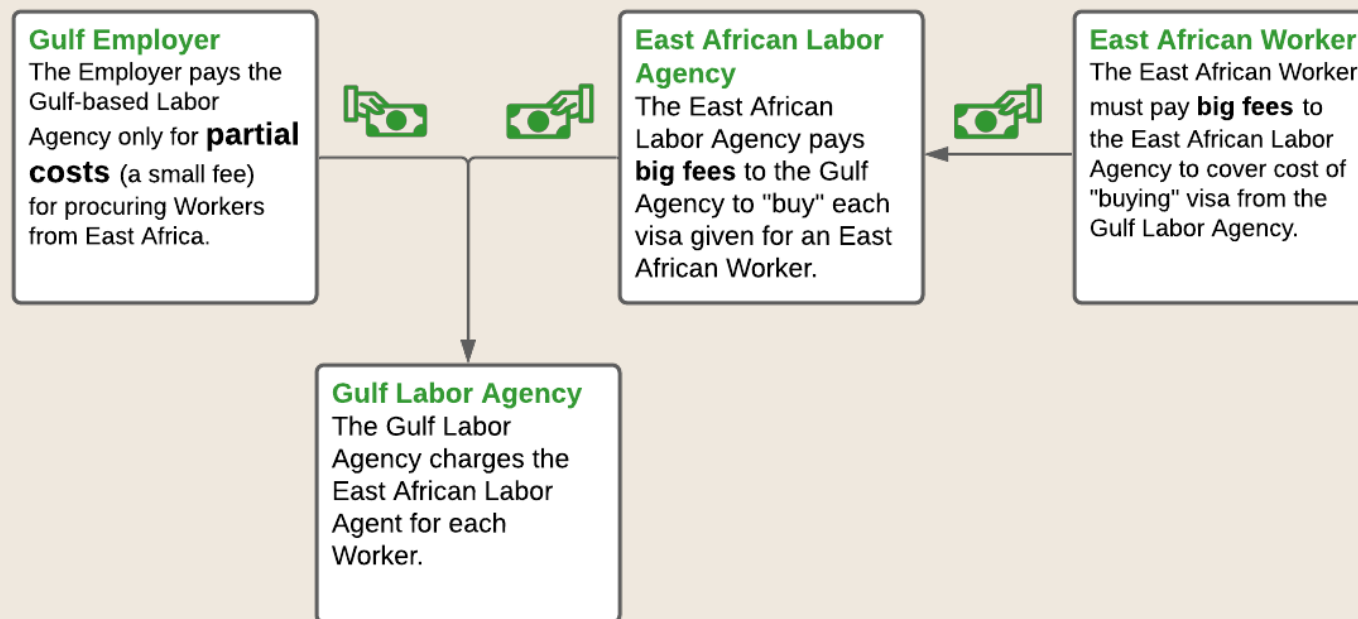


# 5. Drivers of Risks for Workers

## The Worker Pays Recruitment Model

The labor market between East Africa and the Gulf is out of balance because employers are drawn to the most inexpensive methods of sourcing foreign workers and because there are more workers seeking foreign employment than there are job vacancies. Within this dynamic, workers pay high fees to labor agencies to access foreign jobs. When workers pay for their own recruitment, the cost to the employer is lower. In other words, the fees workers pay to labor agencies are **subsidizing** the employer's costs of recruiting workers from East Africa.

**FIGURE 3a:** Worker Pays Recruitment Model



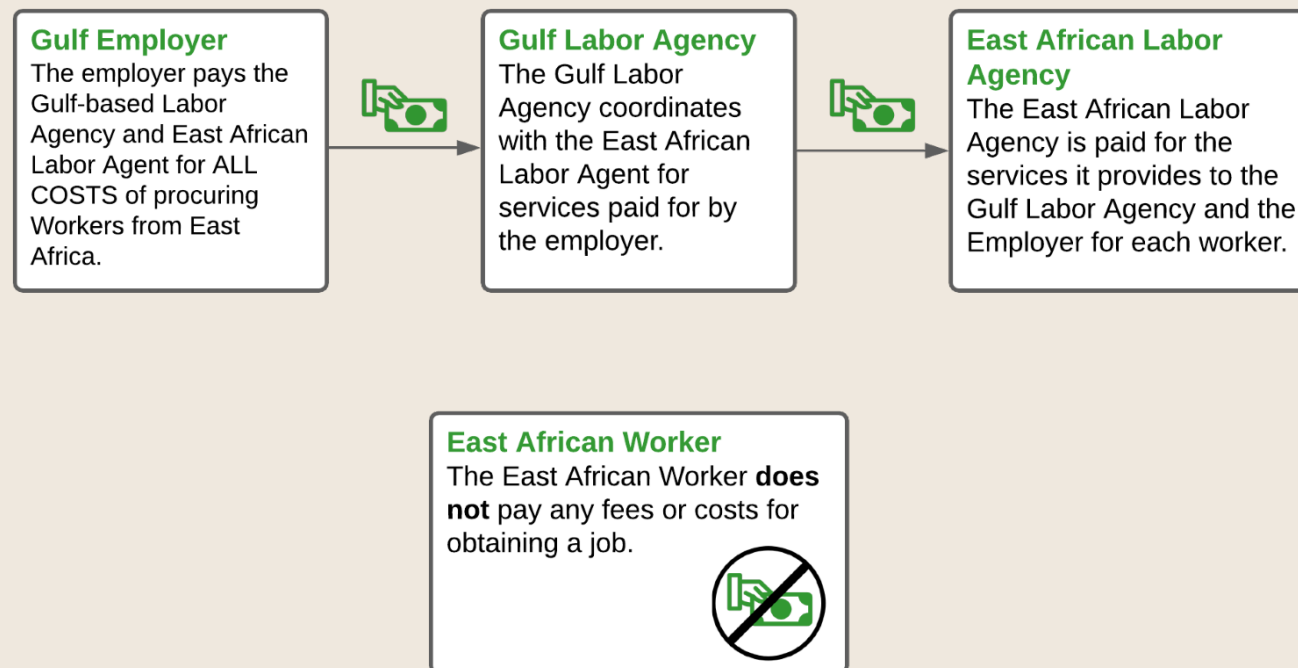
*\* Not all employers use a labor agency in the receiving country, and some pay nothing for recruiting foreign workers.*

# 5. Drivers of Risks for Workers

## The Employer Pays Recruitment Model

In a more fair and balanced labor market, **the employer should pay** all fees and costs associated with finding, recruiting, and procuring workers from East Africa to jobs in the Gulf. The ILO has specified the same in guidance issued in 2019, stating that “No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.”<sup>ix</sup> A growing number of multinational corporations (MNCs) and their suppliers have adopted the “Employer Pays Principle” and prohibited worker-paid fees in their supply chains.<sup>x</sup>

**FIGURE 3b:** Employer Pays Recruitment Model



*\* Not all employers will use a labor agency in the receiving country.*



# 5. Drivers of Risks for Workers

## Legal Frameworks Impacting East African-Gulf Labor Markets

### Gulf Countries

The degree to which employers in the Gulf and their hired labor suppliers follow legal requirements for the recruitment of workers from East Africa can significantly affect workers' vulnerability to labor exploitation. The laws and procedures governing how employers in the Gulf can legally hire foreign workers differ in each country. Most Gulf employers, at a minimum, go through the steps of receiving permission from their government to bring foreign workers from East Africa to their company. In some cases, however, employers will hire workers through irregular means without following the law. This poses a greater risk for workers. Step 3 of the SAFE TIPS steps includes detailed lists of labor laws relevant for foreign workers in Qatar, UAE, and Saudi Arabia. Examples of legal restrictions for foreign workers in Gulf countries include:

- **Barriers to changing jobs or leaving employment before the term of an employment contract is completed** – If the worker does not like the job, they cannot easily move to a different job or employer.
- **Barriers to free movement** – Many employers tightly control the movement of workers, making it difficult for workers to leave jobsites or worker accommodations to access assistance or other necessities. This can extend to barriers to the worker leaving the host country, particularly in the case that a worker needs to return to their home country because of an emergency situation.
- **Barriers to receiving restitution for mistreatment by an employer** – With the exception of Qatar, where there have been recent labor law reforms enacted with the support of the ILO, foreign workers may lack avenues to lodge complaints or seek restitution for exploitive actions by an employer, such as non-payment of wages, forced overtime, deplorable working or living conditions, and failure to provide appropriate healthcare.
- **Barriers to joining labor unions** – It is illegal for foreigners to join these organizations in all Gulf countries.<sup>1</sup>
- **Barriers to seeking better working conditions** – The restricted legal status of foreign workers in Gulf countries makes workers vulnerable to threats of imprisonment or deportation from employers who exploit this vulnerability to coerce workers into forced overtime or other exploitive working conditions.

# 5. Drivers of Risks for Workers

## Example East African Legislation On Labor Agencies

### Kenyan Labor Agency Legal Requirements

According to the Labour Regulations of 2016 for private employment agencies, labor agencies must register with the Government of Kenya in order to legally carry out activities related to recruiting workers for foreign employment. Registration numbers are **publicly searchable** on the National Employment Authority website and legally must be included in the agency's job advertisements alongside other evidence that the agency is a legal business, such as proof of a physical address.<sup>xi</sup>

Under these regulations, an agency must obtain registration by demonstrating its capacity to recruit and deploy workers for foreign employment, as well as repatriate and otherwise aid workers in distress.

#### Among meeting other conditions, the agency must:<sup>xii</sup>

- Have a physical office that meets minimum requirements
- Comply with tax laws
- Have a minimum share capital of KES 5,000,000
- Have guaranteed a security deposit of KES 1,500,000 with a bank or insurance agency, to be used for repatriation, wage payments, and other uses in the event that an employer defaults on its obligations to workers deployed by the agency
- Have directors and management with valid and sufficient educational certificates and police clearance certificates
- Be a member of a recognized private labor agency professional association, such as the Kenyan Association of Private Employment Agencies (KAPEA) or the Association of Skilled Migrant Agencies of Kenya (ASMAK)
- Commit to observe the code of conduct for recruitment agencies



## 5. Drivers of Risks for Workers

### Example East African Legislation On Labor Agencies (continued)

#### Kenyan Labor Agency Legal Requirements

A license issued to a labor agency is valid for one year and can be renewed by meeting requirements similar to those listed above.

According to the Labour Regulations of 2016 for private employment agencies, labor agencies are permitted to charge workers a fee for providing services in recruitment, documentation, and placement in foreign employment. Workers may also be charged for other costs incurred during the recruitment and placement process, but these should not be covered by the worker if the employment contract specifies that they are covered by the employer, and fees must not exceed the anticipated one-month salary.<sup>xiii</sup>

Although Kenyan officials have collaborated with the ILO on improving the legal and regulatory framework for private labor agencies, at the time of writing Kenya had not yet ratified the ILO Convention on Private Employment Agencies (C181).<sup>xiv</sup>



# 5. Drivers of Risks for Workers

## Example East African Legislation On Labor Agencies (continued)

### Ugandan Labor Agency Legal Requirements

Under Ugandan regulation, a labor agency must obtain a registration by demonstrating its capacity to ethically **recruit and deploy workers for foreign employment**. Among meeting other conditions, the agency must demonstrate sufficient financial capacity, have no records of illegal recruitment activities, and commit to:<sup>xv</sup>

- Orient migrant workers on recruitment policies and procedures
- Confirm that migrants are qualified and hold necessary documents to be deployed
- Ensure that employment contracts meet legal requirements,
- Brief workers on their contract, provide workers with time to review their contract, and provide workers with a copy of the contract
- Assume joint and solidary liability with the employer for claims and liabilities associated with the employment contract

A registration is valid for two years and can be renewed by meeting requirements similar to those listed above.<sup>xvi</sup>

According to Ugandan regulations, labor agencies must charge the principal or employer for recruitment and deployment services, but they may also charge a “nominal fee” from Ugandan workers as administration costs. Fees shall not exceed UGX 50,000 (approx. USD 14). Placement fees should not be charged until the worker is hired and may cover costs including “trade or skill testing, medical examination, passport, visa, clearances, inoculation, airport terminal fees, notaries, among others.”<sup>xvii</sup>

Uganda has not yet ratified the ILO Convention on Private Employment Agencies (C181).<sup>xviii</sup>





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## 6. Examples of Common Forced Labor Risks



The following accounts illustrate some of the forced labor risks that workers face during the recruitment and foreign employment experience. These examples are drawn from interviews conducted by Equidem Research and Consulting in 2017 and 2018. Equidem interviewed Kenyan and Ugandan workers who were employed in a Gulf country or had recently returned home from the Gulf.<sup>xix</sup> Names and identifying details of workers have been changed for their protection.

Unfortunately, sending countries such as Kenya and Uganda have struggled to adequately resource enforcement of legal frameworks which would protect workers taking foreign jobs. In addition, enforcement of laws which protect foreign workers has been relatively weak in Gulf countries. Although some improvements have been observed at specific companies, many employers in the Gulf have taken a “hands-off” approach to oversight of their labor supply chains, which results in relatively low due diligence or other oversight to prevent worker vulnerability during recruitment. In this scenario, it is common for workers to find foreign employment through pathways that pose greater human rights risks and ultimately hinder workers from attaining their goals of

foreign employment, such as amassing savings or improving their livelihood.

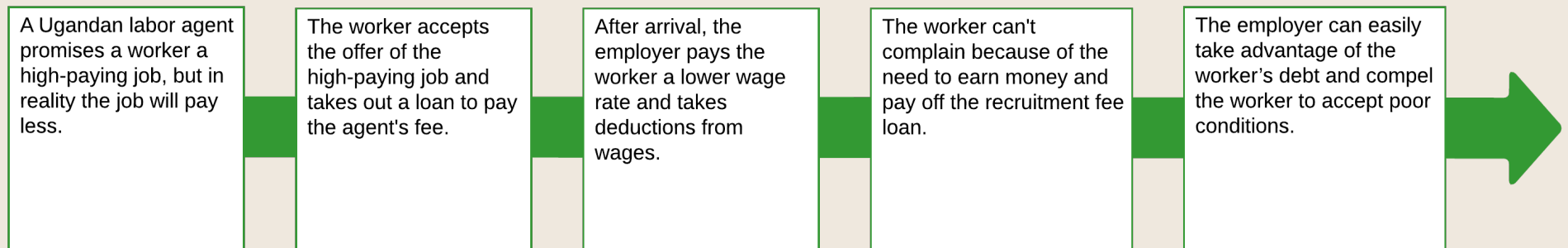
Verité research indicates that many workers from Kenya and Uganda find foreign jobs via irregular and insecure pathways, which can be easier to access but increase workers’ vulnerability to exploitation. Irregular pathways to foreign employment are characterized by a lack of government and private sector oversight of recruitment, as well as a relative lack of worker protections. Where there is low oversight, labor agents have charged steep recruitment fees to workers, which have the effect of restricting workers’ freedom of movement during recruitment and restricting workers’ ability to reject a foreign job offer. Steep recruitment costs charged to the worker also contribute to debt, which leaves workers more vulnerable to exploitation at the workplace, including through coercion to accept unfair working conditions under threat of termination or deportation. In addition, when going through an irregular pathway, it can be much more difficult to seek assistance if the worker encounters any problems during the job seeking or recruitment process, as well as during employment in a Gulf country.

## 6. Examples of Common Forced Labor Risks

### Deception: Wages

Nancy reported that she migrated to the UAE after being promised a job as a hotel manager by a labor agent in Uganda. The agent assured her that it was a good office job with only eight hours of work per day and a monthly pay of USD 1,000. When she arrived in 2016, however, she learned that she would merely be providing clerical assistance to a hotel for the equivalent of USD 650 a month, while working 12 hours per day with limited overtime payments.<sup>xx</sup>

**FIGURE 4a:** Example Timeline of Recruitment Involving Wage Deception

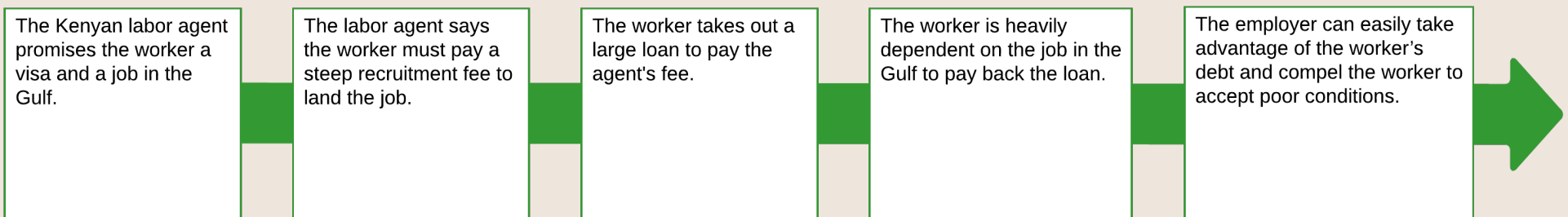


# 6. Examples of Common Forced Labor Risks

## Debt Bondage

After struggling to find work that would support his family, Benson accepted a job in Qatar through a recruitment agency in Nairobi. Benson paid USD 950 in recruitment fees, including a large placement fee to the agency, to secure the job and visa. The agency justified the fees, promising that Benson would earn a high salary in Qatar, but when he arrived at the job, the salary was much lower than what the agency had promised. Because he had taken out a loan to pay for the fees, he felt that he could not complain about the pay for fear of being sent home with no way to pay off the debt and earn money to send home to his family. When he was interviewed, he had already completed a two-year contract and had resigned himself to completing a second contract before returning home to Kenya.<sup>xxi</sup>

**FIGURE 4b:** Example Timeline of Recruitment Resulting in Debt Bondage





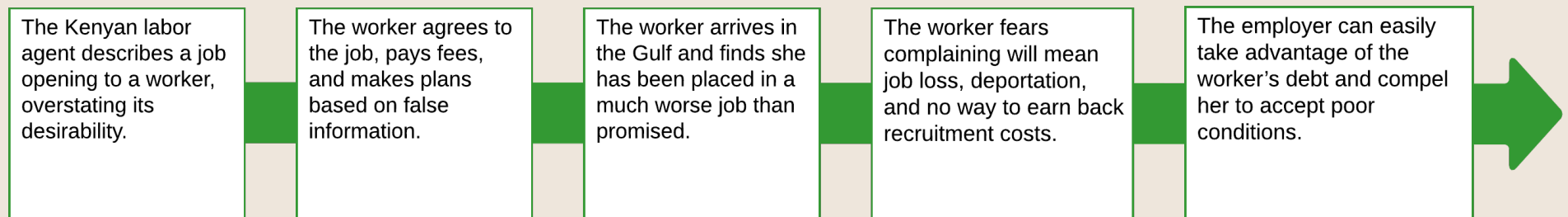
## 6. Examples of Common Forced Labor Risks

### Contract Substitution – “Bait and Switch”

After a friend introduced ZM, a Kenyan woman in her twenties, to a broker offering a job at a Dubai nursery, she was interested to hear more. The broker discussed job details over the phone and met with her in person, but ZM never attended a government pre-departure training nor learned about the terms of her employment when she accepted the job. From what the broker described, the job sounded promising, so she signed a contract in Kenya written in English and migrated to Dubai.

Nothing about the job was what she expected. When she arrived in Dubai, her passport was taken away and she was instructed to sign a different contract – this time written in Arabic – that she could not understand. She had not been aware at the time that she was entitled to have her contract translated and have the terms of employment explained. Instead of working in a nursery, she was made to work as a domestic worker, working exhausting 12-hour days and living in the employer’s house with no idea of where her embassy was or how to reach it. She called her agent several times for help, but he had no solutions for her. Eventually, after not being paid for months, she fled the employer and returned to Kenya.<sup>xxii</sup>

**FIGURE 4c:** Example Timeline of Recruitment Involving Deception About the Job



## Destination

1 TEHRAN

4 DOHA

9 DUBAI

5 RIYADH

2 SANA'A

4 DAMASC

8 AMMAN

1 BAGHDAD

2 MECCA

7 ABU DHABI

4 KUWAIT

8 BAHRAIN

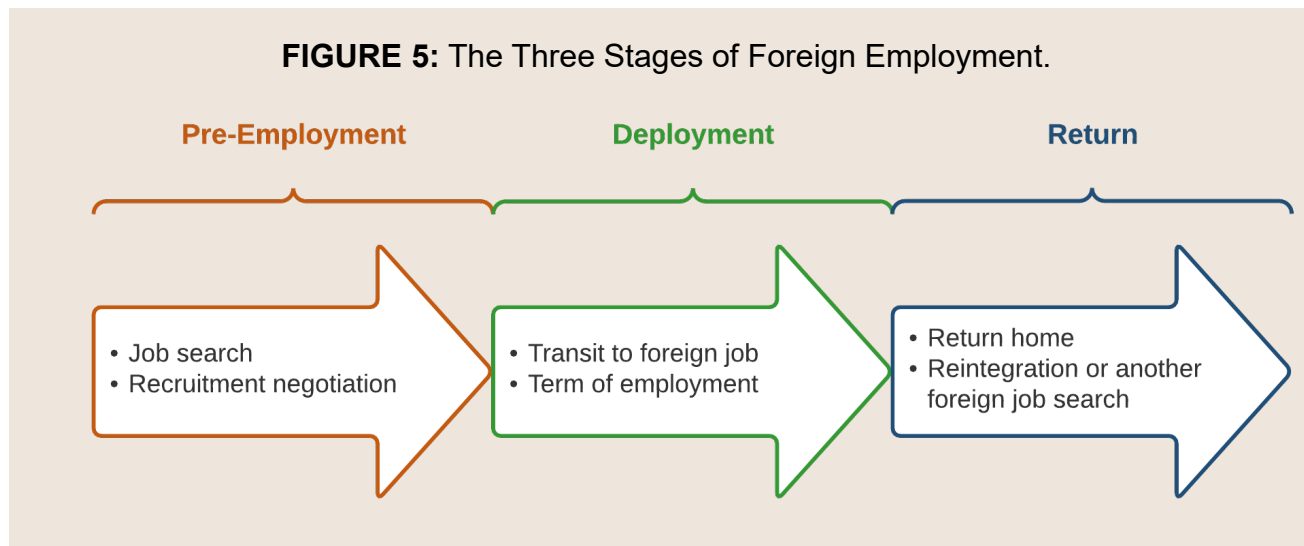
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# 7. SAFE TIPS: Guidance for Foreign Employment

There are three stages of foreign employment. The first is the **Pre-Employment** stage, which takes place in the worker's home country. Workers can become vulnerable to risks of forced labor and human trafficking during the job search and recruitment process, even before signing a contract or departing for foreign employment. The second stage is **Deployment**, during which vulnerabilities encountered during Pre-Employment can be exploited by employers. Exploitation can be exacerbated by legal restrictions for foreign workers in the host country where the job is taking place. During the final stage, workers **Return** to their home country.



Steps taken during Pre-employment can have a big impact on how successful the foreign employment is. The SAFE TIPS include actions for workers to take during the pre-employment stage that can benefit them throughout their foreign employment experience, from navigating the job market to foreign employment itself to the return home. When workers use the SAFE TIPS, they act with greater awareness of the risks involved, avoid high-risk actions or situations when possible, and increase their chances of reaching their foreign employment goals.



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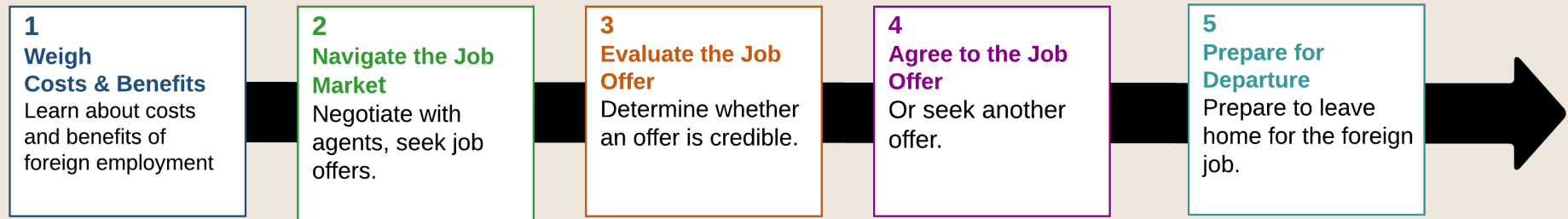
## **8. Five Pre-Employment Steps for Seeking a Foreign Job**

9. Concluding Remarks
10. Citations



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

**FIGURE 6:** The Five Safe Tips Pre-Employment Steps for Foreign Jobs



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## Overview of SAFE TIPS – Pre-Employment Steps



### 1. Weigh Potential Risks and Benefits of Foreign Employment

- Gather information from trusted, neutral sources.
- Discuss options with trusted people.
- Weigh the pros and cons of taking a foreign job.
- ! Beware of rumors, biases, and false information.



### 2. Navigate the Foreign Job Market

- Determine which labor agent to work with.
- Negotiate with labor agent.
- Seek information about job offers.
- ! Beware of deception and recruitment fees leading to debt bondage.



### 3. Evaluate Job Offers

- Understand terms and conditions of the job offer and whether sufficient information has been provided.
- Assess job offers to determine if they are a good option for the worker's situation.
- If the offer is not a good option, return to Step 2.
- ! Beware of deception and false information about a job.



### 4. Agree to a Job Offer

- Request a written record to document all job offer details before agreeing to the offer.
- Ask when a formal, written employment contract will be issued.
- ! Beware of coercion and unfree consent to a job.



### 5. Prepare for Departure

- Complete activities required by the employer and/or by law, such as obtaining medical testing and a foreign employment visa.
- Learn about laws and restrictions on foreign workers in the country of employment.
- Learn about existing resources for foreign workers in the country of employment.
- Leave copies of important documents and contact information with trusted people.
- Attend a pre-departure training.
- ! Take actions before departure to prepare for potential problems at the foreign job.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job



## Step 1: Weigh Potential Risks and Benefits of Foreign Employment

Gathering information is the first step in seeking foreign employment. Workers are advised to take time to gather information from trusted, neutral sources, and discuss options with trusted people to weigh the pros and cons of pursuing a foreign job. Workers should have clear goals for their foreign employment, an understanding of the risks involved, and knowledge of strategies for pursuing employment to ensure the best possible outcome.

### Recommended Actions for Workers:

- 1.1** Understand the risks of not earning the desired outcomes from foreign employment
- 1.2** Understand restrictions on foreign workers' rights in Gulf countries
- 1.3** Weigh goals, risks, and benefits to decide whether to pursue foreign employment

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 1.1 Understand the Risks of Foreign Employment

Workers should familiarize themselves with the risks they face before pursuing foreign employment in the Gulf. As the list below demonstrates, the risks to workers included are serious, ranging from financial risks to risks of physical harm, and could outweigh the benefits to the worker of foreign employment. By being aware of and mitigating these risks during recruitment, such as by carefully negotiating with a labor agent, workers can hopefully reduce the likelihood that they will experience these risks.



### Labor Agent Fraud

Some labor agents may simply take fees paid by workers without ever providing employment



### Deception and Misinformation

Workers may receive deceptive information about a foreign job opportunity from a labor agent. This can be in the form of providing the worker with false information or omitting information about, for example, the terms and conditions of the job. Deception can occur via all forms of communication including orally or in documentation.



### Excessive Overtime

It can be common for foreign workers in Gulf countries to work hours or days legal limits, even if they do not agree to the overtime. Workers may be denied breaks and rest days and may be on call 24 hours a day, seven days a week.



### Hazardous Living and Working Conditions

Foreign workers in Gulf countries sometimes have to perform their job under conditions that are degrading, and/or hazardous. Tasks may be dirty and dangerous. Worker housing may be overcrowded, unhygienic, and lack adequate privacy.



### Debt Bondage

The costs of securing a job may be so high that the worker will take out a loan to make the recruitment fee payment(s), counting on earnings from a foreign job to repay the loan. In this situation, the worker is vulnerable to exploitation by an employer taking advantage of the worker's indebtedness. The risk of debt bondage is heightened if the worker was deceived about the wage rate or if their wages are withheld, hindering the worker's ability to repay the loan. Debts incurred while obtaining foreign employment often require a high interest rate and may take years to repay.



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 1.1 Understand the Risks of Foreign Employment (continued)



### Physical Violence, Verbal Harassment, and Threats

Workers may face physical violence (such as being beaten, slapped, whipped, or punched). Violence may be used as retaliation, for instance if a worker refuses to work overtime or complains about a supervisor. Workers are sometimes subjected to racism and discrimination due to their nationality, race, or religion.



### Document Retention

It is common practice for employers or labor agents in Gulf countries to take and hold identity documents, such as visas, passports, and employment contracts. Without identity documents, workers cannot obtain other jobs or access essential services and may be afraid to ask for help from authorities.



### Non-payment, Withholding, and Underpayment of Wages

In some cases, workers are not paid any wages for multiple months of work. More commonly, wages are paid irregularly: some workers can legally work without wages for up to three months at a time. If a worker has taken out a loan, non-payment of wages can lead to further debt. Wages may also be deducted for time not worked due to illness or per disciplinary policy.



### Restricted Freedom of Movement and Isolation

Labor agents have at times prevented workers from leaving hotels or offices while awaiting a job opportunity. Once in the Gulf, workers may be prevented from leaving their housing or worksite or may be closely surveilled. Workers will likely be isolated in the destination country and may not know where they are. They typically lack access to transportation, in part because workers' mobile phones may be confiscated.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 1.1 Understand the Risks of Foreign Employment (continued)

### Understanding Risks of Deception During Recruitment to a Foreign Job

**Deception** means that the labor agent or sub-agent gives the worker inaccurate information, either verbally or in writing. Deception about working conditions and terms of employment is one of the most common risks faced by foreign workers. Workers should be alert to inaccurate information on the following topics when reviewing job offers:

- **Wages and salary:** Many workers find that their salary is much lower than was promised.
- **Nature of the job or identity of the employer:** Workers sometimes arrive in the Gulf country thinking they will work in one type of job (example: electrician), but when they arrive, they are told they need to do another job or have other responsibilities (example: cleaning staff).
- **Hours and working conditions:** Workers may be promised standard work hours and rest periods but are coerced into excessive overtime upon arrival. Workers may also be deceived about overtime rates.
- **Housing and living conditions:** Workers may be told that additional benefits such as food, housing, and healthcare services will be provided free of charge. However, upon arrival, these may not be provided, or they may be provided at high rates that are deducted from workers' salaries. The quality of these benefits may also be lower than what was promised.
- **Location of work:** Workers may be taken to another city or even country without their advanced knowledge or consent once they have begun their transit.
- **Legality of work:** Workers are sometimes given inaccurate information about whether their new job is legal. For example, the labor agent may incorrectly tell the worker that it is legal to work in a Gulf country on a tourist visa.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 1.2 How will my rights be different if I take a foreign job in a Gulf country?

The laws and procedures governing foreign workers differ in each Gulf country; however, workers should consider that many Gulf countries have laws that pose restrictions on foreign workers. See Step 3 for more detailed information on laws in Gulf countries.

Common restrictions include:

- Barriers to workers changing jobs or leaving employment
- Barriers to free movement
- Barriers to receiving restitution for mistreatment by an employer

In addition, foreign workers in Gulf countries should be aware that they do not always enjoy total freedom when it comes to **use of social media**. Foreign workers who share any negative commentary about their employer or host country on social media platforms have been **subject to defamation or other retribution**.

### TIP:

Foreign workers in Gulf countries are advised to take care when using social media. Use of social media may be surveilled. Sharing negative comments about an employer or host country may result in retribution.

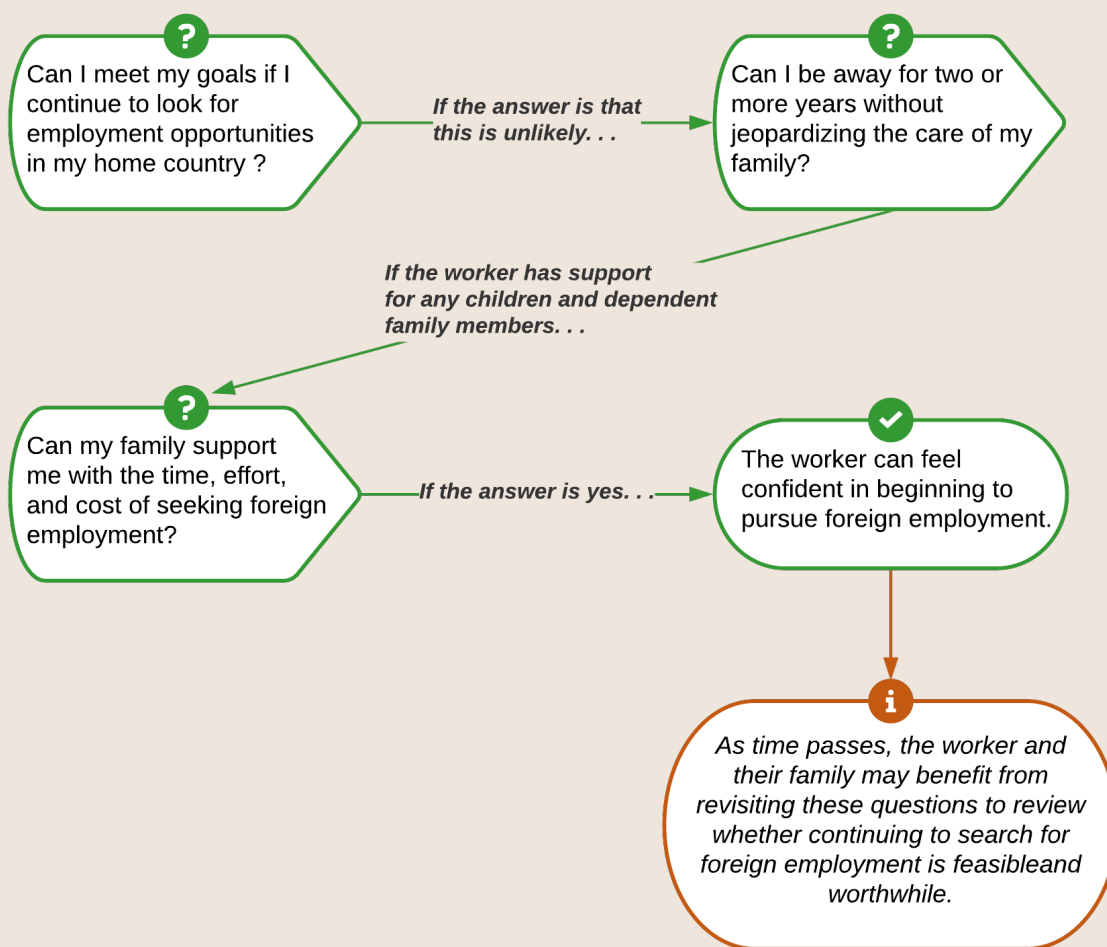


# 8. Five Pre-Employment Steps for Seeking a Foreign Job

Before beginning to search for a job in a Gulf country and seeking a labor agent for assistance, the worker should review the goals, risks, and benefits of foreign employment to decide whether or not to pursue foreign employment opportunities. Workers weighing the decision to pursue foreign employment will feel more confident and informed in their decision after reviewing the following questions:

- Do I clearly understand my reason for seeking overseas employment? Do my family and I have a goal for overseas employment (e.g., to purchase assets, children's education, or for business or livelihood start-up funding)?
- Am I prepared to undergo the time, effort, and cost of seeking foreign employment?
- What is the typical range of fees that workers pay to obtain a job in a Gulf country?
- What legal protections are (or are not) available to foreign workers in Gulf countries?
- Can I be away for two years or more without jeopardizing the care of my family?

**FIGURE 7:** Example Process for Reviewing the Feasibility of Pursuing Foreign Employment





## 8. Five Pre-Employment Steps for Seeking a Foreign Job

Workers considering foreign employment can find additional helpful information and guidance on the [Just Good Work](#) mobile app:



The Just Good Work App provides advice, guidance, and resources to migrant workers employed in or seeking employment in Gulf countries. The mobile phone app is specially designed for Kenyan and Ugandan workers and is available to download on Apple and Android phones in English and Kiswahili.

To download the Just Good Work App, open the App Store or Google Play Store application. Using the search function, type in “Just Good Work” to locate the App. [www.justgood.work/](http://www.justgood.work/)

# 8. Five Pre-Employment Steps for Seeking a Foreign Job



## Step 2: Navigate the Foreign Job Market

Once the decision is made to seek foreign employment, the worker begins to navigate the labor market, talk with labor agents, assess job offers, and eventually negotiate offers. During this stage, the worker will need to obtain any documentation required to apply for a foreign job, such as a passport.



### Recommended Actions for Workers

- 2.1** Understand the different types of labor agents
- 2.2** Selecting and Negotiating with a Labor Agent
- 2.3** Negotiating Fees and Costs with a Labor Agent
- 2.4** Prepare documentation needed to be eligible to apply for a foreign job

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 2.1 Understand the different types of labor agents

### What is the difference between a licensed and unlicensed private employment agency?

Labor agents perform a variety of roles, from receiving foreign job offers from employers in the Gulf, advertising open positions, and identifying potential candidates, to selecting and directing job candidates through the process of obtaining a foreign job. Labor agencies vary in size and expertise. Labor agents in the sending country are under pressure to recruit workers quickly and at a minimal cost to the employer. These pressures can lead to cutting corners and unscrupulous business practices. It is important to identify a labor agent who has a proven track record of doing business with jobseekers in a fair and transparent manner.

Licensed Labor Agent	Unlicensed Labor Agent
✓ <b>Licensed and registered</b>	! Not licensed nor registered
✓ <b>To be licensed, the labor agency must pass an inspection and obtain a police report verifying the character of the agency.</b>	! Unlicensed agencies are not inspected and have no verified police report on file.
✓ <b>A licensed agency is required to follow laws and regulatory requirements and can be held legally accountable.</b>	! It can be more difficult for workers to use local law to hold an unlicensed agency accountable if the worker encounters problems with the agency.

A worker may come into contact with one or more types of labor agents when seeking foreign employment. The most common types of labor agents include:

- Licensed Private Employment Agency
- Unlicensed Private Employment Agency
- Sub-agent (also called a “broker”)

### Sub-Agents

A sub-agent is usually an individual who works on behalf of a labor agency (often on a freelance basis for several agencies). A sub-agent can be, but is not necessarily, a friend, relative, or acquaintance of the worker. Sub-agents operate on a more informal, using their social networks to reach applicants directly as initial points of contact. Sub-agents tend to operate in neighborhoods and villages where there is known interest in obtaining foreign employment.

Sub-agents are usually not legally licensed as labor agents. This can make it more difficult to lodge a legal complaint if the worker experiences a problem when doing business with a sub-agent.

When a sub-agent is a friend or family member workers should still follow the SAFE TIP steps.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 2.2 Selecting and Negotiating with a Labor Agent

### What a labor agent should and should not do

All labor agents should conduct their business fairly and honestly; however, workers should not trust labor agents to reliably behave this way in practice. Under Kenyan and Ugandan law, registered agents and agencies can be held accountable for whether they operate fairly and legally in several respects.

WHAT A LABOR AGENT SHOULD DO	WHAT A LABOR AGENT SHOULD NOT DO
<p><b>Charge No Fees or Fair Fees</b> – Be transparent about cost items and sums charged to the worker, assuming fees are charged, and only charge a worker up to the legal fee limit</p> <p><b>Provide a Legal Visa</b> – Ensure the visa issued to the worker is valid for the job offered and was reviewed by the Gulf country government and the worker's embassy to confirm it is valid</p> <p><b>Confirm Ethical Recruitment Affiliations</b> – Show the jobseeker whether the agent has:</p> <ul style="list-style-type: none"><li>• Received ethical recruitment training</li><li>• Signed on to follow a Code of Conduct such as the Kenya PEA Code of Ethical Conduct.</li></ul>	<p><b>Increase Worker's Vulnerability to Debt Bondage</b> – Charge a worker excessive placement fees, contributing to risk of debt bondage</p> <p><b>Withhold or Misrepresent Job Information</b> – Give the worker incomplete or deceptive information about the job offered, or otherwise coerce a worker to agree to a job offer based on false information</p>



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 2.3 Negotiating Fees and Costs with a Labor Agent

### Reduce Vulnerability to Debt Bondage by Calculating Recruitment Fees and Costs

Workers should carefully consider their options before taking out a loan to pay costs for obtaining foreign employment. Taking out a loan for work abroad makes the worker much more vulnerable to exploitation by the foreign employer; due to pressure to repay the debt, the worker can be forced to work overtime, without pay, for lower wages, and to endure deplorable working conditions.

Workers should be aware of the average and market-rate costs for expenses involved in applying for and obtaining a foreign job. Workers can use this knowledge to assess whether fees charged by a labor agent are reasonable or could lead to debt bondage.

A labor agent should provide the worker with a full listing of any fees that the labor agent requires for their services, including any transportation fees.

### Tips for Negotiating with a Labor Agent

- **Know What You Are Paying For:** If the labor agent requests recruitment fees before providing the prospective worker with details about employment conditions, this is a bad sign! The worker should not provide any money to the recruitment agent until after fully evaluating the job offer, services offered by the agent, and other available information. The worker should ask the labor agent for an itemized list of services they will provide, and costs for each service. The worker should assess whether the prices given by the labor agent appear inflated or would necessitate taking out a large loan, raising the risk of debt bondage.
- **Don't Make Cash Payments, Keep Records:** If making a payment to a labor agent is unavoidable, it is recommended that the worker pay using a method with a paper trail such as through mobile banking or a bank transfer. If the worker makes a cash payment, the worker should request signed receipts from the labor agent, as doing so could improve the worker's chances of proving that they were charged illegal fees.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 2.3 Negotiating Fees and Costs with a Labor Agent (Continued)

### Laws Governing Recruitment Fees and Costs

The laws of many Gulf countries, including Qatar, the UAE, and Saudi Arabia, prohibit charging workers any fees or costs for obtaining a job. This means that if a worker is applying for a job in Qatar, UAE, or Saudi Arabia, the worker should not pay any recruitment fees or costs. These costs should instead be paid by the employer.

In Kenya and Uganda, workers often pay for certain expenses before they even make contact with a labor agency and apply for a job, making it unclear whether such fees will be considered the official responsibility of the employer. Workers pay for these expenses to demonstrate to labor agencies that they are eligible and eager for a job, and the agency should invite the worker to apply for jobs.

Most fees and expenses aside from a passport application are more likely to be considered the responsibility of the employer. Although Gulf laws may go unenforced in East Africa where much of the fee-charging occurs, any employer or labor agency in the Gulf that charges or deducts recruitment-related fees and expenses such as those listed may also be violating local law.

Unfortunately, workers are often convinced or coerced to pay high recruitment fees and costs in order to obtain a foreign job, leading to vulnerability to debt bondage and other labor exploitation. Research conducted by Equidem Research and Consulting for Verité between 2017 and 2020 found that it was common for workers who had obtained a foreign job in the Gulf to have paid labor agents in Kenya between **USD 450 and USD 3,300** or more, depending on factors such as whether the worker paid the labor agent to help them obtain a passport and how many middlemen were involved in the labor supply chain. This

range of fees is in excess of the fee a labor agent can legally charge a worker according to local law. When compared with minimum wages in Gulf countries, it would likely take multiple years to earn enough to repay the loan a worker might take out in order to pay such fees, particularly if the loan carries a high interest rate.

#### Example costs that may not be legally payable or reimbursable by the employer

- Obtaining a passport (about USD 5)
- Employment eligibility medical exam (about USD 100 – 200)

#### Example costs that may be legally payable or reimbursable by the employer

- Medical examination for the employment visa (USD 100 – 200)
- Skills testing (cost varies)
- Employment visa application and contract attestation (USD 50 – 860 depending on factors like the country, job type, and length of contract)
- Airfare and other travel costs at the beginning and end of the employment contract (roughly USD 250 – 750 or more for each one-way flight)
- A labor agent service fee (should not exceed one month's salary, but charges can range from USD 450 – 3,300 or more)

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 2.3 Negotiating Fees and Costs with a Labor Agent (Continued)

It is advised that workers **keep a log of fees and costs paid during recruitment**. This table is an example of a diary or log that a worker can use to keep track of the total costs they have paid while seeking and obtaining a foreign job. This can be used while considering a job offer and assessing the wage of a foreign job to determine whether the foreign job is likely to accomplish the worker's financial goals.

Log of Recruitment Fees and Costs			
Item charged to worker	Cost amount (specify currency)	Name and contact information of individual or government office to whom the cost was paid	Receipt provided for payment? (yes or no)
Recruitment agent's fee(s) (any payments to a labor agent/agency)			
Sub-agent's fee(s)			
Passport application costs (include the cost of any pre- requisite for a passport, such as obtaining a birth certificate)			
Interview and screening fees and/or travel costs			
Medical exams			
Pre-departure training fee			
Transport from worker's home to the jobsite in the Gulf, including ground travel, accommodation, air travel			
Other:			
<b>Total fees and expenses paid</b>			

One of the common reasons for workers to travel to a foreign job on a **tourist visa** is because a tourist visa costs less up-front than an employment visa. However, using a tourist visa for a foreign job **ultimately costs more**. Working without a valid employment visa leaves the worker vulnerable to exploitation by an employer such as through non-payment of wages, and in danger of imprisonment and deportation if the worker's visa status is discovered by authorities.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 2.4 Prepare documentation needed to be eligible to apply for a foreign job

In East Africa, most foreign employment opportunities are only available to people who already have a passport and can pass an initial medical test used to determine the eligibility of applicants. Workers are typically not permitted to apply for a job if they do not already have a passport that is valid for at least six months from the date of application. Employers will also not accept applications from workers who cannot pass a medical screening test.

Workers may encounter additional costs during the job-seeking and recruitment process, such as educational certificates and trade skill test results.

### Passport

Workers can apply for their passport through online portals provided by their home country government. The worker will need multiple identity documents prior to filling out the online passport application which may take some time to obtain, such as an original birth certificate, national ID card, and/or parents' ID cards. Full instructions are provided on the government online passport application portal.

Kenyans can apply for a passport online at <https://immigration.ecitizen.go.ke>.

Ugandans can apply for a passport online at <https://www.passports.go.ug>.

### Eligibility screen medical exam

To be eligible to apply for most foreign jobs, the worker will need to show proof that they have passed a medical test. This test is normally organized by the labor agent and should be done by a medical testing facility approved by the employer.

### Skills or training certificates for job requirements

The worker should review the job's eligibility requirements. Some jobs, such as those in construction or facilities management, require workers to pass a skills test; others require workers to hold a training certificate, such as the Homecare Management Training for Kenyans applying for foreign jobs in the domestic service field.





# 8. Five Pre-Employment Steps for Seeking a Foreign Job



## Step 3: Evaluate Job Offers

When the labor agent presents the prospective worker with a job opportunity, the worker will need to decide if they will take the job. The worker needs to evaluate how credible the offer is, the associated costs and expenses, and whether it is a good fit for the worker and their family's goals. **The worker should not provide any payment to the labor agent without taking time to consider all of the job's terms and conditions.**

### Recommended Actions for Workers:

- 3.1** Understand terms and conditions of the job offer and assess whether sufficient information has been provided.
- 3.2** Assess the job offer to determine whether it is a good option.
- 3.3** Return to Step 2 and seek a better offer if needed.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer

When the worker encounters a job offer, they will need to decide if they agree to take the job and answer questions such as: Does this seem like a credible offer? Is this offer a good fit for my goals?

Job offers will contain a variety of information about the job, wages, and terms and conditions of the employment. The worker will benefit from obtaining as much credible information about the job as possible before accepting an offer, as this will make the worker less vulnerable to any problems, surprises, and deception in the offer itself or later in the hiring and migration process.

### Step 3 Risks:

- ! **Deception:** Labor agents may provide workers with false or deceptive information or may withhold information. The worker should ask for all information in the job offer checklist. If a worker agrees to a job but has not received complete and credible information about a job offer, this increases the worker's vulnerability to many of the forced labor risks listed in Step 1.
- ! **Debt Bondage:** If a worker decides to take a job and pays recruitment fees to a labor agent based on a deceptive or misleading job offer, including false information about wages, the worker may not receive the expected wage, which can hinder the worker's ability to repay any loan taken out during recruitment.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer - Checklist

A good job offer will inform the worker of the information in the **job offer checklist**. If the job offer does not contain this information, the worker should ask for it.

### Job Offer Checklist

A comprehensive job offer should specify the following information:

- ✓ Location of employment, including the country and city
- ✓ Job position and activities performed in the role
- ✓ Employer name and address
- ✓ Worker name and identifying details
- ✓ Contract length with start and end dates
- ✓ Provisions for contract renewal
- ✓ Conditions for early contract termination by the worker with and without reasonable notice, specifying under which circumstances the employer will pay for return transportation
- ✓ Conditions for contract termination by the employer
- ✓ Probationary period, if any, including the length of probation, provision of wages and any benefits during probation, and conditions for successful completion of probation
- ✓ Wage rates for regular working hours, as well as the minimum and maximum hours that may be worked per day and/or per week
- ✓ Wage rates for overtime hours, if any, including a definition of what constitutes overtime work
- ✓ Pay practices, including frequency of payment, payment method, and pay slips
- ✓ Deductions taken from the worker's salary, including any for meals, accommodation, transit, healthcare, and insurance
- ✓ Benefits and leave provided, including provision of healthcare, sick leave, annual leave, emergency home leave, and holiday leave such as during Ramadan
- ✓ Provision of transportation at the end of the contract, for example the party responsible for arranging and paying for return transportation to the worker's country

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer (continued)

### What is a Job Order?

When the recruitment agent first presents the worker with the job opportunity, they will commonly provide the worker with a “Job Order” or “Demand Letter,” a letter written by the employer which describes the number of workers needed, the types of employment being offered, and the general working and living conditions including work hours. The letter is validated by the government of the Gulf country and embassy of the worker’s home country to confirm that the information provided by the employer is correct.

**A Job Order is not the same as an employment contract.** The government authorities and the employer or sponsor sign the job offer, but the employee does not. A Job Order also does not tend to include all information that a worker should review before accepting a job, such as arrangements for accommodation, food, healthcare, and time off, as laid out in the **Job Offer Checklist**.

### Will laws in the host country present challenges for reaching my foreign employment goals?

While assessing the suitability of a job offer, it is important to consider the laws governing foreign workers in that country. While there are similarities across countries, each Gulf country has a different set of labor laws for foreign workers with different worker protections and different legal gaps that leave room for employer exploitation. For example, if no minimum wage is provided by law, foreign workers cannot use the legal minimum to set their expectations for a minimum paid wage. If workers are not permitted to freely resign or change jobs, a foreign worker can be jailed, fined, or deported for leaving a job before the end of the employment contract.

### Questions to consider include the following:

- Will I have freedom to change jobs in the foreign country if I don’t like my job?
- Is my employer legally mandated to provide me with annual leave time and public holidays?
- Does the law set a minimum wage or minimum work hours for foreign workers?
- Do minimum wage and minimum working hour laws apply to the type of job I have been offered? (Laws for domestic work, for example, may differ from laws for other work.)
- Are there health and safety laws for foreign workers in the country of employment?



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer – Changing Jobs

Will I have the freedom to change jobs in the foreign country if I don't like my job?			
	Qatar	UAE	Saudi Arabia
Legally, does the worker need to sign an employment contract?	Yes	Yes – The worker must sign a job order in their native language before migrating, then a standard employment contract.	Yes – To be legal, the contract must have a fixed start date and end date.
Legally, can workers change jobs without the current employer's permission?	Yes, as long as the worker follows the mandated procedure: <a href="http://www.adlsa.gov.qa/en/Labour">www.adlsa.gov.qa/en/Labour</a>	Yes. With employer permission: after six months, usually with 30 days' notice. Without employer permission: if the employer broke the contract or law or did not pay wages for 60 days.	Yes, but generally only after completing one year of work and meeting other criteria
Are there serious risks to leaving employment illegally?	Yes – Punishment for absconding could result in detention, deportation, fines, and/or a ban on reentry.	Yes – The worker could be banned from working or traveling in the UAE for at least one year.	Yes – The worker could be arrested, fined, and/or deported.
Is it legal for the employer to withhold the worker's passport?	No, it is illegal without the worker's written permission.	No	No
Can migrant workers legally join a labor union or workers' rights organization?	No; however, workers can join government-sanctioned worker committees.	No; however, workers can join government-sanctioned worker committees.	No – Foreign workers are also prohibited from joining or establishing worker councils.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer – Leave-Time

Is my foreign job employer legally mandated to provide me with annual leave-time and other holidays?			
	Qatar	UAE	Saudi Arabi
Does the worker need an exit permit or other employer permission to leave the country?	No	No	Yes, to leave temporarily or permanently
How much paid time off are workers entitled to, not including public holidays?	After 1 year, 3 weeks of paid annual leave per year; After 5 years, 4 weeks of paid annual leave per year	After 1 year, 30 days of paid annual leave per year	In the first 5 years; 21 days of paid annual leave per year; after 5 years, 30 days of paid annual leave per year
How much paid time off are workers entitled to for public holidays?	10 days per year including 3 days for Eid El-Fitr, 3 days for Eid Al-Adha, 1 day for Independence Day, and 3 days chosen by the employer	7 days per year for public holidays	Benefits depend on bilateral agreements.
Are workers entitled to sick leave?	After 3 months, 2 weeks fully paid, plus up to 4 more weeks at half their wage.	Yes, to 15 days at full pay, plus 15 more days at half pay. Any additional sick leave is unpaid.	Benefits depend on bilateral agreements, but doctors may issue sick leave.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer - Wages

Does the law set a minimum wage or minimum work hours for foreign workers? Do minimum wage or minimum working hour laws apply to the type of job I have been offered? What about domestic service or private security jobs?			
	Qatar	UAE	Saudi Arabia
Wages			
Is there a minimum wage for non-citizens?	Yes: QAR 1,000 per month for all workers, including those in domestic work	No, except for work requiring a high school diploma and above	No
How often are employers legally required to pay wages?	At least once per month, by direct deposit within seven days of the due date	At least once per month, using the Wage Protection System (WPS)	At least once per month, by direct deposit
Is there a Wage Protection government program for foreign workers?	Yes	Yes	No

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer (continued)

**Does the law set a minimum wage or minimum work hours for foreign workers? Do minimum wage or minimum working hour laws apply to the type of job I have been offered? What about domestic service or private security jobs?**

	Qatar	UAE	Saudi Arabia
<b>Hours and Overtime</b>			
What are the maximum regular work hours per week?	48	48 for most categories; 72 per week for domestic workers	48
What are maximum working hours per day for most categories of workers?	8 regular hours, plus 2 overtime hours	8 regular hours, plus 2 overtime hours	Total hours at work must not exceed 12
What are maximum working hours per day for domestic workers?	10 per day, not including breaks food, rest, and worship	12 per day, with a minimum rest period of 8 hours	15 hours, with a minimum rest period of at least 9 hours
What are legal requirements on breaks?	At least 1 hour for every 5 consecutive hours of work, plus at least one 24-hour rest period per week	At least 1 hour for every 5 consecutive hours of work	At least 30 minutes for every 5 consecutive hours of work, plus one rest day on Friday unless suspended due to “unusual work pressure”
What are legal requirements on the minimum overtime pay rate?	1.25 times the regular wage, or 1.5 if worked between 9pm and 6am. Workers have the right to refuse overtime.	1.25 times the regular wage, or 1.5 if worked between 9pm and 4am	1.5 times the regular wage
Who is exempt from overtime pay?	Domestic workers and those whose work regularly takes place between 9pm and 6am, e.g., Security guards	Retail, hotels, cafeterias, security, domestic work, and other jobs as determined by the government	Domestic workers
When is work banned during high heat season?	From Jun. 15 to Aug. 31, 11:30am to 3pm, employers must provide rest in the shade.	From Jun. 15 to Sep. 15, between 12:30pm and 3pm for outdoor work	From Jun. 15 to Sep. 15, between 12:30pm and 3pm for outdoor work except oil and gas



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 3.1 Assessing a Job Offer – Health and Safety

Do workplace health and safety laws apply to foreign workers?			
	Qatar	UAE	Saudi Arabia
Are employers legally required to provide free personal protection equipment and first aid?	Yes	Yes, among other requirements, such as adequate drinking water, sanitary facilities, ventilation, and lighting.	Yes
Are employers legally required to provide health insurance?	Yes, and a draft law will strengthen this requirement once in force.	Yes, in Dubai and Abu Dhabi	Yes
In the event of a work-related injury, is the employer required to pay for medical treatment?	Yes, plus full wages during the worker's first 6 months of recovery, then half-wages until recovered.	Yes, plus full wages during the worker's first 6 months of recovery, then half-wages until recovered, plus additional compensation if it is a permanent injury or fatality.	Yes, per the Labor Law, plus wages while recovering and additional compensation if it is a permanent injury or fatality.
How many workers can legally share a room in employer-provided accommodations?	4 workers per room, or 8 workers per room in "temporary housing." Employers must provide access to clean water, air conditioning, and proper ventilation.	8-10 persons per room, with no less than 3 square meters per person.	Not publicized

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## 3.2 Evaluate the Wage in the Job Offer

In order to evaluate the job offer, it is very important for prospective workers to understand the relevant information of (1) the employment and living conditions and costs in the Gulf country and (2) the total recruitment fees the worker will be asked to pay to land the job.

### Check the Relevant Wage & Cost of Living Information

Workers are encouraged to compare publicly available information with the information in the job offer. If the wage in the job offer differs greatly from publicly available information, this could be a sign of wage deception. In such cases, the worker should ask the labor agent to provide an explanation of the promised wages in writing and keep this record in a safe place.

### Cost of living can contribute to debt bondage

Foreign workers in Gulf countries are often surprised to find that the cost of food, rent, or other necessities is very high compared to their home country. Wages they had planned to save are often spent on basic necessities like food, hygiene products, healthcare, mobile phone airtime, and data, among others.

### Checklist for Evaluating Offered Wage

- ✓ Ask the labor agent to provide a written detail of wages, including regular and overtime wage rates as well as deductions (see the Job Offer Checklist).
- ✓ Compare the wage offered against:
  - Minimum wage in the country for the position
  - Average wage in the country for the position
- ✓ Is the offered wage equivalent to or above the minimum wage?

### Special Considerations for Wages for Foreign Workers in Qatar:

From March 1, 2021, if the employer does not provide it, the employer is required to pay subsidies of QAR 300 for food and QAR 500 for accommodation.

# 8. Five Pre-Employment Steps for Seeking a Foreign Job



## Step 4. Agree to a Job Offer

This step is short but should be conducted with **care and attention**. Workers being offered employment in the Gulf will typically be expected to agree to a job offer long before signing an employment contract (see Steps 6 and 7). Workers from Kenya and Uganda often do not see an official employment contract until after leaving the home country and arriving at the worksite in the Gulf. For this reason, it is important for workers to carefully consider the details of the job offer before making any verbal or written employment agreement.

### Recommended Actions for Workers:

- 4.1 Use the Job Offer Checklist to review details of the job offer.
- 4.2 Ask the labor agent to provide the job offer in writing and sign it before the worker agrees to pursue the job offer.



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## 4.1 Use the Job Offer Checklist to review details of the job offer

Workers are advised to review the Job Offer Checklist with their labor agent, as well as with trusted people or other neutral parties. This can be done by filling out the **Job Offer Checklist** included with this Guide. According to Verité research, workers who spend at least one week reviewing job offer details before deciding to agree to the job offer tend to be less vulnerable to exploitation or other problems once they begin employment.

Before making the final decision to agree to pursue a job offer, it is also recommended that the worker compare the job offer information with the labor laws for foreign workers in the country where the employment would take place.

### Step 4 Risks

- ! **Deception:** When the worker does not have proper written records of dealings with a labor agent, it is much more difficult to get help or assistance in the case of fraud or deception. It is important to record all dealings and agreements made with a labor agent.
- ! **Coercion:** Workers can be pressured or coerced into agreeing to a job offer, particularly if the worker would forfeit any fees paid to a labor agent by refusing a job offer.



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 4.2 Ask the labor agent to provide the job offer in writing

At the time of writing, it is not common practice for workers in East Africa to receive a written, signed job offer from a labor agent or agency, but it is recommended that workers take whatever actions they can to formally record who is giving the job offer, the terms described in the job offer, and whether the worker agrees to these terms.

- ! **Beware:** If the offered wage is much higher than the legal minimum wage, this could be a sign of wage deception, which could lead to debt bondage and other problems.
- ! **Beware:** It is common for employers to either not pay or deduct the cost from wages for the following, but workers are not always informed of these details in advance:
  - Food
  - Accommodation
  - Sick time
  - Days not worked, such as public holidays when work is prohibited by law

Workers should ask the labor agent about deductions **and** get a response in writing.

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## Step 5: Prepare for Departure

During this step, the worker is finalizing documents and preparing to depart from home for an extended period. It can be a busy time, and it may be tempting to skip some of the guidance and advice; however, skipping pre-departure steps can lead to bigger problems during employment when the worker is far from home and likely faces barriers to accessing resources and assistance.

### Recommended Actions for Workers:

- 5.1** Download the Just Good Work mobile app
- 5.2** Register with the embassy or consulate in the country of employment
- 5.3** Learn about what local resources exist for foreign workers
- 5.4** Complete activities required by the employer or for lawful transit to the host country, such as medical testing, obtaining a foreign employment visa, and signing a job order or employment contract.



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 5.1 Download the Just Good Work Mobile App




The Just Good Work App provides advice, guidance, and resources to migrant workers employed in or seeking employment in Gulf countries. The mobile phone app is specially designed for Kenyan and Ugandan workers and is available to download on Apple and Android phones in English and Kiswahili.

To download the Just Good Work App, open the App Store or Google Play Store application. Using the search function, type in “Just Good Work” to locate the App. [www.justgood.work/](http://www.justgood.work/)

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 5.2 Register with the embassy or consulate



An important source of information and support for East Africans working in a foreign country is their home country embassy or consulate. It is much easier to access information and support if the worker registers with the embassy or consulate before departing from their home country. It is also wise for the worker to save a copy of the address and contact information of the embassy or consulate during transit and employment at the foreign job.



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 5.2 Register with the embassy or consulate (Continued)

The following lists the Kenyan and Ugandan embassies and consulates in Qatar, UAE, and Saudi Arabia.

### Qatar

#### Embassy of the Republic of Kenya

West Bay, Zone 66, Street 840, House 131  
P.O. Box 23091, Doha

Tel: 44931870

Fax: 44831735

Website: [www.kenyaembassydoha.com](http://www.kenyaembassydoha.com)

Email: [information@kenyaembassydoha.com](mailto:information@kenyaembassydoha.com)

Office hours:

Sunday-Thursday 8:00am - 3:00pm

#### Embassy of the Republic of Uganda

West Bay, Saha 74, Zone 66, Street 544, Building No. 9  
P.O. Box 5503, Doha

Tel: (+974) 44 277 339

Website: [www.doha.mofa.go.ug](http://www.doha.mofa.go.ug)

Social media: [www.facebook.com/ugandaembassy.doha](https://www.facebook.com/ugandaembassy.doha)

Office hours:

Sunday-Thursday: 9:00am -3:00pm

### Saudi Arabia

#### Embassy of the Republic of Kenya

Diplomatic Quarter, P. O. Box 94358  
Riyadh 11693, Saudi Arabia

Tel: (+966) 11 488 1238, (+966) 11 488 2484

Fax: (+966) 11 488 2629

Email: [info@kenyaembassy.org.sa](mailto:info@kenyaembassy.org.sa)  
[kenembassy.riyadh@gmail.com](mailto:kenembassy.riyadh@gmail.com)

Websites:

[www.kenyaembassy.org.sa](http://www.kenyaembassy.org.sa)

<https://www.embassypages.com/kenya-embassy-riyadh-saudi-arabia>

SAFE TIPS: Pre-Employment Guidance for East Africans Seeking  
Jobs in the Gulf States

#### Embassy of the Republic of Uganda

5, Abi Al Mudhaffar Al Falaki Street, Al Namudhajiyyah District  
P.O. Box 94344 Riyadh 11693

Ugandan workers preparing to work in Saudi Arabia should register  
with the Embassy here: <https://riyadh.mofa.go.ug/data-smenu-43-Registration-.html>

Tel: +966 11 521 1881, Email: [riyadh@mofa.go.ug](mailto:riyadh@mofa.go.ug),  
[ugariyadh@hotmail.com](mailto:ugariyadh@hotmail.com)

Office Hours:

Sunday-Thursday 9:00am-3:00pm

# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 5.2 Register with the embassy or consulate (Continued)

### United Arab Emirates

#### Embassy of the Republic of Kenya

Villa No.12, 26th St, Opp. Khalifa Award for Education, Al Rowdah - Abu Dhabi

Social media: <https://www.facebook.com/KEABUDHABI/>

#### Consulate of the Republic of Kenya

Villa 5, Street No.15,  
Off Al Wasl Rd, Jumeriah 2 – Dubai

Social media:  
<https://www.facebook.com/pages/category/Community/Kenya-Consulate-Dubai-163091213740774/>

#### Embassy of the Republic of Uganda

Villa No. 17, West: 17/02, Al Falah Street 9, Al-Bateen - Abu Dhabi

Phone: +971 2 665 9931

Mobile numbers: +971525037460, +971523894153

Email: [info@ugandaembassyuae.com](mailto:info@ugandaembassyuae.com)

Website: <https://abudhabi.mofa.go.ug/>

Office Hours:

Sunday-Thursday 9:00am to 3:00pm



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 5.3 Learn about what resources exist for foreign workers in the country of employment

Not all Gulf countries have resources for foreign workers. Once the worker leaves their home country, it can be difficult to get help to leave an exploitive situation or return home in case of emergency. The following is a list of resources for foreign workers in Qatar and the United Arab Emirates. Check the **Just Good Work** mobile app to find updated information about any resources in the country where the worker will be employed.

### United Arab Emirates

**Salvation Army – Abu Dhabi (humanitarian and legal aid services)**

Tel: +971 56 102 2523 | Email:  
mark\_bearcroft@salvationarmy.org

Social Media:

[www.facebook.com/pg/SalvationArmyInTheMiddleEast/about/](https://www.facebook.com/pg/SalvationArmyInTheMiddleEast/about/)

### Saudi Arabia

Resources for foreign workers are limited to the worker's home-country embassy or consulate.



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 5.3 Learn about what resources exist for foreign workers in the country of employment

### Qatar

#### Qatar Government Labour Dispute Resolution Mechanism

Foreign workers in Qatar can file a complaint with the Ministry of Administrative Development Labour and Social Affairs (MADLSA) if their legal rights are violated, if they have suffered harassment, or if the employer has imposed penalties on the worker. The MADLSA is required to resolve the dispute within seven days of receipt and forward it to Workers' Dispute Settlement Committee (WDRC) within three days. The WDRC in turn is required to make a decision within the next three weeks. If the worker or employer is dissatisfied with the decision, an appeal can be filed in the Appellate Court within 15 days of the decision, and a final decision is issued within the next 30 days.

#### Qatar Government Wage Protection System

For any problems or issues the worker has with receiving wages from the employer, the worker can lodge a case with Qatar's Wage Protection System by contacting MADSLA, using the contact information below.

#### Labor Relations Department of MADLSA

For female workers: Al Houda Tower, Dafna area, Doha, Qatar

For male workers: Street No. 13 (Al Kasarat Street), Building No. 27, Industrial Area

Tel: +974 16008 | Email: [info@adlsa.gov.qa](mailto:info@adlsa.gov.qa) | Website: (English) [www.adlsa.gov.qa/en](http://www.adlsa.gov.qa/en)

#### Qatar University Legal Aid Clinic

Dr. Mohamed Mattar

Clinical Professor of Law and Director of the Law Clinic Qatar University College of Law

P.O. Box: 2713 Doha, Qatar | Tel. +974 4403 7786 | Email: [mmattar@qu.edu.qa](mailto:mmattar@qu.edu.qa)

#### Qatar Red Crescent Society

Address: Al Safliya St, Doha Hotline Phone Number: 16002 | Additional Phone Numbers: +974 44027777

#### National Human Rights Committee

Address: Fereej Abdulaziz Area (Behind Doha Petrol Station) Nasser Bin Khalid Intersection, Otabi Tower, Doha, Qatar

Tel: +974 4408 844 | Hotline: +974 666 26663 | Fax: +974 444 4013 | Email: [c@nhrc.org.qa](mailto:c@nhrc.org.qa)

Website: [www.nhrc-qa.org](http://www.nhrc-qa.org) (Arabic) | [www.nhrc-qa.org/en/](http://www.nhrc-qa.org/en/) (English)



# 8. Five Pre-Employment Steps for Seeking a Foreign Job

## 5.4 Complete activities required by the employer and for lawful transit to the host country

- **Undergo a medical exam if required**  
In most cases, workers will need to clear a second medical test to obtain an employment visa and lawfully transit to the host country. The medical test is normally organized by the labor agent and should be done by a medical testing facility approved by the employer.
- **Check that the visa has been verified by the worker's home country government**
- **Ask the labor agent for documentation showing that the visa in the worker's passport has been verified by the sending country government.** In Kenya and Uganda, this is a government process known as contract attestation.
- **Sign a job order or employment contract**  
In some cases, the worker may be required to sign an employment contract or job order prior to departure from their home country. In other cases, the worker may not sign an employment contract until arriving in the country of employment. Workers should carefully read and review any document that they are requested to sign and never sign any employment agreement under pressure. An employment contract is a legally binding document and should detail all responsibilities of the worker and employer.

! **Remember that a “Job Order,” also called a “Demand Letter,” is not the same as an employment contract.** The Job Order generally does not contain as much detail about terms and conditions of the job as does an employment contract. The UAE requires all foreign workers to sign a Job Order prior to entry into the UAE. In many cases workers are presented with an employment contract only after arriving in the UAE.



1. Map of Gulf Countries
2. Glossary
3. Introductory Remarks
4. Why Workers Need SAFE TIPS
5. Drivers of Risks for Workers
6. Examples of Common Forced Labor Risks for East African Migrant Workers
7. SAFE TIPS: Guidance for Foreign Employment
8. Five Pre-Employment Steps for Seeking a Foreign Job

## **9. Concluding Remarks**

10. Citations

# 9. Concluding Remarks

## Staying Safe During all Three Stages of Foreign Employment Starts with SAFE TIPS in Pre-Employment

The five SAFE TIPS steps outlined in this guide focus on the Pre-Employment stage of foreign employment because this is the stage where workers are most vulnerable to falling prey to exploitation during foreign employment due to debt bondage from paying high recruitment fees or agreeing to a job based on false information given by an employer or labor agent.

It is important for workers to remain in contact with trusted sources of information throughout the foreign employment journey in order to make the deployment and return as rewarding and successful as possible.







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7. SAFE TIPS: Guidance for Foreign Employment
8. Five Pre-Employment Steps for Seeking a Foreign Job
9. Concluding Remarks

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# **SAFE TIPS:** steps and Advice for Foreign Employment to Combat Trafficking in Persons

## **Pre-Employment Guidance for East Africans Seeking Jobs in the Gulf States**

Each year, hundreds of thousands of workers from Kenya and Uganda travel to jobs in Qatar, the United Arab Emirates (UAE), Saudi Arabia, and other countries in the Gulf Cooperation Council (GCC). These workers travel far from home for a foreign job in hopes of earning a greater income and working towards a better life for their families.

The purpose of this SAFE TIPS guide is to support civil society and community-based organizations in Kenya to raise awareness among workers and their communities about the risks workers face in seeking foreign employment and the practical steps they can take to protect themselves as they navigate the foreign employment labor market to seek greener pastures.

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