



Reconstructing Power: Addressing the Exploitation of Migrant Construction Workers in the UAE

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Abstract

This article investigates the distressing prevalence of human rights abuses in the construction sector of the United Arab Emirates (UAE), employing theoretical approach inspired by the writings of Michel Foucault Biopolitics and Lauren Berlant's seminal work *Slow Death*. The Kafala system, in which a migrant which requires sponsorship from employers for their work visa, allows employers to wield total power over workers, confiscating passports and retaining pay. This places immense financial pressure on migrants, leading to a loss of rights and control over their lives while the government's apathy exacerbates the issue. Deaths of migrant workers are common and underreported. These mechanisms of dehumanisation represent a systematic devaluing relegate the migrant construction worker to "automated non-humans," perpetuating their vulnerability and exploitation. To address the problem, the UAE should enforce existing laws and introduce policies safeguarding workers' rights – however, this would require a complete reorientation of government policy. External pressure from surrounding nations and businesses could also facilitate change.

Keywords: UAE; Kafala; Foucault; Labor law; Human rights; Construction

The 2022 Qatar World Cup made the treatment of migrant labourers in the Gulf Cooperation Council (GCC) a topic of global discussion. Between the widely circulated Guardian article claiming 6,500 migrant workers had died since Qatar had been deemed hosts in 2010 (Pattison, 2021), to FIFA president Gianni Infantino's baffling assertion on the evening of the tournament that he feels 'like a migrant worker' (Page, 2022), the plight of the migrant labourer outside the West has never had this much attention. Whilst it is Qatar that has received the most recent coverage, it is the UAE which has the largest catalogue of discourse on the issue, over the longest span of time. The issue is especially pressing given the number of migrant workers within the UAE – estimates consistently put migrant labourers as around 90% of the UAE workforce, with some 500,000 (approximately 8% of the total workforce) of those being construction workers (Sönmez et al., 2013). To grasp why this exploitation is so prevalent, there needs to be an understanding of the unique systems

of labour management operating within the UAE, and an understanding of theories relating the power over death. Elements of Foucault's concept of biopower (especially regarding anatomo-politics) and Berlant's concept of slow death will be utilised to locate power in the government-employer-migrant construction worker relation, ascertaining what has led to the current situation of exploitation that is now under the global spotlight, and what can be done to address these inequalities moving forwards.

Firstly, the position of migrant labourers must be understood. Migrants enter the GCC's labour market through the kafala system. Within this structure, migrants must be sponsored by a specific employer to gain a work contract, enter the state, and obtain a residence (Cholewinski, 2023). To afford transit, funds are borrowed or generated by the sale of homes or livestock (Sönmez et al., 2013). This immediately creates financial pressure on the labourer – their entry into the workforce is with the knowledge either that they have amassed huge debts, or that their families are reliant on them for financial support. Debts can be as high as US\$4000; a startling figure when construction workers receive, on average, the equivalent of US\$175 a month (Ghaemi, 2006; pg. 7). Most significantly for the discussion of power, the *kafeel* (sponsor) is essentially wholly responsible for the worker. They dictate their employment and residency, and can restrict worker's mobility, having total control over changes to employment (Ngeh & Pelican, 2018; pg. 172). The government of the UAE has made a large part of the governing of migrant workers the duty of employers.

The kafala system is widely regarded as corrupt, so much so that Bahrain, another country in the GCC, prohibited it in 2009 – the minister of labour referring to it as “not differ[ing] much from the system of slavery” (Mahdi, 2009). Bahrain has come under criticism for not doing enough to eradicate the practice despite this prohibition (Amnesty international, 2022) - however, they have done significantly more than the UAE to protect workers rights. This is evidenced by the reform to labour law they implemented in 2012, which criminalised discrimination and sexual harassment (STA Law Firm, 2020), implemented clear guidelines for the resolution of a dismissal (STA Law Firm, 2020), and made it law that all contracts had to be drawn up in a language the employee can read (STA Law Firm, 2020). However, it also codified that in the case of downscaling, Bahraini employees should be retained over migrant employees (STA Law Firm, 2020). This is openly discriminatory to migrant labourers, placing them on a legally lower standing than ethnically indigenous citizens. Bahrain has made progress, especially comparatively to their neighbours, but nonetheless still retains and embeds discriminatory elements.

Foucault's theory of power as being ‘the right of seizure’ - the right to seize “things, time, bodies, and ultimately life itself” (Foucault, 1978; pg. 136). Provides a useful lens for an analysis of how power is exerted over migrants by employers. The employer has near-total power over the movements and existence of their employees. They will often find their passports confiscated, under the guise of this being customary within the kafala system (Sönmez et al., 2013); in reality, it is to ‘intimidate and control’ their employees (Sharma, 2017). Another method of control is the retaining of workers' pay, an issue that has led to numerous strikes, some involving hundreds of workers over six months unpaid wages (Dajani, 2021). Given the immense financial pressure on migrant labourers, this can be destructive to their lives at home. Migrants have no voting rights in the UAE. The government selects which citizens can vote in each election; in the 2011 election, only 12% of citizens were given the right to vote, and there is no clarity on how they were selected (Coles, 2011). Additionally, the UAE purposefully aims to employ labourers who cannot speak Arabic, so they cannot read the contracts they sign, or even converse with non-migrants (ICF UAE, 2019; pg. 9). There have even been reports detailing how employers hire from a wide range of countries and locations so that their workers cannot communicate (ICF UAE, 2019; pg. 9). The labour camps set up to house migrants are located on the

peripheries, so that they are socially isolated from the privileged classes of the UAE (Hamza, 2015; pg. 90). They report feeling socially excluded from entering parks and shopping centres, saying they are “not people of the city, we live in a labor camp” (Hamza, 2015; pg. 101). Migrant workers are dehumanised and broken down to such an extent that they do not feel part of the population – the government does not concern itself with their wellbeing, and they are herded to camps on the edges of cities. These processes culminate in the seizure of ‘life itself’. The individual is not only deemed a machine but comes to think of themselves as a machine.

The role the government plays is more akin to the apathy explored by Berlant in her theory of ‘slow death’. this framework refers to “the physical wearing out of a population and the deterioration of people in that population that is very nearly a defining condition of their experience” (Berlant, 2007; pg. 754). The gap in Foucault’s theory is that the creation of the man as a machine, in his view, is only possible in times of crisis (Foucault, 1978; pg. 141). Immense pressure must exist for people to accept this seizure. Berlant acknowledges the effects of attrition as opposed to pressure on a population. Where the government does play a role in the wellbeing of construction labourers, it is often insufficient. The law governing workplaces is the UAE Federal Law No. 8 of 1980 (colloquially referred to as the ‘Labour law’), and it is enforced by the Ministry of Labour. The Labour Law explicitly prohibits unionising and striking (Federal Supreme Council, 1980), criminalising any preventative measures by workers to effectively ensure the enforcement of their legal rights. The Ministry of Labour is responsible for ensuring regulations are followed; however, in 2006 it was reported that “140 government inspectors were responsible for overseeing the labor practices of more than 240,000 businesses employing migrant workers” (Ghaemi, 2006; pg. 6). Construction businesses number around 6,000 (Seghedoni, 2017), meaning that, proportionally, there are less than 4 inspectors for the inspection of every aspect of a construction industry which employs more than 500,000 workers. Furthermore, these inspectors are mainly concerned with the residential situation of the workers, and workplace concerns and hazards are not prioritised (ILO, 2010). There are no standardised labour inspection procedures (ILO, 2010).

Working conditions are dire. During the construction of the Burj Khalifa, the world’s tallest building, the average worker worked 12 hours a day, 6 days a week (ICF UAE, 2019’ pg. 11). Others report 14-hour workdays, 7 days a week (Sharma, 2017). These are clearly inhumane requirements in which the government must intervene if it intends to protect human rights. Yet these conditions have become the accepted norm.

A synthesis of these two theories – pressure and attrition – can be seen in the treatment of migrant labourer deaths. Death of migrant workers is a common occurrence. The story of Julhas Uddin, a migrant labourer who died when he was instructed to enter a sewage line without an oxygen cylinder (McQue, 2022), is no outlier. It has been reported that between 2010 and 2019, an average of 5866 non-nationals from south and southeast Asia died each year in the UAE (Vital Signs, 2022; pg. 25). Whilst not all of these would’ve been construction labourers, and not all of these may have been in the workplace, several factors must be considered: construction is the most dangerous position they will be employed for; migrant workers are often younger than 40, so the chances of them dying of ‘old age’ are small; and just because a worker didn’t die on site, it does not mean that unsafe working conditions, e.g. working with dangerous chemicals or no filter masks, did not cause or lead to their death. This report also does not account for migrant labourers from Africa, a growing demographic. Perhaps more shockingly, “1 out of every 2 deaths is effectively unexplained... instead using terms such as “natural causes” or “cardiac arrest”” (Vital Signs, 2022; pg. 26). In addition to this, some deaths go unrecorded, meaning the actual figures are likely higher than the documented 5866 a year. It is apparent that both employers and

the bureaucratic structure has such disregard for the lives of migrant labourers that even their deaths are regarded as of little importance.

Change must come from the top; the UAE functions as an authoritarian regime, (Economist Intelligence Unit, 2023) with the royal family having total control over the running of the country. With no existing representation, migrant labourers are voiceless. It is increasingly clear that the construction sector in the UAE will continue to grow; to prevent exploitation from continuing, a solution must be found.

The most likely course would be the enforcement and introduction of new policies to protect construction workers rights. Laws already exist that have illegalised the practice of passport retention (UAE Labours, 2021) - however, these need to be properly enforced. The Ministry of Labour also must be expanded and given a clearer structure. Labour standards must be introduced that are clear and easily accessible. This would include limits on the length of workdays, and requirement for proper equipment, especially a requirement for respirators and protective clothing. The number of inspectors should be increased so they can not only inspect living conditions but also workplace conditions, and ensure these standards are followed. Finding the money for such a project would not be difficult, given the UAE, as of June 2023, will be introducing Corporation tax going up to 9% (Corporate tax (CT), 2023) - given GDP was \$503.9 billion in 2022 (International Monetary Fund, 2022) the revenue generated even by a comparatively low tax rate will be significant.

There is a lack of policy proposal solutions within literature discussing migrant workers in the UAE, with most reports detailing the abhorrent situation. Whilst this is important, it is also time for human rights organisations to adjust their efforts. In confronting such a monolithic issue, it is easy to become disheartened - achievable proposals will provide an alternative to this woe by providing goals and objectives that can be lobbied, pushed, and promoted.

Thus, the positionality of the migrant construction worker is one of near-constant peril. Under immense financial pressure, they are stripped of their identifying documents, and placed in high-risk, low-wage work, where their rights border on non-existent, and they are legally prohibited from mobilising. There is no free market in the UAE – due to the kafala system, they cannot leave their employer to join a competitor, meaning the employer can treat them however they please. The government has apathy for their wellbeing, from washing its hands of many bureaucratic duties, to a woefully inefficient inspection structure. Prohibitions on striking, and ineffective and poorly organised modes of inspection, lead to situations where employers have almost total discretion as to the treatment of their employees, and employees are powerless to resist. They cannot even be trusted to give an accurate account of death, a consequence of workplace abuse which looms over the construction workers, higher even than the glittering cityscape they are building.

To conclude, the migrant construction labourer is dead by design. They have been stripped of their identity, stripped of their humanity, and mechanised. The government of the UAE has absconded all responsibility for their livelihood, and left them in the care of employers who engage in a system comparable to slavery to obtain their workforce, and segregate them from the rest of humanity, and human contact, to further reduce their personhood. When one dies, if the death is even recorded, it does little to change practices; construction activity in the UAE is on an upwards trajectory (Illankoon, 2022). The normalisation of their subjugation has led to their lives being disposable, and those with the power to change the system are either disinterested in changing it, or actively participating in maintaining it.

Construction workers in the UAE are not only physically worn down, but consciously deprived of basic liberties; so much so, that they internalise the fact that they are not part of

the public, but are instead simply their job title. Despite protests, and reform in other GCC states, there is no indication the UAE government will do anything to help them. The Ministry of Labour fails the migrant worker at every conceivable turn, so much so that its presence becomes phantasmic; the reality for the migrant worker is dominated slow death, the deterioration normalised to justify the push towards the future.

Further research must be done – issues of racism are also reported to be prevalent, as are cases of forced prostitution (Sönmez et al., 2013). Additionally, this work focuses exclusively on the construction sector – a comparative with the treatment of domestic or hospitality workers could illuminate other manners in which the power to subjugate and oppress is used.

It is likely that the GCC will only become a more and more crucial area to understand as time goes by – they, by no account, are planning on slipping into obscurity, continually developing their hospitality sectors and tourist draws, the World Cup being the most recent example of that. The forms of power that operate within the UAE – the mechanisms by which they came to be and the methods which reproduce them – must be understood if any effective action is going to be taken against them.

There also must be a greater push from the surrounding nations to implement these changes. Bahrain has condemned the kafala system, and perhaps internal pressure in the GCC could lead to the adjustment of certain practices. Similarly, external pressure through threats to withdraw or prohibit business relations if more is not done by the government could be useful. The UAE may begin to lose some of its appeal with the introduction of a 9% corporate tax rate, bringing it closer to Hong Kong as a financial hub. The pressure business themselves could exert now that the appeal is fading could prove powerful.

References

Amnesty International (2022) *Human rights in Bahrain*, Amnesty International. Al. Available at: <https://www.amnesty.org/en/location/middle-east-and-north-africa/bahrain/report-bahrain/> (Accessed: April 17, 2023).

Berlant, L. (2007) "Slow death (sovereignty, obesity, lateral agency)," *Critical Inquiry*, 33(4), pp. 754–780. Available at: <https://doi.org/10.1086/521568>.

Cholewinski, R. (2023) *Understanding the kafala migrant labor system in Qatar and the Middle East at large, with ILO senior migration specialist Ryszard Cholewinski*, Georgetown Journal of International Affairs. GJIA. Available at: <https://gjia.georgetown.edu/2023/02/01/the-kafala-system-a-conversation-with-ryszard-cholewinski/> (Accessed: April 17, 2023).

Coles, I. (2011) *UAE elections: What substance behind the gloss?*, Reuters. Thomson Reuters. Available at: <https://jp.reuters.com/article/us-emirates-elections-idUSTRE77K0Z220110821> (Accessed: March 30, 2023).

Corporate tax (CT) (2023) *Corporate tax (CT)*, Corporate tax (CT) - the official portal of the UAE Government. U.AE. Available at: <https://u.ae/en/information-and-services/finance-and-investment/taxation/corporate-tax> (Accessed: April 13, 2023).

Dajani, H. (2021) *Construction workers strike on Abu Dhabi's Reem Island*, The National. The National. Available at: <https://www.thenationalnews.com/uae/construction-workers-strike-on-abu-dhabi-s-reem-island-1.948820> (Accessed: December 20, 2022).

Economist Intelligence Unit (2023) "Democracy Index 2022: Frontline democracy and the battle for Ukraine." Available at: <https://pages.eiu.com/rs/753-RIQ-438/images/DI-final-version-report.pdf> (Accessed: 2023).

Federal Supreme Council and Federal Supreme Council (1980) *UAE Federal Law No. 8 of 1980*. Abu Dhabi: UAE Official Gazette.

A foreign worker waits for the company's bus service to take him home after a day at work (2006) *Building Towers, Cheating Workers*. London, London: HRW.

Foucault, M. (1978) *The History of Sexuality, Volume 1: An Introduction*. 1st edn. New York, New York: Pantheon.

Ghaemi, H. (2006) *Building Towers, cheating workers*, Human Rights Watch. HRW. Available at: <https://www.hrw.org/report/2006/11/11/building-towers-cheating-workers/exploitation-migrant-construction-workers-united> (Accessed: December 16, 2022).

Hamza, S. (2015) "Migrant Labour in the Arabian Gulf; A case study of Dubai," *Pursuit*, 6(1), pp. 81–133.

Harmassi, M. (2009) *Bahrain to end 'slavery' system*, BBC News. BBC. Available at: http://news.bbc.co.uk/1/hi/world/middle_east/8035972.stm (Accessed: December 20, 2022).

ICFUAU. *The abuse and exploitation of migrant workers in the UAE* (2019) ICFUAU. ICFUAU. Available at: <https://www.icfuae.org.uk/research-and-publications-briefings/abuse-and-exploitation-migrant-workers-uae%C2%A0> (Accessed: December 22, 2022).

Illankoon, K. (2022) *Middle East construction gains momentum despite supply chain disruption and rising construction costs*, *Construction Business News Middle East*. Construction Business News Middle East. Available at: <https://www.cbnme.com/analysis/middle-east-construction-gains-momentum-despite-supply-chain-disruption-and-rising-construction-costs/> (Accessed: December 18, 2022).

ILO (2010) *United Arab Emirates*, *International Labour Organization*. ILO. Available at: https://www.ilo.org/global/topics/safety-and-health-at-work/country-profiles/arab-states/emirates/WCMS_150919/lang--en/index.htm (Accessed: December 21, 2022).

International Monetary Fund (2022) "World Economic Outlook database: October 2022." Available at: https://www.imf.org/en/Publications/WEO/weo-database/2022/October/weo-report?c=466,&s=NGDP_RPCH,NGDPD,PPPGDP,NGDPDPC,PPPPC,PCPIPCH,&sy=2022&ey=2027&ssm=0&scsm=1&scc=0&ssd=1&ssc=0&sic=0&sort=country&ds=.&br=1 (Accessed: April 13, 2023).

Jebreili, K. (2016) *Migrant Workers Dubai Skyline*. Dubai.

Mahdi, M. (2009) *Bahrain: Decree 79 aims at ending sponsor system*, *International Labour Organization*. ILO. Available at: https://www.ilo.org/global/topics/forced-labour/news/WCMS_143009/lang--en/index.htm (Accessed: December 21, 2022).

Mbembe, A. (2003) "Necropolitics," *Public Culture*, 15(1), pp. 11–40. Available at: <https://doi.org/10.1215/08992363-15-1-11>.

McQue, K. (2020) *Social distancing is impossible in the cramped living quarters of Dubai's labour camps*, *The Guardian*. Dubai: The Guardian. Available at: <https://www.theguardian.com/global-development/2020/sep/03/i-am-starving-the-migrant-workers-abandoned-by-dubai-employers> (Accessed: 2022).

McQue, K. (2022) *Up to 10,000 Asian migrant workers die in the Gulf every year, claims report*, *The Guardian*. Guardian News and Media. Available at: <https://www.theguardian.com/global-development/2022/mar/11/up-to-10000-asian-migrant-workers-die-in-the-gulf-every-year-claims-report> (Accessed: December 21, 2022).

Ngeh, J. and Pelican, M. (2018) "Intersectionality and the Labour Market in the United Arab Emirates: The Experiences of African Migrants.," *Zeitschrift für Ethnologie*, 143(2), pp. 171–194. Available at: <https://www.jstor.org/stable/26899770> (Accessed: 2022).

Page, M. (2022) *FIFA president's 'I feel like a migrant worker' speech misleading*, *Human Rights Watch*. Available at: <https://www.hrw.org/news/2022/11/21/fifa-presidents-i-feel-migrant-worker-speech-misleading> (Accessed: December 20, 2022).

Pattison, P. (2021) *Revealed: 6,500 migrant workers have died in Qatar since World Cup awarded*, *The Guardian*. Guardian News and Media. Available at: <https://www.theguardian.com/global-development/2021/feb/23/revealed-migrant-worker-deaths-qatar-fifa-world-cup-2022> (Accessed: December 20, 2022).

Seghedoni, S. (2017) *United Arab Emirates: Where construction never sleeps*, *ceramica.info*. Tile. Available at: <https://www.ceramica.info/en/articoli/united-arab-emirates-where-construction-never-sleeps/> (Accessed: December 21, 2022).

Sharma, J. (2017) *Why are migrant workers' passports still being held hostage in the UAE ...*, *Pacific Standard*. Available at: <https://psmag.com/social-justice/why-are-migrant-workers-passports-still-being-held-hostage-in-uae> (Accessed: March 30, 2023).

Slater, J. and Colville, E. (2014) *Collective Bargaining Rights of employees in the UAE, Global Workplace Insider*. Available at: <https://www.globalworkplaceinsider.com/2014/04/collective-bargaining-rights-of-employees-in-the-uae/> (Accessed: December 16, 2022).

STA Law Firm (2020) *Overview: Bahrain employment law and employee rights*, *STA Law Firm*. Available at: <https://www.stalawfirm.com/en/blogs/view/bahrain-employment-law-and-rights.html> (Accessed: April 17, 2023).

Sönmez, S. et al. (2013) *Human rights and health disparities for migrant workers in the UAE, Health and Human Rights Journal*. HHR. Available at: <https://www.hhrjournal.org/2013/08/human-rights-and-health-disparities-for-migrant-workers-in-the-uae/> (Accessed: December 18, 2022).

UAE Labours (2021) *Passport law in UAE: How to avoid Passport Holding*, *UAE Labours*.

UAE Labours. Available at: <https://www.uaelabours.com/2019/03/passport-law-in-uae.html> (Accessed: April 13, 2023).

Vital Signs (2022) *THE DEATHS OF MIGRANTS IN THE GULF*. rep. Vital Signs. Available at: https://fairsq.org/wp-content/uploads/2022/06/Vital_signs-report-1.pdf.