

National Contact Point of Switzerland

Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the Building and Wood Workers' International (BWI)

Follow-Up Statement

Berne, 5 June 2018

1. Context

On 28 May 2015, Building and Wood Workers' International (BWI) submitted a written request to the Swiss NCP to consider a specific instance under the OECD Guidelines regarding the Fédération Internationale de Football Association (FIFA) which has its headquarters in Switzerland. The submission concerned alleged human rights violations of migrant workers related to the construction of facilities for the 2022 FIFA World Cup Qatar™.

On 2 May 2017, the Swiss NCP published its Final Statement in which it welcomed:

- the resolution of the issues raised by the submitting party;
- the institutionalization of the dialogue regarding human rights between FIFA and stakeholders including BWI through the Human Rights Advisory Board established by FIFA;
- the commitment by both Parties to meet regularly, at least twice a year, to update each other about the human rights situation on the ground and to identify areas of cooperation to contribute to decent work and safety in the workplace for migrant construction workers until the completion of the 2022 FIFA World Cup Qatar™;
- the Parties' agreement to continue discussion on capacity building measures of contractors, sub-contractors and workers in Qatar and to cooperate in their implementation whenever possible.

The NCP announced to follow up on this specific instance in order to evaluate the progress made regarding the Joint Outcome of the mediation process. The follow-up reports submitted by both Parties were discussed at a meeting on 26 April 2018 at the premises of the NCP.

2. Conclusion

In its evaluation, the Swiss NCP focused on the five priority areas identified by the Parties in the Joint Outcome.

1. Identification and use of FIFA's leverage on relevant actors in Qatar

FIFA undertook several measures to strengthen the use of its leverage. They include the institutionalization of discussions with relevant actors in Qatar, including clear communication of expectations regarding human rights, and the establishment of a new Sustainability Strategy for the 2022 FIFA World Cup in Qatar™. The new bidding requirements for future tournaments, which include binding human rights-related commitments by governments and all candidate host cities that will be made public before selection of the host country/ies, further underline FIFA's engagement in using its leverage. BWI confirmed that the NCP proceedings supported BWI's dialogue with relevant actors in Qatar and beyond.

The NCP welcomes the measures taken by FIFA to operationalize its leverage. It encourages the Parties to continue their dialogue with a view to apply any lessons learnt to future events.

2. The Human Rights Policy emanating from the new Art. 3 of the FIFA Statutes

FIFA's new human rights policy is in place and the implementation and monitoring process established.

While there are still challenging issues regarding the operationalization of the policy, the NCP acknowledges the substantial progress made with FIFA taking more ownership regarding sub-contractors and the Supreme Committee of Delivery and Legacy (Supreme Committee) for playing a stronger role in monitoring tiers 3 and 4 of the supply chain.

3. A robust process for monitoring labour conditions

While the meeting between FIFA, BWI and the Supreme Committee did not take place as mentioned in the Final Statement, a Memorandum of Understanding (MoU) was signed between BWI and the Supreme Committee allowing for joint labour inspections. These joint inspections take place in addition of the monitoring process by the Supreme Committee that includes monitoring by the companies on site, by the Supreme Committee, by an independent monitor and by the Qatari authorities. Both Parties agree that the Supreme Committee plays a key role on the ground. FIFA expressed its trust in the process and its willingness to support it.

The NCP considers the regular surveillance of construction sites by professional labour inspectors and trade unions from several countries of origin of the construction firms as a landmark in Qatar. Furthermore, the NCP welcomes the MoU between BWI and the Supreme Committee as a milestone. Its holistic approach is beneficial to all actors involved and substantially contributes to improving the situation on the ground. It recommends that the meeting envisioned in the Final Statement should take place in order for FIFA to play a more active role in this process.

4. Mechanisms for workers' complaints and grievances

Substantial progress has been made with the establishment and implementation of the Workers' Welfare Forum. However, both Parties agree that there are still challenges to align the Forum with other mechanisms and actors on the ground. FIFA reported that these challenges will be discussed in the development of the Action Plan related to the Sustainability Strategy for the 2022 FIFA World Cup in Qatar™.

The NCP expresses its support for the Parties' engaging in further discussions to strengthen mechanisms for workers' complaints and grievances in the context of the establishment of the action plan developed by FIFA, the Local Organising Committee and the Supreme Committee to implement the Sustainability Strategy for the 2022 FIFA World Cup in Qatar™.

5. Establishment of an oversight/advisory body

The FIFA Human Rights Advisory Board has been established and is active. Both Parties express their satisfaction with the process.

The NCP concludes that according to the information it received the FIFA Human Rights Advisory Board is fully in line with the Joint Outcome of the mediation process. It welcomes the institutionalization of the dialogue regarding human rights between FIFA and stakeholders, including BWI, through this Advisory Board.

The NCP commends both Parties on the progress achieved. In their first meeting, the Parties had defined as the goal of this dialogue to improve the situation on the ground. The NCP is pleased to see that this goal has been achieved in many respects and that the Parties agree that the dialogue facilitated by the NCP has been a productive process. It encourages the Parties to continue their dialogue and to meet regularly as stated in the Final Statement and affirmed in the follow-up meeting. Finally, the NCP welcomes the information by the Parties, that the results achieved through this dialogue may also be applied to other events.

With this Statement, the Swiss NCP concludes the follow-up of the specific instance.