



## **Submission to the UN Special Rapporteur on Climate Change:<sup>1</sup> Access to information on climate change and human rights**

*Submitted by the Coalition on Labor Justice for Migrants in the Gulf*

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This is a submission from the **Coalition on Labor Justice for Migrants in the Gulf**,<sup>2</sup> a coalition of international human and labor rights organizations, migrant rights organizations, and independent trade unions. The Coalition's primary call is for governments and employers to respect the agency of migrant workers in Gulf Cooperation Council countries (GCC) to exercise their fundamental human and labor rights throughout recruitment, migration, employment, and return.

Drawing on legal research and evidence from a focus group discussion with migrant workers,<sup>3</sup> this submission describes how migrant workers in Kuwait have limited access to information on how climate change affects the labor and human rights of migrant workers. It highlights the barriers they face to accessing such information – notably language barriers and restrictions on the freedom of association that limit access to information. We make recommendations on information that should be collected by the state to better protect migrant workers throughout both recruitment and employment. The GCC region hosts millions of migrant workers (often the majority of the workforce in the private sector) employed under a de-facto *kafala* system, and in Kuwait, the confluence of legal restrictions and climate change present significant barriers to realizing human and labor rights.<sup>4</sup>

### **I. Migrant workers report receiving a lack of information from the state on how climate change impacts their human and labor rights – in part due to structural barriers of labor laws and limits on freedom of association (Question 2, 4, 5)**

Kuwait is experiencing extreme weather conditions and warming twice as fast as the global average.<sup>5</sup> The consequences are severe, particularly for migrant workers. There are over 31 million migrant workers employed across the GCC,<sup>6</sup> and in Kuwait, migrant workers account for about 70% of the country's population.<sup>7</sup> The majority are employed in low-wage sectors like construction, hospitality, and domestic work.

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<sup>1</sup> OHCHR, '[Call for inputs: Access to information on climate change and human rights](#),' (May 2024).

<sup>2</sup> The Coalition on Labor Justice for Migrants in the Gulf is hosted by [Global Labor Justice](#), and includes [Anti-Slavery International](#), [Equidem](#), [International Domestic Workers Federation](#), and [Solidarity Center](#). By directly engaging with workers and bringing forth transnational pressure, the Coalition is united to ensure that the needs, rights, and dignity of migrant workers are guaranteed – specifically those employed in domestic work, hospitality, and construction sectors in Bahrain, Kuwait, and Qatar.

<sup>3</sup> Solidarity Center Focus Group with Migrant Workers from Africa and the Philippines working in Bahrain and Kuwait, (22 May 2024).

<sup>4</sup> Alahmad, B., '[Climate, The Environment and Health of Migrant Workers: Lessons from Kuwait](#),' (May 2022).

<sup>5</sup> Alahmad, B. et. al., '[Climate change and health in Kuwait: temperature and mortality projections under different climate scenarios](#),' (June 2022).

<sup>6</sup> World Bank Group, '[World Development Report 2023: Migrants, Refugees, and Societies](#),' (2023).

<sup>7</sup> Kuwait Central Statistical Bureau, '[Population Estimates in Kuwait by Age, Nationality and Sex at 1-1-2024](#),' (Jan 2024).

Migrant workers in Kuwait report a general lack of awareness about how climate change can impact their human and labor rights, and that they receive minimal information about it from the state.<sup>8</sup> In Kuwait and Bahrain, workers reported receiving the most helpful information on the impacts of climate change from unions and local worker organizations, and secondarily, from local and international news sources.<sup>9</sup> Countries of origin also play a role in providing information; a Kenyan worker reported that when he was still in Kenya, Kenyan worker organizations and NGOs provided him with the most helpful information on occupational safety related to climate events. A Filipino worker reported that during her recruitment process, her Filipino recruitment agency informed her about protective clothing she needed to wear to protect herself from the heat.<sup>10</sup> In both origin and destination countries, workers also reported learning about climate change events and protections through social media, but expressed concerns about the challenges of discerning mis- and dis-information from fact.<sup>11</sup> This evidence shows that actors in destination and origin countries can play a critical role in sharing occupational safety and health information related to climate change impacts. In particular, worker organizations and unions have a key role to play in this regard: workers themselves, through collective action, are best placed to disseminate information to migrant workers.

Information provided to migrant workers about their rights, especially related to their occupational safety and health rights due to heat stress and other climate change factors, is often lacking or hindered due to restrictions in policy and practice on the freedom of association, right to organize, and collectively bargain. While unions can be powerful conduits for information sharing and enable complaints of violations, trade union rights are limited for migrant workers in Kuwait.<sup>12</sup> Even when they fulfill the criteria required to join trade unions,<sup>13</sup> migrant workers cannot hold leadership positions, be members of union boards, or participate in collective bargaining. Further, migrant domestic workers are not given the explicit right either to join or establish unions.<sup>14</sup> Such restrictions limit the freedom of association in violation of international standards.<sup>15</sup> This means that they do not have the ability to fully exercise these rights and seek assistance and information from, or participate in, unions or worker organizations when faced with rights violations due to climate change.

Workers report that some employers provide some basic information on occupational risks of climate change, but this depends on the category of employer, and is more an exception than a norm and not required by regulation.<sup>16</sup> In Kuwait and Bahrain, during extreme climate events such as sand storms or floods, some employers will provide workers with instructions on the day about whether they should go to work.<sup>17</sup> Workers reported that some large corporations have posters on the entrance to their workplaces which address occupational health, including risks from excessive heat. However, such information is not readily available at smaller employers or private homes where domestic workers are employed.<sup>18</sup> Employer-provided information is not a substitute for the freedom of association, unions and collective agency of workers themselves, as workers need access to information to make decisions

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<sup>8</sup> Solidarity Center Focus Group, supra note 3.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> ILO, '[Regulatory Framework Governing Migrant Workers: Kuwait](#),' (Dec 2023).

<sup>13</sup> See Private Sector Labour Law, [No. 6 of 2010](#).

<sup>14</sup> ILO, '[Comments adopted by the CEACR: Kuwait](#),' (2022).

<sup>15</sup> ILO, '[ILO Declaration on Fundamental Principles and Rights at Work \(1998\), as amended in 2022](#),' (2022).

<sup>16</sup> Solidarity Center Focus Group, supra note 3.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

for themselves and to negotiate over policies to protect their occupational safety and health, and other working conditions.

The de-facto *kafala* system – which ties workers' migration status to an employer – functionally impedes migrant workers' access to information and their ability to ask questions and participate in decisions that impact on their workplace safety, in part because of feared repercussions such as detainment or deportation.<sup>19</sup> For example, in 2022, 265 domestic workers were charged with “absconding” in Kuwait under Kuwait’s Domestic Workers Law. After such a charge, domestic workers can be subject to arrest, detention, deportation, and banned from re-entering the country if their employer reports their departure and they do not notify the government that they have left their employer.<sup>20 21</sup> This type of clause represents a security-centric approach, rather than a rights-based approach, which has led to penalties of deportation in cases of labor disputes between domestic workers and their employers. It disincentivizes workers from speaking up to seek information, coming forward with complaints or being able to voluntarily leave to protect their health and safety – and without freedom of association rights in practice, migrant workers do not have the protection and resources of a union.

## **II. Migrant workers report that language barriers are one of the largest obstacles to accessing information on climate change and human and labor rights (Question 3, 4)**

Migrant workers from Kuwait and Bahrain report that language barriers are one of the most significant challenges to obtaining information about the impacts of climate change on their health and safety.<sup>22</sup> Workers report that a significant proportion of information is shared publicly through television and other media, but is often in Arabic, and sometimes English, though not widely translated into other native languages of many migrant workers.<sup>23</sup> Migrant workers report having the greatest access to information on TikTok, Twitter, and Facebook. Workers also express concerns that social media is rife with misinformation and disinformation, and that they receive limited or no access to credible, regularly circulated information on climate change from employers or government entities translated into a language that they understand.<sup>24</sup> As noted, unions could be a good source of information, but for migrant workers, they are limited in practice.

One of the major challenges to ensuring that migrant workers have adequate access to information on climate change and human rights is the technicality and complexity of the language used. Migrant workers reported this as a barrier to understanding climate change and its impacts: the language used by government and media to describe climate change is often complex, even when presented in languages they understand.<sup>25</sup>

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<sup>19</sup> Domestic worker cases reported to IDWF, (2023).

<sup>20</sup> U.S. Department of State, ‘[2023 Trafficking in Persons Report: Kuwait](#),’ (2023). ; ILO, ‘[Regulatory Framework Governing Migrant Workers](#),’ (2023).

<sup>21</sup> Migrant domestic workers are excluded from Kuwait’s Labor Law No. 6 for 2010, and Kuwait Domestic Workers law provides far more limited protections. Domestic workers regularly report instances of being made to work more than 12 hours without adequate overtime compensation, and receive fewer protections around sick leave – both of which can be particularly dangerous during times of extreme weather events. (Kuwait Center for Research and Studies, ‘[The Rights of Domestic Workers Between Legislative System and Enforcement Through Law No. 68 of Year 2015](#),’ (2018). ; Domestic worker cases reported to IDWF, (2023)).

<sup>22</sup> Solidarity Center Focus Group, supra note 3.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid

<sup>25</sup> Ibid

As highlighted in the evidence provided throughout this submission, this reflects two specific challenges to implementing United Nations Framework Convention on Climate Change (UNFCCC) Articles 4 and 6, and Paris Agreement Article 12:

- **Information accessibility:** Ensuring that information reaches all segments of society, including migrant worker communities, is a significant challenge. Information often needs to be translated into multiple languages and adapted to different literacy levels to be truly accessible. To tackle the lack of adequate understanding and knowledge around climate change, appropriate knowledge transfer and training is needed, but requires support from experts who hold adequate knowledge to avoid misinformation. If there were full freedom of association in law and in practice, unions could ensure that the information was packaged in an accessible way for workers.
- **Public engagement:** Engaging the public effectively in climate change and human rights issues can be challenging due to socio-economic barriers, lack of awareness, or apathy. Complexity of the language in climate change documents can be a barrier to raising public interest and sensitizing. Innovative and inclusive approaches to education and communication are required to foster meaningful public participation.

III. **More data is needed on drivers of migration and the implementation of labor laws to ensure that governments, unions, and migrant workers have the needed information to ensure migrant worker protection and access to justice (Question 1)**

There are several categories of information that should be collected:

- **The government of Kuwait – as well as governments in countries of origin – should collect information on the drivers of labor migration.** Migrant workers employed in the GCC report facing negative effects of climate change, both in their countries of origin and in their countries of destination. Workers from Ghana, Kenya, and the Philippines reported that workers are facing heat stroke, dehydration, and extreme flooding; they also report that the financial impact of climate change has become a common reason for why people from their countries choose to migrate.<sup>26</sup> Furthermore, migrant workers from the Philippines also reported being concerned about the health of their families at home amidst rising temperatures worldwide.<sup>27</sup> Understanding climate change as a driver of migration, and collecting data on it, can inform the state which groups of migrants are responding to climate impacts at home in their migration choices – and can inform what information, and to whom, it should disseminate specific information. Further, it can provide information on which sectors climate-induced migrant workers are finding work in, which can inform protection measures during recruitment and upon arrival.
- **Information disaggregated by sector should be collected on how climate change impacts migrant workers.** This is essential, as migrant workers across sectors do not have the same legal protections, and the nature of migrant workers' jobs differ by sector. Migrant workers in

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<sup>26</sup> Solidarity Center Focus Group, supra note 3.

<sup>27</sup> Ibid.

the GCC report working in extreme heat conditions, increasingly frequent flooding, and rains.<sup>28</sup> This risk is heightened for workers employed in outdoor work, like construction, or in hot factories. Domestic workers, while employed indoors, also report having to navigate heat risk, but have further limited ability to access information on occupational safety and health protections because of the isolated nature of their work.<sup>29</sup> Having accessible data on the types of climate-driven occupational safety and health hazards occurring by sector would enable the state to develop more targeted protection policies, and if made accessible to unions and workers, would enable better awareness raising on precautions to be taken.

- **Information should be collected on how migrant worker perspectives are (or are not) included in the development of occupational safety and health measures.** While they account for the majority of Kuwait's population and private sector workforce, migrant workers are typically excluded from decision-making processes for the rules and regulations that govern their workplace protection.<sup>30</sup> Because of the structure of employment in Kuwait, Kuwaitis and migrant workers do not tend to be employed in the same sectors, or "have equal access to decision-making that ensures a healthy environment."<sup>31</sup> The restrictions on freedom of association further limit such access.
- **Records must be kept and centrally reported on all occupational health and safety cases in order to adequately design responses and draft protections – and, when there is protective legislation in place on climate change-induced extreme heat, information should be collected on when such laws are violated and made available transparently.** During the summer months, Kuwait experiences extreme weather conditions, including extreme heat and dust storms. A decision from the Public Authority for Manpower<sup>32</sup> prohibits working in outdoor areas between 11 a.m. – 4 p.m. Yet, in 2021, the Kuwait Society for Human Rights reported 170 violations of the ban in just a two-week period.<sup>33</sup> Despite the Manpower decision, migrant workers that perform outdoor work are forced to work under extreme heat, which can lead to serious injuries and, in some cases, death. As migrant workers are denied the right to form unions and participate in collective bargaining in practice, they are denied the right to complain about dangerous or difficult working conditions without facing retaliation and cannot collectively negotiate for safer working conditions. While data are not available for violations in summer 2023, studies have shown this is an ongoing pattern that is expected to increase as temperatures continue to rise.<sup>34</sup> <sup>35</sup> This evidence shows that the government is not adequately monitoring or implementing occupational health and safety laws relating to heat, and migrant

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Alahmad, B., '[Climate, The Environment and Health of Migrant Workers: Lessons from Kuwait](#)', (May 2022).

<sup>32</sup> Public Authority for Manpower Decision (535/2015). ILO, '[Regulatory Framework Governing Migrant Workers: Kuwait](#)', (Dec 2023).

<sup>33</sup> Kuwait Society for Human Rights, '[Within half a month...170 violations of the decision prohibiting working in the sun](#)', (15 June 2021).

<sup>34</sup> Alahmad B, et. al., '[Extreme heat and work injuries in Kuwait's hot summers](#)', *Occupational and Environmental Medicine* (2023), 80:347-352.

<sup>35</sup> Recent independent research has found that "substantial increases in the risk of occupational injury to migrant workers from extremely hot temperatures despite the ban on midday work policy in Kuwait," and that that "'calendar-based' regulations may be inadequate to provide occupational heat protections, especially for migrant workers." Alahmad B, et. al., '[Extreme heat and work injuries in Kuwait's hot summers](#)', *Occupational and Environmental Medicine* (2023), 80:347-352.

workers are denied the right to do it collectively themselves. Adequate data collection could help better identify and address the issue.

One positive example of an existing approach to collect, share and monitor information on climate change and human rights is the NGO-driven [Climate Change & Modern Slavery Hub](#). Created by Anti-Slavery International, it collects evidence of how climate change impacts migration, forced labor, and human trafficking. This is the first of its kind, but not a sufficient tool to ensure access to information on how climate change impacts migration and forced labor and human trafficking risks. More research and integration of a modern slavery lens is needed in climate change and migration studies.

#### **IV. Summary recommendations for the government of Kuwait to improve access to information on climate change and labor rights for migrant workers**

- A. Pass and implement legislation recognizing all migrant workers' rights – including domestic workers – to freely associate, organize, collectively bargain and form a trade union (including migrant workers' rights to hold leadership positions in unions and participate in collective bargaining committees) in line with international labor conventions.
- B. Collect and transparently share data on drivers of migration from countries of origin, climate risks for different sectors of employment, and on violations and enforcement of protection laws like the summer outdoor work prohibition.
- C. Translate public education materials, including digital and social media posts, into common languages of migrant workers.
- D. Enhance intergovernmental cooperation and coordination with migrant worker country of origin embassies, including with African country embassies that do not have offices in Kuwait, to ensure that migrant workers are receiving necessary information on climate risks as a part of pre-departure training before arriving in Kuwait.
- E. Include information on climate change and occupational safety and health in any migration agreements between Kuwait and countries of origin, and allow union and civil society input into such agreements.
- F. Intensify awareness raising campaigns about occupational safety and health in the face of climate change, developed in partnership with unions, migrant workers themselves, and other worker organizations, and hold dialogue with migrant worker groups and coalitions to ensure campaigns are meeting the needs of workers.