

Submission to the UN Special Rapporteur on the Promotion of Human Rights in the Context of
Climate Change:

Access to information on climate change and human rights¹

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Equidem is a human and labour rights not-for-profit working globally to promote the rights of marginalised communities, accountability for serious violations, and building the human rights movement. Our team of worker activists, investigators and policy experts expose injustice, provide solutions for the most intractable human rights challenges and work closely with other grassroots and global civil society to empower the individual and the community.

This submission speaks to heat stress among delivery service workers in the United Arab Emirates (UAE) who experience heat stress in a context of other serious human and labour rights abuses, including forced labour conditions, that heighten risk of heat stress and prevent workers from taking measures to protect their health and safety. Compounding these risks, many of these workers are also climate impacted migrants from Africa and Asia. It is based upon an in-depth investigation conducted by Equidem into the human and labour rights of delivery service workers employed in the UAE, including the perspectives of 43 migrant workers interviewed between February and November 2023;² and 28 April and June 2024. Our data and analysis relate to the experience of workers travelling from Asia and Africa to the UAE. However, our submission has broader relevance with regard to the intersections between worker rights, climate change and the right to information.

The submission argues that the UAE and domicile countries of lead firms must hold businesses engaged in the platform-based delivery sector accountable for human and labour rights impacts on climate impacted and other migrant workers they employ. Part I and II document extreme heat stress facing delivery sector workers in the UAE. That heat stress takes place in a context of other serious human and labour rights abuses, including forced labour conditions, that heighten exposure to heat stress. Part III explains that climate displaced migrants employed in delivery services, within the UAE and elsewhere are doubly impacted by the global climate crisis- they migrate in response to climate impacts and find employment in a sector with high exposure to heat stress. Part III argues that these rights violations remain largely unreported and unseen because information on labour and human rights violations in the digital-platform based delivery sector are particularly challenging to access. On the basis of this information, the submission concludes that access to information on how digital-platform based employment presents risks of heat stress and other occupational safety hazards is critical to mitigating these conditions by informing worker

¹ <https://www.ohchr.org/en/calls-for-input/2024/call-inputs-access-information-climate-change-and-human-rights-deadline-has>

² Findings from the first phase of this research were published in Equidem, *Unjust Transitions: Climate Migration, Heat Stress, and Labour Exploitation in the United Arab Emirates*, 2023, <https://www.equidem.org/blogs/the-company-treats-all-the-workers-like-animals>.

choices and urgent business and state responses to address these risks. It concludes with recommendations for the UAE and business actors engaged in the platform-based delivery services sector.

The rights violations documented in this submission take place against a backdrop of racially delineated exclusion from labour rights protections, denial of freedom of association, and authoritarian suppression of dissent in the UAE. The absence of key labour protections and inadequate enforcement of laws in the UAE results in serious labour exploitation and hinders access to justice for migrant workers. These issues are rooted in the lack of democratic power for workers and is reflected in other human rights issues including the targeting of rights activists, restrictions on freedom of expression, the enactment of repressive laws, the abuse of the criminal justice system, and the mistreatment of women and LGBTQI communities.

I. Delivery service workers in the UAE are exposed to extreme heat stress

Climate related impacts have significant consequences for workers employed in the delivery sector, especially in the UAE where temperatures are particularly high. Due to the regional climate, characterized by dry and subtropical desert conditions, workers employed outdoors are exposed to heat-related risks. During the summer, temperature and humidity levels are high and rainfall is scarce. Between April and September, temperatures can reach 55°C (131°F) even in the shade, with humidity exceeding 80 per cent.³ Delivery workers are particularly vulnerable to extreme heat exposure as they spend long hours exposed to the heat, especially while riding motorbikes, increasing their risks of dehydration, heat exhaustion, and even heat stroke. In many cases they lack a company-mandated health insurance policy, increasing risks that these conditions will go undiagnosed or untreated. Heat stress and high-risk traffic situations for delivery service workers interact and compound risks associated with illness and injury.

II. Delivery service workers in the UAE experience heat stress in context of other serious human and labour rights abuses, including forced labour conditions, that heighten exposure to heat stress.

Alarming Equidem researchers found significant clusters of forced labour indicators in the labour supply chains of platform-based delivery services companies. Across these labour supply chains, workers reported abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding wages, debt bondage, abusive working and living conditions, and excessive overtime.⁴ These forced labour indicators, moreover, did not represent isolated occurrences. Among of the 71 migrant workers engaged in the platform-based delivery services sector interviewed by Equidem:

³ “Working on a warmer plant: the impact of heat stress on labor productivity and decent work,” ILO, 2019, available online at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_711919.pdf.

⁴ See *Unjust Transitions: Climate Migration, Heat Stress, and Labour Exploitation in the United Arab Emirates*, 2023, pp. 83-95, <https://www.equidem.org/blogs/the-company-treats-all-the-workers-like-animals>.

- 18 workers had to wait in the UAE for visa processing/license without work/salary, an abuse of vulnerability
- 16 workers reported being deceived during their recruitment and not getting what they were promised
- 44 workers reported having their passports confiscated
- 14 workers reported wage theft, and 36 workers reported underpaid or unpaid overtime
- 28 workers reported being in debt to their employers to pay off fees
- 39 workers reported paying illegal recruitment fees
- 37 workers reported working excessive overtime

These indicators of forced labour, when taken together, can and do create forced labour conditions for migrant workers in the UAE. The abuse faced by migrant workers violates labour and human rights commitments under the ILO Forced Labour Convention, 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105), and the Protocol of 2014 to the Forced Labour Convention, 1930 that are currently in force within the country.

Forced labour conditions within the delivery sector, moreover, compound risks associated with heat stress because workers are unable to control their working hours or to exit abusive employment relationships without significant penalties. Instead, workers described working in extreme conditions of up to 13 hours a day, 6 days a week amounting to 234 hours in a three-week period, or 1.6 times higher than the legal cap on working hours in the UAE.⁵

- III. Climate displaced migrants employed in delivery services, within the UAE and elsewhere, are doubly impacted by the global climate crisis- they migrate in response to climate impacts and find employment in a sector with high exposure to heat stress

Asian and African migrant workers employed in the delivery sector in the UAE migrate for employment in response to climate impacts in their home areas that have affected their ability to support themselves and their families. Many of the workers Equidem spoke with come from regions that have been impacted and even devastated by extreme weather and climate change. Workers interviewed by Equidem migrated for employment to the UAE from climate impacted areas of the Philippines, Mozambique, Bangladesh, Pakistan, and Nepal—five of the ten countries most affected by climate change between 2000 and 2019.

Climate related migration, moreover, encompasses not only major weather events, but also less recognized climate events. Brining these less reported local climate events into focus, Equidem researchers conducted desk research to identify climate impacts in the local villages and

⁵ Under UAE labour law, normal working hours for the private sector are eight hours a day and workers may not work for more than five consecutive hours without a break of not less than an hour, two overtime hours a day, or more than 144 hours during a single three-week period. See Articles 17, 18 Federal Decree Law No. 33 of 2021 on the Regulation of Labour Relations in the Private Sector available online at <https://u.ae/-/media/Documents-2022/Federal-DecreeLaw-No-33-of-2021.ashx>

communities of each of the migrant workers interviewed for this study—revealing a striking pattern of migration from areas impacted by drought, floods, heavy rainfall, landslides, mudslides, tropical storms, industrial pollution, and disease outbreaks.

- IV. Information on labour and human rights violations in the digital-platform based delivery sector are particularly challenging to access (Question 1)

Access to information on labour and human rights in the digital platform-based delivery sector in the UAE is not sufficient to protect climate impacted and other migrant workers employed on these projects (Question 2).

1. *Migrant workers in the digital-platform based delivery services and other sectors in the UAE are subjected to structural discrimination under the kafala labour sponsorship system that excludes workers from labour rights protection, leaves workers in fear of reporting rights violations, and restricts access to information on labour and human rights violations*

The UAE's labour sponsorship system ('*Kafala*') binds workers to their sponsoring employers and prevents them from changing jobs or leaving their country without their permission. This sets up a system of structural discrimination against non-citizens, a de-facto caste system based on national origin where workers experience uneven legal protection. Laws designed to protect migrant workers are poorly enforced and workers face systematic discrimination and challenges accessing justice. This legally entrenched system of employer control prevents workers from reporting the negative impacts on labour and human rights taking place in the delivery-services sector in the UAE.

The UAE issued a series of labour reforms beginning in 2015, including removing the requirement of obtaining an employer's permission to change jobs (No Objection Certificate) or leave the country (Exit Permit), and increasing access to grievance and labour dispute mechanisms.^v These recent reforms to the *kafala* system have somewhat loosened the control that a sponsoring employer can exercise over a worker, addressing a key factor in many cases of worker exploitation and occasionally trafficking in persons cases. However, as documented in this submission, these measures are insufficient to adequately protect migrant worker rights.

2. *Failure to protect freedom of association and collective bargaining restricts access to information on labour and human rights impacts in the digital-platform based delivery sector in the UAE*

Although article 33 of the UAE Constitution guarantees freedom of association within the limits of the law, unions are banned, and all public gatherings require government permission. Migrant workers cannot exercise freedom of association or join trade unions, clear violations of the country's international human rights obligations.

Freedom of association is fundamental to accessing up to date information on labour and human rights conditions in the platform-based delivery services sector and in upholding workers' rights.

The freedom to associate creates the conditions for worker-led organizations to speak up against and fight rights violations. Independent and democratic trade unions provide government's a partner in the enforcement of labour standards and a permanent voice for the improvement of those standards. Our investigations demonstrate that the initiatives taken to provide rights protections to migrant workers in the UAE will remain inadequate until workers are free to exercise their human right to collective representation.

3. *Labour subcontracting practices in the platform-based delivery services sector in the UAE pose specific challenges for multinational companies to collect information on and remediate labour and human rights risks caused by their business operations* (Question 5)

Equidem found that migrant workers in the renewable energy sector in the UAE are employed by multinational energy companies through a network of contractors and subcontractors. The pattern of forced labour indicators across digital-platform based food service delivery operations in the UAE, moreover, is not surprising because these lead firms share an industry practice of not hiring delivery service workers directly, but instead hiring from a slate of subcontractor companies engaged in highly exploitative labour practices. During this investigation, Equidem identified 34 of these manpower agencies, many of whom supply workers across multinational digital-platform based food service delivery operations. The absence of direct and accountable employment relationships between multi-national digital-platform based food service delivery operations and their drivers creates additional barriers to accessing information on the labour and human rights impacts in the renewable sector in the UAE.

4. *Information on how digital-platform based employment presents risks of heat stress and other occupational safety hazards is critical to mitigating these conditions*

Across the world, an increasing number of workers are employed in gig economies—market systems wherein workers earn money from completing many small jobs for a number of clients. The task of matching gig workers with employers is increasingly managed by digital labour platforms—including for taxi drivers, food and other deliveries, domestic and household labour, and construction work. According to the ILO, the last decade has seen a five-fold increase in the number of digital labour platforms. These digital platforms are driven by algorithms that integrate a broad range of factors in matching workers to particular roles, such as drivers to particular deliveries.

To date, however, despite the real-time availability of temperature data, traffic conditions, and the number of hours a worker has been employed continuously, these algorithms are not trained to consider the impact of rising temperatures on the health and safety of delivery service workers or to mitigate these impacts by mandating rest and hydration breaks required to safely sustain employment under heat stress conditions. Information on how digital-platform based employment impacts worker health is critical to safeguarding workers in this industry from heat stress as platform-based gig employment assumes an ever more prominent position in the future of work.

This research has shown that gig economy workers face inconsistent income, earn below minimum wages, lack job security, and are all too often excluded from social and employment security benefits—paid sick leave, health insurance, and pension or retirement contributions.

5. Recommendations

A. *Recommendations for business actors in the platform-based delivery services sector*

- Require full disclosure from all partners, clients and suppliers, and publish a list of all contractors, suppliers and companies in value chains.
- Ensure workers can exercise their rights to freedom of association, to organise, engage in collective bargaining and representation, and speak freely.
- Protect workers who speak up against rights violations and ensure protections for whistle-blowing and human rights defenders.
- Research the impact of heat stress on delivery service workers and develop algorithmically driven ways to monitor heat conditions in real time and adjust delivery schedules to mitigate these risks.

• *Recommendations for International business and investors*

- Divest from projects where partners in the UAE fail to address human and labour rights abuses.
- Develop and implement policies and practices on business and human rights in line with the UNGPs and other relevant international standards that partners and contractors in the UAE must respect as a legal requirement for doing business with you.
- Seek expert guidance, including that of civil society, on how to identify, prevent and mitigate human rights risks due to business activities in the platform-based delivery services sector in the UAE.

B. *Recommendations for the UAE*

- Extend labour rights protections to all migrant workers.
 - Pass legislation recognising workers' right to freely associate, organise, bargain and form a trade union in line with international labour conventions.
 - Ensure all workers are paid equal pay for equal work, regardless of their nationality or any other protected characteristic.
 - Strengthen, implement and enforce the prohibition on discrimination as outlined in Federal Law No. 33, addressing both direct and indirect forms of discrimination and extend these protections to all workers, regardless of their nationality or occupation.

- Protect migrant workers from paying recruitment fees for their employment and initiate investigations and legal actions against employers and recruitment agencies that impose such fees on workers.
- Permit independent observers access to the UAE to monitor the human rights situation in the country, including with respect to migrant workers, and issue an open invitation to all United Nations Special Procedures mandate holders.
- Protect platform-based delivery service workers from heat stress and other occupational health and safety risks
 - Amend climate-related outdoor working hour bans to reflect real-time temperature, humidity and workload for all outdoor worksites.
 - Safeguard workers from extreme heat exposure by enacting legislation that mandates employers to grant workers breaks of appropriate duration in cooled, shaded areas when occupational heat stress is a potential hazard. These mandatory break times should consider both environmental heat stress risks and the physical demands of the job.
 - Mandate that employers provide workers with easy access to water, along with fully air-conditioned accommodation and work rest areas.
 - Ensure that the above laws and policies are adapted to be applicable to platform-based delivery services work and other gig-economy employment.
 - Ensure that migrant workers are comprehensively informed about these regulations and receive adequate training. Ensure that essential healthcare services for low-income migrant workers are provided free of charge, regardless of their immigration status or possession of identity documents.

