Qatar legal requirements for young workers

1. Potential Liability for workplace injuries / fatalities
   • Criminal
   • Civil
   • Administrative sanctions
   • Labour Law

2. Criminal Investigation Process
   • Preliminary investigation – Police, Ministry and other authorities
   • Secondary investigation - Public Prosecutor
   • Criminal Court
Part One – Potential Liability for Workplace Injuries/Fatalities
Liability - overview

- Multiple types of liability likely to arise in a single case.
- Liability may fall to company or against individuals within the company.

<table>
<thead>
<tr>
<th>Type of liability</th>
<th>Who is liable?</th>
<th>When does liability arise?</th>
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<tbody>
<tr>
<td>Labour Law obligations</td>
<td>Company</td>
<td>Often arise fairly immediately (payment of treatment, maintenance of pay whilst unable to work, etc.)</td>
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<tr>
<td>Administrative sanctions</td>
<td>Company</td>
<td>Generally imposed relatively promptly (may trigger criminal investigation)</td>
</tr>
<tr>
<td>Criminal liability</td>
<td>Individual</td>
<td>May take many years to conclude</td>
</tr>
<tr>
<td>Civil liability</td>
<td>Individual or Company</td>
<td>Civil complaint will often follow a finding of criminal liability</td>
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(1) Criminal Liability

- Personal criminal liability for injuries / fatalities in the workplace.

- Criminal prosecution often coupled with an award of Diya (blood money) or Arsh (injury money).

- Diya = QAR 200,000.
## Criminal Liability continued

<table>
<thead>
<tr>
<th>Article</th>
<th>Summary</th>
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| Article 311 | **Death** by mistake through negligence, ignorance or not taking into account the relevant laws or regulations =
  - 3 years in prison; and/or
  - QAR 10,000; or
  - In all cases, the accused will be convicted to no more than a year in prison if the victim’s parents forgive or accept the amount of money. |
| Article 312 | **Harm** by mistake as a result of negligence, ignorance or not taking into account the laws and regulations =
  - 6 months in prison (or 1 year where permanent deformity); and/or
  - QAR 1,000 (or QAR 5,000 where permanent deformity). |
| Article 313 | Enhanced/Double penalty where the crime happens due to:
  - the transgression of the accused’s occupation, profession or job;
  - if the accused’s was under the influence of narcotics or alcoholics;
  - the crime leads to the death of a person or the injury of more than 3 people; or
  - the accused abstains from helping or seeking help for the victim despite their capability to do so. |
(2) Civil Liability/Compensation

Personal Civil Liability

- A person who causes harm to another can be subject to civil liability whether or not criminal liability is found.

- Civil liability can arise under Article 199 of the Civil Law No. 22 of 2004 (the Civil Law), which states:

  “For every fault that causes detriment to a third party the person who commits it must pay compensation.”
Vicarious Liability

The principle of vicarious liability is set out at Article 209 of the Civil Law:

- Article 209(1) provides that a “superior” (i.e. employer) shall be liable for the detriment caused as a result of an unlawful act done by his “subordinate” (i.e. employee) where that act was committed during the course of the subordinate’s employment or because of it; and

- Article 209(2) sets out that vicarious liability shall exist even if the superior is not free to choose his subordinate when the nature of the task entrusted to the subordinate is such that it establishes for the superior actual authority to control and instruct the subordinate/employee.
(3) Administrative Sanctions

- Ministry of Administrative Development, Labour & Social Affairs (MOL):
  - Will carry out an investigation – focus on compliance with Labour Law.
  - May “blacklist” company which can disrupt ability to manage workforce.
  - Can also impact other companies in the group.
  - MOL may file criminal complaint against the company.
  - Depending on sector – administrative sanctions may be imposed by other regulatory bodies.
What is a work place accident?

- The Labour Law defined a work injury as:

  “the suffering by the worker from any of the occupational diseases listed in Schedule No. (1) of the Labour Law; or any injury resulting from an accident happening to the worker during the performance of his work or by reason thereof or on his way to or back from his work provided that the journey to and from the work is without any break lingering, or diversion the normal route.”
Labour Law – reporting obligations

- File a report with the police, setting out the circumstances of the accident.

- Inform the MOL – standard form available from MOL website.

- In addition, periodical updates on workplace accidents are to be submitted to the MOL every 6 months.

- May also have other reporting obligations outside of Labour Law (to regulatory body, for example).
Labour Law – financial implications

1. **Pay for medical treatment** until the employee recovers or disability is established.

2. **Pay a financial subsidy** to the employee whilst he is unable to work of:
   - Full pay for 6 months; and
   - Half pay for a further period of 6 months, or until the employee recovers, disability is established, or the employee dies, whichever occurs first.

3. **Compensation**
   - Death or permanent disability = QAR 200,000.
   - Partial disability = percentage of total depending on nature of disability.
Labour Law – exemptions

No obligation to pay medical expenses and/or compensation where the employee:

• intended to injure himself.

• was under the influence of illicit drugs or alcohol.

• ignored the safety instructions or committed gross negligence in that regard; or

• without justifiable cause, refused to adopt the treatment prescribed to him by a physician.
Part Two – Investigation Protocol
Step 1 – Preliminary Investigations

- Representatives from various authorities may attend site and want to interview staff.

- Police - to establish who is responsible for the incident.

- MOL – to establish compliance with Labour Law.

- Other authorities – depending on sector and nature of incident.
Step 2 – Public Prosecutor

- Further investigation and interviews.
- May request documentation.
- Imposition of travel bans.
- Refer case to criminal court.
Step 3 - Court

- Usually consist of a number of short hearings - written pleadings are handed in and limited opportunity to give oral evidence.
- Sometimes witnesses may be called – not always.
- Sometimes expert appointed – may be called to expert meeting.
- No system of binding precedent.
- 3 stages – first instance, court of appeal and court of cassation.
- Conducted in Arabic – all documents to be translated.
- No obligation of full disclosure – consider which documents to submit.
Emma Higham
Partner – Employment

Emma is an employment lawyer with over 14 years' experience. Having been based in Qatar for more than 13 years, Emma incorporates her extensive knowledge of the local law when advising both local and international clients. Emma advises on a wide range of employment and immigration matters both in and outside the Qatar Financial Centre.

Emma joined Clyde & Co in October 2007, having previously worked for another international law firm for six years, both in London and Qatar. Prior to that Emma worked for Price Waterhouse for eight years in both audit and corporate recovery. Emma is admitted to practise as a solicitor in England and Wales.

In addition to developing the employment practice which was awarded Qatar Employment Practice 2016 and 2017 at the Qatar Business Law Forum Awards, Emma was mentioned in Chambers as follows:

“Sources say that Emma Higham is a very experienced lawyer who "can channel everything in the right direction and knows who to contact." One client praised her as "the best I have ever dealt with." She possesses noted experience on employment-related matters. – Chambers & Partners - 2018