

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

Access to information on climate change and human rightsⁱ

Submitted by Equidem

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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 the need to protect labour rights and eliminate discrimination faced by migrant workers employed on vital climate-related infrastructure projects, such as renewable energy—especially vulnerable migrant worker communities who are compelled to migrate to the due to climate-related disasters in their home countries.

The submission is based upon an in-depth investigation conducted by Equidem into the human and labour rights violations facing climate impacted and other migrant workers from Asia and Africa employed in the renewables sector in the United Arab Emirates (UAE). This research was conducted between February and November 2023 and included the perspectives of 48 migrant workersⁱⁱ.

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. 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 intersection between worker rights and climate change and the right to information.

The submission argues that business entities and states engaged in renewable energy projects in the UAE—a key component of climate change mitigation strategies—should be held accountable

for human and labour rights impacts on climate impacted and other migrant workers they employ (Part I). It provides evidence that migrant workers from Africa and Asia employed in the renewables sector in the UAE are being subjected to serious human rights abuses (Part II). It also provides detailed analysis of why information on the negative impacts on labour and human rights taking place on renewable energy projects are particularly challenging to access (Part II). The submission concludes with recommendations for business and state action required to prevent negative impacts on migrant rights (Part IV, V).

I. Business entities and states engaged in renewable energy projects in the UAE—as a key component of climate change mitigation strategies—should be accountable for human and labour rights impacts on climate impacted and other migrant workers.

From November 30 to December 12, 2023, global leaders convened at Expo City Dubai for the United Nations Climate Change Conference (COP 28) aimed at aligning global efforts on climate action and rethinking, rebooting, and refocusing the global climate agenda. The UAE proudly displayed cutting edge facilities to produce concentrated solar power and wind energy, including the Mohammed bin Rashid Al Maktoum Solar Park, the largest single-site solar park in the world.

However, the UAE maintains a system of racial segregation and labour exploitation that subjects 9 million migrant workers in the country, around 89 percent of the total population,⁸ to rampant exploitation, including in the renewable sector.

It is the duty of states, business entities, and international systems to identify, address and mitigate potential adverse outcomes of climate change and ensure a fair and just transition while upholding labour and human rights. Urgent action is required by the UAE government, companies in the renewable sector, and global leaders to ensure that our global climate agenda includes attention to decent work for all and especially migrant workers impacted by rising temperatures and other climate change impacts across the globe.

II. Migrant workers from Africa and Asia employed in the renewables sector in the UAE, including climate impacted migrants, are being subjected to serious human and labour rights abuses

A. Workers employed in the renewables sector include climate impacted migrants from who are dually impacted by climate change—they experience climate displacement at home and heat stress at work in the UAE

1. African and Asian workers employed in the renewables sector in the UAE migrate for employment based upon climate impacts in their own countries

Workers interviewed by Equidem migrated for employment to the UAE from the Philippines, Mozambique, Bangladesh, Pakistan, and Nepal—five of the ten countries most affected by climate change between 2000 and 2019.ⁱⁱⁱ For example, one Pakistani worker employed at Mohammed bin Rashid Al Maktoum Solar Park, United Arab Emirates described migrating to the UAE after his hometown was flooded his livelihood was destroyed:

The last place I worked was a pharmaceutical company. I had to leave my job because of rains and floods, due to which interior Sindh basically drowned. Because of that, the company could not manage to sell their products anymore and I had to leave my job.^{iv}

Climate related migration encompasses not only major weather events but also less recognized climate events. Equidem research identified climate impacts in the local villages and 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.

2. Migrant workers in the renewable sector in the UAE work long hours in extreme heat

Climate related impacts have significant consequences for workers employed in the renewable industry in the UAE. Workers interviewed in the renewable sector said they are made to engage in heavy physical activity under extreme heat. 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.¹³ Negative health impacts linked to prolonged exposure to hot environments include heat stress leading to dehydration, heat fatigue, heat rash, heat syncope, heat cramps, rhabdomyolysis, heat exhaustion, heat stroke and death.

B. Migrant workers employed in the renewables sector in the UAE are subjected to serious human rights abuses

Equidem documented significant labour and human rights violations in the renewable sector in the UAE, including at Mohammed bin Rashid Al Maktoum Solar Park, Al Dhafra Solar Power Project, Noor Abu Dhabi Solar Plant, and Sir Bani Yas Wind Farm Project. Migrant workers described working in extreme heat, exposure to occupational health and safety risks, nationality-based discrimination, lack of opportunities for promotion, exploitative hiring practices, understaffing and overwork, wage theft, workplace violence, overcrowded accommodations, inadequate food allowances, and inadequate channels for workers to seek relief from these violations. These violations were widespread, suggesting a pattern of risk factors within the renewable sector.

III. **Information on labour and human rights violations on renewable energy projects in the UAE are particularly challenging to access (Question 1)**

Access to information on labour and human rights on renewable energy projects 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 renewable 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 on renewable energy projects 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 renewables 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 renewables 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 on renewable energy projects in the UAE pose specific challenges for multinational renewable energy 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. Workers describe being hired on a project-by-project basis, across renewable project sites and even by distinct companies and contractors on a particular site. A migrant worker from Pakistan, employed in the renewable sector for seven years, explained:

I have been working on the Al Dhafra project for two years. Before that it was Mohammed Al Maktoum Solar Power Plant. First, I worked for a Spanish company, TSK on phase 2 and then another Spanish company on phase 3. Then I worked on phase 4 with another Spanish company. Then a Chinese company took over, Shanghai Electric on phase 5. In the UAE solar sector, we are hired on a project basis. When the project is complete, our contracts are terminated.^{vi}

While it is possible to document the presence of multinational companies on renewable energy sites, the network of contractors and subcontractors that employ workers on these sites are not publicly available. This lack of transparency creates additional barriers to accessing information on the labour and human rights impacts in the renewable sector in the UAE.

4. *Location of renewable energy projects and worker housing in remote areas makes it particularly difficult for workers to report rights violations and seek relief*

Equidem researchers found it particularly challenging to engage with migrant workers employed in the renewable sector due to the location of renewable projects in remote areas and the common practice of migrant workers being transported by companies and contractors from worker housing sites directly to renewable sector projects and back. These conditions heighten employer control over migrant workers, restricting access to information on human and labour rights impacts on renewable projects.

IV. *Business actors in the renewable sector should take urgent measures to collect Information on labour and human rights violations on their renewable energy projects in the UAE and to end this pattern of rights violations* (Question 1)

A. *Recommendations for business actors in the UAE*

- 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.

• *Recommendations for International business and investors*

- Divest from projects where partners in the UAE fail to address human and labour rights abuse.
- 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 UAE.

V. **The UAE should take urgent measures to respond to the labour and human rights risks facing climate impacted and other migrant workers on renewable projects
(Question 2)**

A. *Respect migrant worker human and labour rights*

- 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.

B. *Protect 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 and refrigerated food storage facilities at work sites, along with fully air-conditioned accommodation and work rest areas.
- 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.

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

ⁱⁱ For the complete findings of this research, see *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>

ⁱⁱⁱ Global Climate Risk Index 2021,” German Watch, January 25, 2021, available online at: <https://www.germanwatch.org/en/cri>

^{iv} A Pakistani worker employed by a subcontractor as a solar panel scanner at Mohammed bin Rashid Al Maktoum Solar Park, United Arab Emirates interviewed in 2023.

^v Mustafa Qadri, “The UAE’s Kafala System: Harmless or Human Trafficking?” in Dubai’s Role in Facilitating Corruption and Global Illicit Financial Flows, ed. Matthew T. Page and Jodi Vittori, Carnegie Endowment for International Peace, July 7, 2020, available online at: <https://carnegieendowment.org/2020/07/07/uae-s-kafala-system-harmless-or-human-trafficking-pub-82188>.

^{vi} A Pakistani worker employed as a Health Safety Environment Officer across numerous renewable projects and phases in the United Arab Emirates, interviewed in 2023.