



Foul Play: FIFA's Failures at the 2018 World Cup Russia

Executive Summary

June 2018



BWI
Building and Wood
Workers' International
www.bwint.org



BWI's World Cup Campaigns

The Building and Wood Workers' International (BWI) Global Sports Campaign for Decent Work is designed to put a spotlight on the exploitative working conditions of thousands of construction workers building the stadiums, sports facilities and infrastructure projects for mega-sporting events. It calls on FIFA and the Local Organising Committees (LOC) to recognise responsibility for ensuring respect for human rights in all aspects of their operations.

BWI recognises that FIFA's human rights policy and overall approach to integrating human rights has changed in important ways since 2015. Following a report commissioned by FIFA on human rights¹, FIFA added human rights responsibilities to Article 3 of its Statutes. In May 2017, FIFA adopted its first Human Rights Policy, applicable across its global operations.

However, in practice, little has changed. In Russia, BWI and its affiliates took part in 35 inspection visits to the main stadium sites over the period of October 2016 – March 2018. This briefing paper outlines the main workers' rights violations that BWI has identified, including in its work with the Stadium joint inspection teams. The paper details the limitations of these inspections and concludes with a series of recommendations to make a reality of FIFA's commitment of *"anchoring respect for human rights in the bidding and hosting of our events and throughout our relationships with third parties"*.²

The Migrant Construction Workforce in the 2018 FIFA World Cup Russia

Over 10,000 construction workers were employed to build or renovate the 10 stadiums for the FIFA World Cup Russia and build new infrastructure. About 60 per cent of the workforce comprised migrant workers. So the protection of migrant workers' rights became a central issue for the BWI Campaign for Decent Work in the 2018 FIFA World Cup Russia. The recruitment system was clearly open to abuse by unscrupulous agents and contractors.

The FIFA Law seeks to tear up the provisions of the Russian Labour Code

FIFA requires World Cup host nations to adopt a "FIFA Law"³ that regulates all aspects of the country's preparations for the championship. The 2013 Russian FIFA Law No 118-FZ Article 11 gave the right to all "FIFA business partners" to ignore the provisions of the Russian Labour Code that regulate working hours, overtime pay for extra hours, night work, and work on holidays. The national trade unions, together with other civil society organisations, took up the issue of the FIFA Law, outraged that it could undercut Russian labour regulations. They called for clear restrictions on what was meant by FIFA business partners. In June 2015, when the final list of FIFA business partners covered by the law was published, it only included national football associations and some broadcasting companies but no other FIFA contractors. This sent a clear message to FIFA and its contractors that unions were prepared to defend workers' rights on the World Cup sites.

Joint Inspection Missions on Construction Sites

BWI and the Russian Building Workers Union (RBWU) negotiated with FIFA and the FIFA Local Organising Committee (FIFA LOC) a Memorandum of Understanding (MoU) regarding workers' rights in the construction and renovation of the stadiums.

Signed in August 2016, the MoU is based on a joint commitment to respect and promote fundamental human rights. Key areas of cooperation included joint visits to monitor working conditions at the World Cup sites and the facilitation of a process to address and resolve workers' complaints of serious violations of decent work conditions. This MoU meant that BWI and RBWU could participate in the inspection system that FIFA and FIFA LOC had already established at the World Cup sites. In early 2017, BWI and RBWU met with FIFA and FIFA LOC to discuss improvements to the methodology of the inspection visits.

BWI and RBWU participated in 35 joint inspection visits to eight of the ten stadiums under construction or renovation. Each stadium was visited at least twice and in some cases on five occasions over the course of 19 months from October 2016 to March 2018. BWI inspectors included staff from the BWI, the RBWU and experts from BWI affiliates in Sweden and Finland.

BWI considers that the joint inspection visits had some merit but fell far short of providing a regular labour inspection of the sites to ensure compliance with labour and occupational health and safety standards. The inspection visits did achieve some gains in terms of provision of employment contracts, payment of wage arrears, payment of minimum wages and improvements to Personal Protection Equipment (PPE) and other occupational health and safety issues.

However, the MoU and the inspection visit process failed to address and resolve many of the workers' concerns regarding working and living conditions and occupational health and safety standards. BWI members of the inspection teams were critical of the quantitative approach adopted by the Klinsky Institute that merely enumerated the number

1 "For the Game. For the World. FIFA and Human Rights", Prof. John Ruggie, Harvard Kennedy School, April 2016 See: https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/programs/crj/files/Ruggie_humanrightsFIFA_reportApril2016.pdf

2 FIFA, FIFA's Human Rights Policy, May 2017, https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashuman-rightspolicy_neutral.pdf, p. 4.

3 "On the preparation and staging of the 2018 FIFA World Cup and 2017 Confederations Cup in the Russian Federation and the Amendment of Certain Russian Federal Legislative Acts" No 108-FZ 2013

of cases of non-compliance addressed by the contractors while failing to analyse the inspection reports sufficiently to address the root causes and compel the construction companies to fully implement the recommendations from the inspections.

FIFA failed to take significant steps to ensure that there was a well-functioning system of labour inspection to enforce strict compliance with labour regulations and occupational health and safety standards.

Main workers' rights violations at the stadium construction sites

Employment contracts: It was relatively common to find workers with no written employment contracts, carrying out tasks on a daily basis as requested by their supervisor. When there was an employment contract, many did not include basic information concerning working conditions, including compensation for hazardous work or overtime payments.

Wage-plus-bonus system: Where they existed, employment contracts often stipulated a basic wage rate, normally the minimum wage, and an additional bonus to be paid "according to internal regulations". During inspection visits, workers frequently complained about wage arrears, which were often in fact bonuses that were promised and never paid. This system was clearly abusive and yet was condoned. While FIFA and FIFA LOC acknowledged "problems" with this wage-plus-bonus-system, they failed to use their influence to put an end to the practice.

Non-compliance with minimum wages: In some cases, contractors did not respect minimum wage provisions, particularly after January 2018, when the national rate was increased from RUR 7800 (USD 135) to RUR 9489 (USD165).

Wage arrears: Non-payment of wages and delays in payment were common occurrences. Delays could be from a few days up until three or even five months. The most common cause of strikes and protest actions were related to non-payment of wages and bonuses. The construction sites where wage arrears were most frequent were in Rostov on Don and Samara.

Occupational health and safety: The inspection visits consistently noted issues related to lack of PPE or failures to enforce use of PPE. Work at heights was not organised properly and the inspection visits reported unsafe scaffolding, lack of protective barriers and signs, and many unprotected and dangerous holes. Workers were required to work in extreme cold weather, when temperatures dropped to below -20°C.

Deaths and serious injuries: As of April 2018, BWI and RBWU recorded 21 fatal accidents since the beginning of the renovation and construction of the stadiums. The main reasons for the fatalities were because workers fell from a height or because equipment fell from a height onto a worker. BWI considers these tragedies could have most probably been averted if safety and health conditions were strictly enforced.

North Korean migrant workers at St. Petersburg Stadium:

In November 2016, BWI was informed that a North Korean worker had died at the workers' camp near the St. Petersburg Stadium. The same month, BWI was shown a list of 25 North Korean migrant workers from the security gate lists. However, BWI could not obtain more details about the workers' employer nor employment contracts. In a follow-up visit, the workers had moved to another site. Because North Koreans have worked abroad in other countries allegedly in situations amounting to forced labour, BWI informed FIFA of its concerns, requesting a full investigation. FIFA failed to investigate the circumstances surrounding the death of the North Korean migrant worker and failed to provide further information about the North Korean migrant workforce. However, FIFA and FIFA LOC did take measures so that no more North Korean migrant workers were employed in the stadium projects.

Workers' protests and strikes: There were seven strikes or protest actions at the stadiums during 2016-2018 mainly because of non-compliance concerning wage payments, including 5-month wage arrears. The local government or main contractor took action to ensure a satisfactory settlement, although no additional compensation was provided to the workers for loss of wages.

Employer-provided accommodation facilities: Generally speaking, employer-provided accommodation was sub-standard and very crowded. In one extreme case observed during an inspection visit in November 2016 in St. Petersburg, migrant workers were accommodated in a camp next to the stadium where there was no running water, sanitary facilities or heating system, although the temperature was far below zero. There were over 4 people to each room which was between 12-16 sq. metres.

Tale of two stadiums: the role of trade unions in protecting workers' rights

The Russian Building Workers Union (RBWU) played an important role in protecting workers' rights. At the Yekaterinburg stadium, the RBWU regional branch worked with the main contractor on occupational health and safety conditions and two sub-contractors were organised. During the visits, the inspection teams identified concerns, particularly related to work at heights and workers not using PPE. When the RBWU brought these issues to the attention of the companies, generally speaking they were addressed. Yekaterinburg was the only stadium that did not suffer from strikes or other protest actions on wage arrears, or fatal accidents during the construction cycle. In contrast, St. Petersburg was considered the most dangerous FIFA-related construction site. With over 80 sub-contractors, the RBWU described the situation as chaotic, with unplanned changes to work schedules and many occupational health and safety risks. There was strike action to protest wage arrears in June 2016 which was only resolved when the police and State prosecutors agreed to investigate. There were 8 fatal accidents: 5 occurred after St. Petersburg was selected as a World Cup stadium. There were two fatalities in December 2015 due to falls from heights; two more fatalities in 2016 for the same reason; and then in 2017, the North Korean worker who died in the camp near the stadium.

Conclusions

Despite its May 2017 human rights policies, FIFA has clearly failed to show any serious commitment to ensure compliance with international labour and occupational health and safety standards. BWI has therefore drawn up a set of recommendations to FIFA that could do much to make their human rights policy a reality on the ground. Until such time, BWI and its affiliates across the world are holding up their red cards at FIFA's foul play.

Main recommendations to FIFA

1. In its bidding specifications and in its third party relationships, FIFA must include mandatory clauses requiring compliance with national and international labour and occupational health and safety standards.
2. In keeping with its existing "Green Stadium" design standards, FIFA must adopt a mandatory policy on a "Decent Work" stadium and related infrastructure. FIFA must draw up a list of specifications based on international labour and occupational health and safety standards.
3. FIFA must commit to (1) ensuring that the recruitment and employment of migrant workers comply with international labour standards and (2) investigating all reports of migrant workers' abuses and (3) publishing public reports of their findings.
4. FIFA must commit to working with BWI to establish a model text for future Memorandum of Understanding, including a joint inspection mechanism.
5. FIFA must commit to adopting a policy and a set of measures concerning zero tolerance for fatal accidents on any FIFA-related infrastructure projects.

Building and Wood Workers' International is the global union federation grouping free and democratic unions with members in the building, building materials, wood, forestry and allied sectors. It counts over 350 affiliates in 128 countries with a total membership of around 12 million. It has its headquarters in Geneva.

Route des Acacias 54
CH-1227 Carouge GE
Switzerland

Tel.: +41 22 827 37 77
Fax: +41 22 827 37 70
Email: info@bwint.org
www.bwint.org



BWI
Building and Wood
Workers' International
www.bwint.org