

2018 Questions for Construction Companies in the UAE
Migrant Worker Rights

Name of company: AF Construction LLC
Headquarters address: 20th Floor, Control Tower, Motor City, Dubai, UAE
Website: <http://www.afcarillion.ae/>

1)

- a) Please describe the scope of your company's operations in the UAE, including reference to the company's current projects and any labour rights standards governing these projects.

The joint venture between Carillion and Al-Futtaim commenced in the 1970's and continues to represent the formation of one of the UAE's most respected construction companies. AFC's roots go back to the early days of the region's growth and development and continues to deliver successful projects in the region. Carillion PLC experienced financial difficulties in 2017, and went into compulsory liquidation in January 2018. The successful and full ownership transfer from Carillion to the Al Futaim Group was concluded early in June 2018.

With the continued support from the Group, AFC currently manages a number of ongoing projects across sectors working with some of the largest developers in the region including ENOC, Dubai World Trade Centre, EMAAR and Al Sharq Investments. Some of its major past and current projects include Expo2020's three main Districts, Al Jalila Hospital, The Lofts tower, Dubai Festival City, New York University in Abu Dhabi, Al Raha Beach, Yas Island, Dubai, Al Bahr Towers, City Walk, Le Mer Beach Resort, Big Box, Dubai World Trade Centre and Bee'ah Headquarters. AFC is exploring opportunities in neighboring countries and the wider MENA Region to support the Group's vision of growth.

The company holds several non-public Employee Welfare Policies that covers and/or references the UK Modern Slavery Act 2015, equal opportunities, health and safety, worker welfare standards, fair and compliant compensation and benefits payments, learning and development, a training and education assistance policy, a fair and ethical recruitment policy, work schedules in accordance with the Law and a business code of ethics to mention only a few.

- b) List your company's business relationships on its current projects, including with business partners¹ and entities in its contracting chain.² If your company maintains this information publicly, please provide a link or attachment to it.

AFC's primary business relationships on its current projects include employers, their consultants, funding bodies, and AFC supply chain (subcontractors and suppliers).

Relationships with employers are based on internationally recognised standard conditions of contract (e.g. FIDIC) with special conditions applicable to each project or bespoke agreements that include similar provisions to the international standards. These standards require compliance with Local Laws including

¹ i.e. joint venture partners, State and non-State clients, and State and non-State project financiers

² i.e. subcontractors, recruitment agencies, and labour supply companies in countries of origin and destination

Labour Laws and set out criteria for engagement of staff and labour, rates of wages and conditions of labour.

Where we have direct relationships with Employers funding bodies (e.g. UK Export Finance) we adhere to strict compliance with anti-corruption provisions and policies and practices on environmental, social and human rights due diligence and monitoring.

Through the contractual arrangements with our supply chain relationships we require strict compliance with anti-bribery and corruption provisions and compliance with anti-slavery and human trafficking laws and policies as set out in some publically available policies, as shown below:

- <https://www.gov.uk/government/publications/uk-export-finance-environmental-social-and-human-rights-policy/policy-and-practice-on-environmental-social-and-human-rights-due-diligence-and-monitoring>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415130/mark-up-of-clause-12-in-exip-policy-document.pdf

2) Does your company maintain public workforce data? If yes, please provide a link or attachment with the data.

If not, please provide the information on the number of:

a) Directly employed³ workers on your current projects, and their countries of origin

4113 as of 01st July 2018

25 Countries as below:

India; Sri Lanka; Philippines; Pakistan; United Kingdom; Poland; Bangladesh; Jordan; Nepal; United Arab Emirates; Serbia; Comoros; New Zealand; Greece; USA; Germany; Romania; Syria; Palestine; South Africa; Ireland; Egypt; Malaysia; Australia; Sudan.

b) Workers employed by subcontractors on your current projects

7,010

c) Workers employed by labour supply companies on your current projects

2,974

Human rights policy & due diligence

3) Does your company have a publicly-available written policy to respect human rights in its operations that addresses a) the rights of workers employed by the company and b) the rights of workers employed by subcontractors, labour supply companies and other entities in the company's subcontracting chain? Please provide links or attachments to the company's relevant policies.

No – we do not have a public available written policy in respect of human rights however all of our internal policies adhere to the human rights in operation in the country we operate within.

4) Does your company require subcontractors and other entities in your contracting chain in the UAE to comply with your human rights and other rights-related policies and procedures? If yes:

³ A directly employed worker is a worker with whom you have a contract of employment and to whom you pay wages

- a) How do you hold them accountable to these requirements (e.g. through contract clauses) and ensure their compliance (e.g. through training, monitoring, penalties etc.)?

Accountability to ensure subcontractors comply with human rights policies and procedures, AFC reviews this in 3 different stages:

Stage 1: AFC uses an internal Supplier Accreditation & Supplier Performance Improvement tool which will allow potential supply chain partners online Accreditation and also provide AFC with a robust Performance Measurement system.

Stage 2: during the pre-let stage which occurs during the finalisation of a contract package and lastly

Stage 3: AFC includes terms and conditions in all its Subcontract agreements to formalise expectations related to human rights and fair employee practices.

- b) Do you enforce compliance beyond the first-tier of your contracting chain? What challenges does the company face in ensuring subcontractor compliance, both in the first and subsequent tiers?

AFC records information as part of Stage 1 described above but does not enforce compliance beyond the first-tier contracting chain.

- 5) Please describe your company's process for recruiting migrant workers to be part of your directly employed workforce in the UAE.

AFC uses one registered and duly (internally) audited recruitment provider based in the UAE for all its migrant recruitment requirements. This recruitment provider is fully compliant and has demonstrable processes in place to ensure matters related to Human Trafficking, UAE Employment Rights (including the right to raise a grievance, the right to retain own Passport, the right to a fair treatment), Modern Slavery are covered prior to any offers being made to potential candidates.

- 6) Does your company have a publicly-available written policy to respect migrant workers' rights that addresses the specific risks migrant workers face during recruitment? Please provide links or attachments to the company's relevant policies.

No – it is not publicly available however our own internal policy sets out our recruitment standards.

- a) How does your company prevent the practice of contract substitution? Does your company have a policy of honouring the terms of contract signed in workers' home countries?

AFC does not issue a different Company offer letter to the Ministry of Labour Offer letter. When a workers UAE residency visa is processed, a Ministry of Labour Offer Letter is issued to the worker in his home language. The content of this offer is explained to the individual and they have the right to retain a copy of the Ministry of Labour Offer Letter. If there is a discrepancy in the original Company offer letter and the Ministry of Labour Offer letter it will be raised by the worker.

If your company has a policy of no-fee recruitment, what steps does it take to ensure workers do not pay recruitment fees and related costs?

We engage a third party company to action all overseas recruitment. The company have a strict process in place which minimizes any potential of fee paying recruitment. They also action their own audits to ensure this hasn't occurred. In addition workers are asked to confirm whether or not they have paid recruitment fees during the recruitment process, when they attend the Company Induction. There is also the opportunity to raise this post induction. This would be readily escalated to our third party company. In our terms of agreement, the employee would be refunded any monies owed within a short time frame (outlined below).

- b) If your company has a policy of reimbursing fees, please describe the company's process for identifying incidences of worker-paid fees and reimbursing fees to workers.

Workers who may have been charged fees, prior to the appointment of the recruitment provider/agent, as mentioned above, are required to produce evidence of fees paid. Fees are verified and reimbursed via payroll in the following month.

- c) How do these policies apply to the recruitment agents you engage and to labour suppliers and subcontractors who have workers on your projects?

The appointment of one recruitment provider for AFC staff enforces compliance with our policy of no-fee recruitment. AFC audits all Subcontractors and Labour suppliers; part of the audit focusses heavily on Employment Practices to ensure that the no-fee recruitment policy is cascaded to all subcontractors.

Payment & wages

What is your company's process for determining the wages of its workers in the UAE, and what external benchmarks does it use to set wage levels? Does your company consider a living wage in setting its wage amounts? Please explain.

Salaries are regularly benchmarked against similar UAE contractors and does consider a living wage when setting salary bands. AFC is known to exceed accommodation requirements with full amenities for those living in company villages.

- 7) Does your company operate on a contractual "pay when paid" basis in relation to:
- a) Subcontractors?

Payment terms differ based on the type of sub-contractor used. Usually, Sub-contractors that are nominated by the client are paid on a 'pay when paid' basis. All other sub-contractors are paid according to the credit terms as stipulated in their signed contract.

Employee wages?

No, all AFC workers are paid monthly through WPS (wages protection system), as required by law. Employee salaries are always paid on a timely basis each month and are not dependent on collection of receivables.

- b) Other creditors? Please specify.

Other Creditors are paid according to the credit terms agreed to in the contract / purchase order.

- 8) What mechanisms does your company have in place to detect unpaid wages to workers on your projects? Does your company maintain reserves to ensure salary commitments can be met, and has the company ever intervened to pay workers' wages when the direct employer has defaulted or gone into liquidation? Please describe.

AFC complies with WPS (Wage Protection System) regulations and all its workers are paid via WPS as required by Law. AFC prides itself in always paying its workers on time, every month and have never missed payroll payments. We have occasionally entered into agreement with indirect employers with persons engaged in work for AFC, to pay their wages during difficult times.

Freedom of movement

How does your company ensure that all workers on its project sites have free and secure access to their passports and identity documents, including workers employed by subcontractors and labour-supply companies?

All personal documents needed for the processing of a Residency Visa will be handed over to the employee immediately upon completion of the process. All employees residing in the company accommodation facilities are provided, free of cost, with an individual personal locker in their bedroom to enable them to safely store their personal documents and belongings. The company offers its workers an opportunity to retain their Passports for safekeeping at Head Office in Motor City. This is voluntary and any workers' passport will be released upon their request, within 6-24 hours, depending on the urgency for the release of the passport. AFC takes every step to ensure its subcontractors adhere to the same policy.

- 9) How does your company ensure that all workers on its project sites have valid work permits and other documents required for employment, including workers employed by subcontractors and labour-supply companies? Please include information on who pays for work permits and what steps the company takes when employers on its projects fail to issue or renew workers' permits.

AFC follows the UAE Labour Law regards to Residency Visas. Workers are not able to commence duty on projects without a valid Emirates ID card as this is a requirement to obtain a Gate Pass on the majority of projects in the UAE. The Emirates ID card is only issued once the Residency Visa has been issued making it impossible, in most cases, for a worker to enter- and commence work on a project. Employers, be it AFC or its subcontractors pay for Residence Visas and Emirates ID Cards, as required by Law. A workers' Residency Visa, Emirates ID Card and Site Pass are linked making it very difficult for a worker without a valid visa to enter a project.

- 10) How does your company ensure all workers on its projects are free to change jobs and/or leave the UAE at will?

Workers are treated with respect and dignity and are free to resign and/or change jobs as they see fit. Employees are reminded of their rights during the on-boarding process. As mentioned earlier, the Company does not retain a person's passport unless the passport is required to process a UAE Residency Visa.

Living conditions

- 11) How does your company ensure safe and decent accommodation for all workers on its project sites, including workers employed by subcontractors and labour-supply companies? Please include information on what steps the company takes when employers on its projects fail to house workers in adequate living conditions.

Before any building is selected to accommodate our workers, a review is done to ensure that the building is constructed in compliance with Dubai Municipality, Civil Defence and/or other Regulations as stipulated by Law, under Cabinet decision no 13 of 2009.

AFC ensures that workers are provided with comfortable bedding, linen and a lockable wardrobe for individual storage of personal belongings. On arrival new employers are given a toiletries welcome kit. Each room is fitted with appropriate lighting and an air-conditioning unit which is serviced at regular intervals. Each room is fitted with a sprinkler and smoke detector to alert persons of smoke and/or fire. Each bed has a dedicated electrical power supply (socket).

AFC provides its workers with 3 catered meals per day. All meals are prepared in compliance with HACCP standards (HACCP refers to the Hazard analysis and critical control points that aim at the

protection of the food from contamination). Meals are planned in consultation with a dietitian who advises on the appropriate daily calorie intake of its workers. Portion size is not limited.

Clean water stations and sanitation facilities like toilets and showers are fixed with hot and cold water. Each dining area has sufficient seating in place for a third of occupants any time, allowing for meals to be staggered. We also provide tea and coffee as and when required.

Adequate recreation- and free space is provided, allowing occupants to move around the building freely. Prior to engaging any labour supply or subcontractors, AFC audits their accommodation to determine compliance to AFC standards. AFC offers non-compliant providers the opportunity to move their workers into AFC's accommodation at a minimal cost. In addition we ensure the location of our villages is in a good location for our people to meet up with their friends outside of work.

12) Please describe how your company makes provision for workers to have access to:

a) safe and adequate nutrition

AFC prides itself in only working with HACCP compliant caterers. Meals are planned in consultation with a dietitian who advises on the most appropriate daily calorie intake for its workers.

Food sampling is conducted every 48hours to ensure compliance with HACCP standards. Swab sampling is done from kitchens at intervals and all storage areas, kitchens and chillers maintain the right temperatures to ensure food is not spoiled during serving and or storage periods.

b) healthcare

AFC provides private medical insurance for all its workers, which covers more than the mandatory cover as set out by DHA (Dubai Health Authority).

AFC employees a dedicated General Practitioner as well as Nurses at all its Accommodation/sites. A 24-hour in-patient clinic is available on these sites that also hosts an isolation ward for communicable disease. In addition, all sites have First Aid clinics and nurses available to administer immediate medical treatment when first aid is required.

Should a worker require medical treatment from a non-AFC clinic the company provides transportation to a private clinic or hospital. When needed, the company will arrange for an ambulance to transport an injured or sick employee to a private hospital or clinic. Where required, a translator accommodates the worker to ensure that they receive the best medical treatment, explanation and understanding of their condition. Support during admission and discharge is provided by the company. This also allows the company to register accurate medical treatment details for anybody receiving treatment from a private clinic. Workers are monitored and provided with all the necessary assistance during their recovery.

AFC provides counselling, health related educational tool box talks, health awareness campaigns.

c) banking and remittance services

All workers' salaries are processed through a C3 Payroll Card. C3 is a Ministry of Labour approved service provider for processing salary payments through Wages Protection System. The C3 payroll card (Master Card) can be used at ATMs for withdrawing funds and/or at Retail Point of Sales machines when making purchases. In addition, C3 installed ATM-cash machines in one of the worker camps.

d) transportation

AFC provides company transport for all its workers to and from the projects where workers are employed. Any worker requiring medical treatment is transported in a company provided vehicle. On Fridays and Public Holidays, AFC provides transport to anybody wishing to attend Church or a Sikh Temple and also into the city for shopping and leisure activities.

e) leisure activities

AFC has an annual recreational calendar for all its workers and office-based employees. Everybody is encouraged to participate in events, which include but are not limited to an annual cricket tournament, volley ball, football, a table tennis championship, billiards, table tennis, a carom board tournament, a chess tournament, movie nights, Carnival nights, beach activities and so forth. We also have regular movie nights for our employees.

Health and safety

13) Please describe your company's health & safety policy and procedures, including what steps the company takes to ensure that they are applied to directly employed and subcontracted workers on your projects.

Please find [attached](#) the AFC H&S Policy.

The HSE Management System for Al Futtaim Construction (AFC) applies to all aspects of the business. The HSSEMS Director and Project Directors and his management team will ensure that adequate arrangements are in place to effectively implement the requirements of the HSE Management System.

The management system has been developed to achieve continuous improvement in HSE performance, and implements the cyclic management model that is outlined in OHSAS18001:

AFC's mission is "to make tomorrow a better place" and it will achieve this by being a market leader in integrated solutions for building, infrastructure, and services. To support this AFC has in place a number of values that set out the core ethics of how the business operates:

We care: We respect each other and we do things safely and sustainably. It's good for our people, our business and our local communities.

We achieve together: We value the contribution of each individual and we work together to build strong, open and trusting partnerships.

We improve: We listen, we learn and we adapt our ideas and experience into better solutions and service for our customers.

We deliver: We set ourselves stretching goals, taking pride in doing a great job and helping our customers and partners to succeed.

Effective management combined with the core values supports a culture that facilitates the successful delivery and continuous improvement of HSE performance.

The AFC HSE Management System is supported by a number of key commitments:

- There is a clear, communicated HSE Policy for the project
- Project Management will be committed to implementing the necessary procedures that support effective HSE management

- Adequate resources will be provided to ensure continuous development and improvement in HSE performance
- A review of relevant legislation will be systematically undertaken to assess the potential impacts on the project and identify the actions needed to mitigate such impacts
- Industry best practice techniques will be adopted in all areas of the project
- The project will have documented procedures that support the effective delivery of the requirements of the HSE Management System
- To continually improve HSE performance and ultimately deliver “Target Zero”

Delivery: In order to deliver the AFC HSE Policy a HSE management model has been developed based on four key elements. These elements are:

Awareness: All our people and stakeholders have an awareness and understanding of HSE hazards and risks that affect the project

Competence: All our people and stakeholders have the competence to undertake their work with minimum risks to their health, safety or the environment

Compliance: Our work activities achieve compliance with legislation and our people are empowered to take action to minimise HSE risks.

Excellence: AFC is recognised for excellence in the way that it manages HSE

The elements of awareness, competence, compliance and excellence form the basis of the management model and provide a structured framework to:

- Facilitate the effective management of HSE
- Communicate the HSE Policy, objectives, procedures, guidance, plans and performance data
- Realise and maintain continuous improvement in HSE performance

Each element of the model is sub-divided into “target areas” that, in effect, outline the core requirements that underpin the management model. The list below outlines the 14 target areas comprising the management model:

Awareness:

- HSE Policy Statement
- Communication and consultation
- Management roles and responsibilities
- Hazard identification

Competence:

- HSE Training
- Behaviour and culture
- Risk assessment and management

Compliance:

- Incident investigation
- Measuring performance
- HSE Management system

- Supply chain management

Excellence:

- Developing innovative practices
- Influencing stakeholders
- Work related health

14) What is your company’s policy and procedures on overtime? Please include in your answer

- What the maximum/limit is on the amount of overtime

AFC follows the UAE Labour Law with regards to overtime.

- Whether overtime work is voluntary

Workers eligible for overtime have the right to stop working after 8 hours of work.

- What the premium is for overtime work

AFC follows the UAE Labour Law with regards to overtime payments.

- How the company prevents all workers on its projects from exceeding overtime limits during peaks in construction activity

Overtime is monitored weekly to ensure compliance to the Law. During peaks additional resources are supplied and shift work is introduced to ensure project delivery dates are met.

15) What steps does the company take to protect all workers on its projects from high temperatures, humidity and sunlight throughout the year? Please include information on how you monitor heat risk and how you communicate protective measures to all workers.

AFC communicates and educates its workforce on Heat Illness (Heat Exhaustion and Heat Stroke) and Municipal Guidelines on Heat Stress Management via daily Tool Box Talks, Notice Boards, Learning Bulletins, and Worker Welfare Meetings.

Air-conditioning is provided in all transportation, MESS halls, prayer rooms, offices and accommodation which is serviced and maintained regularly.

AFC complies with Summer Working regulations as required by the Ministry of Human Resource and Emiritisation (MOHRE).

AFC offers a dedicated licensed medical team and clinic to all its workers, free of charge. We also empower line managers to ensure their teams are looked after and escalate any potential signs of heat stress.

16) Does your company maintain public data on fatalities and injuries to workers on its projects? If yes, please provide a link or attachment with the data. If not, please provide information for 2016 and 2017 on the total number and the causes of:

a) Work-place fatalities in your direct and subcontracted workforce

2016	1
2017	Nil

b) Permanent disabilities in your direct and subcontracted workforce

2016	Nil
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2017	Nil
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c) Lost-time injuries in your direct and subcontracted workforce ⁴

2016	22
2017	14

Representation and remedy

17) Given legal restrictions on freedom of association and membership of trade unions in the UAE, how does your company ensure workers' voices are represented and heard by the company, e.g. through worker-representative committees? Please describe the mechanism in place.

AFC offers:

- a 'HR Desk' in all its Worker Villages (Camps)
- Minuted Monthly Worker Welfare and People Forum meetings with representation across all trades and follow through action plans from HR, Operations, Supply Chain and Project teams
- AFC Management escalation

18) In accordance with the UN Guiding Principle on Business and Human Rights, does your company have an operational level grievance mechanism in place for direct and subcontracted workers on your projects to raise concerns, in their own language, and in a way that ensures grievances can be reported safely, without intimidation or retaliation? Please provide a description of the company's grievance mechanism.

AFC has a Fair Treatment at Work Policy that covers Harassment, Bullying, Grievance and Whistleblowing procedures for its own workers. AFC's grievance policy and procedure is widely communicated via notice boards (site workers), the HR Desk, Tool Box Talks and Worker Welfare meetings.

Grievance mechanism:

- The grievance procedure is intended to protect employees who are the victims of unfair/unacceptable treatment
- Any worker raising what is believed to be a genuine grievance will be treated fairly
- Workers may be accompanied by an AFC colleague of their choice at any stage in this procedure.
- Where the grievance concerns a larger group of workers they may be represented by the supervisor and/or foreman or higher level elected representative who will meet the manager on their behalf.

The grievance process is available in English, Tamil, Punjabi and Bengali and covers an Informal, Formal and Appeal process.

Informal

Workers raise a grievance verbally with their immediate supervisor. In cases of particular sensitivity where a worker feels unable to raise a grievance directly with his/her immediate supervisor, the worker may seek guidance from the HR Department and/or go directly to the Time Keeper or Office Manager. The immediate supervisor is trained to resolve minor issues.

⁴ Lost time-injuries calculated on the basis of injuries resulting in incapacity for work of at least three consecutive days (excluding the day of the accident)

Formal

If the case is not closed during the informal process the worker may raise it with the Time Keeper or Office Manager who will attempt to resolve the issue. If they are not able to resolve the case an HR representative is contacted to investigate the matter further. The worker will be informed of the outcome and remedial action that may be taken. If the worker is not satisfied with the outcome he/she has the right to appeal.

Appeal

The HR representative will file an appeal on behalf of the worker. A manager will arrange an appeal hearing once the investigation is conducted further. A written report and acknowledgement from the worker will be issued to record the outcome of the investigation and decision/s and/or remedial action plan.

If the worker is still not satisfied with the outcome AFC will refer the employee to the Ministry of Labour for resolution until the case is closed.

Confidential records are kept at each stage of the procedure and all parties involved have the opportunity to check their accuracy.

A dedicated HR person's contact number/s are provided via notice boards. This/these person/s are specifically employed for their experience in managing and dealing with grievances and investigations and language skills that match that of workers employed by AFC.

19) How many grievances were raised in 2017 by directly employed and/or subcontracted workers on your projects? Please provide a summary of the grievances and the remedial actions that were taken by the company and its subcontractors.

Grievances raised in 2017	185
Average time to close out grievances	2.74 days
Subcontractor grievances	None raised. There typically go directly to the sub-contractor.

	Count of Work Number	Remedial Action Taken
Summary of AFC grievances		
Job Role (Workers placed in different roles to their skills set)	5	Workers' roles changed where we had opportunities
Leave extension requests	116	Majority requests granted
Others	8	
Salary Deductions or Payments	19	Most short-payments raised resolved in following payroll cycle
Food complaints	15	Catering investigated cases and remedied immediately with follow up Tool Box Talk feedback the same week
Waiting for Allocation (delay in transfers)	10	As soon as visas/gate passes issued men were allocated to projects. 4 cases closed on the same day, 6 within 24 hours

Discrimination, Bullying or Harassment	1	Worker was harassed by agent to pay recruitment fees. Company stepped in and dealt with agent directly
Terms and Conditions of Employment	7	Concerns raised over salary breakdown, followed by explanations provided by company.
Health & Safety	1	Safety boots replaced immediately after complaint received
Travelling Time too long	2	1 case was due to incorrect GPS coordinates and the other was down to site requirements to have the individual on a particular site for a short period of time
Resignation	1	Resignation letter was not passed on to HR. Exit was processed in accordance with notice period.
Grand Total	185	

Other information

20) Is there anything else that you would like to tell us about how your company takes a responsible approach to managing its operations in the UAE, including any challenges it faces in doing so?

The company continually reviews its provided accommodation, its employee policies and procedures to ensure fair treatment of its people.