

Coalition for Fair Labor at NYU

(www.fairlabornyu.wordpress.com)

February 10, 2015

To: President Sexton and Vice Chancellor Al Bloom

In light of a new Human Rights Watch report released today regarding the rights of migrant workers on Saadiyat Island, the Coalition for Fair Labor writes again to express our urgent concerns about labor conditions in the United Arab Emirates. We urge you to respond to the findings of this report in line with queries raised about the rights of NYUAD's workforce in our May 2014 petition, which was signed by more than 370 faculty and students.

In their 82-page document, "Migrant Workers' Rights on Saadiyat Island in the United Arab Emirates: 2015 Progress Report," Human Rights Watch researchers have extensively documented, for the third time, the rights violations of workers employed on the NYUAD project. The confiscation of workers' passports, the failure to reimburse workers for exorbitant recruitment fees, and the ill-treatment and summary deportation of more than 200 NYU workers after they went on strike to demand higher pay persisted throughout the final stages of construction. These violations have stained NYU's name, and their legacy remains an exigent concern within our global community.

We ask that you respond to our recommendation to develop a cross-campus research initiative aimed at reform of the kafala system that heavily entraps migrant workers throughout the Gulf region. Drawing on our ongoing discussions with NYUAD students, faculty, and other UAE stakeholders, we call on the NYU administration to invest in research aimed at devising a state-level solution to the financial burden that migrant workers incur as result of the transnational and costly recruitment process. We know many students and faculty who are keen to work on such initiatives.

NYUAD cannot subsist as an island within an island, ignoring the hardship and exploitation that will drag on, all around the campus, in the course of the planned 20-year development of Saadiyat Island.

Second, as noted by HRW, the arbitrary deportation of more than 200 workers employed on the NYUAD project from October of 2013 went unreported in Mott McDonald's 2014 compliance report. NYU workers, including those who were deported, also told HRW they had never once seen a labor inspector in the course of their term of employment. We are aware that the process of appointing a new independent monitor to replace Mott

MacDonald is currently underway. The NYU community must be assured of the transparency in this new selection process and the efficacy of the new monitor's methodologies. We append a memo on this topic that was recently sent to Faculty Senators in Abu Dhabi.

Third, NYU should amend its Statement of Labor Values to allow for a meaningful level of workforce organization and expression of operational staff grievances at NYUAD. While UAE law bars unionization, the ILO recognizes that the right to bargain collectively and organize is a fundamental freedom entitled to all workers, including those employed at NYUAD.

Fourth, we reiterate our plea for NYU to exercise its right, as a stakeholder, to petition the Abu Dhabi authorities to invite the ILO to negotiate significant reforms of the sponsorship system.

We urge you to take seriously our recommendations as we continue our engagement with the NYUAD community to address issues of labor and human rights within the Global Network University.

**Respectfully,
Coalition for Fair Labor at NYU**

February 9, 2015

Memo: from Coalition for Fair Labor

Re: Selection of new NYUAD labor compliance monitor

The Coalition for Fair Labor has been active for several years on the issue of securing fair labor standards for NYU's overseas campuses. Primarily as a result of our efforts, NYUAD adopted the Statement on Labor Values in 2010. Having advised the appointment of a independent labor monitor, the Coalition was critical of the original choice of Mott MacDonald, most notably for the following reasons.

- a) Mott's conflict of interest (re: its Saadiyat contract)**
- b) The firm's dependency on the state for business contracts in the UAE**
- c) Its lack of expertise in labor monitoring**

We understand that the final candidates bidding to take over the monitoring contract from Mott McDonald will be visiting NYUAD next week. Because the perceived deficiencies in Mott's oversight have tarnished NYU's name in the public mind, we believe that the choice of a monitor to replace Mott is a decision that affects many different NYU communities. Under the circumstances, the global NYU community needs to be assured of the principle and practice of transparency in the selection process. It is critical to avoid the mistakes that were made in selecting Mott, and so we offer the following guidelines and questions:

- 1) If there are now three finalists, what were the criteria used to solicit and select their bids?**
- 2) The Coalition for Fair Labor advocated that the Workers Rights Consortium be considered for the contract. Why was the WRC excluded from consideration? Were any other nonprofit organizations in the monitoring field asked to bid?**
- 3) How is "independent" being interpreted as a criterion for selection? Given how difficult it is for companies to operate in the UAE without formal engagement in government contracts, what measure of independence from the state can these three monitors offer?**
- 4) What are the "terms of reference" for monitoring and evaluation under the new contract? Will they include the obligation to investigate cases of arrest and deportation that have been a standard response to worker self-organization?**
- 5) Will the monitors be encouraged to use different field methods than Mott?**

We submit these points in the understanding that most of them involve questions about the process as opposed to questions for the finalists themselves to answer.

Coalition for Fair Labor, NYU