

Employee injury and employer liability in Qatar; and the United Kingdom Bribery Act



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Liability for on-site accidents

Generally in the event that an employee is seriously injured or killed on-site, the employer is required to report the incident to both the police and the labour department at the Ministry of Labour (Article 108 Labour Law).

Medical costs should be paid by the employer (Article 109 labour Law) unless the employee is found to have intended to injure himself, was under the influence of drugs or alcohol when the accident occurred, ignored safety instructions and/or subsequently refused to accept treatment (Article 111 Labour Law, 'Exceptions'). During recuperation the employer must pay the employee his full salary for two weeks and then half his salary for a further four weeks. Any further payments are at the discretion of the employer who may terminate the employment where a physician confirms that the employee is unfit to work after twelve weeks.

Qatar law sets out an individual's duty of care when undertaking his employment activities and also requires an employee to comply with an employer's health and safety policies at all times (Article 42 Labour Law). Qatari law also provides for civil and criminal vicarious liability, ie. a 'superior' is liable for the detriment caused as a result of an unlawful act by his 'subordinate' where that act was committed during the course of the subordinate's employment (Article 209 Civil Code/Article 37 Penal Code).

Where a person mistakenly causes death as a result of negligence, ignorance of the law, or failure to observe the law and regulations, he shall be subject to imprisonment for not more than three years and/or a fine of not more than QAR10,000 (Article 311 Penal Code). Imprisonment may be reduced to a period up to a year where the victim's heir forgives the offender. Where injury rather than death is mistakenly caused punishments include imprisonment for not more than six months and/or a fine of not more than QAR1,000 (Article 312 Penal Code). [Penalties

are doubled where the death or injury occurs at the individual's workplace, or if the injury or death occurred due to one of the Exceptions (Article 313 Penal Code).]

United Kingdom Bribery Act

The UK Bribery Act has generated considerable discussion in Qatar as it has implications not only for individuals and commercial organisations operating inside the United Kingdom, but also for British and foreign companies engaging in business transactions on an international scale.

One of the key provisions of the Bribery Act is whether or not a commercial organisation had 'adequate procedures' in place to prevent bribery if and when bribery has taken place; indeed having adequate procedures will constitute a 'full' defence and so is understandably a material focus for commercial organisations in relation to the act. The Guidance clarifies 'adequate procedures' to a certain extent by setting out six principals, being, proportionate procedures; top level commitment; risk assessment; due diligence; communication; and monitoring and review.

All commercial organisations undertaking business in Qatar are subject to the Penal Code regardless of whether or not they are subject to the Bribery Act.

The Penal Code punishes all forms of bribery and its applicability is not limited to the person making the bribe but includes penalties for both the person offering the bribe and the person receiving it. Penalties are high, being up to ten years imprisonment and a fine not less than QAR5,000, but not exceeding the value of the bribe. The most important point for commercial organisations is that the Penal Code does not provide for an equivalent 'full' defence where 'adequate procedures' have been put in place.

Note: All Qatari Laws (save for those issued by the Qatar Financial Centre (QFC) to regulate its own business) are issued in Arabic and there are no official translations, therefore for the purposes of drafting this article we have used our own translation and interpreted the same in the context of Qatari regulation and current market practice.

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