



‘DON’T WORRY, IT’S A BRANCH OF AMAZON’

EXPLOITATION OF MIGRANT WORKERS CONTRACTED TO AMAZON IN SAUDI ARABIA

AMNESTY
INTERNATIONAL



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First published in 2020

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: MDE 23/7229/2023

Original language: English

amnesty.org



Cover photo: Artwork by Ema Anis © Amnesty International

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CONTENTS

1. EXECUTIVE SUMMARY	5
2. METHODOLOGY	11
3. BACKGROUND	13
3.1 AMAZON.COM	13
AMAZON'S GLOBAL OPERATIONS	13
AMAZON IN SAUDI ARABIA	15
3.2 SAUDI ARABIA'S ABUSIVE MIGRANT LABOUR SYSTEM	15
LIMITED REFORMS	17
4. ABUSES IN AMAZON'S SUPPLY CHAIN	20
4.1 UNLAWFUL RECRUITMENT COSTS AND DECEPTION IN THE PROCESS	20
4.2 WAGE ABUSES	22
4.3 INADEQUATE LIVING CONDITIONS	24
4.4 RESTRICTIONS ON CHANGING JOBS AND LEAVING SAUDI ARABIA	26
'FIRED' FROM AMAZON	26
STUCK IN SAUDI ARABIA	27
4.5 THREATS OR VERBAL OR PHYSICAL ABUSE BY CONTRACTORS	29
5. WORKING CONDITIONS IN AMAZON'S WAREHOUSES	31
6. UNHEEDED WORKERS' COMPLAINTS TO AMAZON	34
7. INTERNATIONAL LAWS AND STANDARDS	36
7.1 SAUDI ARABIA'S INTERNATIONAL LEGAL OBLIGATIONS	36
LABOUR TRAFFICKING	38
7.2 CORPORATE HUMAN RIGHTS RESPONSIBILITIES	39
UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS	39
SUPPLY COMPANIES: MULTIPLE FAILURES	41
AMAZON'S RESPONSE TO HUMAN RIGHTS RISKS IN SAUDI ARABIA	42
FAILURE TO ADEQUATELY PREVENT AND ADDRESS KNOWN HUMAN RIGHTS RISKS	43

AMAZON'S RESPONSIBILITY TO ENSURE REMEDY INCLUDING NON-REPETITION	45
8. CONCLUSIONS AND RECOMMENDATIONS	47
TO AMAZON	48
TO THIRD-PARTY CONTRACTORS: AL-MUTAIRI AND BASMAH	49
TO THE GOVERNMENT OF SAUDI ARABIA	50
TO THE GOVERNMENT OF NEPAL	51

1. EXECUTIVE SUMMARY

“Amazon knows each and every problem we have with the supply company. Amazon asks workers about the problems and issues they face during daily meetings.”

– Kiran, a Nepali man formerly contracted to work at an Amazon facility in Saudi Arabia, interviewed in February 2023.

Since Amazon.com (Amazon) began operating in Saudi Arabia in 2020, it has relied heavily on people travelling from lower-income countries searching for a “golden opportunity” to work for a global company and send money home to their families. For some of these workers, however, the reality has turned out to be anything but golden. The men interviewed for this report were employed by labour supply companies contracted by Amazon. In Nepal, they were deceived by the supply companies and their recruitment agents about the nature of their employment. Once in Saudi Arabia, they were cheated of promised pay and benefits, punished if they complained, and overworked in Amazon’s warehouses. Once their positions with Amazon ended, they remained tied to the supply company, housed in appalling conditions, and prevented from changing jobs or leaving the country. Given the deception and the severity of their treatment, it is highly likely that the abuse suffered by many of the workers in this report amounts to human trafficking for the purpose of labour exploitation as defined by international law and standards.

BACKGROUND

Saudi Arabia is home to over 13 million foreign nationals comprising more than 77% of the country’s private sector workforce. They are governed by an inherently abusive *kafala* sponsorship system that, despite limited reforms in early 2021, continues to restrict the rights of migrant workers to change jobs, exit the country freely or join a trade union, giving rise to serious risks of labour abuse and exploitation.

In 2020, the world’s largest e-commerce company, Amazon, began trading in Saudi Arabia and has since been steadily expanding its operations, hiring thousands of staff and recently opening a huge new “fulfilment centre” (warehouse) from where millions of items are selected, packed and shipped to customers across the country.

As with much of the private sector in Saudi Arabia, Amazon’s fulfilment centres include a large number of migrant workers from Asia and Africa, often low paid and vulnerable to abuse under the sponsorship system which binds foreign workers to their employers or sponsors rendering them dependent on them to regulate their presence in the country. Some of these workers are not employed directly by Amazon but by third-party contractors that provide staff to the corporation on a temporary basis. The two supply companies mentioned in this report provided hundreds of workers to Amazon in this way.

METHODOLOGY

This report is based on information from 22 Nepali men employed by two of Amazon’s third-party contractors – the labour supply companies Abdullah Fahad Al-Mutairi Support Services Company (Al-Mutairi) and Basmah Al-Musanada Company for Technical Support Services (Basmah) – and deployed in Amazon’s warehouses in Saudi Arabia between 2021 and 2023. Amnesty International also reviewed Saudi Arabian laws and regulations as well as Amazon’s publicly available human rights policies and standards.

Amnesty International engaged in detailed correspondence with Amazon between June and September 2023. However, neither the government of Saudi Arabia nor the two labour supply companies responded to Amnesty International's allegations put to them in correspondence in August and July 2023, respectively, or to requests for data and other information.

To protect the individuals quoted in this report from reprisals, Amnesty International has changed their names.

WORKING AT AMAZON IN SAUDI ARABIA: SHATTERED DREAMS

Those interviewed handed over on average US\$1,500 to recruitment agents in Nepal to secure jobs with Amazon in Saudi Arabia, leaving most saddled with high-interest loans before they left home. Many of the recruitment agents, in some cases supported by one of the labour supply companies, deceived the workers into believing they would be directly employed by Amazon, and lied about the terms and conditions of their employment. One worker explained that many people on his flight to Saudi Arabia believed they were going to work directly for Amazon:

I realized it was a different company on the day of the flight. When I received the documents, I saw on my passport it said, 'Al Basmah Company', but the agent said, 'don't worry, it's a branch of Amazon'.

Once in Saudi Arabia, most of the workers' contracts promised a monthly salary of about SR 1,000 (US\$267) plus a food allowance, but all those interviewed described wage-related abuses by Amazon's third-party contractors while they worked at the warehouses, including non-payment or underpayment of wages and their food allowance, arbitrary deductions from their pay packet without explanation, and underpayment for overtime hours. Al-Mutairi, they said, sometimes did not pay people when they were unable to work due to



A village in the Madhesh Province of Nepal, from where many people migrate to the Gulf for work. ©Amnesty International

sickness or injury, even when they had a doctor's note. Compounding their hardship, the two labour supply companies often housed their employees in grossly inadequate accommodation while they worked at Amazon's fulfilment centres, described by workers as overcrowded and dirty, infested with bed bugs and lacking even the most basic facilities.

'JOBLESS' AND TRAPPED

All of those interviewed experienced unpaid “joblessness” in Saudi Arabia during their time with the labour supply companies, both for up to several weeks before they started working at an Amazon facility and for weeks and sometimes months after their engagement at Amazon’s warehouses ended, which invariably happened within a year. They said that after their work at Amazon ended, they suffered even more, with worse accommodation, no salary and in some cases no food or food allowance, while the supply companies tried to find them jobs. Kiran, a 29-year-old Nepali worker, described the accommodation:

The housing was like a ghost town. It was extremely dirty. No air conditioning, no fans. The temperature was 50 degrees Celsius at that time. There are so many workers in that housing now. There were no beds, cooking gas or drinking water. There was no internet so we couldn't contact our family.

Most of those interviewed said they were never placed in another job, but the labour supply companies exploited the *kafala* sponsorship system to prevent them from changing jobs or leaving the country. When some of them asked if they could try to find a new employer themselves, the companies often refused to provide the required “transfer authorization”. If the workers tried to move job without permission, they knew they could face “absconding” charges, potentially leading to their arrest and deportation.

Consequently, many felt they had no option but to try and return home, but again Amazon’s contractors stood in their way. Many of those who tried to leave Al-Mutairi said it would not provide them with flight tickets home, or the “exit papers” unless they paid a “fine” of US\$1,330-1,600 or, in one case, US\$5,330. As a result, Amazon’s formerly contracted workers were left stranded in Saudi Arabia in squalid conditions at the mercy of their sponsors – the labour supply companies – without jobs, money or the ability to return home without incurring more debt. 25-year-old Dev told Amnesty International:

We suffered a lot. We didn't have money to eat, buy water. We drank salty bathroom water. We ate bread and salt for more than a week. That's how we survived... I was in a situation, either kill someone or kill myself... I tried to kill myself. I told my mum and she said 'don't, we will get a loan'. Already it is eight months since she took a loan, and the interest is piling up.

WORKING CONDITIONS IN AMAZON'S WAREHOUSES

While the labour supply companies committed many of the abuses suffered by Amazon’s contracted workers and described in this report, the men interviewed also described the difficult and potentially dangerous conditions in Amazon’s fulfilment centres that were managed by Amazon staff, who constantly monitored their work. These included having to repeatedly lift extremely heavy items, needing to run long distances in the vast warehouses to meet gruelling performance targets, and not being allowed to rest adequately on shift, all of which in some cases resulted in injuries and illness.

Mahindra, a father of three who was a ‘Picker’ at Amazon for around a year in 2022, told Amnesty International:

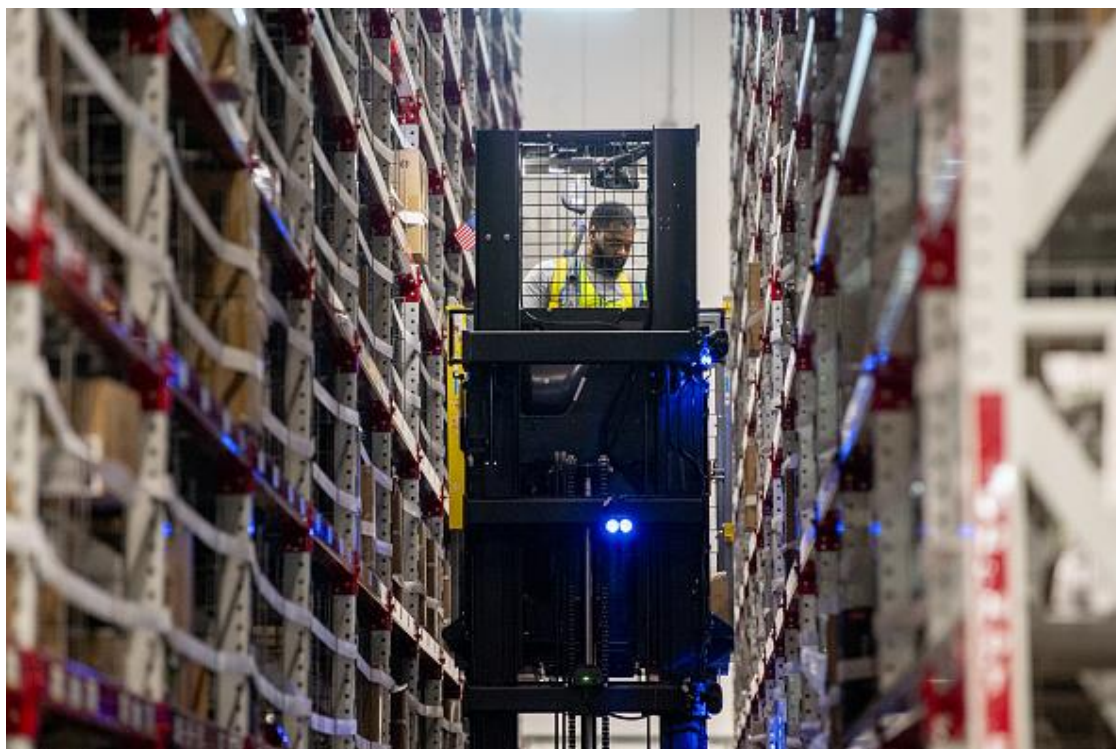
It was very difficult to pick all items. Even if we collected all items in 30 minutes, we couldn't take a rest because it would show as 'idle time'... It really depends on luck [whether you can meet the targets]

Such demanding working conditions based on “aggressive productivity targets” have been widely documented in Amazon’s facilities around the world by Amnesty International as well as academics, trade unions and journalists.

COMPLAINTS TO AMAZON IGNORED

Workers too have repeatedly raised their concerns about their treatment in Saudi Arabia since at least 2021. One of the Nepali workers interviewed said,

Amazon knows each and every problem we have with the supply company. Amazon asks workers about the problems and issues they face during daily meetings.



Workers fulfil orders at an Amazon fulfilment centre on Prime Day in Melville, New York, US, on Tuesday, July 11, 2023. © Johnny Milano/Bloomberg via Getty Images

Those interviewed said that contracted workers had raised their concerns directly with Amazon managers in daily briefings and by writing on dedicated white boards in the fulfilment centres, but that their complaints were rarely addressed effectively and sometimes resulted in retaliatory measures by the labour supply companies. One said he was taken to Al-Mutairi and slapped for complaining about the water in his accommodation. Another said the company made deductions from workers' salaries after they complained to Amazon about their living conditions. This indicates that the grievance mechanisms established by Amazon are grossly inadequate.

HUMAN RIGHTS RESPONSIBILITIES AND OBLIGATIONS

Al-Mutairi and Basmah, as with all companies, are obliged to respect Saudi Arabian law and should meet their responsibility to respect human rights under the UN Guiding Principles on Business and Human Rights (UN Guiding Principles). They failed on both counts.

The Saudi Arabian authorities are ultimately responsible for protecting migrant workers' rights in the country. Despite the limited reforms in early 2021, the sponsorship system remains entrenched and continues to facilitate serious abuses of migrant workers' rights, including human trafficking. In the case of employees of Al-Mutairi and Basmah, the government failed to meet its obligation to put in place and enforce laws and regulations capable of protecting the workers' rights and ensuring they could access justice.

Meanwhile, Amazon, like all businesses, has its own responsibilities, independent of states, to ensure respect for human rights under the UN Guiding Principles. Yet, as this report documents, the company failed to take the measures required to prevent or remedy a wide range of abuses in its supply chain in Saudi Arabia.

When Amazon began operating in Saudi Arabia in 2020, the dire situation of migrant workers there had already been well documented, so the company would or should have known both the risk and reality of labour abuse in the country. Further, Amazon's own policies and a risk assessment in 2021 identified many of the key problems faced by migrant workers in this report, while the company has also acknowledged that it found similar violations when auditing Al-Mutairi and other contractors between March and June 2023.

Amazon has stated that it is committed to respecting the UN Guiding Principles and other key international law and standards on human rights, and has published various policies and principles regarding its human rights responsibilities that set out important commitments to this end. Indeed, it is well aware of its responsibilities to respect workers' rights – including of those in its supply chain – and has taken some steps

to try and meet these through its due diligence processes. However, to date these steps have been neither timely nor effective.

Since 2023, Amazon has also investigated or initiated investigations into Al-Mutairi's labour practices and promised to implement "stringent and ongoing monitoring mechanisms". It also said that is committed to work with the supply company to "make significant changes to their operations" and ensure Al-Mutairi implements a 'compliance plan' to ensure "*repayment of any worker-paid recruitment fees, payment of unpaid wages, relocation of Contracted Workers to clean and safe accommodations, and a commitment to nonretaliation, as well as additional commitments to ensure ongoing protections for workers.*"

In September 2023 Amazon said it had hired consultants to investigate and review supply companies' labour practices and take steps to remedy some abuses, including reimbursing the recruitment fees of those interviewed for this report. While these steps are important and could potentially provide crucial and overdue redress to contracted workers if effectively implemented, they do not address or appear to seek to remediate all of the abuses documented in this report, including, importantly, those suffered by migrant workers whose jobs have been terminated at Amazon, and those suffered in Amazon's own warehouses. At the time of writing, no worker interviewed for this report had yet received compensation.

CONCLUSION

Amnesty International's research highlights a pattern of serious labour and human rights abuses faced by migrant workers while employed by Al-Mutairi and Basmah and working in Amazon's fulfilment centres. It also highlights the impact of Amazon's failure to ensure decent living and working conditions for those in its supply chain, and more broadly underlines the human rights risks for businesses operating in Saudi Arabia. The deception involved in migrant workers' recruitment to jobs in Saudi Arabia, combined with the level of exploitation suffered once in the country, means that many of the men are highly likely to be victims of human trafficking as defined in the The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the Palermo Protocol).

The fact that at least some of the abuses documented were raised by workers with Amazon as early as 2021 yet the company did not effectively provide redress in a timely manner but allowed them to continue well into 2023, shows that Amazon's human rights due diligence processes are not fit for purpose. According to the UN Guiding Principles, Amazon has therefore contributed to a range of severe labour abuses and now has a responsibility to provide for or cooperate in their remediation.

To address these serious human rights issues, this report ends with a series of detailed recommendations. Among them, Amnesty International is calling on:

AMAZON TO:

- Fully investigate the scale of abuses in its facilities and supply chains in Saudi Arabia, with a particular focus on contracted workers from Al-Mutairi and Basmah.
- Compensate affected workers for harms suffered before, during and immediately after working at Amazon's fulfilment centre; reimburse recruitment fees and unpaid salaries; ensure workers' accommodation is safe and hygienic; and ensure workers are able to raise grievances without retaliation.
- Ensure that all contracted workers whose engagement with the corporation has been terminated nonetheless receive their contractually entitled monthly salary and food allowance for the duration of their employment contract, and that those who wish to change employer or return home are issued the necessary documentation, paid all outstanding dues and their end-of-service benefits, and given flight tickets home.
- Undertake a thorough assessment of its recruitment processes, and to play a more active and direct role in recruitment to protect migrant workers from deception and the payment of recruitment fees.
- Progressively reduce its reliance on third-party labour supply companies, while ensuring any affected workers are offered alternative decent employment or payment of the full duration of their contracted salaries;

AL-MUTAIRI, BASMAH AND OTHER THIRD-PARTY CONTRACTORS, TO:

- Ensure that all workers in the recruitment process are protected from deception and the risk of human trafficking by being made fully aware well before travelling to Saudi Arabia of the true nature

of their employer and the full terms and conditions of their employment, and are not charged any recruitment fees or other associated costs.

- Ensure that all employees are paid all their contractual dues on time and in full every month from the moment their contract begins and throughout the contract period, whether or not they are placed in a job.
- Ensure that all workers' living conditions conform with Saudi Arabia's minimum standards and relevant international law and standards.
- Ensure that workers who wish to change jobs or leave the country are provided with the necessary documentation and flight tickets home.

SAUDI ARABIA TO:

- Urgently undertake an independent and impartial investigation into the abuses detailed in this report, ensure redress to the victims, hold perpetrators to account and publicly report on the findings.
- Fully dismantle the *kafala* sponsorship system and allow all workers to form and join trade unions.
- Strengthen enforcement of labour laws and thoroughly investigate abusive employers and hold them to account.
- Improve migrant workers' access to justice, remedy and social protection measures.

NEPAL TO:

- Monitor, investigate and sanction the illegal conduct of recruitment agencies that collect fees in excess of the maximum amount established by the government.
- Improve efforts to assist Nepali nationals stranded in destination countries.
- Increase embassies' resources to improve monitoring functions and provide legal aid and other assistance for migrants who experience abuse abroad.

2. METHODOLOGY

The research for this report included interviews with 22 Nepali men: 11 were interviewed by Amnesty International in person and remotely between February and July 2023; 11 were interviewed by another civil society organization in 2022. All the men had been employed by Abdullah Fahad Al-Mutairi Support Services Company (AFMCO, referred to as Al-Mutairi in this report) or Basmah Al-Musanada Company for Technical Support Services (Basmah). These companies are referred to collectively in this report as the “third-party contractors”, “contractors” or “labour supply companies”. All the men were engaged to work in Amazon fulfilment centres in Saudi Arabia’s capital, Riyadh, and Jeddah between 2021 and 2023. Amnesty International also reviewed documentary evidence relating to their cases, including employment contracts, security passes, pay slips and audiovisual material.

Very limited information is publicly available about Al-Mutairi and Basmah.¹ However, both companies appear to be closely linked. Workers said that the two companies shared an office and provided accommodation to the workers in the same premises. Although workers from Basmah said that they signed employment contracts with the company, they referred repeatedly to their interactions with and treatment by Al-Mutairi representatives and appear to have regarded themselves as being employed by Al-Mutairi. In communication with Amnesty International, Amazon confirmed that Basmah is a contractor of Al-Mutairi, itself contracted by Amazon.²

Amnesty International reviewed Amazon’s publicly available policies and standards, including its Global Human Rights Principles, Code of Business Conduct and Ethics, and Supplier Code of Conduct, as well as relevant Saudi Arabian laws and policies, including the Labour Law. The organization reviewed publicly available corporate information to establish facts about Amazon’s operations in Saudi Arabia and engaged in detailed correspondence with Amazon between June and September 2023.

On 14 June 2023, Amnesty International wrote to Amazon raising the organization’s concerns regarding contracted workers in its supply chain. Amazon responded on 29 July, confirming it had found during audits between March and June 2023 “violations of Amazon’s standards in line with the issues” raised by Amnesty International and providing an overview of measures taken to fulfil its human rights responsibilities in Saudi Arabia. On 15 August, Amnesty International sent a second letter to Amazon detailing the allegations included in this report, to which Amazon responded on 1 September. The complete responses from Amazon can be found [here](#).

Amnesty International also wrote to Amazon’s contractors – Al-Mutairi and Basmah – on 29 July 2023 to share its allegations findings regarding treatment of their employees, and to urge them to remedy the abuses suffered that had been documented. At the time of writing neither company had responded.

On 30 August 2023, Amnesty International shared its findings in a letter to Saudi Arabia’s Ministry of Human Resources and Social Development, the government body responsible for labour issues, but had not received a response at the time of publication.

¹ According to corporate registry documents on file with Amnesty International, Al-Mutairi provides some information about its ownership, and Amnesty International located a website associated with the company. However, at the time of publication this site had been deactivated. See: <https://web.archive.org/web/20230606190049/https://www.afmcoltd.com/>. Corporate registry documents provided virtually no information on Basmah and Amnesty International was unable to find any key details online about the company, including its ownership.

² Letter from Amazon to Amnesty International, 1 September 2023, available at: <https://www.amnesty.org/en/documents/mde23/7237/2023/en/>

Amnesty International has changed the names of the individuals quoted in this report to protect them. The organization urges all parties concerned to ensure that no employee faces reprisals. Any reprisal would be contrary to international human rights law and standards.

While this report investigates the working conditions of migrant workers in Amazon's warehouses in Saudi Arabia, it does not intend to provide a comprehensive assessment of Saudi Arabia's labour system, the impact of the recent legislative and policy reforms to this system, or the broader situation of migrant workers in the country. Amnesty International's ongoing research into the wider situation of migrant workers in Saudi Arabia will be published in due course.

Similarly, while this report focuses on the experiences of a specific group of men who have migrated from Nepal, Saudi Arabia's low-paid migrant worker population includes men and women from many other countries, particularly countries across South Asia and, increasingly, Africa.

3. BACKGROUND

3.1 AMAZON.COM

Amazon's Global Operations

Amazon is the world's largest e-commerce company. Its market capitalization is valued at US\$1.47 trillion,³ and it directly employs over 1.5 million employees globally in addition to independent contractors and temporary personnel.⁴ Its business encompasses a large variety of products and services, and it claims to sell “nearly every physical and digital retail item you can imagine”.⁵ Amazon's income has grown considerably in recent years, with sales from its consumer business increasing from US\$245 billion in 2019 to US\$434 billion in 2022,⁶ in addition to US\$85 billion annual revenue from the provision of web services. Its operations have also expanded geographically, including in the Middle East, and now reach “customers in virtually every country around the world”.⁷

Working conditions at Amazon are regulated by national labour laws in the jurisdictions where it operates, some of which may not always be in line with international laws and standards. Regardless, the company has faced criticisms about its approach to workers' rights in a number of countries, for instance, trade unions and human rights organizations, including Amnesty International, have highlighted the company's use of gruelling productivity targets and its efforts to prevent workers from forming or joining trade unions.⁸ Amazon has also been scrutinized for its significant use of temporary personnel in its fulfilment centres (warehouses), often sourced through third-party “labour supply companies” or agencies, as well as independent contractors in its delivery operations, which enables the company to distance and “disassociate itself from [the workers'] mistreatment”.⁹

³ See Amazon Market Capitalization, <https://companiesmarketcap.com/amazon/marketcap/>. For more information about Amazon, see Forbes, Amazon Profile, <https://www.forbes.com/companies/amazon/>

⁴ Amazon, *2022 Annual Report*, https://www.annualreports.com/HostedData/AnnualReports/PDF/NASDAQ_AMZN_2022.pdf

⁵ Amazon, *2022 Annual Report*, “Letter to the shareholders from the CEO”.

⁶ Amazon, *2022 Annual Report*, “Letter to the shareholders from the CEO”.

⁷ Amazon, *2022 Annual Report*, “Letter to the shareholders from the CEO”.

⁸ Amnesty International, *Amazon, Let them Unionize* (Index: POL 40/3275/2020), November 2020, <https://www.amnesty.org/en/documents/pol40/3275/2020/en/>, p.7.

⁹ The Bureau of Investigative Journalism, “Amazon's empty pledge leaves agency workers without shifts and pay”, 18 February 2021, <https://www.thebureauinvestigates.com/stories/2021-02-18/amazons-empty-pledge-leaves-agency-workers-without-shifts-and-pay>. Also see, for example, Christine Murray and Avi Aasher-Schapiro, “Inside Amazon's shadow workforce in Mexico”, Thomson Reuters Foundation, 28 April 2021, <https://longreads.trust.org/item/Inside-Amazon-shadow-workforce-Mexico>



Amazon workers on a picket line during a strike over pay at the Amazon.com Inc. fulfillment centre in Coventry, UK, on Tuesday, Feb. 28, 2023. © Darren Staples/Bloomberg via Getty Images

Amazon’s approach to trade unions and the use of “flexible” labour is evident from its *2022 Annual Report*, in which it identifies organized labour and government regulations as risks to their business:

In addition, changes in laws and regulations applicable to employees, independent contractors, and temporary personnel could increase our payroll costs, decrease our operational flexibility, and negatively impact how we are able to staff our operations and supplement our workforce. We are also subject to labor union efforts to organize groups of our employees from time to time. These organizational efforts, if successful, decrease our operational flexibility, which could adversely affect our operating efficiency.¹⁰

While the contracting of temporary workers through third parties may offer companies such as Amazon increased malleability and cost savings – and in some contexts can also offer workers increased flexibility – the International Labour Organization (ILO) has found that such an operating model can also increase the risk of labour abuses in supply chains. Ultimately, the ILO says, “the risk of not having work is passed to the workers themselves”. These risks are heightened in countries in the Middle East where the sponsorship system “dictates employment contracts for fixed periods of two years and does not allow workers to move easily between employers”.¹¹

¹⁰ Amazon, *2022 Annual Report* (previously cited), p. 11.

¹¹ For more details, see ILO, “Exploratory study of good policies in the protection of construction workers in the Middle East”, February 2018, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_618158.pdf

AMAZON IN SAUDI ARABIA

Amazon began operating in Saudi Arabia in 2017 with the acquisition of Souq.com and completed a full re-branding to Amazon.sa in June 2020.¹² As of May 2023, Amazon's footprint in Saudi Arabia includes two fulfilment centres¹³ – warehouses facilities in which Amazon's goods are stored, picked and packed ready for distribution – as well as three sort centres, and multiple delivery stations and delivery service partners.¹⁴

At the end of May 2023, Amazon doubled its capacity in Saudi Arabia, opening a vast fulfilment centre spanning 390,000 square feet on five floors with a storage capacity of 9 million products. According to a press release issued at the time of its inauguration, the new centre – “approximately the size of five football fields” – will be managed by a “diverse cohort of talented Saudi nationals” and will allow the company to “delight customers with a wider selection of products across electronics, appliances, groceries, fashion, books, and more”.¹⁵ The centre was, according to Amazon's country operations manager, in line with Saudi Arabia's “Vision 2030 goal of establishing the Kingdom as the go-to logistics hub for the region.”¹⁶ Vision 2030 is a government strategy aimed at diversifying Saudi Arabia's economy and creating opportunities for women and young people.¹⁷

As in other countries, Amazon uses third-party labour supply companies in Saudi Arabia to provide contracted temporary or “seasonal” workers, supplementing its directly hired employees. These include, among others, Al-Mutairi and Basmah. While it remains unclear exactly how many of Amazon's total workforce are migrant workers, and how many of these are temporary contracted workers, workers interviewed by Amnesty International estimated that in 2022 more than 250 migrant workers contracted by Al-Mutairi and Basmah alone were working in three of Amazon's fulfilment centres in Riyadh, in addition to migrant workers contracted by other labour supply companies.

Overall, it appears that Amazon's total workforce in Saudi Arabia runs into several thousand. For example, when Amazon launched in Saudi Arabia in June 2020, it had a workforce of 1,400.¹⁸ By December 2020, it had announced the creation of 3,400 new permanent and temporary jobs in the country to meet increasing customer demand during Amazon's annual “White Friday” sale period.¹⁹ In March 2021, the company said it planned to create a further 1,500 roles across the Kingdom that year.²⁰

Amnesty International twice requested from Amazon information on the make-up of its workforce in Saudi Arabia, including the total number of employees in its fulfilment centres and how many of these are contracted temporary or “seasonal” workers, as well as how many third-party labour supply contractors Amazon engages in the country, but Amazon did not supply this data.

3.2 SAUDI ARABIA'S ABUSIVE MIGRANT LABOUR SYSTEM

Businesses such as Amazon choosing to operate in Saudi Arabia do so in a context of inherently high risks of labour abuse in their operations and supply chains.

¹² Gulf Business, “Amazon Saudi Arabia officially launched to replace Souq.com”, 18 June 2020, <https://gulfbusiness.com/amazon-saudi-arabia-officially-launched-to-replace-souq-com/>

¹³ Amazon, “Why Amazon warehouses are called fulfilment centres”, 14 January 2019, <https://www.aboutamazon.co.uk/news/operations/why-amazon-warehouses-are-called-fulfilment-centres#:~:text=The%20name%20reflects%20the%20function,ship%20orders%20quickly%20and%20efficiently>

¹⁴ Zawya, “Amazon Saudi doubles its storage capacity with the launch of its new fulfillment center in Riyadh”, 30 May 2023, <https://www.zawya.com/en/press-release/companies-news/amazon-saudi-doubles-its-storage-capacity-with-the-launch-of-its-new-fulfillment-center-in-riyadh-eqm1j2kr>

¹⁵ Zawya, “Amazon Saudi doubles its storage capacity with the launch of its new fulfillment center in Riyadh” (previously cited).

¹⁶ Zawya, “Amazon Saudi doubles its storage capacity with the launch of its new fulfillment center in Riyadh” (previously cited).

¹⁷ Kingdom of Saudi Arabia Vision 2030, Overview, <https://www.vision2030.gov.sa/v2030/overview/>

¹⁸ Saudi Gazette, “Amazon launches Amazon.sa”, 17 June 2020, <https://saudigazette.com.sa/article/594360>

¹⁹ “White Friday” is a shopping period coined by Amazon that takes place across the Middle East in November, similar to “Black Friday” in the USA. Arab News, “Amazon creates 3,400 jobs across Saudi Arabia”, 20 December 2020, <https://www.arabnews.com/node/1773031/corporate-news>

²⁰ Arab News, “Amazon to create 1,500 new jobs in Saudi Arabia”, 17 March 2021, <https://www.arabnews.com/node/1827026/business-economy>

Foreign migrant workers make up around 77% of Saudi Arabia’s private sector workforce and are governed by the abusive *kafala* sponsorship system operating in the country.²¹ Despite some limited reforms introduced in 2021, this system continues to bind foreign workers to their employer, who acts as their official “sponsor” (or *kafeel*) from the moment they enter the country and throughout their employment. To enter and be able to work in the country, migrant workers still need their employer to sponsor their visa and issue and renew their residence permits. Once in the country, the system grants enormous power to employers and leaves workers acutely vulnerable to abuse and exploitation. It also limits workers’ ability to change jobs or leave the country.

The *kafala* system essentially absolves the government from exercising its proper role in regulating employment and ensuring the protection of migrant workers, while creating a deeply imbalanced relationship between workers and employers.²² By enabling employers to exercise significant control over the life of the worker, the system directly enables forced labour and other serious abuses.

Amongst the abuses documented by NGOs, journalists and UN bodies in Saudi Arabia – several of which are also evidenced in this report – are instances of forced labour practices, deception in the recruitment process, passport confiscation, inadequate pay, late or non-payment of salaries, inadequate living conditions, and restrictions on changing jobs or leaving the country.²³ While Saudi Arabia established labour courts in November 2018, Migrant-Rights.org has documented some of their limitations and the obstacles migrant workers continue to face when seeking justice and remedy for abuses of their rights.²⁴

In addition, the vulnerability of low-paid migrant workers is often heightened by the significant debts many have accrued to pay recruitment fees. Lacking direct access to foreign employers and job opportunities in their home countries, aspiring migrant workers largely from South Asia and East Africa rely on private recruitment agents and agencies to provide them with key information about legitimate foreign job openings. Exploiting the desperation of jobseekers and enabled by poor government oversight over labour intermediaries and recruitment chains, recruiters are able to ask for high and often illegal recruitment fees and send abroad only those who can pay.²⁵ As a result, the vast majority of low-paid workers in Saudi Arabia have asked for and/or borrowed large sums from family or have taken out loans to pay the exorbitant fees, with many incurring high-interest rates that exacerbate their already precarious financial situations.

Amnesty International’s research on the situation of migrant workers in another country in the region, Qatar, where similar problems exist, found that migrant workers pay between US\$1,000 and US\$3,000 in recruitment fees to secure their job in the country. Many workers need months or even years of employment in Qatar to repay this debt, trapping them in cycles of exploitation and making it difficult for them to challenge or escape abusive employers.²⁶ Evidence set out below demonstrates that this dynamic situation is

²¹ According to KSA General Authority for Statistics, there are 18.8 million (58.4%) Saudi nationals and over 13.4 million (41.6%) non-Saudi nationals working primarily in the private sector. For more details, see the Register-based Labour Market Statistics- Q1, 2023, <https://www.stats.gov.sa/sites/default/files/Register-based%20Labour%20Market%20Statistics-%20Q1%2C%202023En.xlsx>

²² For more details about the sponsorship system in Saudi Arabia with an overview of its historic roots, see Fairsquare, Policy Brief, “Migrant Workers in Saudi Arabia”, October 2020, <https://fairsq.org/wp-content/uploads/2020/11/FS-Policy-Brief-1-Saudi-Arabia-1020.pdf>

²³ For discussion of the human rights abuses faced by migrants in Saudi Arabia, see US State Department, “Trafficking in Persons Report 2023”, <https://www.state.gov/reports/2023-trafficking-in-persons-report/saudi-arabia/#:~:text=Of%20the%201%2C454%20potential%20victims,Lanka%2C%20Uganda%2C%20and%20Yemen;> Amnesty International, “Saudi Arabia: Ethiopian migrants forcibly returned after detention in abhorrent conditions”, 16 December 2022, <https://www.amnesty.org/en/latest/news/2022/12/saudi-arabia-ethiopian-migrants-forcibly-returned-after-detention-in-abhorrent-conditions/>; International Labour Organization (ILO), “Employer-migrant worker relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration”, March 2017, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_552697.pdf; Migrant-Labour.org, “Crackdown on “azad” visa holders in Saudi Arabia”, 11 February 2023, <https://www.migrant-rights.org/2023/02/crackdown-on-the-azad-visa-holders-in-saudi-arabia/>; Centre for Migrant Advocacy – Philippines, “Stakeholder Submission for Universal Periodic Review – Kingdom of Saudi Arabia: Individual Submission by the Centre for Migrant Advocacy Philippine. Oct-Nov 2018 Session”, https://www.upr-info.org/sites/default/files/documents/2019-04/cma_phils_upr31_sau_e_main.pdf; UN General Assembly, *Compilation on Saudi Arabia: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/SAU/2*, 30 August 2018, https://www.upr-info.org/sites/default/files/documents/2018-10/a_hrc_wg.6_31_sau_2_e.pdf, p. 10.

²⁴ Migrant-Rights.org, “New reforms and ongoing challenges in Saudi’s labour justice system”, 13 August 2020, <https://www.migrant-rights.org/2020/08/new-reforms-and-ongoing-challenges-in-saudis-labour-justice-system/>

²⁵ For more details on abuses facing migrant workers during the recruitment process, see Amnesty International, *Nepal: Turning people into profits: Abusive recruitment, trafficking and forced labour of Nepali migrant workers* (Index: ASA 31/6206/2017), 6 June 2017, <https://www.amnesty.org/en/documents/asa31/6206/2017/en/>

²⁶ See, for example, Amnesty International, “They think that we’re machines”: Forced labour and other abuse of migrant workers in Qatar’s private security sector (Index: MDE 22/5388/2022), 7 April 2022,

exacerbated in Saudi Arabia by the ongoing obstacles that limit the ability of migrant workers to leave the country or to change jobs, even when fleeing abuse, and their exclusion from any social protection measures, which are only available for nationals.²⁷

Saudi Arabia's laws lay out the basic entitlements of workers and place specific responsibilities on employers, such as timely payment of wages, prohibition on payment of recruitment fees and provision of adequate accommodation. However, the impact of the law in protecting workers is severely undermined by its inadequate enforcement. Additionally, the law has serious limitations, including the exclusion of several categories of migrant workers such as domestic workers. In 2021, Saudi Arabia introduced a minimum wage for nationals in the private sector that was recently increased to SAR 4,000 (US\$1,000) a month. However, this does not apply to foreign migrant workers.²⁸

To compound these problems, no worker in Saudi Arabia can form or join a trade union and there are severe restrictions on the rights to freedom of expression, association and assembly.²⁹ By virtue of its membership of the ILO, the state nonetheless must uphold fundamental principles and rights, including freedom of association. Joining and forming a trade union is a fundamental right for workers to allow them to collectively bargain for other rights and improve their living and working conditions.³⁰ This is particularly important in the Saudi Arabia context to allow workers governed by the abusive sponsorship system to rebalance the relationship with their employers and combat labour abuses.

LIMITED REFORMS

In 2021, Saudi Arabia introduced some limited reforms through the Labour Reform Initiative.³¹ Until then, migrant workers required their employer's permission to leave the country. Now – on paper at least – most migrant workers should be able to submit to the government an online request for their own exit papers to allow them to temporarily or permanently leave the country.³² However, while Saudi Arabia's Ministry of Human Resources and Social Development (MHRSD) suggests that this means workers can now exit without their employer's permission,³³ in reality employers continue to be informed of the workers' requests and retain the right to lodge an inquiry into them within 10 days, before the government approves or rejects the worker's

<https://www.amnesty.org/en/documents/mde22/5388/2022/en/>, pp. 27-29; and Amnesty International, *Predictable and Preventable: Why FIFA and Qatar should remedy past abuses behind the 2022 World Cup* (Index: MDE 22/5586/2022), 19 May 2022, <https://www.amnesty.org/en/documents/mde22/5586/2022/en/>, pp. 18-19.

²⁷ While the country appears to have various social security schemes to support Saudi Arabian nationals "at various stages of their lives to ensure a dignified life, these programmes do not extend to cover foreign nationals resident in the country. See National Unified Platform, Social Protection,

https://www.my.gov.sa/wps/portal/snp/aboutksa/SocialProtection/!ut/p/z0/04_Sj9CPYkssy0xPLMnMz0vMAfljo8zivQN9DDycT_Az9LZxCHQ0CA91MQyzMgo0NjMz0g1Pz9AuyHRUBHB5JZg!/

²⁸ Gulf News, "Saudi Arabia raises minimum wage for nationals in private sector to SR4,000", 4 September 2023, <https://gulfnews.com/world/gulf/saudi/saudi-arabia-raises-minimum-wage-for-nationals-in-private-sector-to-sr4000-1.97911088>

²⁹ For an overview of the current human rights situation in Saudi Arabia, see Amnesty International, "Saudi Arabia 2022", <https://www.amnesty.org/en/location/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>. According to the ILO, "trade unions are not explicitly prohibited in Saudi Arabia but they do not exist in practice. However, the Labour Law permits the establishment of worker councils for Saudi nationals only", see ILO, "Regulatory Framework Governing Migrant workers", November 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/legaldocument/wcms_728262.pdf. Since 2021, there have been worker committees for Saudis employed in some large state entities such as Aramco, see "Law forming Work Committees, 2001 AD", <http://www.ncar.gov.sa/Documents/Details?Id=7ifAYfcmWXPpEzGmxytFg%3D%3D>

³⁰ According to the UN Committee on Social, Economic and Cultural Rights (CSECR): "Trade union rights, freedom of association and the right to strike are crucial means of introducing, maintaining and defending just and favourable conditions of work". See General Comment No. 23 (2016) on the right to just and favourable conditions of work (Article 7 of the International Covenant on Civil and Political Rights), 27 April 2016, <https://undocs.org/E/C.12/GC/23>, para. 2.

³¹ Ministry of Human Resources and Social Development (MHRSD), "User Guide for the Services Offered by the Contractual Relationship Improvement Initiative" (User Guide), 2021, copy on file with Amnesty International, p. 16.

³² The reforms apply only to workers covered by the Labour Law, meaning that millions of workers are excluded, including domestic workers, farmers and private drivers. For more details, see ILO, "Regulatory framework governing migrant workers", May 2023, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_776522.pdf, pp. 4-5. See also Human Rights Watch, "Labour reforms insufficient", 25 March 2021, <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>

³³ Okaz, "A labor market free of defects... flexibility in movement... and no restriction on worker's freedom, No sponsorship system, but a contractual relationship", 12 March 2021, <https://www.okaz.com.sa/news/local/2061247>

application.³⁴ The criteria used by the government to accept or deny such requests remains unclear, and the government did not respond to Amnesty International’s request for clarification.

Additionally, the reforms introduced did not remove the employers’ ability to request an exit permit on behalf of their foreign workers, keeping this controlling tool in the hands of sponsors.³⁵ In a context where low-paid migrant workers often have limited access to information about their rights and are faced with serious language barriers, continuing to allow employers to request the exit permits – rather than making this a procedure that only workers themselves can do – risks some employers exploiting this knowledge gap to maintain control of their workers’ freedom of movement and forcing them to remain in the country. Indeed, as this report demonstrates, many of the workers interviewed by Amnesty International believed that they still needed their employer’s permission to exit Saudi Arabia – something that their employers exploited to trap them in the country.

Under the current Labour Reform Initiative regulations, migrant workers can now change jobs without the authorization of their employer but only in certain circumstances. These include that they have completed one year of their contract, or their contract has expired, and other limited situations, such as if their work permit has not been issued within 90 days of entering Saudi Arabia or has not been renewed, or if the worker has not been paid for three consecutive months.³⁶

This ability to change jobs does not apply to workers who have been reported as “absent from their jobs”.³⁷ Crucially, migrant workers can still be arrested and deported if their employers report them as having “absconded” from their job, or if their employers fail to renew their residence permit or cancel their visas, rendering workers undocumented in the country through no fault of their own.



Nepali men wait outside the Foreign Employment Office at Tribhuvan International Airport, in the capital of Nepal, Kathmandu. Many will be prospective migrant workers, bound for the Gulf. © Rajneesh Bhandari/Amnesty International

³⁴ MHRSD, User Guide (previously cited), p. 16.

³⁵ MHRSD, User Guide (previously cited), p. 18.

³⁶ MHRSD, User Guide (previously cited), pp. 5-6. Also, the Labour Law, which is applicable to all nationals and most foreign workers, stipulates that all workers can leave their job without serving their notice in various circumstances, including “if the employer fails to fulfil his essential contractual or statutory obligations towards the worker”. However, other regulations applicable to foreign workers, including the Labour Reform Initiative, continue to restrict migrant workers’ ability to change jobs without their employer’s permission.

³⁷ MHRSD, User Guide (previously cited), p. 12.

The charge of “absconding” refers to an offence specific to the sponsorship systems in the Middle East whereby employers/sponsors can accuse migrant workers of running away from their jobs if they leave their employment without permission. This provision is a clear violation of international human rights law, which guarantees workers the right to freely choose their employment.³⁸ Such charges affect the legal status of the migrant worker in the country, rendering them irregular and subject to arrest, detention and deportation, while employers are discharged of their legal responsibility or liability towards the worker accused of “absconding”. The “absconding” charge is a powerful tool at the hands of abusive employers, and can be used “at the click of a mouse”,³⁹ often in retaliation for – among other things – the worker trying to change jobs.⁴⁰ While the MHRSD is reported to have piloted a programme in October 2022 to limit the ability of employers to file “absconding” cases, no further information is yet available on the status or impact of this pilot, and the Saudi Arabian authorities did not respond to Amnesty International’s request for further details about its labour system and reforms, such as the criteria used by the government to approve or reject migrant workers’ requests to leave the country.⁴¹

Overall, the limited labour reforms have failed to dismantle the *kafala* system in Saudi Arabia, so the sponsorship system remains deeply problematic and continues to foster migrant workers’ dependency on employers while leaving in place restrictions on their ability to change jobs or leave the country. As a result, migrant workers in Saudi Arabia still face a high risk of labour abuses, and businesses such as Amazon face a high risk of causing or contributing to such abuses through their operations and supply chains if they do not implement effective due diligence measures and safeguards.

³⁸ ILO, Forced Labour Convention, https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C029; and the ILO Declaration on Fundamental Principles and Rights at Work, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf

³⁹ Arab News, “Reporting absconding workers ... just a click away”, 12 January 2014, <https://www.arabnews.com/news/508366>

⁴⁰ For more details, see ILO, White Paper, “Employer-migrant worker relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration”, March 2017, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_552697.pdf, and Migrant-Rights.org, “Huroob cases on the rise as Saudi’s Kafala reforms off to a shaky start”, 25 April 2021, <https://www.migrant-rights.org/2022/04/huroob-cases-on-the-rise-as-saudis-kafala-reforms-off-to-a-shaky-start/>; and Migrant-Rights.org, “Huroob, Runaway, Absconding: Trapping migrants in extreme abuse”, https://www.migrant-rights.org/2020/09/huroob-runaway-absconding-trapping-migrants-in-extreme-abuse/?fbclid=IwAR0AlpSwrZuTnQ9c3bnqCLgYhNKyvO4LU5KP_H9xLfs8vkogY-0Mph2x0X4 In April 2022, MHRSD issued a statement about updates to regulations for employers reporting worker ‘absences’. See: Saudi Gazette, “Saudi ministry updates rules for notifying worker absence”, 19 April 2023, <https://saudigazette.com.sa/article/619532>

⁴¹ According to the US State Department’s 2023 Trafficking in Persons (TIP) report, Saudi Arabia’s MHRSD piloted a programme in October 2022 to discontinue the reporting system whereby employers previously could report a worker had “absconded”. Instead, employers were allowed to submit a request to terminate the employment of a worker under the status “discontinued from work”, without inferring any criminal liability on the worker. Workers would then have 60 days to change employers or leave Saudi Arabia before facing immigration violations. According to the TIP report, the pilot applied only to private sector workers, excluding domestic workers. The report does not assess or provide any information about the outcome of the programme.

4. ABUSES IN AMAZON'S SUPPLY CHAIN

'Don't worry, it's a branch of Amazon'

For many of those interviewed for this report, the prospect of working at Amazon in Saudi Arabia was “a golden opportunity”, as one recruitment agency advert professed, according to one of the interviewees. Although not a universally known brand in Nepal, a quick internet search for Amazon revealed to prospective workers a global company, headquartered in the USA and so, they thought, a good company and a chance of employment not to be missed. The reality could hardly have been more different. From the time they contacted the recruitment agency to when they arrived home after working in Amazon's facilities in Saudi Arabia, all 22 men interviewed were deceived, cheated and exploited, and many are highly likely to be victims of labour trafficking.

While not employed directly by Amazon, they nonetheless toiled day in and day out to pick and pack millions of items in Amazon's facilities ready to be shipped to customers around the country. They were underpaid, housed in squalid conditions and eventually trapped in Saudi Arabia by the labour supply companies that hired them. One of the world's largest businesses failed to prevent or effectively mitigate any of this, despite being aware of the human rights risks such workers could face before launching its business in Saudi Arabia and subsequently receiving complaints of abuses directly from workers themselves.

4.1 UNLAWFUL RECRUITMENT COSTS AND DECEPTION IN THE PROCESS

The series of human rights abuses faced by workers interviewed began during their recruitment in their home country of Nepal. Like most low-paid migrant workers going to the Gulf, all but one of them said they paid hefty fees and associated costs averaging approximately US\$1,500 to recruitment agents to secure their employment with Amazon's third-party contractors.⁴² Many had to take out high-interest loans or find other ways to pay the exorbitant charges. At the time of their interviews for this report, they were still struggling to clear their debts months after returning home.

The majority of workers interviewed said they were deceived during the recruitment process by representatives of the contractors or their respective recruitment agencies. For example, many of the workers said recruitment

⁴² The workers interviewed were recruited to their jobs through at least seven different recruitment agencies in Nepal. Most paid in cash and said their agents did not provide any receipt, while others said that their recruiters gave only a receipt for NPR 10,000 (US\$75) – the maximum amount they are allowed to charge under Nepali law.

agents in Nepal told them that they were to be direct employees of Amazon or another company in Saudi Arabia, rather than a third-party contractor (referred to by workers as “labour supply companies”). Some said they specifically asked the recruiters about this and were repeatedly assured it was a direct hire.

Bibek, who travelled to Saudi Arabia in late 2021, told Amnesty International:

I asked [the recruitment agent] if it was a supply company and he said it was direct. I searched Amazon on Google, and it said it was in the top 10 companies, so I was so excited and hopeful. I realized it was a different company on the day of the flight. When I received the documents, I saw on my passport it said, ‘Al Basmah Co.’, but the agent said, ‘don’t worry, it’s a branch of Amazon’.⁴³

Other workers described employees of Al-Mutairi professing during online interviews to be representatives of Amazon, something they discovered to be untrue once they arrived in Saudi Arabia. Kiran described being interviewed by someone he later learned was an employee of the supply company:

I faced an interview with a person from Saudi Arabia on Skype. A man called [...] was in the interview. He didn’t tell me his name, but I later saw him in Saudi Arabia and realized he was the man who interviewed me. I had thought he was from Amazon. He told me he was from Amazon and interviewing me for the Amazon job.⁴⁴



Job advert recruiting Nepalis to work in Saudi Arabia ©Private

Another man who arrived in Saudi Arabia several weeks later said he was tricked multiple times in the recruitment process, first by the recruitment agency in Nepal that “told us that it was an interview for Amazon”, and then by someone he later learned was from Al-Mutairi: “We also spoke to a manager who said he was from Amazon... He was very specific about the role and said that the job is about packing in the warehouse.”⁴⁵ On his second day in Saudi Arabia, he said, he met the same man, but this time he was asking him to sign the contract with Al-Mutairi.

Some employees said the recruitment agents told them they would be earning more than they were subsequently paid, or that they would be employed in different positions within Amazon to those they were given on arrival. For example, one worker said his recruitment agent promised him a basic salary of SAR 1,500 (US\$400) that could reach SAR 2,500 (US\$670) with overtime. In reality, he only received a basic salary of SAR 1,000 (US\$267) plus SAR 300 (US\$80) for food.⁴⁶

Some recruitment agencies did not provide many of the workers with their employment contract and other paperwork until just hours before their flight to Saudi

Arabia. Some of those interviewed told Amnesty International that they would not have taken the job if they had known it was with a labour supply company, given the reputation such companies have for poor treatment of workers.

However, having already taken out loans and paid fees to the recruitment agents, it was too late for them to change their minds or confront their recruiters, and felt they had no choice but to travel to Saudi Arabia. “We became very sad because everyone knows that supply companies are not good,” Kiran told Amnesty International.⁴⁷ Soumy, aged 25, said:

We were not given a chance to challenge because it was too late, and we only had a few hours and we’d already paid. I felt so bad when I discovered [it was a supply company] because we’d already taken loans

⁴³ Interview conducted in person, February 2023.

⁴⁴ Interview conducted in person, February 2023.

⁴⁵ Interview conducted in person, February 2023.

⁴⁶ Interview conducted in person, February 2023.

⁴⁷ Interview conducted in person, February 2023.

and given money to the agent.... On the flight there were so many workers going to Saudi Arabia, and they all thought we were going to [work for] Amazon!⁴⁸

As already highlighted, international labour standards prohibit workers from being “charged directly or indirectly, in whole or in part, any fees or costs for their recruitment”,⁴⁹ and Saudi Arabia’s Labour Law stipulates that employers should cover the costs of recruitment and obtaining a workers’ residence permit.⁵⁰ Additionally, deception in the recruitment process is a key indicator of human trafficking for the purposes of labour exploitation, as defined by the ILO.⁵¹ (See Chapter 7 below for further details.)

In 2015 the Nepal government introduced its “Free Visa, Free Ticket” policy which restricts the amount recruitment agencies can charge migrants to NPR 10,000 (\$US75) and requires foreign employers from Malaysia and six Gulf states, including Saudi Arabia, to bear the costs of their visas and airfares. However, Amnesty International’s previous research has found that this flagship policy has been poorly resourced and implemented by the government of Nepal, which has also taken minimal action to enforce its foreign employment legislation and has dragged its feet on closing legal gaps and tightening its regulatory framework.⁵² This combination of weak laws and ineffective regulation has made it easy for businesses – both in Nepal and abroad – to exploit Nepal’s large migrant workforce, many of whom – like those interviewed for this report - are still being charged vast sums to migrate.⁵³



AMAZON’S HUMAN RIGHTS STANDARDS

Amazon’s own Supply Chain Standards:

- prohibit workers paying recruitment fees and require suppliers to reimburse these;¹ and
- require suppliers to:
 - monitor the practices of recruitment agents and only contract agencies that “act ethically”;¹
 - ensure migrant workers are only engaged “in full compliance” with the labour laws of the host country;¹ and
 - provide migrant workers with “clear, understandable documentation” defining the terms and conditions of their employment “in a language and manner understood by the worker”.¹

4.2 WAGE ABUSES

All the workers interviewed described wage-related abuses at the hands of the third-party contractors and while working at Amazon, including unpaid wages, unexplained salary deductions and non-payment of sick leave.

Many said that on arrival in Saudi Arabia they had to wait between one and seven weeks before the contractors placed them in a job, undertaking further interviews and assessments with Amazon in the meantime, or simply waiting for demand for more staff at the facilities. During the wait, the contractors did not pay them the wages or sometimes even the food allowance to which they were contractually entitled, meaning

⁴⁸ Interview conducted in person, February 2023.

⁴⁹ ILO General Principles and Operational Guidelines for Fair Recruitment; ILO’s Definition of Recruitment Fees and Related Costs, which is to be read in conjunction with the ILO General Principles, defines “recruitment fees” and “related costs” as “any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.”

⁵⁰ See Article 40 of Saudi Arabia’s Labour Law, available at:

<https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/74429/89847/F2095468703/SAU74429%20Arab.pdf>

⁵¹ ILO, “Operational indicators of trafficking in human beings”, 2009,

https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

⁵² See: Amnesty International, *Nepal: Turning people into profits: Abusive recruitment, trafficking and forced labour of Nepali migrant workers* (Index: ASA 31/6206/2017), 6 June 2017, <https://www.amnesty.org/en/documents/asa31/6206/2017/en/> (previously cited).

⁵³ Kathmandu Post, *Nepal is a champion country for fair recruitment, but on paper only, observers say*, 30 January 2023, <https://kathmandupost.com/money/2023/01/30/nepal-is-a-champion-country-for-fair-recruitment-but-on-paper-only-observers-say?fbclid=IwAR3TYW15ZW9LsuMjO18nzbGuixJiFdvYZKhcwnk6ZzaNrl1POSImijU-sM>

they had to rely on the little savings they came with, or money, including loans, from relatives. Some said that the contractors loaned them a few hundred riyals, and later deducted this from their salaries once they started work at Amazon. Others said that even this support was only provided after they complained to the contractors.

Bibek described his struggle when Al-Mutairi failed to provide him with work upon his arrival:

One month and 22 days after arriving in Saudi Arabia, I started working at Amazon. During the time we were unemployed we kept asking Al-Mutairi to find us work. We told them we need money; our family is very poor, and we have to send money back, but they always said, ‘we are trying to find work for you so you should wait’. They didn’t treat us well – if we went to their office to ask for work, they made us stay outside in the hot sun.⁵⁴

Several of the contracted workers said that once in work at Amazon, the supply companies would underpay them or deduct from their contractual wages SAR 100-300 (US\$27-80) each month without explanation and would neither regularly provide pay slips nor explain underpayments. Instead, they would “scold” workers if they asked for clarification.⁵⁵

Others described how the labour supply companies withheld up to two weeks’ wages (referred to by workers as “pending salaries”) throughout their employment, apparently because they feared workers might “run away”.⁵⁶ Some complained that despite working overtime, the companies would not pay them at the rate required under Saudi Arabia’s Labour Law.

Many of the workers said they left Saudi Arabia without one to two months’ salary and overtime payments from their time working at Amazon’s facilities, on top of the unpaid time they spent “jobless” (see Chapter 6 below). For example, in addition to the nearly seven weeks he was out of work and unpaid when he first arrived in Saudi Arabia, one man who worked at Amazon for around 10 months told Amnesty International:

I’m owed one month and 10 days’ wages. The supply company withheld 10 days of my salary in my first pay cheque and then I was fired midway through the month, on the 12th, and so they didn’t pay me for the last month I worked either. I got one salary slip the whole time I worked at Amazon.⁵⁷

Most of those interviewed said that their basic salary while at Amazon was SAR 1,000 (US\$267) per month, plus a monthly food allowance of SAR 200-300 (US\$53-80).⁵⁸ Amnesty International has been unable to determine why the basic salary was uniform while the food allowance varied. Regardless, many workers employed by Al-Mutairi said the food allowance was too low to meet their basic needs and that the company did not raise salaries despite increases in living costs while they were in Saudi Arabia. One worker said:

Saudi is very expensive. Salary is not much. We ate *dhal bhat* and cooked together, 10 people together... Sometimes the company only gave us 800 riyals (US\$213) [each month], so I only sent money home two or three times.”⁵⁹

Some workers described their frustration at their low wage when they believed staff directly employed by Amazon were paid significantly more and enjoyed better conditions despite doing similar jobs, and/or believed Amazon paid the supply companies significantly more – between three and four times as much – for each employee provided to work in the fulfilment centres. Amnesty International was not able to verify this, and Amazon did not respond specifically to this issue when raised in Amnesty International’s communication, stating instead that working conditions are the same for employees and contracted workers.⁶⁰

Many Al-Mutairi workers said that if they were injured or sick the company would not pay them for the days they were unable to work, and would sometimes additionally dock their pay, even when they could prove their illness and were therefore entitled to sick pay as stipulated by Saudi Arabian law.⁶¹

Some employed by the third-party contractors said the companies would not pay for or reimburse them the

⁵⁴ Interview conducted in person, August 2022.

⁵⁵ Interview conducted in person, February 2023.

⁵⁶ Interview conducted in person, August 2022.

⁵⁷ Interview conducted in person, August 2022.

⁵⁸ Al-Mutairi employment contract on file with Amnesty International.

⁵⁹ Interview conducted in person, February 2023.

⁶⁰ Amazon letter to Amnesty International, 1 September 2023.

⁶¹ Article 117 of Saudi Arabia’s Labour Law states: “A worker whose illness has been proven shall be entitled to a paid sick leave for the first thirty days, three quarters of the wage for the next sixty days and without pay for the following thirty days, during a single year, whether such leaves are continuous or intermittent.”

costs of medical care, or transport to hospital, if they were sick or injured and needed to see a doctor while working at Amazon. Considering their already low salaries and payment issues, expecting workers to pay for these costs effectively made healthcare inaccessible for some. For example, one Al-Mutairi worker described how he broke his arm while lifting heavy items at the Amazon facility. He told Amnesty International that he felt he had no option but to return to work soon after the accident because the supply company would not pay sick leave:

I had a paper [receipt] for 150 riyals (\$US40) but Al-Mutairi never paid. I had sick leave for one month [signed off by a doctor] but they never paid me for that... I couldn't even rest for a month... 'Prime' picking days were coming and I was 'Top Picker'... 15 days salary had been cut already and I had no money, so I returned [to work]. Not even money for food.⁶²

By failing to pay workers in full and on time, Amazon's contractors violated Saudi Arabia's Labour Law, which states that employers must not "use a worker without pay" nor "withhold the worker's wages or any part thereof", and that if the employer prevents their employee from working even when that person is ready to do so, the worker is "entitled to the wage for the period during which no work is performed."⁶³

Such treatment also breaches international labour law and standards, including the ILO Convention on the Protection of Wages, to which Saudi Arabia is a state party.⁶⁴



AMAZON'S HUMAN RIGHTS STANDARDS

Amazon's Supply Chain Standards:

- oblige suppliers to:
 - pay workers all benefits on time and at a rate that complies with applicable laws; and
 - provide them with pay slips clearly explaining the breakdown; and
- prohibit suppliers from deducting money from salaries as a penalty.

Further, Amazon expects suppliers to review and adjust salaries at least every two years to ensure workers can meet the "basic needs" of themselves and their family.⁶⁵

4.3 INADEQUATE LIVING CONDITIONS

Many of those interviewed said the third-party contractors made them repeatedly move to different accommodation, in some cases seven times within a year. Most described their living conditions as generally dirty and overcrowded, with bedrooms shared by six to 12 people. Often the housing provided by Amazon's contractors lacked even the most basic of facilities such as bedframes, or were infested with insects, they said.

Additionally, workers complained that in some of the accommodation provided by Al-Mutairi, the company did not provide cooking gas, so they had to pay to travel to the market to purchase it. They also said that in some of the accommodation water and electricity were cut off intermittently; water available to drink or wash in was salty, causing skin ailments; and broken air conditioning units were not fixed despite the searing heat.

Baburam worked at Amazon for around a year until early 2023. He told Amnesty International:

I spent most of the time in Istiyahq Villa. The living conditions at this accommodation were bad because there was not a good water facility... The water supply was irregular; it was not clean and was salty... The bathrooms were okay. We had four bunk beds where eight workers lived together. The room was

⁶² Interview conducted in person, February 2023.

⁶³ Saudi Arabia's Labour Law, Articles 61-62. They are also in breach of the law's prohibition on wages being deducted except in a limited number of circumstances, as well as Articles 107, 117 and 133 due to their failure to pay workers sufficiently for overtime hours or sick leave and to assume the costs of treatment for work-related injuries or occupational diseases.

⁶⁴ See ILO Convention on the Protection of Wages, in particular Articles 8, 12 and 14.

⁶⁵ Amazon, Supply Chain Standards, 2022 (previously cited), p. 6.

small. The room was air conditioned, but we would be bitten by bed bugs.⁶⁶

Some workers said that when they complained to Amazon managers about the accommodation, they would be moved, but such action was inconsistent (see Chapter 6). Kiran said:

The first housing wasn't good. It was cramped and hot and the water was dirty. Amazon asked us why we kept getting sick and we told them about our housing – that there was no air conditioning, and we couldn't sleep well because of the high temperature. We said because the Amazon work is hard, workers need to rest. Amazon told Al-Mutairi to improve the housing... After that Al-Mutairi moved us and the second housing was a bit better.⁶⁷

The workers interviewed said that third-party contractors housed them in even worse accommodation before and after they worked at Amazon. This was particularly true for those whose engagement at the fulfilment centres had been ended, with at least half saying that immediately after losing their positions the supply companies would move them and other “jobless” workers to a separate accommodation complex known by workers as Sahara Villa. Sahara Villa was, they said, dirty, unhygienic and overcrowded, with only mattresses on the floor to sleep on, no gas for cooking, no air conditioning, and salty water or water that was too hot to wash in.

Kiran, a former Amazon contracted worker, said:

Whenever someone is sacked from Amazon, the supply company sent them [to Sahara Villa]. The housing was like a ghost town. It was extremely dirty. No air conditioning, no fans. The temperature was 50 degrees Celsius at that time. There are so many workers in that housing now. There were no beds, cooking gas or drinking water. There was no internet so we couldn't contact our family.⁶⁸



Accommodation housing Al-Mutairi employees. © Private

The suffering caused by such deplorable conditions was immense. Naresh said that having been moved to Sahara Villa and not being paid anything, he would go to bed “starving” and had to rely on colleagues to survive: “There were a couple of generous workers who would give me bits here and there”, he explained, “but I was hungry most of the time. The time in this accommodation were my worst days.”⁶⁹ Another worker recalled he would constantly think “how could I escape from this housing and how could I go home. Every single second I thought that”.⁷⁰

By housing migrant workers in such deplorable conditions, Amazon’s third-party contractors were breaching the 2021 Guidelines on Conditions of Collective Housing issued by Saudi Arabia’s Ministry of Municipal and Rural Affairs and Housing. These stipulate minimum standards required for workers’ accommodation, including the provision of a clean environment with regular pest control management; at least 4m² of bedroom space per person; sufficient and safe water suitable for drinking; hot and cold water for bathing; heating and cooling air conditioning units throughout the property; and a cooking stove and refrigerator.⁷¹

International law is clear that everyone has the right an adequate standard of living, which includes adequate housing, food, water and sanitation and “the continuous improvement of living conditions”.⁷² More

⁶⁶ Interview conducted remotely, May 2023.

⁶⁷ Interview conducted in person, February 2023.

⁶⁸ Interview conducted in person, February 2023.

⁶⁹ Interview conducted in person, August 2022.

⁷⁰ Interview conducted in person, August 2022.

⁷¹ Ministry of Municipal and Rural Affairs and Housing, 2021 Guidelines on Conditions of Collective Housing, pp.3-7, 14-19, available at <https://tinyurl.com/2p8a37v6>

⁷² Article 25 of the Universal Declaration of Human Rights (UDHR) and Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

specifically, the ILO Workers' Housing Recommendation 115 states that the objective in providing workers' accommodation should be to ensure "adequate and decent housing accommodation and a suitable living environment", including "structural safety and reasonable levels of decency, hygiene and comfort".⁷³



AMAZON'S HUMAN RIGHTS STANDARDS

Amazon's Supply Chain Standards state that supplier-provided accommodation must:

- be clean and safe;
- respect workers' privacy;
- ensure "reasonable and secure" space for workers; and
- provide access to "hot water for bathing, lighting and electricity, adequate heat and ventilation".⁷⁴

THE RIGHT TO SOCIAL PROTECTION

The right to social security is recognized in Article 22 of the Universal Declaration of Human Rights and several other international human rights instruments. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Saudi Arabia, calls on states parties to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to public health, medical care, social security and social services.

The right to social security encompasses nine principal branches, including access to affordable and adequate healthcare, income support in case of loss of earnings due to sickness or unemployment, older age benefits, family and child benefits, paid parental leave, and disability benefits.⁷⁵ Social protection measures are policy-level public measures that are put in place to realize the right to social security. To realize this right, migrant workers must be able to access non-contributory schemes for income support, affordable healthcare and family support. They should also be able to contribute to social security schemes, benefit from that contribution, and access the benefits if they leave the country. Any restrictions and qualifying periods must be proportionate and reasonable.⁷⁶

4.4 RESTRICTIONS ON CHANGING JOBS AND LEAVING SAUDI ARABIA

Despite the 2021 labour reforms (see section 3.2), migrant workers are still subject to the *kafala* sponsorship system, which exacerbates the labour abuses faced by Amazon's contracted workers at the hands of their employers in Saudi Arabia.

'FIRED' FROM AMAZON

Most of the workers interviewed said that they signed two-year contracts with the third-party contractors prior to leaving Nepal. However, many had worked at Amazon's facilities for less than 12 months before Amazon ended their engagement at its facilities – a process that workers regarded as being "fired" from Amazon. None of the 22 interviewed worked at Amazon's warehouses for the full duration of their employment contract with the supply companies.

⁷³ Workers' Housing Recommendation No. 115, Part VI, para. 19. This, the ILO clarifies, requires individual beds; ample supply of safe water; adequate sanitary facilities, ventilation and heating; and common dining and recreation rooms, among other things. Workers' Housing Recommendation No. 115, Suggestions Concerning Methods of Application, Part I, para. 8, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R115

⁷⁴ Amazon, Supply Chain Standards, 2022 (previously cited), p. 9.

⁷⁵ CESCR, General Comment 19: The Right to Social Security (Art. 9), 4 February 2008, UN Doc. E/C.12/GC/19.

⁷⁶ CESCR, General Comment 19, paras 36-37.

In response to questions from Amnesty International, Amazon stated in July 2023 that the period that temporary contracted workers are engaged at Amazon’s facilities is predetermined.⁷⁷ However, none of those interviewed appeared to be aware of this. Instead, workers explained that they and other colleagues were usually informed that their engagement with Amazon had been terminated via a list of names posted on a WhatsApp group.⁷⁸ Often, they said, workers were given no warning or explanation as to why they had been let go, though some were told it was because they hadn’t hit Amazon’s targets or had made mistakes, such as taking an urgent phone call or scanning the wrong item. The workers said that usually there was no opportunity for them to challenge the decision to end their engagement with Amazon.

A few workers told Amnesty International that they had been terminated from Amazon after they were falsely accused of stealing from a fulfilment centre, and again were denied an opportunity to challenge this. For example, one worker said that an Amazon security guard accused him of stealing a soft drink, while another said he was fired because security said that he had stolen a food item. Both men vehemently denied the accusations but reported that Amazon management didn’t listen to them. They were terminated from Amazon without any proper investigation or evidence, they said.

Once “fired” from Amazon facilities, workers explained that Al-Mutairi and Basmah would move “jobless” employees to the notorious Sahara Villa accommodation and stop paying their wages, and in some cases stopped providing them with food or a food allowance, while they sought to place the workers in new jobs with other client companies. Most of those interviewed said they were never placed in another job. This meant they spent weeks or months in Saudi Arabia without a job or pay, forced to rely on friends or family to survive.⁷⁹ Kiran said:

Terminated people didn’t get anything – no food, no salary. Many would have come home if they were given an exit paper. Nepalis working for Al-Mutairi suffered a lot.⁸⁰

STUCK IN SAUDI ARABIA

To compound their employees’ hardship, third-party contractors have taken advantage of the *kafala* system to trap workers, preventing them from acquiring new jobs or leaving the country.

Despite the legal changes introduced in 2021, migrant workers in Saudi Arabia still face significant challenges in changing jobs without their employer’s permission before the end of their contract (see section 3.2).

Some of the contracted workers interviewed said that when they were terminated from Amazon before their contract ended and were then not found alternative jobs by their supply company, they considered or tried to find new employment. They said that when they inquired about this possibility, Al-Mutairi managers refused to provide the “transfer authorization” papers required to change jobs. This was despite the company not paying them their salaries or their end-of-service benefits after they lost their positions at Amazon – often through no apparent fault of their own – and failing to find them new roles when they were willing and able to work. Mahindra, who said he worked at Amazon for approximately 11 months until the end of 2022, explained:

The company [Al-Mutairi] said that it was simply impossible to change from Al-Mutairi’s job. They said that their rule didn’t allow workers to change jobs. They made us aware that workers could return home after completing two years of the contract, but it was impossible to change the job.⁸¹

Workers interviewed by Amnesty International said they were also scared they would face “absconding” charges if they found a new job without the company’s permission.⁸² “I wanted to work for the full contract because I came here to earn money,” Dev, aged 25, told Amnesty International, “but I was afraid of working for another company illegally.”⁸³

Given the dire situation they found themselves in, many of those interviewed felt they had no option but to find a way of returning home before the end of their contract.

⁷⁷ Letter from Amazon to Amnesty International, 29 July 2023, available at <https://www.amnesty.org/en/documents/mde23/7237/2023/en/>

⁷⁸ Amnesty International has seen examples of such lists and WhatsApp chats.

⁷⁹ Saudi Arabia has an unemployment benefit scheme that is available only for Saudi nationals. See <https://www.socialprotection-toolbox.org/practice/saudi-arabias-national-unemployment-assistance-scheme>

⁸⁰ Interview conducted in person, February 2023.

⁸¹ Interview conducted remotely, July 2023.

⁸² Interview conducted remotely, July 2023.

⁸³ Interview conducted remotely, July 2023.

Even though migrant workers can now apply online for their “exit papers” to allow them to leave the country, some of Amazon’s contracted workers told Amnesty International that they were unaware of this possibility, believing they had to rely on their employer to apply for them. The labour supply companies exploited this lack of knowledge, choosing not to inform their employees about the legal change and, in some cases, using it to extract money from the desperate workers.



A village in the Madhesh Province of Nepal, from where many people migrate to the Gulf for work. ©Amnesty International

Many of those who did try to leave Al-Mutairi and return home before their contract expired said the company would not provide them with exit papers before they had paid a “fine” of SAR 5,000-6,000 (US\$1,330-1,600), or SAR 20,000 (US\$5,330) for one worker. Most were not told the reason for the fine, though Al-Mutairi told some workers it was because they would be breaching their two-year contract if they left the country before its expiry, or that the money was to cover the cost of their Saudi Arabia residence permit, which by law should be renewed annually at the employer’s expense. In many cases, the company did not provide these “jobless” workers with flight tickets home as required under the Labour Law, meaning they had to find the money themselves, often borrowing from friends or relatives.⁸⁴

Hari, aged 24, told Amnesty International that he spent nearly a month in Sahara Villa in mid-2022 after being “fired” from Amazon. He said that he would visit the Al-Mutairi office on a daily basis to ask for another job, but without success. When he eventually told them he wanted to leave the company, Al-Mutairi requested a payment of SAR 6,000 (US\$1,600), telling him, “Your contract hasn’t completed, we paid *iqama* [residence permit], you have to pay”. The company subsequently threatened to kick him out of the accommodation if he didn’t pay the “fine”. With no money, Hari said he had no option but to borrow money to pay the fine and buy a ticket home. “I didn’t want to be homeless in Saudi Arabia and I needed the exit paper,” he explained.⁸⁵

In a particularly egregious example, Bibek, an Al-Mutairi employee, said that when his young child became sick in Nepal while he was “jobless” after being “fired” from Amazon, Al-Mutairi would not provide him with an exit permit unless he paid a SAR 5,000 (US\$1,330) “fine”, and refused to pay for his flight home. He told Amnesty International that he was only able to return to Nepal when one of his co-workers acted as a

⁸⁴ Labour Law, Article 40.

⁸⁵ Interview conducted in person, February 2023.

guarantor for the fine and another lent him money for his flight. He did not arrive home until 10 days after his child had died.⁸⁶

For many, the impact of such treatment continues to be felt today. Two workers said the experience was overwhelming and they contemplated suicide. With no money to pay the “fines”, they told Al-Mutairi managers that they would commit suicide if they were not allowed to leave. Only then did the company provide their exit papers, they said. Others described how they were now in deepening debt in Nepal, having paid vast sums in recruitment fees and then having no option but to return home before their two-year contract was up, in some cases borrowing even more money to do so.

Dev told Amnesty International that while Al-Mutairi agreed to provide him with exit papers when they could not find him a new job after Amazon, they refused to pay for his flight home:

We suffered a lot. We didn't have money to eat, buy water. We drank salty bathroom water. We ate bread and salt for more than a week. That's how we survived... I was in a situation, either kill someone or kill myself... I tried to kill myself. I told my mum and she said 'don't, we will get a loan'. Already it is eight months since she took a loan and the interest is piling up, please help.⁸⁷

Bibek said that in the approximately six months after he arrived back in Nepal after his child's death, he accrued around NPR 130,000 (US\$980) in interest alone on debts incurred to travel to Saudi Arabia, as he'd been unable to find work since coming home. Similarly, Akil, who paid NPR 165,000 (US\$1,242) to recruitment agents before starting his job in Saudi Arabia, said he was relying on small loans from neighbours in his village to try and keep up with interest payments on his loan.⁸⁸

By failing to pay their employees after they were “fired” from Amazon's facilities and refusing to pay for their flights home, as described by the workers interviewed, Amazon's contractors breached Article 17 of Saudi Arabia's Labour Law, as well as Article 40 that states that employers must assume the costs of a worker's return flight unless they are deemed “unfit for work or if he wishes to return to his home country without a legitimate reason.” However, the law does not specify what is considered a “legitimate” reason.

Crucially, preventing workers from changing jobs or leaving the country constitutes a violation of their right to freedom of movement under international and regional human rights law and standards.⁸⁹



AMAZON'S HUMAN RIGHTS STANDARDS

Amazon's Supply Chain Standards:

- make clear that workers must be free to “leave work and terminate their employment or other work status with reasonable notice, without penalty”;
- and
- prohibit suppliers from placing “unreasonable restrictions” on workers' right to freedom of movement within supplier-run facilities.⁹⁰

4.5 THREATS OR VERBAL OR PHYSICAL ABUSE BY CONTRACTORS

Some of those interviewed reported that Al-Mutairi staff had threatened or verbally or physically abused them or their colleagues while working at Amazon facilities, including in retaliation for making complaints to the supply company or Amazon about their treatment (see Chapter 7).

For example, Kiran described facing verbal and physical abuse by Al-Mutairi staff after he complained to a member of Amazon's human resources department in Riyadh about the water in his accommodation:

⁸⁶ Interview conducted in person, February 2023.

⁸⁷ Interview conducted in person, February 2023

⁸⁸ Interview conducted in person, August 2022.

⁸⁹ Article 13(2) of the UDHR, Article 5(d)(i) of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 27 of the Arab Charter on Human Right, and Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁹⁰ Amazon, Supply Chain Standards, 2022 (previously cited), p. 5.

I made a complaint one time during a meeting [at Amazon]. I said that the water at the housing was leaving a sticky residue on our skin after we washed. That evening, I was picked up from my housing and taken to the Al-Mutairi office. I was asked if I complained and I said ‘yes’, and the Al-Mutairi man pushed me and slapped me on the back of my head.⁹¹

When Kiran told other Amazon managers what had happened to him, they simply told him “it is not our business”, he said.⁹²

Similarly, one man described witnessing an Al-Mutairi manager beating his colleague after he complained about having to move accommodation.⁹³ Another worker said an Al-Mutairi manager deducted workers’ salaries after they complained to Amazon about their living conditions.⁹⁴

Such treatment breaches Saudi Arabia’s Labour Law, which requires the company to “Refrain from mistreating the worker in any manner that may infringe upon his dignity or religion”.⁹⁵ Indeed, some of the experiences described may amount to criminal assault.



AMAZON’S HUMAN RIGHTS STANDARDS

Amazon’s Supply Chain Standards prohibit its suppliers from engaging in or tolerating “violence, harassment, abuse, or coercion.”⁹⁶

⁹¹ Interview conducted in person, February 2023.

⁹² Interview conducted in person, February 2023.

⁹³ Interview conducted in person, February 2023.

⁹⁴ Interview conducted in person, February 2023.

⁹⁵ Labour Law, Article 61. ILO Convention 190, adopted in 2019 by the International Labour Conference, recognizes the right of everyone to enjoy work free from violence and harassment.

⁹⁶ Amazon, Supply Chain Standards, 2022 (previously cited), p. 7.

5. WORKING CONDITIONS IN AMAZON'S WAREHOUSES

In addition to facing human rights abuses at the hands of Amazon's third-party contractors, most of those interviewed also reported facing difficult working conditions at Amazon's own facilities in Saudi Arabia, including having to meet gruelling performance targets that sometimes resulted in injuries and illness.

For example, several "pickers" - those tasked with collecting items from across the warehouse ready for packing- described having to run around the large warehouses and repeatedly up and down flights of stairs or ladders to meet the targets set by Amazon, and said they were not able to sit down to rest during their shift. Others described having to lift very heavy items, such as large water containers and sacks of rice.⁹⁷

Mahindra, a father of three who was a 'Picker' at Amazon for around a year until the end of 2022, told Amnesty International:

It was very difficult to pick all items. Even if we collected all items in 30 minutes, we couldn't take a rest because it would show as 'idle time'... It really depends on luck [whether you can meet the targets]; if the items are on the same floor it is easy, but it is difficult when the items are on the second floor and we had to walk the stairs.⁹⁸

Some described the close surveillance workers faced throughout their shifts, and constant pressure from Amazon supervisors to work faster. They said they could not be seen to be "idle" at the warehouse, even at quieter periods or when they had met their targets for the day, and described having to move trolleys around just to avoid their lack of movement being flagged to managers.

"Picking job was challenging as pickers had to run continuously," Krishna told Amnesty International.⁹⁹ Baburam, another contracted worker, said he feared even going to the toilet on shift because this could result in him being marked as "idle" on the surveillance systems: "The restroom was in the corner of the warehouse, and it would take around 15 minutes to go there", he told Amnesty International.¹⁰⁰

In some cases, workers said the pace of work meant they or their colleagues suffered health conditions such as swollen or painful legs and backs, and that this was particularly common during Amazon's sale periods. Dev told Amnesty International:

Our legs would swell... If we don't meet the targets, a manager [from Amazon] would pressure us. If we

⁹⁷ Workers explained that the targets for the number of items picked or packed per hour differed depending on the size of the items, as well as the time of year – for example, they said that targets would increase during sale periods.

⁹⁸ Interview conducted in person, February 2023.

⁹⁹ Interview conducted remotely, May 2023.

¹⁰⁰ Interview conducted remotely, May 2023.

continue to fail, we would get terminated. How could we work at that pace all the time? We are human.¹⁰¹

Some also felt that as contracted workers they were treated more harshly than those who were employed directly by Amazon. “If they don’t meet the targets at work, it’s okay for them [direct-hires],” said temporary worker Manish, “but if we don’t meet targets, we face termination.”¹⁰² Similarly, Hari explained,

We were from the supply company and weren’t even allowed to rest... When [Amazon managers] saw us ‘idle’, they would force us to work, but when the directly hired people were resting, no one would ask them to work.¹⁰³

Such demanding conditions have been widely documented in Amazon’s facilities around the world, including by Amnesty International as well as academics,¹⁰⁴ trade unions,¹⁰⁵ journalists,¹⁰⁶ and governments.¹⁰⁷ Amazon workers have repeatedly raised their concerns about health and safety issues in the workplace, including the detrimental impact of Amazon’s “aggressive productivity targets”.¹⁰⁸



Inside one of Amazon’s fulfilment centres in Saudi Arabia.
©Private

A 2021 health and safety report by the US State of Washington’s Department of Labor & Industries following an inspection of an Amazon fulfilment centre in Dupont, USA, found that the company failed to ensure a hazard-free workplace, with workers having to undertake tasks involving “ergonomic risk factors” such as handling of heavy items, and repetitive movements “which have caused, and are likely to continue to cause musculoskeletal disorders (MSDs)”. It further noted the fast pace that employees had to work at under pressure and without sufficient time to recover, and concluded, “there is a direct connection between Amazon’s employee monitoring and discipline systems and workplace MSDs”.¹⁰⁹ Amazon has lodged a series of appeals challenging this and similar findings by the Department in other Amazon warehouses around Washington State, arguing that workers can work at a comfortable pace and that changes the company had already introduced were reducing injury rates.¹¹⁰

The difficult and potentially dangerous working conditions described in Amazon’s fulfilment centres in Saudi Arabia suggests that Amazon may potentially be in breach of the country’s Labour Law, which obliges employers to take precautions to “protect workers against hazards, occupational diseases” and to ensure a safe working environment.¹¹¹

¹⁰¹ Interview conducted in person, February 2023.

¹⁰² Interview conducted remotely, May 2023.

¹⁰³ Interview conducted in person, February 2023.

¹⁰⁴ Beth Gutelius & Nik Theodore, *The Future of Warehouse Work: Technological Change in the US Logistics Industry*, University California Berkeley Center for Labor Research and Education and Working Partnerships USA, October 2019, p. 19.

¹⁰⁵ TUC, “Challenging Amazon”, October 2020, <https://www.tuc.org.uk/sites/default/files/2020-10/Challenging%20Amazon%20%28final%29.pdf>, p. 12.

¹⁰⁶ BBC, “Amazon strikes: Workers claim their toilet breaks are timed”, 25 January 2023, <https://www.bbc.co.uk/news/business-64384287>; Will Evans, “Ruthless Quotas at Amazon are Maiming Employees”, The Atlantic, 25 November 2019, <https://www.theatlantic.com/technology/archive/2019/11/amazonwarehouse-reports-show-worker-injuries/602530/>

¹⁰⁷ US Department of Labour, “US Department of Labor finds Amazon exposed workers to unsafe conditions, ergonomic hazards at three more warehouses in Colorado, Idaho, New York”, 1 February 2023, <https://www.osha.gov/news/newsreleases/national/02012023>

¹⁰⁸ Amnesty International, *Amazon, Let them Unionize* (INDEX: POL 40/3275/2020), November 2020, p. 7.

¹⁰⁹ Washington State Department of Labor & Industries, report of a safety and health inspection of Amazon’s Dupont site, 2021, <https://s3.documentcloud.org/documents/20787752/amazon-dupont-citation-and-notice-may-2021.pdf>

¹¹⁰ Seattle Times, “Trial pits Amazon against WA in warehouse worker safety showdown”, 24 July 2023.

¹¹¹ Labour Law, Article 122.

International human rights law recognizes the right of everyone to “the enjoyment of just and favourable conditions of work”, including safe and healthy working conditions,¹¹² and considers this a key part of the fundamental right to the highest attainable standard of physical and mental health.¹¹³ The ILO has also recognized that a safe and healthy working environment is a fundamental right, and in 2022 designated the Occupational Safety and Health Convention a fundamental ILO convention.¹¹⁴



AMAZON'S HUMAN RIGHTS STANDARDS

Amazon's Global Human Rights Principles state that:

“Everyone has the right to a safe and healthy workplace with appropriate rules and practices for reporting and preventing accidents, injuries, and unsafe conditions, Procedures, or behaviors.”¹



Amazon workers pack boxes at Rugeley Amazon Fulfillment Centre on November 23, 2022 in Rugeley, England, ahead of Black Friday. © Nathan Stirk/Getty Images

¹¹² Article 7(b) of the ICESCR, which Saudi Arabia has not ratified.

¹¹³ CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health, para. 4. The ILO has also recognized a safe and healthy working environment is a fundamental right, and in 2022 designated the Occupational Safety and Health Convention, 1981, a fundamental convention. See: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_850673.pdf

¹¹⁴ See Article 2, ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. ILO, Convention on Occupational Safety and Health, 1928, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_850673.pdf

6. UNHEEDED WORKERS' COMPLAINTS TO AMAZON

In its letter to Amnesty International on 14 June 2023, Amazon confirmed that it had identified some of the labour abuses documented in this report during an audit conducted in Saudi Arabia between March and June 2023. However, according to Amnesty International's research, migrant workers had been raising complaints about their working and living conditions directly with Amazon's managerial staff in its facilities since at least 2021, yet their concerns often went unheeded.

Workers described the various ways they raised their grievances in the fulfilment centres, including writing the issues on a whiteboard known as the Voice of Associates Board. One worker said this meant "everyone at Amazon could read those complaints".¹¹⁵ Others said workers told Amazon supervisors and managers during daily briefing meetings or, when they could, spoke to staff from Amazon's human resources (HR) department at the warehouses about what they were facing, though contracted workers were impeded by security restrictions in accessing certain parts of the fulfilment centres. Among the issues workers recalled they had reported were inadequate accommodation, including lack of clean water and the insufferable heat, salary delays and underpayments, unexplained deductions, and lack of regular pay slips.

Kiran said:

Amazon knows each and every problem we have with the supply company. Amazon asks workers about the problems and issues they face during daily meetings.¹¹⁶

Sometimes, the interviewed workers said, Amazon staff would help to resolve their issues. For example, a few said that their employer provided cooking gas, stopped making salary-deductions or changed their accommodation when Amazon intervened after receiving their complaints. However, many workers said that such support was inconsistent and often Amazon and the contractors took no action, as far as they were aware, to address the issues raised, and said that Amazon managers would sometimes simply dismiss their concerns or tell them to go direct to the contractor instead. For example:

- One worker said that an Amazon manager told him "I do not care" when he reported being underpaid by the contractor.¹¹⁷ Another said that a manager told him, "if you can't handle this job you should leave" when he and colleagues complained about the working conditions.¹¹⁸
- Another third-party contractor employee said he felt that Amazon supervisors did not bring to the attention of the HR department complaints made by contracted workers.¹¹⁹
- One man said he told an Amazon manager that the food allowance was not enough after prices rose in

¹¹⁵ Interview conducted in person, February 2023.

¹¹⁶ Interview conducted in person, February 2023.

¹¹⁷ Interview conducted in person, February 2023.

¹¹⁸ Interview conducted in person, February 2023.

¹¹⁹ Interview conducted in person, February 2023.

- Saudi Arabia and the manager simply replied, “you better talk to your company [Al-Mutairi].¹²⁰
- Two workers said that when they were ill or injured at the fulfilment centre, Amazon staff would not take them to hospital, saying that it was the third-party contractor’s responsibility and making the workers wait for Al-Mutairi to collect them.¹²¹



AMAZON'S HUMAN RIGHTS STANDARDS

Amazon's Supply Chain Standards make clear that:

- All workers must be:
 - “free to voice their concerns and seek resolution” of issues they face, including directly to Amazon;¹²² and
 - able to do so confidentially, anonymously and without fear of retaliation.
- Suppliers must:
 - have a fair and effective “resolution process” to investigate and address worker’s concerns;¹²³ and
 - “prohibit retaliation against worker whistleblowers.”¹²⁴

Amazon's Code of Business Conduct and Ethics states that Amazon itself:

- “will not allow retaliation against an employee for reporting misconduct by others in good faith.”¹²⁵

¹²⁰ Interview conducted in person, February 2023.

¹²¹ Interview conducted in person, February 2023.

¹²² Amazon, Supply Chain Standards, 2022 (previously cited), p. 7.

¹²³ Amazon, Supply Chain Standards, 2022 (previously cited), p. 7.

¹²⁴ Amazon, Supply Chain Standards, 2022 (previously cited), p. 11.

¹²⁵ Amazon, Code of Business Conduct and Ethics, available at: <https://ir.aboutamazon.com/corporate-governance/documents-and-charters/code-of-business-conduct-and-ethics/default.aspx>

7. INTERNATIONAL LAWS AND STANDARDS

7.1 SAUDI ARABIA'S INTERNATIONAL LEGAL OBLIGATIONS

Saudi Arabia is not a state party to several of the core international human rights treaties, notably the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. However, Saudi Arabia is a party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (referred to as the Palermo Protocol), which are relevant with respect to the violations and abuses documented in this report.¹²⁶

Saudi Arabia has made general reservations to all the international conventions it has ratified, arguing in most cases that it is not bound by the Conventions to the extent to which they contradict Islamic law (except for the Convention on the Rights of Persons with Disabilities and its Optional Protocol).

Furthermore, as a member of the UN, Saudi Arabia is expected to “uphold the highest standards in the promotion and protection of human rights”¹²⁷ and is bound to take notice of the relevant provisions of the Universal Declaration of Human Rights (UDHR) that sets out a range of civil, economic and social rights that apply to the violations and abuses documented in this report and is widely viewed as having customary international law status.¹²⁸

¹²⁶ Saudi Arabia is also a state party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

¹²⁷ Resolution 60/251, para, 9, adopted by the UN General Assembly on 3 April 2006.

¹²⁸ See William A. Schabas, *The Customary International Law of Human Rights*, Oxford Academic, June 2021, <https://academic.oup.com/book/39904/chapter-abstract/340150337?redirectedFrom=fulltext>. The International Court of Justice Statute defines customary international law in Article 38(1)(b) as “a general practice accepted as law.” This means that states engage in the practice out of a sense of legal obligation (rather than custom or habit). States are typically bound by customary international law, regardless of whether the states have codified these laws domestically or through treaties.

Saudi Arabia is also member of the ILO and has ratified 16 ILO Conventions, including six of the eight that set out core international labour law and standards.¹²⁹ In the context of this report it should be noted that Saudi Arabia is a party to the Forced Labour Convention, the Abolition of Forced Labour Convention, and the

Discrimination (Occupation and Employment) Convention. It has also ratified the Labour Inspection Convention.

Saudi Arabia has not ratified the Freedom of Association, Collective Bargaining and Equal Remuneration Conventions or the Minimum Wage-Fixing Machinery Convention. However, by virtue of its membership of the ILO, it nonetheless must uphold fundamental labour principles and rights, including freedom of association and collective bargaining.¹³⁰

SAUDI ARABIA: RATIFICATION STATUS OF CORE HUMAN RIGHTS TREATIES	
SIGNED/RATIFIED	
RATIFIED WITH RESERVATIONS	
NOT SIGNED OR RATIFIED	
International Covenant on Civil and Political Rights (ICCPR)	
International Covenant on Economic, Social and Cultural Rights (ICESCR)	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC)	
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	
International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	
International Convention on the Rights of the Child (CRC)	
International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	
Convention on the Rights of Persons with Disabilities (CRPD)	

Additionally, as a party to various international treaties prohibiting forced labour and other human rights abuses, Saudi Arabia is obliged to protect workers from being exploited by companies operating in its territory. This requires the government to take appropriate measures to prevent human rights abuses by private actors and proactively monitor and respond to these abuses when they occur, investigate them, hold perpetrators to account and ensure effective remedy for harm caused.

Under the UDHR provisions, Saudi Arabia should ensure that everyone living on its territory has the right to social security and secure the realization of economic, social and cultural rights without discrimination.¹³¹

Saudi Arabia's duty to protect people from human rights abuses carried out by corporations is also articulated in the 2011 UN Guiding Principles on Business and Human Rights (UN Guiding Principles).¹³²

¹²⁹ ILO, "The ILO in Saudi Arabia", <https://www.ilo.org/beirut/countries/saudi-arabia/lang--en/index.htm>

¹³⁰ ILO Declaration on Fundamental Rights and Principles at Work and its Follow up, 1998, ILO Constitution, 1919 and Declaration of Philadelphia annexed to the ILO Constitution, 1944.

¹³¹ Article 22 of the UDHR and Article 4 of the ICERD.

¹³² Human Rights Council, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (UN Guiding Principles), John Ruggie, UN Doc. A/HRC/17/31.

Furthermore, Saudi Arabia is bound to uphold international law and standards to not only ensure the full respect and protection of people's rights living and working in its territory but also to provide remedies when those rights are violated. The right to remedy, as well as being widely recognized as a customary rule of law, is guaranteed by various international human rights treaties, some of which have been ratified by Saudi Arabia – and it encompasses the victim's right to equal and effective access to justice, and adequate, effective, and prompt reparation for the harm suffered.¹³³

Consequently, Saudi Arabia is required to provide appropriate and effective remedy for victims and protect them from undue interference by private parties and to do so in an affordable and timely manner.¹³⁴

However, as the evidence in this report demonstrates, the approach of the Saudi Arabian authorities to regulating the recruitment and employment of migrant workers is not only contrary to its international legal obligations. It is actually creating a permissive context for labour abuses and exploitation, including facilitating in some cases human trafficking and forced labour.

In spite of the 2021 reforms, the *kafala* system currently in place continues to afford unscrupulous employers powers to exploit their employees, not least through their ability to prevent workers from leaving the country and changing jobs. Set against this, the Labour Law and other regulations that should offer workers some protections are ineffectively enforced, while migrant workers continue to be banned from forming or joining unions.

Furthermore, in the case of employees of Al-Mutairi and Basmah, the government has not only failed to meet its obligation to put in place and enforce laws and regulations capable of protecting their rights. When these rights have been violated, the government has failed to hold perpetrators to account, depriving the victims from any access to justice and remedy. In fact, none of the workers interviewed by Amnesty International saw their abusers held to account for harm they suffered during their time in Saudi Arabia.

While the government in Saudi Arabia is obliged to respect and protect the human rights of migrant workers in the country, the UN Guiding Principles are clear that companies – in this case both Amazon and its third-party contractors – also have their own human rights responsibilities, independent of states, to ensure respect for human rights.¹³⁵

LABOUR TRAFFICKING

Amnesty International's research as detailed above indicates that some of the former contracted workers who worked at Amazon in Saudi Arabia are highly likely to be victims of trafficking for the purposes of labour exploitation, which is prohibited under international law¹³⁶ and Saudi Arabia's domestic law,¹³⁷ as well as Amazon's own Global Human Rights Principles.

TRAFFICKING IN PERSONS

The UN Palermo Protocol defines human trafficking as:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of

¹³³ See Article 6 of the ICERD; Articles 13, 12 and 23 of the Arab Charter. The right to remedy is also guaranteed by Article 23 of the UDHR.

¹³⁴ Article 8 of the UDHR.

¹³⁵ UN Guiding Principles, Principle 11.

¹³⁶ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 15 November 2000.

¹³⁷ 2009 Anti-Trafficking in Persons Law.

exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, or the removal of organs.¹³⁸

The ILO breaks down this definition into three key elements:

- **Activities:** recruitment, transportation, transfer, harbouring or receipt of a person.
- **Means:** force, deception, abduction, coercion, fraud, threats, abuse of power or a position of vulnerability.
- **Purpose:** exploitation, including forced labour, or removal of organs.¹³⁹

This includes employees of Amazon’s third-party contractors Al-Mutairi and Basmah who were deceived by recruitment agents, and in some cases by Al-Mutairi representatives themselves, about the nature of their employer and the terms and conditions of their job before they left their home countries. Once in Saudi Arabia and while engaged to work in Amazon’s facilities, they then had their wages withheld by these supply companies, which housed them in wholly inadequate accommodation and in some cases subjected them to verbal or physical abuse or threats, particularly when they raised complaints about their living and working conditions. Once the workers’ engagement ended with Amazon, the contractors often failed to find them alternative jobs and stopped paying them their contractual wages when they rendered them “jobless”. They also provided them with limited or no support and failed to give them the required documents to allow them to change jobs or leave the country, thereby restricting their freedom of movement and job mobility.

In light of this, there is strong evidence to conclude that these workers were highly likely victims of human trafficking for the purpose of labour exploitation and that Amazon and others have potentially benefited from the services of these victims.

7.2 CORPORATE HUMAN RIGHTS RESPONSIBILITIES

UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

All companies have a responsibility to respect all human rights wherever they operate in the world and throughout their operations. This is a widely recognized standard of expected conduct as set out in international business and human rights standards, including the UN Guiding Principles and the Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises.¹⁴⁰ This corporate responsibility to respect human rights is independent of a state’s own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights.¹⁴¹ This responsibility to “do no harm” extends both to Amazon as well as its Saudi Arabia-based suppliers and contractors.

According to the UN Guiding Principles, the responsibility to respect human rights requires that businesses avoid causing or contributing to adverse human rights impacts when they occur” and “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their

¹³⁸ Palermo Protocol, Article 3(a).

¹³⁹ ILO, “Forced labour and human trafficking: A handbook for inspectors”, 2008, p. 5, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_097835.pdf. The ILO has also published a series of operational indicators for characterizing the various elements of trafficking for labour, which include deception during recruitment, transfer and transportation; coercion during recruitment, transfer and transportation; recruitment by abuse of vulnerability; exploitative conditions of work; coercion at destination and abuse of vulnerability at destination. See ILO, Operational indicators of trafficking in human beings, 2009, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf

¹⁴⁰ This responsibility was expressly recognized by the UN Human Rights Council on 16 June 2011, when it endorsed the UN Guiding Principles, and on 25 May 2011, when the 42 governments that had then adhered to the Declaration on International Investment and Multinational Enterprises of the OECD unanimously endorsed a revised version of the OECD Guidelines for Multinational Enterprises. See Human Rights and Transnational Corporations and other Business Enterprises, Human Rights Council, Resolution 17/4, UN Doc A/HRC/RES/17/4, 6 July 2011; OECD Guidelines for Multinational Enterprises, OECD, 2011, <https://www.oecd.org/corporate/mne/>

¹⁴¹ UN Guiding Principles, Principle 11 including Commentary.

business relationships, even if they have not contributed to those impacts.¹⁴² This includes impacts occurring throughout the supply chain, for both contracted and sub-contracted labour.

The UN Guiding Principles further state that businesses should have in place “a human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.”¹⁴³ For a company’s human rights due diligence process to effectively map their actual or potential impacts, the company should engage in meaningful stakeholder engagement.¹⁴⁴ In the context of Amazon’s operations in Saudi Arabia, the stakeholders it should engage with and consult should include workers, including those employed by contractors.¹⁴⁵

AMAZON’S HUMAN RIGHTS COMMITMENTS

Amazon states that it is committed to respecting the UN Guiding Principles, the UDHR, the core Conventions of the ILO, and the ILO Declaration on Fundamental Principles and Rights at Work.¹⁴⁶

Amazon has published various policies and principles regarding its human rights responsibilities,¹⁴⁷ and its Supply Chain Standards (the Standards) set out important commitments to this end. For instance, in the Standards, Amazon commits itself to, “working with Suppliers to embed respect for human rights and the environment in their operations and supply chain, improve protections for their workers and workplace, and address non-conformance with these Standards.”¹⁴⁸

The Standards also state that the company strives to always put the interests of workers first and requests from its Suppliers disclosure of any “indirect hiring practices” as well as details of their own supply chain, including subcontractors and recruitment agents, and pledges to work with them to “end, minimize, or mitigate a violation or an adverse impact of an issue.”

As a last resort, Amazon reserves the right to temporarily suspend or terminate a relationship with a supplier if it refuses to cooperate, “change their behaviour or practice and does not make timely progress on remediation”.¹⁴⁹

Amazon’s policies also include a commitment to improve working conditions in its supply chain, including fair and on-time payment of wages and requirements to pay legally required compensation, including overtime and benefits, as well as prohibiting forced labour practices, with a special mention of the particular risks to foreign migrant workers in its supply chain.¹⁵⁰

Further, in both its Global Human Rights Principles and its Code of Business Conduct and Ethics, Amazon commits itself to providing a safe and healthy work environment for its workers.¹⁵¹

These commitments, if implemented properly, could improve the working and living conditions for people in Amazon’s supply chain and help ensure that its operations are not negatively impacting the human rights of those enabling its business to thrive.

When conducting human rights due diligence, a company may identify that it may cause or contribute to – or already be causing or contributing to – a serious human rights abuse. In these cases, companies should cease or prevent the adverse human rights impacts.¹⁵² Where impacts are outside of the business enterprise’s control but are directly linked to their operations, products or services through their business relationships, the UN Guiding Principles require the company to seek to mitigate the human rights impact by exercising leverage, or seek to improve leverage where leverage is limited, including through collaboration if appropriate. In addition, the UN Guiding Principles make clear that each worker whose human rights have been abused

¹⁴² UN Guiding Principles, Principle 13.

¹⁴³ UN Guiding Principles, Principle 17.

¹⁴⁴ UN Guiding Principles, Principle 18.

¹⁴⁵ OECD, OECD Due Diligence Guidance for Responsible Business Conduct, 2018, <https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>, p. 25.

¹⁴⁶ Amazon, “Advancing human rights”, <https://sustainability.aboutamazon.com/society/human-rights>

¹⁴⁷ These include Amazon’s Supply Chain Standards as well as its Global Human Rights Principles and Code of Business Conduct and Ethics.

¹⁴⁸ Amazon, Supply Chain Standards, p. 4.

¹⁴⁹ Amazon, Supply Chain Standards, p. 4.

¹⁵⁰ Amazon, “Supply Chain”, <https://sustainability.aboutamazon.com/human-rights/supply-chain>

¹⁵¹ Amazon, Code of Business Conduct and Ethics, Chapter V: Health and Safety, available at: <https://ir.aboutamazon.com/corporate-governance/documents-and-charters/code-of-business-conduct-and-ethics/default.aspx>; and Amazon, Global Human Rights Principles (previously cited).

¹⁵² UN Guiding Principles, Principle 19 including Commentary.

has the right to an adequate remedy under international law. Companies have a responsibility to provide an adequate remedy when their operations have led to human rights abuses.¹⁵³

The nature of Saudi Arabia's labour system and the lack of human rights protections more broadly mean that migrant workers face a high risk of experiencing human rights abuses in the country. Such a context underlines the need for companies operating in Saudi Arabia to meet their responsibility to undertake ongoing human rights due diligence, with specific attention to these issues, and to take the necessary measures to prevent abuses, that is commensurate with the likelihood and severity of risks.

SUPPLY COMPANIES: MULTIPLE FAILURES

In addition to respecting international standards and the contractual obligations made to workers, all private companies must also respect Saudi Arabia's laws and regulations.

Amnesty International's research found that Al-Mutairi and Basmah have breached of various provisions of Articles 40(1), 61, 62, 81, 84, 92, 107, 117 and 133 of Saudi Arabia's Labour Law as well as the 2021 Guidelines on Conditions of Collective Housing issued by the Ministry of Municipal and Rural Affairs and Housing. The research also demonstrates that the two supply companies have failed to meet their responsibilities to respect human rights because of a range of persistent abuses, including not paying employees; not providing legal documentation and flight tickets to allow workers to leave the country; and not providing adequate accommodation, together with the restrictions it has placed on its employees' ability to change jobs. The allegations also indicate that Al-Mutairi failed to undertake due diligence vetting of the recruitment agencies used to recruit new workers, to ensure that employees did not bear the costs of this process.

As for Amazon, its responsibility to respect human rights includes impacts occurring throughout its supply chain, for both contracted and sub-contracted workers. As further explained below, this places on Amazon responsibilities towards the workers it contracted from Al-Mutairi and Basmah and the treatment they faced



Migrant workers gather at their accommodation in Qadisiya labour camp, Saudi Arabia August 17, 2016. Picture taken August 17, 2016. © Faisal Al Nasser/ REUTERS

¹⁵³ UN Guiding Principles, Principle 19 including Commentary.

during their engagement on its facilities, as well as after their engagement with Amazon ended.

AMAZON'S RESPONSE TO HUMAN RIGHTS RISKS IN SAUDI ARABIA

When Amazon began operating in Saudi Arabia in 2020, the situation of migrant workers in the country had been well documented by NGOs, the UN, and other governments. This meant the company would or should have known both the risk and reality of labour abuse in the country.¹⁵⁴

A review of Amazon's publicly available policies makes clear that the company anticipated and set out global standards to prevent and mitigate many of the human rights abuses Amnesty International's research has identified in Amazon's operations in Saudi Arabia. Indeed, almost all of the abuses that contracted workers faced during and immediately following their employment at Amazon's facilities had already been identified as "salient human rights risks" by Amazon across its operations in its first enterprise-wide saliency assessment conducted in 2020. These included "Safe and Healthy Working Conditions, Modern Slavery and Forced Labour, Fair Wages and Hours, Freedom of Association, Social, Economic and Environmental Justice".¹⁵⁵

In response to Amnesty International's request for information about its human rights due diligence processes, Amazon said that in 2021 it commissioned a third-party consultant to conduct a "landscape assessment of human rights and labour risks" to assess specific risks connected with its business operations in the Middle East and North Africa region, with a focus on Saudi Arabia. Risks highlighted included:

Limited understanding of Amazon's standards and regional labor laws; worker-paid recruitment fees; undisclosed subcontractors; poor worker accommodations; working hours, document retention, contract substitution; and absence of grievance mechanisms.¹⁵⁶

Subsequently, Amazon said, it had designed a "risk assessment program to focus on the highest risk issues and vendor categories in the region". However, at the time of publication it had not disclosed the outcome of this assessment to Amnesty International.

AMAZON'S RESPONSE TO ABUSES BY AL-MUTAIRI AND ITS COMPLIANCE PLAN

On 14 June 2023, Amnesty International wrote to Amazon raising the organization's concerns regarding contracted workers in its facilities. Amazon responded on 29 July, acknowledging the human rights issues raised and providing an overview of measures taken to fulfil its human rights responsibilities in Saudi Arabia. On 15 August, Amnesty International sent a second letter to Amazon detailing the allegations included in this report, to which Amazon responded on 1 September.¹⁵⁷

In its 29 July letter, Amazon confirmed that it had, "found violations of our standards in line with the issues raised in the Amnesty report" whilst auditing Al-Mutairi and other third-party suppliers between March and June 2023. Amazon stated that it was subsequently committed to "work diligently with the vendor [Al-Mutairi] to make significant changes to their operations... [and] expect this vendor to commit to and initiate a full compliance plan by August 31st, and ensure their employees are repaid for any unpaid wages or worker-paid recruitment fees." In the meantime, Amazon said, it would not engage additional employees from this contractor until it was compliant with the Amazon's standards and would suspend the business relationship "if verifiable changes are not made".¹⁵⁸

In its 1 September letter to Amnesty International, Amazon further stated that it is committed to "remediation and continuous improvement", and as such its "first priority has been to investigate all complaints and

¹⁵⁴ See, for example, US State Department, "Trafficking in Persons Report 2016", pp. 325-327, <https://2009-2017.state.gov/documents/organization/258881.pdf>; and Centre for Migrant Advocacy – Philippines, "Stakeholder Submission for Universal Periodic Review – Kingdom of Saudi Arabia: Individual Submission by the Centre for Migrant Advocacy Philippine. Oct-Nov 2018 Session", https://www.upr-info.org/sites/default/files/documents/2019-04/cma_phils_upr31_sau_e_main.pdf; and Amnesty International, *Exploited dreams: Dispatches from Indian migrant workers in Saudi Arabia* (Index: ASA 20/025/2014), 4 July 2014, <https://www.amnesty.org/en/documents/asa20/025/2014/en/>;

UN General Assembly, Compilation on Saudi Arabia: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/31/SAU/2, 30 August 2018, p. 10, https://www.upr-info.org/sites/default/files/documents/2018-10/a_hrc_wg.6_31_sau_2_e.pdf; and James Lynch, "Migrant workers bear the brunt of Saudi's archaic kafala system", Middle East Eye, 11 October 2016, <https://www.middleeasteye.net/opinion/migrant-workers-bear-brunt-saudis-archaic-kafala-system>

¹⁵⁵ Amazon, "Advancing Human Rights", <https://sustainability.aboutamazon.com/society/human-rights/due-diligence>

¹⁵⁶ Amazon letter to Amnesty International, 29 July 2023.

¹⁵⁷ Complete response from Amazon available at, <https://www.amnesty.org/en/documents/mde23/7237/2023/en/>

¹⁵⁸ Amazon letter to Amnesty International, 29 July 2023.

remediate any harms to workers”.¹⁵⁹ To this end, Amazon said it had appointed a “third-party partner Verité Southeast Asia, Inc.” to investigate the issues and review Al-Mutairi’s labour practices including through “interviews with employees and an investigation of any recruitment fees paid, all in support of remediating any substantiated issues”.¹⁶⁰ Amazon said it had extended to 8 September the deadline for Al-Mutairi to commit to and initiate a compliance plan to allow for conclusion of the investigation. According to the letter, the full compliance plan required of Al-Mutairi will include:

ensuring repayment of any worker-paid recruitment fees, payment of unpaid wages, relocation of Contracted Workers to clean and safe accommodations, and a commitment to nonretaliation, as well as additional commitments to ensure ongoing protections for workers.¹⁶¹

Additionally, Amazon stated that it will “continue engaging directly with Al-Mutairi to provide coaching and resources to help the vendor in their execution of this plan”, and “put in place stringent and ongoing monitoring mechanisms to verify that the employment practices of this vendor continue to meet our standard”.¹⁶² However, if Al-Mutairi fails to execute the plan within the agreed time frame, Amazon said it would suspend its relationship with the company and would do so responsibly. Finally, Amazon said that should it resort to ending the relationship, it is committed to ensuring that all contracted workers employed by Al-Mutairi at Amazon sites “are provided for appropriately” but did not give any details about how it would do so, instead emphasizing that its “priority at all times is the safety and well-being of workers connected to our business.”¹⁶³

The steps Amazon said it is taking in response to the human rights abuses faced by migrant workers in its supply chain could be substantial if effectively implemented, especially regarding recruitment fees, unpaid wages and inadequate accommodation. In late September 2023, Amnesty International subsequently learned that Amazon has hired a second consultancy to investigate options for reimbursing the workers interviewed for this report for recruitment fees they paid, although at the time of writing none have received this or any other compensation. While this first step is positive, it does not go as far as to cover all workers potentially impacted by the payment of unlawful recruitment fees or other abuses and whose number could be estimated to be in the hundreds.

Additionally, as described below, Amazon’s proposed compliance plan does not appear to seek to remediate all of the abuses documented in this report. Crucially, the plan, appears to exclude any remedial action for key abuses suffered by migrant workers at the hands of the labour supply companies after they have left Amazon’s facilities, or for their working conditions in Amazon’s warehouses themselves. Further, serious questions remain as to why it took until mid-2023 for Amazon to start to address serious issues that had been occurring for at least two years.

FAILURE TO ADEQUATELY PREVENT AND ADDRESS KNOWN HUMAN RIGHTS RISKS

Overall, Amazon’s existing policies and processes as well as its response to Amnesty International’s communications include some important information on the due diligence measures in place to help Amazon identify, prevent and mitigate human rights risks in its operations. These indicate that Amazon is well aware of its responsibilities to respect workers’ rights – including in its supply chain and with regard to contracted migrant workers – and has taken some steps to try and meet these. However, our investigation reveals that to date these steps have not been sufficiently timely or effective.

¹⁵⁹ Amazon letter to Amnesty International, 1 September 2023.

¹⁶⁰ Amazon letter to Amnesty International, 1 September 2023.

¹⁶¹ Amazon letter to Amnesty International, 1 September 2023.

¹⁶² Amazon letter to Amnesty International, 1 September 2023.

¹⁶³ Amazon letter to Amnesty International, 1 September 2023.



Amazon workers pack boxes at Rugeley Amazon Fulfilment Centre on November 23, 2022 in Rugeley, England, ahead of Black Friday. © Nathan Stirk/Getty Images

Amazon has been aware of at least some of the specific issues arising in its supply chain in Saudi Arabia since at least 2021, not least because contracted workers from Al-Mutairi and Basmah themselves raised some of their concerns directly with Amazon managers at its facilities in Riyadh. Workers told Amnesty International they brought complaints to these managers about a range of issues – including inadequate accommodation, salary delays and underpayments and unexplained deductions – and through a variety of means, including in writing on dedicated white boards in the fulfilment centres and orally in daily briefings with managers. The workers interviewed for this report said they rarely felt Amazon had addressed their complaints effectively, with some describing retaliation by the third-party contractors because of their complaints, indicating that the grievance mechanisms established by Amazon are not fit for purpose.

The fact that labour abuses have been allowed to continue into 2023 – as confirmed by Amnesty International’s findings and Amazon’s own audits – shows that Amazon’s human rights due diligence processes have proven inadequate to prevent contracted workers in its warehouses from falling victim to serious labour abuses and potential trafficking in Saudi Arabia.

Amnesty International’s research exposes three key failures by Amazon:

- 1) Its failure to conduct adequate due diligence in its own operations and before using Al-Mutairi and Basmah in order to effectively prevent and mitigate abuses before they occur. This should have involved meaningful engagement with its workers. Yet Amazon’s managers apparently ignored complaints on many occasions.
- 2) Its failure to put in place effective measures to prevent and mitigate the full range of abuses experienced by workers in a timely manner – in either its own operations or under the third-party contractors, including after termination of their engagement from Amazon. The company failed to take such steps, despite complaints by workers and the identification of many of these risks in its 2021 “landscape assessment of human rights and labour risks”.
- 3) Its failure to effectively redress in a timely manner the actual adverse human rights impacts, despite being made aware by workers themselves of these abuses, both in its own operations and in its engagement with third-party contractors.

As a result, Amazon’s failure to prevent, mitigate or redress human rights abuses in its supply chain, despite knowledge of the high-risk of such abuses while using such labour supply companies in Saudi Arabia, and in light of its apparent failure to act on complaints from workers themselves resulting in the continuation

of abuses, means Amazon has contributed to a range of severe labour abuses, including those faced by contracted workers when they are terminated from engagement at Amazon’s facilities.

Indeed, by contracting out a significant percentage of its labour requirements to third-party suppliers in Saudi Arabia, Amazon is benefiting from greater flexibility, allowing it to adapt to the ebbs and flows of the market at will and reduce its workforce expenditure as required. For some contracted workers, however, this flexibility has materially increased the human rights risks they face individually, due to them subsequently being left “jobless” though still under the control and contract of Amazon’s third-party contractors. For instance, in this case, Amazon third-party contractors appear unwilling or unable to place the contracted workers in new roles; stop paying them their contractual obligations for this period; house them in appalling conditions; and effectively prevent them from changing jobs or leaving Saudi Arabia by withholding documentation required under Saudi Arabian law to do so. Despite Amnesty International raising these concerns with Amazon, the company has not responded to them or suggested any actions to remediate the abuses.

Amnesty International is also concerned about workers’ reports of labour abuses in Amazon’s own facilities where these workers were managed by Amazon employees and subjected to conditions that may breach the company’s own standards, as well as national law and international human rights law and standards on the right of workers to safe and healthy working conditions.

In its letter to Amnesty International on 1 September, Amazon stressed the importance of providing safe, healthy, and fair working conditions in every country it operates to all its employees and contracted workers. To this end, Amazon said, all its facilities in Saudi Arabia are “equipped with heating, ventilation, and air conditioning systems, and temperature is monitored constantly”, and “Employees and Contracted Workers both have a one-hour break per day, in addition to prayer time, time to use the bathroom whenever needed, and time to drink water from the water dispensers.” It added that “managers closely monitor working hours compliance to ensure all workers utilize their one-hour break per shift, and also track accumulated working hours to avoid stress and fatigue, supporting workers’ mental health and well-being.”

However, the letter said nothing about the fairness of the productivity targets expected of its workers and whether they are monitored and adjusted accordingly. It also refuted allegations of different treatment between workers directly employed by Amazon and contracted workers, saying that similar work performance targets are set for both groups. Nonetheless, the experience of workers interviewed by Amnesty International and described in detail in Chapter 5 above shows different working conditions to the ones described by Amazon.¹⁶⁴

Beyond this, while Saudi Arabia is clearly a high-risk context for labour abuse, similar risks are evident in other countries in the Middle East and North Africa region and beyond, especially where forms of the *kafala* sponsorship system persist, labour laws are not enforced and/or workers are vulnerable due to high levels of debt incurred to pay recruitment fees. In this regard, Amazon explained to Amnesty International the various steps it has taken to “strengthen controls and improve the performance of all of our vendors in [Saudi Arabia] and the broader region” since Amnesty International first raised its concerns with the company,¹⁶⁵ including screening potential third-party contractors for “human rights risks and other sustainability-related issues using risk management tools.”¹⁶⁶

AMAZON’S RESPONSIBILITY TO ENSURE REMEDY INCLUDING NON-REPETITION

Fundamental to the UN Guiding Principles is the responsibility of companies to provide for or cooperate in remediation of adverse human rights impacts. Where a business identifies such a situation, it is required to participate in active engagement in remediation.¹⁶⁷

According to the UN Guiding Principles, having caused these abuses, Al-Mutairi and Basmah should take urgent action to provide remedy to the victims. To this end, Amnesty International wrote to both supply companies on 29 July 2023 raising concerns about the treatment of migrant workers in their operations and urging them to remedy the abuses suffered. However, at the time of publishing neither company had responded.

Having contributed to these human rights abuses, Amazon now has a responsibility to provide for or cooperate in remediation of them.

¹⁶⁴ Amazon letter to Amnesty International, 1 September 2023.

¹⁶⁵ Amazon letter to Amnesty International, 1 September 2023.

¹⁶⁶ Amazon letter to Amnesty International, 29 July 2023.

¹⁶⁷ Principle 22, UN Guiding Principles.

At the time of writing, Amazon had said that it had extended the deadline given to Al-Mutairi “to commit and initiate a full compliance plan” while it waits for its own investigations into these abuses to be completed. Given that Amazon managers have known about many of the issues faced by the company’s contracted workers since at least 2021 and that Amazon did not effectively address these at the time, Amnesty International urges Amazon to step in to directly remediate abuses itself.¹⁶⁸ This should include adequately compensating workers employed by Al-Mutairi and Basmah before, during and immediately after working at Amazon’s fulfilment centres, and include, as Amazon itself acknowledges, “repayment of any worker-paid recruitment fees, payment of unpaid wages, relocation of Contracted Workers to clean and safe accommodations, and a commitment to nonretaliation, as well as additional commitments to ensure ongoing protections for workers”.¹⁶⁹

In addition to remedies that Amazon already acknowledges are required, the company should ensure that contracted workers whose engagement with Amazon has been terminated receive their contractually entitled monthly salary and food allowance for the duration of their employment contract, while those who wish to change employer or return home should be issued the necessary documentation such as exit permits and job transfer authorization; paid all outstanding dues and their end of service benefits; and provided with flight tickets home.

As part of its remedy efforts, Amazon should also take measures to guarantee non-repetition of abuses, a key measure of reparation under international human rights law.¹⁷⁰ As described above, Amazon stated that it is working with Al-Mutairi on implementing a compliance plan to ensure the company meets Amazon’s human rights standards, and that it reserves the right to terminate its engagement with Al-Mutairi if this is not met. Amazon should only take such a decision after a credible human rights impact assessment has been conducted to ensure that such an approach does not cause further adverse impacts to workers. This is especially important in this case, where treatment of contracted workers appears to deteriorate after their engagement at Amazon has ended and they are left at the mercy of the third-party contractors. In any eventuality, such an approach does not negate Amazon’s responsibility to provide for or cooperate in remediation of abuse to which it has contributed.

Moving forward, in order to ensure non-repetition, Amazon should progressively reduce its reliance on third-party labour supply companies and increase the proportion of directly hired employees to ensure greater protection for workers’ rights.

It should also review its own working practices in its fulfilment centres and adjust them accordingly, including the impact of high targets and surveillance on workers’ health and safety; and conduct immediate and ongoing inspections in all its facilities in Saudi Arabia as well as regular inspections and audits of third-party labour supply contractors to ensure that workers’ rights are fully respected.

Crucially, Amazon should urgently review and reform its grievance mechanisms to ensure they are fit for purpose and able to take action to deal effectively with workers’ concerns, both inside and outside of its fulfilment centres. Considering the abusive labour system under which it operates in Saudi Arabia, the lack of freedom of association and risks of retaliation to those daring to raise their concerns, Amazon should take all necessary steps to empower all migrant workers in its facilities, with a special focus on foreign and contracted workers, to establish a safer space for them to speak up about the issues they face without fear of reprisal.

In its latest reply to Amnesty International, Amazon confirmed that it is working on strengthening its grievance and complaints mechanisms and improving communication to workers about the current mechanisms available for them to raise concerns about the workplace, including the 24/7 hotline. Amazon also said that the company is “exploring the option to transition long-term Contracted Workers to a housing allowance instead of the 3P Vendor-provided accommodations.”¹⁷¹

¹⁶⁸ Under international human rights law, remedies for human rights violations must be accessible, affordable, adequate and timely. They must also strictly adhere to due process standards, minimize power imbalances, and be culturally appropriate and gender-sensitive. See OHCHR, *Improving accountability and access to remedy for victims of business-related human rights abuse through non-State-based grievance mechanisms*, A/HRC/44/32, 19 May 2020, para. 12.1.

¹⁶⁹ Amazon letter to Amnesty International, 1 September 2023.

¹⁷⁰ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005, para. 23.

¹⁷¹ Amazon letter to Amnesty International, 1 September 2023.

8. CONCLUSIONS AND RECOMMENDATIONS

From the moment they learned that jobs were available at Amazon in Saudi Arabia, to the moment they landed back in Nepal after working in Amazon's fulfilment centres, the 22 men featured in this report and potentially hundreds of others were deceived, cheated and exploited, with some highly likely to be victims of labour trafficking.

Amnesty International's research shows that despite being aware of the high risk of labour abuse in Saudi Arabia, Amazon failed to take the action necessary to prevent such abuses or to provide effective and timely remedy when they did. In this way, the company fell far short of its own policies, Saudi Arabia's labour laws and international human rights law and standards. The serious human rights abuses documented in this report, including potential labour trafficking, were predictable, largely as a result of four key factors:

1. Saudi Arabia's poor track record on migrant workers' rights, including its inherently abusive sponsorship system, which was not sufficiently mitigated by the limited reforms introduced in 2021 and continues to facilitate labour abuses and human trafficking.
2. The government's apparent poor enforcement of its own laws and failure to hold perpetrators of abuses to account.
3. Amazon's reliance on third-party labour supply companies and the lack of adequate vetting despite well-known risks of labour abuses and trafficking.
4. Amazon's evident failure to put in place measures to prevent and mitigate these human rights risks, despite identifying them, and subsequently failing to provide timely or effective remedies.

Having contributed to a wide range of abuses faced by its contracted workers and having benefited from the work of potential victims of labour trafficking, Amazon has a clear responsibility to provide for or cooperate in effective remedy and take comprehensive measures to ensure non-repetition. Amazon says it is committed to doing so and that it is pushing Al-Mutairi to overhaul its operations to meet Amazon's own standards. However, it recognized that this would require time, and at the time of writing – almost six months after Amazon acknowledged that it became first aware of the issues – none of the workers interviewed by Amnesty International has yet received any compensation for the harm they suffered.

Beyond Amazon, Amnesty International's research provides a clear example of the high risks businesses face if they operate in Saudi Arabia without taking proper measures and safeguards to protect migrant workers and their labour rights. Many of the serious human rights abuses that took place stem from a structural problem in the country's labour and migration systems. This reality is worsened by the lack of freedom of expression in the country, the absence of independent civil society organizations supporting migrant workers, and the inability of workers to speak freely and unionize to claim their rights and improve their conditions.

If businesses are to operate responsibly in Saudi Arabia where the risks of migrant workers facing labour abuses are so high, they should undertake rigorous human rights due diligence, paying specific attention to the range of issues and risks raised in this report. They should be prepared to take all measures necessary to prevent such abuses, commensurate with the likelihood and severity of the risks identified. Failure to do so will mean that labour abuses and human trafficking practices will continue, fuelling further harrowing stories of abuse and exploitation, while perpetrators remain unaccountable and remedy out of sight for the victims and their families.

In light of these conclusions, and with the aim of addressing the failings outlined and continuing to improve migrant workers' rights in Saudi Arabia, Amnesty International makes the following recommendations.

TO AMAZON

As an **immediate first step**, Amnesty International urges Amazon **to conduct a full investigation into the scale of abuses in its facilities and supply chain** with a particular focus on contracted workers from Al-Mutairi and Basmah to **ensure that all current and former contracted workers who faced human rights abuses** – including those who have left Saudi Arabia – **are provided with adequate and timely remedy**. In particular, Amazon should:

- Ensure that all workers are reimbursed the recruitment fees and associated costs incurred in the process of moving to Saudi Arabia for work at Amazon facilities, without the need to provide receipts or other forms of proof where this is not possible.
- Ensure that all workers are paid all outstanding salaries, allowances, sick pay and overtime pay in line with contractual obligations and local labour law, including for periods when workers were not engaged with Amazon.
- Ensure that all workers are housed in adequate accommodation in conformity with international standards, upgrading facilities or rehousing workers as necessary.
- Ensure that all workers are provided the necessary documentation if they request to change jobs or leave the country.
- Investigate any complaints of mistreatment, retaliation or abuse committed by Amazon supervisors (or those of third-party suppliers).
- Adequately compensate workers for all mental and physical harms suffered.

To reduce the risk that similar abuses are repeated, Amazon should **progressively reduce its reliance on third-party labour supply companies** – where the risk of abuse and exploitation is particularly high – and increase the proportion of directly hired employees in its workforce. In doing so, Amazon should:

- Refrain from rapidly disengaging from third-party contractors without carrying out a credible human rights impact assessment to identify adverse impacts that such a decision could have on workers' rights, and do so only after all other mitigation efforts have been tried and failed.
- Take all possible measures to ensure that contracted workers are offered alternative decent employment with at least the same terms and conditions, including opportunities to be hired directly by Amazon, or are paid their contractually entitled salary for the duration of their employment contracts with Amazon's supply companies.

In the meantime, as long as Amazon continues to rely on labour supply companies, Amazon should **strengthen its due diligence process** prior to and during engagement with these companies. It should:

- Significantly strengthen its assessment mechanisms to allow it to properly vet third-party contractors prior to engaging them to ensure they are compliant with Amazon's global policies and standards.
- Adopt far more rigorous and comprehensive monitoring and inspection mechanisms throughout its supply chain, including of labour accommodation, to allow it to detect labour abuses and act swiftly to stop and redress any harm caused.
- Establish mechanisms to enable the company to become aware of and appropriately address late or non-payment of salaries, arbitrary deductions from salaries, and inadequate overtime pay for contracted workers.
- Strengthen its grievance mechanisms and empower workers to raise their concerns by creating a safe space for workers, especially foreign and contracted workers, to speak up freely without any risks of reprisal.
- Require all its suppliers to facilitate the right of all Amazon contracted workers to freedom of movement by ensuring they are provided as standard with the documentation necessary (such as exit permits and

job transfer authorizations) to allow them to change jobs and leave the country freely, especially in cases where they face labour abuses.

- Ensure that contracted workers are immediately offered alternative employment, with at least the same terms and conditions, if their engagement with Amazon is terminated. If such work is not provided, Amazon should nonetheless ensure that contracted workers continue to be paid their contractually entitled monthly salary and allowances.
- Ensure transparency and accountability to victims of human rights abuses and the wider public by publishing the findings of any investigations undertaken into labour abuses in its supply chain, and publicly disclose actions taken to prevent adverse human rights impacts and provide workers with redress.

Further, Amnesty International urges Amazon to **undertake a thorough assessment of its recruitment processes, and play a more active and direct role in recruitment** to ensure that all workers, including contracted staff, are:

- Protected from deception by being made fully aware ahead of travelling to Saudi Arabia about the true nature of their engagement with Amazon, including that they will be deployed on a temporary basis at its facilities and will not be directly employed by Amazon.
- Made aware of the full terms and conditions of their employment prior to their deployment at Amazon's facilities, including details of their salaries, overtime and sick pay, end-of-service benefits, working and living conditions and length of their engagement with Amazon, by being given a contract in an accessible language well in advance of their departure for Saudi Arabia and being able to ask and have responses to any questions they might have.
- Not charged any recruitment fees or other associated costs.

In relation to conditions in its own fulfilment centres, Amnesty International urges Amazon to **fully comply with international human rights and labour law and standards on the right of workers to safe and healthy working conditions**. It should:

- Ensure workplaces, tools, machinery and processes are safe and without risk to health.
- Review the impact of high targets and surveillance on workers' health and safety.
- Ensure company policies mandate sufficient rest time for all workers and that supervisory staff are trained to enforce these.

TO THIRD-PARTY CONTRACTORS: AL-MUTAIRI AND BASMAH

- Urgently review operational practices and policies and where needed modify them to comply with Saudi Arabia's laws and international law and standards.
- In the process of recruitment, ensure all workers are:
 - protected from deception and the risk of human trafficking by being made fully aware ahead of travelling to Saudi Arabia about the true nature of their employer, including that they will be employed by a labour supply company – not by Amazon or another company – and deployed on a temporary basis only to Amazon;
 - made aware of the full terms and conditions of their employment before they travel to Saudi Arabia, by being given a contract in an accessible language well in advance of their departure and being able to ask and have responses to any questions they might have – this should include details of their salaries, overtime and sick pay, end-of-service benefits, working and living conditions and length of their engagement with Amazon or other client companies; and
 - not charged any recruitment fees or other associated costs.
- Ensure all employees are paid all their contractual dues – including basic wage, food allowance and overtime – on time and in full every month, from the moment their contract begins and throughout the contract period, whether or not they are placed in a job.

- Ensure all workers' accommodation and living conditions conform to Saudi Arabia's minimum standards and relevant international law and standards.
- Urgently ensure any workers who wish to change jobs or leave the country are provided with the necessary documentation and flight tickets. More broadly, respect workers' rights to freedom of movement and refrain from preventing them from changing employer or leaving the country, especially when the company fails to find them jobs.
- Put in place financial safeguards to ensure that sufficient reserve funds are always held by the company, so it is still able to pay its employees their wages, appropriate end-of-service benefits and their ticket to travel to their home country when it fails to find them jobs.
- Put in place adequate due diligence systems to enable the company to become aware of and prevent human rights abuses in its operations.
- Provide timely and adequate remedy to all current and former workers who faced human rights abuses, including by compensating them for all harms suffered and reimbursing all unpaid salaries, food allowance, overtime pay and end-of-service benefits, including for periods when workers were "jobless", as well as any unlawful fees paid in the course of being recruited to the company, even without proof of payment.

TO THE GOVERNMENT OF SAUDI ARABIA

Saudi Arabia must recognize and meet its clear obligations to respect, guarantee and protect workers' rights. If Saudi Arabia is to achieve its 2030 vision of "a vibrant society, a thriving economy and an ambitious nation", it must take urgent steps to ensure the most fundamental of human rights are afforded to all those living and working in its territory, especially those who are most vulnerable to abuse. To this end, Amnesty International calls on the government to:

- Urgently conduct an independent and impartial investigation into the abuses detailed in this report, ensure redress to the victims, hold perpetrators to account and publicly report on the findings.
- Fully dismantle the sponsorship system by:
 - removing all requirements for foreign nationals to obtain the permission of their current employer before moving jobs;
 - removing all requirements for foreign nationals to notify or obtain the permission of their current employer and the government in order to leave the country;
 - decriminalizing "absconding" and refraining from detaining migrant workers for having "runaway", and, in the meantime, penalizing employers who file such cases as a retaliatory measure, for example when they are informed about workers' intentions to change jobs; and
 - taking steps to further reduce migrant workers' dependence on their employers, including for their entry into, exit from and their legal presence in the country.
- Penalize and blacklist all employers requesting unlawful fees to allow workers to exit the country.
- Strengthen the Wage Protection System to ensure timely payment of wages and punish employers who fail to pay workers their contractually entitled salaries and food allowance.
- Strengthen enforcement of labour laws and thoroughly investigate abusive employers and hold them to account.
- Improve migrant workers' access to justice and remedy.
- Ensure that all migrant workers have equal access to all social protection measures in line with their right to social security and without any discrimination, including access to affordable healthcare, unemployment benefit and other measures so that they can access their right to an adequate standard of living.
- Allow all workers, including migrant workers, to form and join trade unions.
- Take steps to increase awareness among migrant workers – in languages they can understand – of their rights in the country, the recent labour reforms and how they can access available redress mechanisms if they face abuse.

- Conduct regular and unannounced visits to labour accommodation and ensure it is in line with Saudi Arabia's law and regulations.
- Ratify the following international human rights treaties, incorporate their provisions into domestic law, and implement them in law, policy and practice:
 - International Covenant on Civil and Political Rights and its Optional Protocols;
 - International Covenant on Economic, Social and Cultural Rights and its Optional Protocol;
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and
 - all the ILO Core conventions and other relevant ILO conventions.

TO THE GOVERNMENT OF NEPAL

The Nepali government has also an obligation to protect migrant workers from human trafficking and other abuses under a range of international treaties it has ratified, including the ILO's Forced Labour Convention. To this end, Amnesty International calls on the government to:

- Monitor, investigate and sanction the illegal conduct of recruitment businesses and local agents that collect visa fees, service charges and promotional costs in excess of the maximum amount established by the government under the Free Visa, Free Ticket policy.
- Increase the human and financial resources devoted to regulating recruitment processes and implementing key provisions of the Foreign Employment Act.
- Prioritize legislative reform and bring recruitment regulations in line with international law and standards, including addressing the weak legal liability of its recruitment industry that creates and sustains abuse.
- Amend the existing Human Trafficking and Transportation Control Act (HTTCA) to criminalize all forms of labour trafficking, in line with international law and standards.
- Improve efforts to assist Nepali nationals stranded in destination countries.
- Increase embassies' resources to improve monitoring functions and provide legal aid and other assistance for migrants who experience abuse abroad and make better use of Nepal's Migrant Worker Welfare Fund to help more migrants in distress; and
- Make claims processes more affordable and accessible – for example through digitization – to migrant workers both while they are abroad and once they have returned to Nepal.

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'DON'T WORRY, IT'S A BRANCH OF AMAZON'

EXPLOITATION OF MIGRANT WORKERS CONTRACTED TO AMAZON IN SAUDI ARABIA

Since Amazon.com (Amazon) began operating in Saudi Arabia in 2020, it has relied heavily on people travelling from lower-income countries searching for a “golden opportunity” to work for a global company and send money home to their families. For some of these workers, however, the reality has turned out to be anything but golden. The men interviewed for this report were employed by labour supply companies contracted by Amazon. In Nepal, they were deceived by the supply companies and their recruitment agents about the nature of their employment. Once in Saudi Arabia, they were cheated of promised pay and benefits, punished if they complained, and overworked in Amazon’s warehouses. Once their positions with Amazon ended, they remained tied to the supply company, housed in appalling conditions, and prevented from changing jobs or leaving the country. Given the deception and the severity of their treatment, it is highly likely that the abuse suffered by many of the workers in this report amounts to human trafficking for the purpose of labour exploitation as defined by international law and standards.

Having failed to undertake adequate due diligence to prevent and mitigate well-known human rights risks in its supply chain in Saudi Arabia, and to provide remedy in a timely manner despite workers’ repeated complaints, Amazon has contributed to serious human rights abuses. It now has a clear responsibility through its adherence to the UN Guiding Principles and its own policies to provide for or cooperate in remedying abuses and take measures to ensure non-repetition.

The Government of Saudi Arabia has also failed to protect migrant workers from labour abuse and must urgently investigate the issues detailed in this report, ensure redress to the victims, hold perpetrators to account and publicly report on the findings. More broadly it must fully dismantle the kafala sponsorship system and allow all workers to form and join trade unions.