

Lebanon Brief – Right to Work

This brief has been produced by the Persons Affected by the Syrian Crisis Network (PASC) ahead of the Brussels IV Conference on Supporting the Future of Syria and the Region. PASC is a network of 27 local Non-Governmental Organizations supporting vulnerable Lebanese, Syrians, and Palestinians. It aims to amplify the capacity and influence of its members, increasing their ability to monitor, advocate, and discuss research findings on key national and international trends and issues pertaining to human rights and protection in Lebanon. As part of its mandate to advocate for a future anchored in human rights, this brief is part of a series of briefs designed to shed a light on the most important and pressing issues pertaining to child protection, forced evictions, the right to work, and deportations.

These briefs have been prepared using a questionnaire that PASC conducted from 12 February to 4 March 2020. The PASC questionnaire consisted of 82 questions that collected data at the individual level and the community level. Questions included those on demographics and the four themes studied: child protection, the right to work, forced evictions, and deportations. The questionnaires differed from one another dependent on the interviewee's nationality. In total, PASC was able to conduct 409 interviews (99 Lebanese, 205 Syrians, and 105 Palestinians) during this data collection exercise. The main challenge faced by PASC was the COVID-19 pandemic that abruptly ended field visits. This obviously means that the questionnaire did not take into account the impact of COVID-19 on vulnerable communities, however, it can be said with confidence that the concerning trends identified on these four topics in March 2020 have deteriorated sharply since the advent of COVID-19.

Progress Since Brussels III

The socio-economic and financial crises that Lebanon is experiencing have caused untold suffering and misery for vulnerable Lebanese, Syrians, and Palestinians. These two crises affect vulnerable families across the whole country, especially the ones without the right to work due to restrictive employment legislation that limits Syrian and Palestinian refugees from working in a range of industries.

The World Bank estimates that more than 50% of Lebanese could live below the poverty line if the current course of the economic crisis continues.¹ Already, the currency aspect of the crisis has become a reality of everyday life. The Lebanese Lira (LPB) has lost more than 60% of its value against the dollar with the fixed exchange rate of 1507 LPB to \$1 now traded at more than 4000 LPB to \$1 on the market.² This means that the minimum wage, which was previously \$450 per month and 675,000 LPB, has now reduced to \$160 per month as per the actual value of the LBP. As an expert for the Observer Research Foundation put it: "The people are now struggling to withdraw their hard-earned cash and at a time the prices of even basic commodities have quadrupled".³

¹ The World Bank (6 November 2019). "World Bank: Lebanon is in the Midst of Economic, Financial and Social Hardship, Situation Could Get worse". <https://www.worldbank.org/en/news/press-release/2019/11/06/world-bank-lebanon-is-in-the-midst-of-economic-financial-and-social-hardship-situation-could-get-worse#:~:text=By%202018%20estimates%2C%20about%20a,27.4%20percent%20in%202011%2D2012.&text=Pove%20rty%20could%20rise%20to%2050,and%20could%20further%20rise%20sharply> (accessed 22.02.2020).

² Observer Research Foundation (26 May 2020). "Lebanon's economy is in free fall". <https://www.orfonline.org/expert-speak/lebanons-economy-is-in-free-fall-66772/> (accessed 22.06.2020).

³ Observer Research Foundation (26 May 2020). "Lebanon's economy is in free fall". <https://www.orfonline.org/expert-speak/lebanons-economy-is-in-free-fall-66772/> (accessed 22.06.2020).

If the COVID-19 pandemic and subsequent lockdown has exacerbated the economic crisis, it was not the only cause of the myriad of challenges in relation to the right to work and access to a sustainable livelihood. In June 2019, the Minister of Labour, Camille Abou Sleiman, took new steps to enforce the labour regulations requiring foreign workers to have work permits.⁴ As a result, many Syrians and Palestinians have lost their jobs, some as inspectors or security forces shut down Syrian or Palestinian businesses, and others as Lebanese employers fired foreign workers fearing hefty fines for not having work permits for their workers.⁵

While Lebanon has the right to enforce its labour law and restrict its labour market, the recent increase in work permit fees has contributed to pushing many formerly legal workers into the shadows. Moreover, according to registration documents from UNHCR, the General Directorate of General Security (GDGS) increasingly requires Syrian refugees renewing their residency to abstain from signing work permits.⁶

Economic Crisis and COVID-19

According to the PASC survey conducted on the right to work there was a substantial increase in the number of people unemployed from the previous year. Among Lebanese, 49% surveyed were unemployed, while 66% of Palestinians and 82% of Syrians surveyed were unemployed.⁷ While these figures are not an accurate reflection of the status of unemployment in the country they are still relevant to showcase the prevalence of unemployment among groups.

In relation to the decision to enforce the law on work permits in June 2019, 70% of Syrians stated that their situation has worsened as result of this action.⁸ Of those surveyed, 92% of Syrians and 89% of Palestinians did not have legal documents granting them the right to work.⁹ As such, adopting the recommendation from the International Labour Organization on flexible work permits would act as an important first step in ensuring that foreign workers are protected from exploitation.¹⁰ It would also begin to acknowledge the reality of the situation which is that providing the opportunity to work for refugees would help foster sustainable livelihoods for both Lebanese and refugees. Moreover, increasing the likelihood of Syrian and Palestinian workers to receive regular work permits would bring these workers into the formal labour market. This would result in further evidence and data that would allow the Lebanese government to draft effective labour policies in the future. Pushing workers into the shadows only increases their risk of exploitation; reduces necessary evidence to understand labour and market dynamics; and results in the undercutting of Lebanese wages as social protections are not required.

There are a variety of laws and supplementary decrees regulating employment in Lebanon. Article 6 of the Foreigners Law requires that a “a foreigner entering Lebanon to engage in a profession or work must obtain prior approval from the Ministry of Labour unless he is an artist who must obtain this approval

⁴ Arab News (11 July 2019). “Crackdown on thousands of Syrian refugees with illegal jobs in Lebanon”. <https://www.arabnews.com/node/1523926/middle-east> (accessed 22.06.2020).

⁵ Ibid.

⁶ Research conducted by URDA (Union of Relief and Development Associations).

⁷ PASC Survey Results (February – March 2020).

⁸ Ibid.

⁹ Ibid.

¹⁰ The ILO recommendation on flexible work permits would end the requirement for a worker to be tied to a single employer and instead give them the opportunity to go between employers depending on the nature and availability of the work, especially in the agricultural sector where seasonal workers are required. This would formalise many workers and provide them security and better working conditions, while also giving the Lebanese government greater control over the labour market.

from the General Security”.¹¹ Decree No. 1756 regulating the Employment of Foreign Persons (1964) is the most relevant for Syrians, Palestinians, and migrant workers and provides the need for a work permit.¹²

The fees for obtaining a work permit are expensive and were recently increased by the Minister of Labour Camille Abou Sleiman in 2019, with the intention to incentivize the recruitment of Lebanese. These fees must be paid in conjunction with the cost of the employment contract and health insurance. They were increased by the following:

- Category 3: from 400,000 LBP to 1,000,000 LBP. (especially for cleaners and porters).
- Category 2: from 1,200,000 LBP to 2,000,000 LBP.
- Category 1: from 1,800,000 to 3,000,000 LBP.¹³

These changes, however, did not achieve their aims, at a time where businesses are coping with a falling economic situation in the country. In addition, the measures imposed to contain the spread of COVID-19 have deleteriously impacted many workers from all nationalities that have either been laid off or had their salaries reduced. This has accelerated the collapse in businesses and brought about looming inflation across the country.

Another source of tension between Lebanese and refugees that must be carefully diffused is competition for low-wage and low-skilled jobs that were previously traditionally reserved for Syrian and Palestinian refugees and Sudanese migrants. Increasingly, due to the economic crisis and the dramatic rise of the unemployment rate, Lebanese are turning toward such jobs which, in turn, could increase tension between host communities and refugees.

Consequences of the Economic Crisis and COVID-19

According to a survey conducted by Infoproin November 2019,¹⁴ “in a sample of 300 companies, 91% of the companies saw their turnover fall by an average of 66.3% compared to the period before October 17, 2019. As a result, nearly 10 percent of these companies stopped or temporarily suspended their activities, and 22 percent reduced their personnel—by an average of 60 percent—over the same period”.¹⁵ If these are the top line figures, the result of the economic crisis and COVID-19 lockdown has been a large increase in arbitrary dismissals without compensation, especially for foreign workers.

Workers only have 1 month to bring a claim for arbitrary dismissal from the date of the incident under Article 50 of the Labour Code, after which, they lose this right. Nevertheless, current judicial caseloads all but eliminate the advantage when workers do bring a claim within 1 month as it can take years before a judge delivers a verdict on the case.

Another outcome of this crisis, apart from arbitrary dismissals, is unlawful deduction of wages. Many workers have had their pay deducted while employers ask for the same number of hours. This is a widespread occurrence despite Arab Convention No. 15 in 1983, related to the right of workers to full pay,

¹¹ Leaders for Sustainable Livelihoods. The Labour Sector in Lebanon: Legal Frameworks, Challenges, and Opportunities. p. 31. <https://data2.unhcr.org/en/documents/download/69776> (accessed 24.06.2020).

¹² Ibid. p. 9.

¹³ Research conducted by URDA (Union of Relief and Development Associations).

¹⁴ Information Provider is a market, economic and business research centre providing information on Lebanon.

¹⁵ L’Orient Le Jour (10 December 2019). “Layoffs, lower wages: employees in the private sector are victims of the crisis in Lebanon”. <https://www.lorientlejour.com/article/1198052/layoffs-lower-wages-employees-in-the-private-sector-are-victims-of-the-crisis-in-lebanon.html> (accessed 22.06.2020).

which is enshrined in Article 7 of the Act on the determination and Protection of wages, which was ratified by Lebanon in 2000.

To this extent, there is a desperate need for more information on employment rights for workers that have been subject to unlawful actions on the part of employers. Vulnerable populations should be able to access information on the different laws in relation to labour rights and conditions. PASC's survey illustrates a clear need for legal assistance: 38% of Lebanese, 71% of Palestinians, and 84% of Syrians consider they need legal assistance.

Recommendations

To Donors

- Donors must provide immediate humanitarian and economic support to vulnerable populations of all nationalities in Lebanon, to avert economic collapse and mitigate social tensions.
- Donors must target aid to children at risk of child labour and their families.
- Donors must facilitate access of partner organizations to funds for implementation, through negotiation with BDL and others to ensure funds reach their intended targets.
- Donors must increase support to projects related to labour rights and legal support, in addition to cash for work programs.

To Civil Society

- Civil society must advocate for expanded access to work permits, including through the implementation of the ILO recommendation on increased flexibility in sponsorship.
- Increase awareness in all communities of labour rights and create a national helpline to address the situation.
- Humanitarian organizations and municipalities must work to make access to employment rights a reality and raise awareness of employment rights in Lebanon.

To the Government of Lebanon

- The GoL should enact the recommendation by the ILO on flexible work permits and ensure that labour violations are rooted out.
- The GoL should ensure that a decent work agenda is applied for all labourers in Lebanon regardless of nationality or gender.



Funded by:



**MINISTRY OF
FOREIGN AFFAIRS
OF DENMARK**
Danida

This document has been produced with the support of Oxfam and the financial assistance of the Ministry of Foreign Affairs of Denmark (DANIDA) and the European Regional Development and Protection Programme (RDPP II) for Lebanon, Jordan and Iraq, which is supported by the Czech Republic, Denmark, the European Union, Ireland and Switzerland. The contents of this document are the sole responsibility of the PASC members and Oxfam, and can under no circumstances be regarded as reflecting the position of the donors.