



POLICY BRIEF

THE WORK OF PALESTINIAN REFUGEES IN LEBANON IS A RIGHT AND A COMMON INTEREST

The issue of Palestinians' right to work in Lebanon is still controversial at the economic, political and social fronts. The problematic of granting the Palestinians the right to work relates to many considerations: 1) political, that link humanitarian, social and economic rights to the concerns over naturalization (tawteen); 2) economic, according to which the Palestinian labour force is competing with the Lebanese and diffusing the Palestinians to work abroad and therefore would contribute to promoting the Lebanese economy through sending remittances to the country, in addition to aid money from the international community that is disbursed towards their support; and, 3) social, according to which the Lebanese state falls short of guaranteeing the rights of the Lebanese and Palestinian workers alike.

More than 60 years after their presence in Lebanon, the Lebanese law is still dealing with the Palestinian refugees as foreigners or even sometimes as a special group of foreigners, thus denying them from some rights granted to foreigners. Consequently, this does not only deprive the Palestinian refugees from the basic rights enjoyed by Lebanese, but deprives them as well from their rights as refugees according to international conventions.

Depriving Palestinians from these rights, and most importantly the right to work, negatively affects their humanitarian and social situation as well as the Lebanese State. This policy brief will tackle the problematic of the Palestinian refugees' right to work in Lebanon, the legal procedures that govern the work of Palestinians in Lebanon, the employment and working conditions of the Palestinians, their contribution to the Lebanese economy in addition to providing practical recommendations to regulate the work of Palestinian refugees and the recognition of their right to work.

THE SITUATION OF THE PALESTINIAN REFUGEES ACCORDING TO THE LEBANESE LABOUR LAW

The Lebanese law does not grant the refugees a special legal status that is different from foreigners. According to the decision of the Minister of Interior dated 1962, the foreigners are divided into five categories. the Palestinians are classified under the third category which includes "foreigners who do not have documents from their country of origin and who reside in Lebanon with a residence or identity card" (Suleiman, 2011).

As foreigners, the Palestinian refugees are subject to the Ministerial Decree 17561/64 that organizes the participation of foreigners in the Lebanese labour market. This Ministerial Decree contains three rules that restrict the employment of Palestinians, those include: the requirement to obtain a work permit prior to employment, the national preference, and the principle of reciprocity of treatment in Lebanon, a condition impossible to meet for Palestinians given the inexistence of a Palestinian State in the legal sense. As for the national preference clause, the legal amendment approved by the Lebanese Parliament (Article 59 of the Labour Law and Article 9 of the

Social Security Law dated 17 August 2010) excludes the Palestinian refugees born in Lebanon and officially registered in the records of the Ministry of Interior from the prohibitions of working in manual and clerical jobs, while maintaining the requirement to obtain a work permit. In other words, Palestinians have the right to work in manual and clerical jobs after obtaining a work permit (El-Natour, 2011).

As for the liberal and syndicated professions regulated by the Law such as medicine, engineering and law, joining the syndicate is a condition to exercise such professions (20 syndicates); a matter that is impossible for Palestinians given the internal bylaws of those syndicates stipulate that either a syndicate member is Lebanese or that the principle of reciprocity of treatment is fulfilled. Consequently, the Palestinians were denied the right to join syndicates and thus to work in syndicated professions. The amendments of 2010 did not include the liberal professions given the fact that they are governed by a separate set of laws.

THE PALESTINIAN LABOUR FORCE IN LEBANON: CHARACTERISTICS AND WORKING CONDITIONS

The characteristics and working conditions of the Palestinian refugees are the reflection of the inherently discriminatory laws and practices that have hindered

the Palestinian refugees from legally joining the Lebanese labour market. Such conditions have not only led to the vulnerability, deteriorating living conditions and exposure to exploitation of Palestinian workers, but have also left the potential positive contributions of Palestinians unutilized.

- In the light of the estimates, the number of Palestinians residing in Lebanon does not exceed 260,000-280,000 Palestinian refugees (Chaaban et al, 2010), including 42 percent of economically active Palestinians. Hence, the number of Palestinian workers in Lebanon is estimated at around 75,000 workers, which stands at 5 percent approximately of the total labour force (Lebanese and foreigners) and less than 15 percent of the foreign workers in Lebanon.
- Most Palestinian workers have been particularly active in the commerce and construction sectors and engaging in low-status, low-skilled and insecure jobs, where one out of three Palestinians are paid on a daily, weekly or productivity basis.
- Indicators of working conditions reflect the vulnerable and insecure working status of Palestinian refugees. Very few work with a written contract, a negligible share receive health coverage (5 percent) or paid holiday and sick leave. Few are entitled to an end-of-service indemnity.
- Palestinian refugees are overworked – 47 hours a

BOX 1: WORK PERMIT....A COMPLICATED AND USELESS EXERCISE

Despite the presence of Palestinian workers and wage-earners practically in the labour market, nevertheless they rarely apply for a work permit despite the fact it has become free-of-charge for Palestinians in virtue of the amended Lebanese Law. Nevertheless, the requirements to obtain a work permit involve: availability of a working contract with the employer that is officiated by a notary public which is practically difficult to obtain; the limited validity of the work permit, the period of exercising the job whereas a new work permit should be issued when changing profession, in addition to the mandatory contributions that should be made by both the work permit holder and the

employer to the National Social Security Fund (NSSF), against which the Palestinian worker is not entitled to receive full benefits, but only obtain the end-of-service indemnity. All this represent a disincentive to abide by the law requiring the issuance of a work permit (El-Natour, 2011).

The labour force survey among Palestinian refugees shows that only 2 percent of the Palestinian workers have a work permit (ILO and CEP, 2012). According to the figures of the Lebanese Ministry of Labour, the number of work permits issued for Palestinian workers in 2012 amounted to 401 work permits (including 149 renewed ones).

week on average – in return for very low wages. The average monthly income of a Palestinian worker amounts to 537,000 LBP, an amount that is considerably lower than the current minimum wage of 675,000 LBP, and represents 80 percent of the average monthly income of the Lebanese. It is worth noting that half of the employed Palestinians receive less than 500,000 LBP a month (ILO and CEP, 2012).

Suggested Policy Recommendations

Regulating the work of the Palestinian refugees will lead neither to the dumping of the Lebanese market with Palestinian labour force nor to reducing the job opportunities available for Lebanese. Studies show that the Palestinian labour force is mainly in competition with the foreign labour active in the informal economy, since more than one million non-Lebanese workers are economically active in Lebanon. Consequently, the regulation of the work of the Palestinians in Lebanon and their legal absorption in the Lebanese labour

market would support the Lebanese economy by mainly reducing the competition in the informal economy.

Below are some ideas and recommendations aiming at promoting the Palestinian refugees' right to work:

- Removing the legal and administrative obstacles that stand in the way of Palestinians receiving fair and legal working opportunities (in the economic market away from the public administration) by reinterpreting the Lebanese legislations in line with international standards and Lebanon's commitment to international conventions on dealing with refugees. This includes the removal of the reciprocity of treatment injunction and the adoption of a law for the Palestinian refugees, defining them as a special category of population and not as foreigners
- Removing the work permit for Palestinian refugees, and in the meantime, introducing a free work permit that is not confined to the employer as well as implementing the decisions issued by the two former Ministers of Labour, Nahhas and Harb, calling for a three-year work permit, so as to facilitate the procedures for both the worker and the employer

BOX 2: CONTRIBUTION OF THE PALESTINIANS TO THE LEBANESE ECONOMY

The Palestinian refugees in Lebanon have always been considered as a liability on the Lebanese economy. Therefore, granting them the right to work in Lebanon limits the already scarce job opportunities available for the Lebanese. Nevertheless, the significant contributions of the Palestinian refugees to the Lebanese economy have, consequently, not been taken into consideration.

Historically, Palestinian human capital has enriched the Lebanese economy, and successful Palestinian businesses have prospered and become an invaluable part of the economic fabric of Lebanon, contributing to increasing employment of both Lebanese and Palestinian people and total investment and growth rates in the country. There are also small businesses that are run and managed by Palestinians inside and on the fringes of camps and gatherings. These directly contribute to Lebanon's GDP through supporting the growth of informal economy.

The Palestinian workers contribute positively to the economy. However, unlike foreign workers, they consume and save in the country and enjoy a consumption pattern similar to the Lebanese. Many Palestinians are business owners and employers who contributed to increasing employment and economic growth.

Also worthy of mention is the flow of remittances back to Lebanon. Studies show that more than half of the households in the eight largest camps have reported that they receive financial assistance from emigrants. The estimated average value of remittances flowing into Lebanon from Palestinian migrant workers exceeds 60 million USD a year. Not to mention the flows of funds from international organizations to Lebanon aimed at improving the living conditions of the Palestinians and which benefit and create job opportunities to both Palestinians and Lebanese (Khalidi and Tabbarah, 2009).

- Facilitating entrance of Palestinians to the occupations regulated by the laws
- Giving priority to Palestinian refugees over foreign workers in Lebanon with regard to manual and clerical jobs which are allowed to foreigners or in sectors where Palestinians can compete while considering the possibility of adopting a quota system for Palestinian workers in Lebanon
- Adopting an educational orientation and guidance system in the Palestinian community (in vocational schools and training centers) to encourage Palestinian students specialize in occupations that correspond to the Lebanese labour market needs and trends
- Conducting a constructive and continuous dialogue with all stakeholders, including the Lebanese government, political groups, labour and professional syndicates, Lebanese and Palestine civil society organizations and international agencies on feasible arrangements to grant the Palestinian refugees full right to work and to social protection. Cooperating and networking with the media to raise awareness on the rights of Palestinian refugees as well as publishing and clarifying any problematic issues in this regard
- Enhancing the Lebanese-Palestinian cooperation in order to create efficient lobbies that gather influential social and political figures so as to consecrate the Palestinian refugees right to work, to social protection and to other justified entitlements
- Implementing consistent and innovative advocacy campaigns calling for the right to work and to social protection for Palestinian refugees without any condition or restriction in line with international standards. Creating awareness on the benefits of Palestinian employment for the Lebanese economy, dispelling any fear associating Palestinian employment with tawteen (naturalization)

This policy brief is based on the right to work and social security document prepared by the working group of the Lebanese Palestinian Dialogue Forum of the Common Space Initiative as well as the joint ILO-CEP report “Palestinian Employment in Lebanon: facts and challenges” (2012), which presents the findings of the labour force survey among Palestinian refugees living in camps and gatherings in Lebanon, 2011. We would like to express our gratitude to Dr. Jaber Suleiman, Dr. Souheil El-Natour and Ms. Tara Mahfoud for their comments and inputs to this brief.

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