

Committee on the Application of Standards

Date: 13 May 2022

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 16 May 2022.

▶ Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Lebanon

Forced Labour Convention, 1930 (No. 29) (ratification: 1977)

In relation to the observation made by the Committee of Experts and its comments under Articles 1(1) and 2(1) of the Convention, the Government provides the following information:

(1) In law:

- Act No. 205/2020 passed on 7 January 2021, which sets out to “criminalize sexual harassment and to rehabilitate its victims”. Thus, article 2(b) of the Act provides for the penalizing of harassment in workplaces. Furthermore, the Ministry of Labour (MoL) is currently working in collaboration with the United Nations’ Economic and Social Commission for Western Asia (ESCWA) and the National Commission for Lebanese Women (NCLW) on carrying out a national sensitization campaign concerning the Act.
- The draft Labour Code has been prepared. A copy of it was sent to the Cabinet of Ministers on 11 April 2022 following several consultative meetings between employers and workers with the participation of the International Labour Organization’s Beirut office.

Among various amendments are those to articles 7 and 8 of the current Labour Code. These make foreign and Lebanese domestic workers alike subject to the provisions of the draft Code, which states:

“Part One: Persons who are subject to the Labour Code and persons who are not subject to it.

Article 15: The following shall be subject to the provisions of this Act: ...

- (ii) Workers and similar persons employed in domestic service; this shall in no way conflict with the unified work contract for workers employed in domestic service, which shall be issued by Ministerial decision.”

We shall present you with a copy when the Act is adopted.

The incumbent Minister of Labour has issued Decision No. 41/1 of 11 May 2022 pertaining to the regulation of the activity of agencies for the recruiting of foreign female workers for domestic service. In this regard, there has been collaboration between the Ministry of Labour (MoL) and the Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL). We shall send you a copy of this upon its publication in the *Official Gazette*.

On 4 September 2021, the former Minister of Labour issued the updated version of the Standard Unified Contract (SUC) for migrant domestic workers, which has been in force since 2009 and which enshrines the rights of these workers. It regulates an equitable contractual relationship between the employer and the worker and deals with any equality deficit in a way that is in keeping with international labour standards. However, a decision to suspend it has been issued by the State Shura Council. The incumbent Minister is in the process of reviewing the previous draft and has taken into consideration all stakeholders' rights.

(2) In terms of measures:

Throughout 2021, the MoL worked in conjunction with the ESCWA and the NCLW on developing a national sensitization campaign relating to Act No. 205/2021 on the criminalization of sexual harassment and the rehabilitation of its victims.

A number of administrative measures have been taken vis-à-vis agencies for the recruiting of female workers to domestic service, including:

In 2020, the licences of six recruiting agencies were revoked as were the licences of three other recruiting agencies in 2021. This was because they had violated the regulation over the activity of agencies for the recruiting of female workers to domestic service and over complaints made about them for breaching the rights of female workers employed in domestic service.

The activity of a number of recruitment agencies was halted for breaching the regulations pertaining to the employment of foreigners in Lebanon.

The incumbent Minister has been rigorous in not granting new licences to agencies for the recruiting of female workers to domestic service.

A number of employers and their family members and employment agencies have been blacklisted by the MoL for abusing female migrant workers. The purpose of this measure is to prevent them from engaging in the recruiting of foreign workers.

In 2020, the MoL set up a hotline to receive complaints directly. Thus, in the event of abuse or a dispute involving employers or employment offices, domestic workers have the right either personally through their embassy or via civil society organizations to forward any complaint they may have to the MoL for resolution.

During the COVID-19 pandemic, this was applied by setting up a mechanism for the remote operation of the MoL through the "WhatsApp" messaging app and online through the MoL site. This has done much to make the process of receiving enquiries and complaints more secure and effective.

The 1741 Hotline has helped female foreign workers to contact the MoL directly and easily. Social workers employed with the MoL follow up on the calls received round the clock on a 24-hour basis by means of a weekly rotating schedule that allows calls to be taken on weekends and public holidays. To date, more than 250 calls have been taken, most of them relating to enquiries about the requisite steps and documents for obtaining work permits. The remainder have been to do with complaints over non-payment by employers of wages owed to migrant

female workers. Thus, in 2020, for example, there were a total of 77 complaints made by migrant female workers to the MoL.

Complementing this is the sensitization campaign in the media to bring attention to the Hotline. The campaign has been conducted in collaboration with the NCLW and it is delivered in English and Arabic, as well as in certain of the foreign female workers' languages.

If amicable resolution fails, the aggrieved party may resort to the relevant courts such as the Labour Arbitration Councils, which have ruled in many cases for the awarding of compensation and damages or issued orders for the payment of outstanding wages.

Throughout the COVID-19 pandemic and the accompanying economic crisis, which has seen the value of the Lebanese pound (LBP) slump against the US dollar, the MoL has adopted a number of measures for the protection of migrant workers. Thus, since the reopening of the airport, in order to facilitate the voluntary and safe return of migrant workers to their countries, the MoL has joined forces with the embassies and consulates of various labour-sending States, the Ministry of Foreign Affairs and Emigrants, the General Directorate of General Security (GDGS), the Directorate General of Civil Aviation (DGCA) and the International Organization for Migration (IOM).

The MoL facilitated the transfer to decent shelter of the female workers who were found in front of their nations' embassies and consulates. Working in collaboration with NGOs it also provided free PCR tests to them.

The MoL in collaboration with the International Labour Organization likewise produced brochures with instructions on protection from COVID-19.

During this period, the MoL has constantly endeavoured with all resources at its disposal to follow up on cases involving foreign workers, in particular those cases where female workers have been subjected to violence and abuse.

In relation to Article 25 of the Convention, penal sanctions for the exaction of forced labour, the Government provides the following information:

(1) In law:

In the draft Labour Code, which has been sent to the Cabinet of Ministers, it is stated as follows:

"Part Two: Rights and basic freedoms within the area of labour

Article 7: All forms of forced and compulsory labour are absolutely forbidden.

By "forced and compulsory labour" is meant all types of work and service wherein any person subject to the Labour Act is compelled to perform work under threat of any penalty, which can take the form of: denial of wages; rights and privileges; or physical and moral coercion.

Article 8: Work or services that are performed for the purpose of education, as a donation or in a familial context shall be excluded from the definition of forced labour."

The MoL will take note of your observation. It has added to this Part of the draft Labour Code criminal penalties for imposing forced labour.

(2) In terms of measures:

The MoL has constantly endeavoured with all resources at its disposal to follow up on cases involving foreign workers, particularly those cases where female workers have been subjected to violence and abuse.

In relation to the direct request, and the comments made under Articles 1(1), 2(1), 25, and 2(2)(c) of the Convention:

The MoL will forward a copy of the direct request to the Ministry of Justice, the Ministry of the Interior and the municipalities as the content of the comments and observations made in the direct request by the Committee of Experts concerning the application of the provisions of the Convention falls within their competency and mandate. We shall provide you with the additional information when the responses, or anything else in the development of the comprehensive report, become available to us.

With regard to the MoL, it has referred a number of employers to the department of public prosecutions in order for them to be investigated further for suspected involvement in trafficking in persons.