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Lebanon: Recognize Domestic Workers Union *Add Labour Law Protections for These Employees*

Lebanese authorities should recognize a union for domestic workers, who are excluded from the protection of the Lebanese labour code, more than 100 nongovernmental organizations said today. Ensuring the right to freedom of association for domestic workers would help to strengthen the legal protection mechanisms for domestic workers, many of whom experience abuse in Lebanon.

On December 29, 2014, six Lebanese workers submitted a request to the Labor Ministry to form such a union. With support of the International Labour Organization (ILO), the International Trade Union Federation (ITUC), and the Federation of Trade Unions of Workers and Employees (FENASOL) in Lebanon, approximately 350 domestic workers of various nationalities gathered for the union's inaugural congress on January 25, 2015. But union members said they have received no response to their request, and Labor Minister Sejaan Azzi denounced the union as illegal, media reports said.

“Instead of slamming the union proposal, Minister Azzi should push forward on longstanding promises to protect the rights of domestic workers and bring abusers of migrant domestic workers to justice,” a spokesperson for the organizations said. “These workers, some of Lebanon’s most vulnerable, urgently need a protective structure so that they can advocate for change and have productive dialogue with the government and employers.”

The union proposal would include domestic workers and others who provide care in homes for the elderly and those with disabilities, those who provide cleaning services in homes and offices, and some other similar categories.

Article 7 of the Lebanese labour code, enacted in 1946, specifically excludes domestic workers, both Lebanese and migrants, denying them protections afforded other workers. Families in Lebanon employ an estimated 250,000 migrant domestic workers, primarily from Sri Lanka, Ethiopia, the Philippines, and Nepal. While article 92 of the labour code allows some foreign workers to join unions and associations, the code has been interpreted to bar union membership for domestic workers and others excluded from the labour law. Under article 92, all foreign workers are also explicitly denied the right to

elect or be elected as representatives of a union.

As a result, thousands of workers have been denied the right to freedom of association and collective bargaining, and there are inadequate legal safeguards for migrant workers and some Lebanese labourers, leaving them vulnerable to abuse and exploitation. Lebanon should treat all workers in accordance with international human rights law, which requires all countries to respect the rights of everyone in their territory to freedom of association, without discrimination, the organizations said.

In addition to a lack of labour protection, domestic workers are subject to restrictive immigration rules based on Lebanon's sponsorship-based *kafala* system that puts them at risk of exploitation and makes it difficult for them to leave abusive employers. The high incidence of abuse and inadequate government response has led several countries, including Ethiopia, to bar their citizens from working in Lebanon.

The most common complaints documented by the embassies of labour-sending countries and nongovernmental groups include mistreatment by recruiters, non-payment or delayed payment of wages, forced confinement to the workplace, a refusal to provide any time off, forced labour, and verbal and physical abuse. A 2010 Human Rights Watch report highlighted Lebanon's poor record of punishing abuse against domestic workers.

A migrant domestic worker from Cameroon named Rose who attended the inaugural congress told the organizations that her employer confiscated her passport when she arrived in Lebanon and that she was forced to work seven days a week. She signs an employment contract at a notary's office each year but it is written in Arabic so she has no idea what it says.

"When I asked my employer for details, they just told me that it was for my residency application at General Security and nothing else," she said. "Workers, both Lebanese and migrants, need real labour contracts that respect and guarantee our rights. We call on everyone in civil society to speak out against these violations and help us push for change."

Kawthar, a Lebanese woman living in Beirut, has done domestic work for seven years since her husband died. "My previous employer used to make me work very long hours and one time refused to pay me at the end of the month, saying he was poor and didn't have any money," she said. "But I knew he was lying and just trying to exploit me."

Kawthar has learned to stand up for herself and now has better employers. "Now if someone causes me problems, I have the tools to defend myself," she said. "I want to use the union to educate other workers on their rights so that they can defend themselves too."

Mustapha Said, senior workers' specialist at the ILO in Beirut, told the organizations

during an interview that Lebanese domestic workers also endure difficult working conditions and acknowledged that more attention should be given to this issue.

A Lebanese decision to deny domestic workers the right to form a union would violate the country's obligations under the International Covenant on Civil and Political Rights (ICCPR), to which it is party. Lebanon's obligations under the ICCPR, including to non-citizens in its territory, stipulates that "everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests." It further requires that "no restrictions may be placed on the exercise of this right other than those which are ... necessary in a democratic society in the interest of national security or public safety." The ICCPR requires Lebanon to ensure that everyone in its territory can exercise freedom of association, "without distinction of any kind."

Under the 1998 United Nations Declaration on Human Rights Defenders, everyone has the right "[t]o form, join and participate in non-governmental organizations, associations or groups" for the "purpose of promoting and protecting human rights and fundamental freedoms."

In June 2011, Lebanon voted in favor of the ILO's adoption of Convention No. 189 on Decent Work for Domestic Workers, the treaty that protects domestic workers, but has yet to take steps to ratify the treaty or bring itself in compliance. The ILO convention establishes the first global standards for the estimated 50 million to 100 million domestic workers worldwide. Under article 3, domestic workers are guaranteed the right to freedom of association.

Other key elements of the convention require governments to provide domestic workers with labour protections equivalent to those of other workers, including minimum wage salaries, social security, and the right to retain their passports and identity documents; to monitor recruitment agencies rigorously; and to protect workers against violence. Unlike with other international conventions, the ILO's bylaws prohibit the ratification of conventions with reservations.

Lebanon should ratify ILO convention no. 189 and implement its provisions. Lebanon should also ratify ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, which states that "workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorisation." This convention is one of the eight core ILO conventions. Although Lebanon has not ratified the convention, it is committed under the 1998 Declaration on Fundamental Principles and Rights at Work to respect and promote key principles and rights, including freedom of association and to collective bargaining, before having ratified the relevant conventions.

The Labour Ministry reportedly has said it is developing a draft new labour law, based on ILO convention no. 189, but the details have yet to be made public. Despite repeated public announcements by Lebanese officials that they would improve conditions for migrant domestic workers, reforms have been insignificant.

The Lebanese government should amend the labour code or adopt a new law to protect the rights of domestic workers and to abolish the *kafala* system, the organizations said. A new law to protect domestic workers should, at a minimum, ensure equality with all workers included in the labour law. Such measures should also ensure the right to freedom of association and the right to collective bargaining without discrimination to all workers.

“Migrant workers obtain a visa before they come to Lebanon and live and work here in a legal way, so why deny them of their fundamental right to organize?” said Castro Abdallah, president of the Federation of Trade Unions of Workers and Employees in Lebanon.

Unions and workers’ organizations have helped push a wave of improved labour laws and enforcement for domestic workers in many countries, including protections on minimum wage, hours of work, rest periods, social security, and recruitment.

The ITUC says it has recorded the formation of new domestic worker unions in 12 countries in the past three years: Pakistan, Chile, Paraguay, Dominican Republic, Guatemala, Costa Rica, Sri Lanka, Colombia, Egypt, Swaziland, Angola, and Brazil.

The International Domestic Worker Federation consists of 55 domestic worker organizations and union affiliates, including from countries of origin for Lebanon, such as Nepal, Indonesia, and the Philippines. There are also numerous other trade unions or workers’ organizations that include domestic workers among their members. Lebanon would be out of step with growing global momentum on domestic workers organizing if it fails to recognize the new union, the organizations said.

Co-signing organizations in alphabetical order:

- 1) ALEF- act for human rights
- 2) Amnesty International
- 3) Anti-Racism Movement (ARM)
- 4) Centre for Lebanese Studies
- 5) Federation of Trade Unions of Workers and Employees (FENASOL)
- 6) Union of construction workers
- 7) Union of the Bekaa
- 8) Union of hotels workers
- 9) Union of printing workers
- 10) Union of textile workers

- 11) Food workers union
- 12) Union of bakery workers
- 13) Committee of the agriculture workers in the South
- 14) Committee of Fishermen Syndicate in Saida
- 15) Syndicate of painting workers
- 16) Committee of the workers in "VAL" company
- 17) Committee of the workers of ministry of finance syndicate
- 18) Syndicate of tile workers
- 19) Union of domestic workers.
- 20) Front Line Defenders
- 21) Human Rights Watch (HRW)
- 22) International Crisis Group (ICG)
- 23) International Domestic Workers Federation (IDWF)
- 24) FILCAMS CGIL , Italy
- 25) National Domestic Workers Alliance (NDWA), USA
- 26) Jamaica Household Workers Union, Jamaica
- 27) Centro de Apoyo y Capacitación para Empleadas del Hogar CACEH, Mexico
- 28) Hong Kong Federation of Asian Domestic Workers Unions (FADWU), Hong Kong and its affiliates:
 - 29) Hong Kong Domestic Workers General Union (HKDWGU),
 - 30) Progressive Labour Union of Domestic Workers in Hong Kong (PLUDW-HK)
 - 31) Union of Nepalese Domestic Workers in Hong Kong (UNDW-HK)
 - 32) Thai Migrant Workers Union (TMWU)
 - 33) Overseas Domestic Workers Union (ODWU)
- 34) National House Manager Cooperative (NHMC), South Korea
- 35) National Domestic Workers Federation (NDWF), India
- 36) National Domestic Workers Movement (NDWM), India
- 37) Home Workers Trade Union of Nepal (HUN), Nepal
- 38) National Domestic Women Workers Union (NDWWU), Bangladesh
- 39) Jala PRT, Indonesia, with:
 - 40) Serikar PRT Tunas Mulia, Indonesia
 - 41) KOY, Indonesia
 - 42) Serikat PRT Merdeka, Indonesia
 - 43) Serikat PRT Sapulidi, Indonesia
 - 44) Serikat PRT Sumut, Indonesia
- 45) IPROFOTH instituto de promocion y formacion de trabajadoras del hogar
PERU
- 46) FENTRAHOGARP federacion nacional de trabajadoras del hogar del PERU
- 47) CCTH centro de capacitacio de trabajadoras del hogar PERU
- 48) Network of Domestic Workers in Thailand, Thailand
- 49) Cambodia Domestic Workers Network (CDWN), Cambodia
- 50) South African Domestic Service and Allied Workers Union (SADSAWU),
South Africa

- 51) Conservation, Hotels, Domestic and Allied Workers' Union (CHODAWU), Tanzania
- 52) Conservation, Hotels, Domestic and Allied Workers' Union (CHODAWU), Zanzibar
- 53) Uganda Hotels, Food, Tourism & Allied Workers Union (UHFTAWU), Uganda
- 54) Commercial, Industrial & Allied Workers Union (CIAWU), Malawi
- 55) Zimbabwe Domestic and Allied Workers Union (ZDAWU), Zimbabwe
- 56) SYNEM - Syndicat National des Employés de Maison , Guinea
- 57) Kenya Union of Domestic,Hotels,Education Institutions,Hospitals and Allied Workers (KUDHEIHA), Kenya
- 58) Domestic Services Workers Union (DSWU), Ghana
- 59) SYHEHM, Benin
- 60) National Trade Union of Domestic Workers (SINED), Mozambique
- 61) Domestic Workers Union of Burkina-Faso, Burkina-Faso
- 62) SAHDAR, Indonesia
- 63) LAP Damar, Indonesia
- 64) LBH Jakarta, Indonesia
- 65) LBH Apik Jakarta, Indonesia
- 66) FSPSI Reformasi, Indonesia
- 67) Solidaritas Perempuan, Indonesia
- 68) RUMPUN Tjoet Njak Dien, Indonesia
- 69) Perisai, Indonesia
- 70) LAP Damar, Indonesia
- 71) KAPPD, Indonesia
- 72) Mitra ImaDei, Indonesia
- 73) KAPAL Perempuan, Indonesia
- 74) RUMPUN Gema Perempuan, Indonesia
- 75) Domestic Workers Rights Network (DWRN), Bangladesh
- 76) SINTRAHOGARP sindicato nacional de trabajadoras del hogar del PERU
TIVO DE ORGANIZACIONES Y SINDICATOS DE TRABAJADORAS DEL HOGAR DEL PERU
- 77) FEDERACIÓN DE TRABAJADORA DOMESTICAS “JULIA HERRERA DE POMRES” NICARAGUA.
- 78) International Trade Union Federation (ITUC)
- 79) BMSF, Bangladesh
- 80) KSPI/CITU, Indonesia
- 81) Australian Council of Trade Unions (ACTU). Australia
- 82) All Nepal Federation of Trade Union (ANTUF), Nepal
- 83) Chinese Federation of Labour (CFL), Taiwan
- 84) Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI), Indonesia
- 85) Fiji Trades Union Congress (FTUC), Fiji
- 86) FTUC Women’s Committee, Fiji
- 87) Hong Kong Council of Trade Unions (HKCTU), Hong Kong

- 88) Trade Union Congress of the Philippines (TUCP), Philippines
- 89) Vanuatu Council of Trade Unions (VCTU), Vanuatu
- 90) Sri Lanka Nidahas Sweaka Sangamaya (SLNSS), Sri Lanka
- 91) Sabah Commercial Employees Union, Malaysia
- 92) All Pakistan Trade Union Congress, Pakistan
- 93) Thai Trade Union Congress (TTUC), Thailand
- 94) FKTU, South Korea
- 95) NZCTU, New Zealand
- 96) SENTRO, Philippines
- 97) United Domestic Workers of the Philippines
- 98) International Union of Food, Agricultural, Hotel, Restaurant, Catering,
Tobacco and Allied Workers' Associations (IUF-UITA-IUL)
- 99) KAFA (enough) Violence & Exploitation
- 100) Lebanese Center for Human Rights (CLDH)
- 101) Legal Agenda
- 102) Migrant Community Center (MCC)
- 103) Migrant Workers Task Force (MWTF)
- 104) Tamkeen Fields for Aid
- 105) The Association Justice and Mercy (AJEM)