



COUNTRY BASELINES UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: LEBANON

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Reviews (AR) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the most representative employers' organizations (Industrialist Association of Lebanon; Federation of Chamber of Commerce, Industry and Agriculture of Lebanon (FCCIAL)) and workers' organizations (General Confederation of Workers) through consultations and communication of government reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2003 AR: Observations by the FCCIAL.	
	Workers' organizations	2008 AR: Observations by the International Trade Union Confederation (ITUC). 2007 AR: Observations by the GCW. Observations by the International Confederation of Free Trade Unions (ICFTU). 2006 AR: Observations by the ICFTU. 2005 AR: Observations by the ICFTU. 2004 AR: Observations by the ICFTU. 2003 AR: Observations by the ICFTU. 2002 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU. 2000 AR: Observations by the ICFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Lebanon ratified in 1977 the Right to Organise and Collective Bargaining Convention, 1949 (No.98) (C.98). However, it has not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87) (C.87).
		Ratification intention	YES, since 2002, for C.87. 2008 AR: The Government indicated that it is currently preparing draft amendments to the staff regulations and to the Labour Code, which will include the promotion of the right to freedom of association in the public and private sectors. The ratification of Convention No. 87 relies therefore directly on the developments of those draft laws. 2007 AR: According to the Government: There are still some discrepancies between the provisions of the draft

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

Recognition of the principle and right (prospect(s), means of action, basic legal provisions)			<p>amendments to the Labour Code and C.87. However, the Government is waiting for ILO comments on these amendments.</p> <p>2006 AR: In response to the ICFTU's observations, the Government indicated that it is interested in ratifying C.87 and has requested ILO technical assistance to review the draft Labour Code in the light of the provisions of this Convention.</p> <p>2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.87.</p>
		Constitution	<p>YES</p> <p>The 1926 Constitution guarantees trade union freedom and the right to establish legal associations.</p>
		Policy, legislation and/or regulations	<p>• Policy</p> <p>2005-2006 ARs: According to the Government: The draft amendments to the Labour Code and to staff regulations protecting the civil service, which take into account many of the standards and principles set out in C.87, have been endorsed by the Civil Service Council. Both draft amendments have been submitted to the Council of Ministers for enactment but are not yet in force.</p> <p>• Legislation</p> <p>2008 AR: The Government indicated that the draft amendment to the Labour Code has been referred to the Council of Ministers to follow its legal process. The Ministry of Labour has subsequently retrieved the draft in order to reconsider it and to incorporate some modifications so that its provisions are compatible with international labour standards. Moreover, the Civil Service Council is currently preparing a new staff regulations draft, which will be submitted very shortly to the Prime Minister to follow its legal process.</p> <p>2007 AR: According to the Government: A tripartite committee that was constituted of representatives of Ministry of Labour, Employers and Workers' organisations and some legal advisers prepared the draft amendments to the Labour Code.</p> <p>As for the Civil Service Council, it has prepared amendments to the staff regulations that contain recognition of the right to establish trade unions for employees in the public sector. These amendments then have been referred to the Prime Ministry to follow its legal course.</p> <p>The amended Labour Code deals with the principle and right (PR).</p> <p>2003 AR: The Draft Labour Code Amendment would allow public administration employees to enjoy freedom of association (FOA). It also includes a provision which would authorize certain categories of persons to enjoy the right to organize, while according to laws and regulations in force, such persons do not have that right.</p> <p>• Regulations</p> <p>Decree No. 17386 of 2 September 1964 and Legislative Decree No. 112 of 12 July 1959 relate to the PR.</p>
		Basic legal provisions	<p>(i) The Constitution; (ii) the Labour Code; (iii) the Collective Agreement, Conciliation and Arbitration Act, which was enforced by Decree No. 17386 of 2 September 1964 (sections 2 and 6); (iv) Legislative Decree No. 112 of 12 July 1959.</p>
		Judicial decisions	NIL

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	<p>2007 AR: Concerning the requirement of prior authorisation to establish employers' organizations, the Government indicated that it was waiting for ILO comments on the draft amendments to the Labour Code.</p> <p>2006 AR: The Government indicated that the requirement of prior authorization to establish employers' or workers' organizations would be discussed with the ILO.</p> <p>2000 AR: All categories of employers can set up their organizations, but prior Government authorization is necessary to operate these organizations (section 86 of the Labour Code).</p>
			<i>For Workers</i>	<p>2007 AR: Concerning the requirement of prior authorisation to establish workers' organizations, the Government indicated that it was waiting for ILO comments on the draft amendments to the Labour Code.</p> <p>2006 AR: According to the Government: the issue of the requirement of prior authorization to establish workers' organizations will be discussed with the ILO.</p> <p>2003-2006 ARs: Prior Government authorization is required to establish workers' organizations. FOA can be exercised at enterprise, sector/industry, national and international levels by the following categories of workers: medical professionals; teachers; agricultural workers; workers engaged in domestic work; workers in export processing zones (EPZs) or enterprises/industries with EPZ status; migrant workers, who can join an occupational trade union under the general conditions laid down in the Labour Code; and workers in the informal economy. FOA and the right to collective bargaining can be exercised by workers in the public service with the exception of workers in public administrations, the judiciary and the military and security forces. It is necessary to be 18 years of age to join an occupational trade union.</p> <p>The Draft Labour Code contains provisions allowing civil servants in public administration, except judges and the military and security forces, to establish and join unions. The issue will be discussed within the framework of ILO technical assistance.</p>
			Special attention to particular situations	<p>2008 AR: According to the Government: a National Management Committee was created in May 2007 to deal with the situation of women migrant domestic workers. Its task is to prepare and implement projects aimed at protecting these workers in coordination with the relevant international organizations and the civil society committees. The following projects have been elaborated: (i) a handbook on rights and obligations; (ii) a consolidated labour contract; and (iii) a special law on women migrant domestic workers.</p> <p>2005-2007 ARs: According to the Government: Women.</p> <p>2003-2005 ARs: According to the Government: the Labour Code (section 50) grants immunity to members of the executive councils against any arbitrary dismissal.</p>
			Information and Data collection	<p>2008 AR: According to the Government: There are 172 employers' organizations and 396 trade unions located in Beirut- Mount Lebanon (129 employers' organizations and 216 trade unions), the North (19 employers' organizations and 61 trade unions), the</p>

				South (13 employers' organizations and 71 trade unions); and Beqaa (11 employers' organizations and 48 trade unions). Moreover, 60 trade union federations exist in the country.
		At international level	According to the Government: No particular restrictions on the international affiliation of employers' and workers' organizations.	
	Monitoring, enforcement and sanctions mechanisms	<p>2008 AR: According to the ITUC: The Ministry of Labour issued a Decree establishing a high-level national steering committee to amend the labour law with a view to reinforcing the rights of domestic workers. That committee will also draw up a standard contract for such workers and prepare a two-year action programme.</p> <p>2004-2005 ARs: According to the Government: There are inspection/monitoring mechanisms and capacity building of responsible Government officials. Legal reform and special institutional machinery are envisaged. In instances where the PR has not been respected, grievances can be submitted to the competent administrative unit at the Labour Ministry and to competent courts if no solution is found.</p>		
	Involvement of the social partners	<p>2007 AR: According to the Government: The Ministry of Labour encourages tripartite social dialogue. In this respect, the results obtained were positive.</p> <p>2002-2006 ARs: Employers' and workers' organizations have participated in a tripartite committee to lay down a draft amendment to the Labour Code. In addition, they are members of numerous economic and social, as well as arbitration, bodies. Moreover, employers' and workers' organizations participate in tripartite seminars on various labour issues, arranged by the Ministry of Labour in cooperation with the ILO and the Arab Labour Organization. A tripartite commission was established by the Ministry of Labour in order to propose amendments to the Labour Code.</p>		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<p>2008 AR: The Government indicated that the National Institute for Administration of the Ministry of Labour is preparing a training course for the staff of the Labour Inspection, Prevention and Safety Unit on all the ratified international labour Conventions. Other training courses will also be provided to the government commissioners in the Labour Arbitration Councils, through the Justice Institute of the Ministry of Justice.</p> <p>2007 AR: The Government indicated that the prevalent political conditions had not allowed the organization of the planned workshop on International Labour Standards, with special focus on freedom of association, in cooperation with the International Training Centre of the ILO-Turin. Therefore, this activity was postponed.</p> <p>2005 AR: According to the Government: Capacity building and awareness-raising activities have been implemented.</p>		
	Special initiatives	<p>2008 AR: According to the ITUC: the Ministry of Labour issued a decree establishing a high-level national steering committee to amend the local labour law to take better account the rights of domestic workers. That committee will also draw up a standard contract for such workers and prepare a two-year action programme.</p> <p>2007 AR: According to the Government: The large number of workers' federations and unions in the country should be attributed to the following elements: (i) the well-known experience of a free trade union movement in Lebanon; (ii) the government's non-interference in trade unions' establishment and activities; and (iii) the legal protection of trade unions.</p> <p>2006 AR: The Government indicated that the Ministry of Labour had revived more than 60 trade unions the activities of which were interrupted.</p> <p>2004-2005 ARs: According to the Government: Successful examples in relation to FOA:</p> <ul style="list-style-type: none"> • All types of trade unions, at all levels, play a very important role in submitting and proposing social and economic laws, participating effectively in determining the economic policy in the country, and conducting negotiations and dialogue with employers on working conditions and terms and prevention of labour disputes. • Trade unions enjoy freedom of movement to defend their interests. 		

		<ul style="list-style-type: none"> Workers' and employers' organizations participate in the committees established by the Ministry of Labour to prepare projects of a social nature. Many activities have been undertaken in this regard. 	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2003 AR: No particular challenges have been raised by the FCCIAL.
		Workers' organizations	<p>2007 and 2008 ARs: According to the ICFTU: (i) the Government continues to interfere in trade unions' affairs; (ii) restriction of freedom of association for many categories of workers (Government employees, some categories of agricultural workers, domestic workers, day workers and temporary workers); limitation on strike rights; (iii) no protection against anti-union discrimination; (iv) migrant workers are not allowed to form trade unions; (v) Palestinians are denied many rights; (vi) the right to organize demonstrations is limited by the obligation to establish the number of participants in advance and the requirement that five per cent of the union's members be assigned to maintain order; (vii) a minimum of 60 per cent of workers must agree before a union can engage in collective bargaining and collective agreements must be ratified by two thirds of union members at a general assembly.</p> <p>2006 AR: The ICFTU raised the following challenges: (i) there are restrictions on the right to organize for trade unions; (ii) the law does not adequately protect workers against anti-union discrimination although the draft Labour Code would resolve this issue; (iii) the Government has often interfered in trade union affairs; (iv) Palestinian refugees (11% of the population) are not allowed to form trade unions.</p> <p>2000-2006 ARs: ICFTU's observations: (i) Lebanon's Labour Code bans around 150,000 government employees from forming or joining trade unions; (ii) the Minister of Labour has wide powers under the law and must give prior authorization before a union can be formed; (iii) he must approve the results of all trade union elections; (iv) the law permits the administrative dissolution of trade unions and forbids them to engage in any political activity; (v) strike rights are legally restricted.</p>
According to the Government	<p>2008 AR: In response to ITUC's observations: (i) the authorization for the establishment of trade unions has never been an obstacle to their creation, which is proved by the existence of 568 associations of employers and workers and 60 trade unions and trade union federations. The Labour Code left it to each trade union to define the fields of its work by its Standing Orders set upon the agreement of two thirds of its legislative body; (ii) the role of the Ministry of Labour in the «context of trade union elections» is simply to supervise the election operations organized by a trade union, without the intervention of the Ministry neither in fixing the date of the election nor in appointing the candidates. It only takes note, and its supervision is to make sure that the election runs according to the Standing Orders of the trade union and in the presence of a polling committee including representatives of the trade union and the candidates as well as delegates from the Ministry of Labour. The Ministry has no role in the distribution of the posts, which is carried out by the elected board through a secret ballot not attended by the Ministry. Its ratification of this distribution is considered as a procedure to get informed of the names of the members and the tasks that they will assume according to this distribution; (iii) the Labour Code gives the Government the right to dissolve the executive board of a trade union in case this board does not respect the obligations it has according to the trade union's Standing Orders set originally by the general assembly and voted by a majority of two thirds of its members, or in case it carries out an action which does not fall under its terms of reference, provided that the election of a new board takes place in the three months following the date of the dissolution. Thus, the Government's role is limited to the dissolution of the board in specific cases determined exclusively in the Labour Code (Section 105); moreover, the draft amendment to the Labour Code gives the general assembly of a trade union the right to dissolve the trade union upon a decision taken by a majority of two-thirds of its members; it also gives the competent courts the right to dissolve a trade union in case it does not respect the public order (Section 155); consequently, the Government has no longer any role to play in the dissolution of trade unions; and (iv) the Lebanese Labour Code limits the purpose of trade unions to the issues that would protect, promote and scale-up occupations while defending their interests and promoting all their economic, industrial and commercial aspects. Thus, when the law forbids trade unions to engage in political activities or to participate in meetings and demonstrations of political nature, it intends to protect the interests of trade unions' members regardless of their political preferences and affiliations, and logically to preserve their trade-unionist unity. Finally, the draft amendment to the Labour Code aims to clarify that trade unions do not have any political capacity, and to forbid them from engaging in any political activity that would affect the national unity.</p>		

		<p>2007 AR: According to the Government: Domestic workers are excluded from all provisions of the Labour Code.</p> <p>2006 AR: In response to the ILO Declaration Expert-Advisers' observations, the Government indicated that it was interested in ratifying C.87 and had sent the draft Labour Code to the ILO for review in the light of the provisions of C.87.</p> <p>Government's response on the ICFTU's observations: (i) The relations between the Ministry of Labour's competent units and labour organizations are based on cooperation and coordination and not on containment, pressure or force; (ii) the Lebanese Constitution upholds individual freedoms and places them under its protection, as does the Labour Code (sections 83, 89, 90, 92, 93, 94, 97, 99 and 106); (iii) Section 86 of the Labour Code provides that no employers' or workers' union may be established without prior authorization (license) from the Labour Ministry - this is meant to publicise the wish of the parties to establish a union; (iv) the administrative procedures set out for the creation of a union or federation are <i>per se</i> an element of legal protection to defend a union from the control of any authority, and provide adequate legal protection to workers; (v) the existence of more than 700 trade unions with several confederations in a country with a population of barely four million inhabitants is a clear evidence that freedom of association and the right to organize are allowed in the country and protected by law; (vi) the right to demonstrate and express one's opinion and the right to strike are freely allowed, while State authorities have protected demonstrators and such actions occur frequently in public in Lebanon; (vii) most trade unions take part in political activities; (viii) in order to ensure the human rights of Palestinians in Lebanon, the Minister of Labour has passed Decree No. 67 on 7/6/2005, which especially allows Palestinians to exercise on an equal footing all professions and activities authorized to Lebanese citizens.</p>
<p>TECHNICAL COOPERATION</p>	<p>According to the Government</p> <p>Request</p>	<p>2000-2005 ARs: Government's response on the ICFTU's observations: (i) in the public sector, there is an association for graduates of the National Institute for Administration and there are teachers' associations at all levels of education (primary, secondary and tertiary). They conduct negotiations with administrations in order to safeguard their rights and protect the rights of their members; (ii) the mandate of the Ministry of Labour with respect to union activities is restricted to maintaining public order, protecting the public interest and assuring the sound and appropriate application of rules and regulations governing union activities; (iii) the Labour Code gives the Government the right to dissolve a union committee only if the union committee is in breach of the responsibilities assigned to it or acts outside the scope of its competence; (iv) the basic objective of a trade union is to defend the professional interests of its members and ensure progress in the economic, industrial and commercial spheres and in fact, members of a trade union, like all other citizens, do exercise their right to participate in political activity and to vote in all elections. A trade union, as a legal entity, is not entitled to engage in political activity in its capacity, given that political practice is an individual right.; (v) the right to strike is accorded to trade unions in all sectors; (vi) the draft amendment to the Labour Code provides for the right to establish and to join trade unions for servants and employees of public administrations, except for judges, the military and security forces; (vii) Prior authorization to establish a union is required because of the confused situation of unions due to the political, religious and economic situation. The issue of authorization will be discussed within the framework of ILO technical assistance. However, the issue of authorization has not been a barrier before the establishment of trade unions: in fact, there are in Lebanon 381 trade unions, 167 employers' organizations and 66 trade union federations.</p> <p>2007 AR: According to the Government: ILO technical cooperation would be needed to finance the project of automation (mechanization) of trade unions and setting a geographical (localization) data basis in order to improve the continuous follow-up of trade union activity. According to the GCW: There is a need for technical cooperation on workers' education.</p> <p>2006 AR: According to the Government: The requests for technical assistance are considered as one of the priorities of the Ministry of Labour but are to be discussed with the ILO.</p> <p>2005 AR: According to the Government: A need for technical cooperation to facilitate the realization of the PR in Lebanon exists in the following areas, in order of priority: (1) legal reform (labour law and other relevant legislation); (2) capacity building of responsible Government institutions; and (3) strengthening tripartite social dialogue. The Government hopes that these areas, which were defined in cooperation with the ILO, will be among the technical cooperation priorities that the ILO will help to implement.</p>
	<p>Offer</p>	<p>ILO</p>

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) encouraged Lebanon to complete its legal review process to remove the obstacles to the ratification of C.87. They acknowledged the high number of promotional activities concerning the realization of the PR in Lebanon (and some other countries), and encouraged the Office to maintain its support to these activities. However, the IDEAs listed Lebanon among the countries where some unions are subject to government's interference or influence, and recalled in this regard the following: (...) the right to official recognition is an essential aspect of the right to organize as it allows employers' and workers' organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers' and workers' organizations' internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right». Finally, the IDEAs noted that restrictions on the right to organise of certain categories of workers in Lebanon (and some other countries), such as migrant workers, domestic workers and workers in the public service, were not compatible with the realization of this principle and right (Cf. Paragraphs 32, 35, 36 and 38 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs observed that with a view to giving full effect to this principle and right, the Government should be able to offer to all workers the opportunity to exercise their rights, and not have restrictions on the right to organize for migrant workers and domestic workers and workers in the public service (Cf. Paragraph 37 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2006 AR: The IDEAs listed Lebanon among the countries where government authorization was required to establish employers' or workers' organizations and indicated that such restrictions would clearly deny the full potential of the principle of freedom of association (Cf. Paragraph 36 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs listed Lebanon among the countries where some efforts were being made in terms of research, advocacy activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and /or ratification. However, they also mentioned that Lebanon was among the countries where important initiatives were started and where progress had slowed down (Cf. Paragraphs 13 and 147 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003 AR: The IDEAs were encouraged to see the Government of Lebanon pointing out the needs in this country to strengthen the capacity building of workers' and employers' organizations and that it turned to the ILO for help (Cf. Paragraph 73 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>