



REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS¹

Updated November 2019



International
Labour
Organization

PRIVATE SECTOR WORKERS

(other than domestic workers)

DOMESTIC WORKERS

<u>KEY LEGISLATION</u>	Labour Code 1946.	There is no specific legislation that regulates domestic workers in Lebanon. This section thus only covers the Standard Unified Contract, as established by Unified Contract Decree No. 19/1, 2009, and governed by the Code of Contracts and Obligations ² .
RECRUITMENT		
<u>RECRUITMENT FEES</u>	It is not explicitly prohibited to charge recruitment fees to workers by law.	It is prohibited for recruitment agencies to charge fees to workers. ³
<u>PASSPORT CONFISCATION</u>	It is prohibited for employers to confiscate workers' passports. ⁴	
WORKING CONDITIONS		
<u>CONTRACT</u>	An employment contract may be written or verbal. Written contracts should be in Arabic but may be translated to another language if the worker does not know Arabic.	The contract must be in writing in the standard form specified. It must be in Arabic but it is possible to attach a translated version to it. The contract enters into force once signed, in Arabic, before a notary public.
<u>MINIMUM WAGE</u>	Minimum wage of LBP 675,000 (US\$ 450). The minimum wage legislation does not explicitly differentiate between nationals and migrants but in practice, the official minimum wage applies to the Lebanese only.	Not applicable.
<u>WORKING HOURS</u>	<u>The Rule</u> 9 hours a day 40 hours per week. <u>The Exception</u> May be increased to 48 hours per week.	A maximum of 10 non-consecutive hours a day, accounting for 60 hours per week. A minimum of a daily continuous 8 hour rest at night.

¹ This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

² 1962 Law regulating the entry of foreigners into Lebanon, their stay and their exit from Lebanon, Decree No. 17561 of 1964 regulating the work of foreigners and Decision no. 136 of 1969 regulating the proof of residence of foreigners in Lebanon.

³ Order number 1/1, governing the work of placement agencies, 2011.

⁴ Previous judgements regarding passport confiscation have relied on Articles 670 to 673 of the Lebanese Criminal Code.

<u>REST PERIODS</u>	<p>Minimum of 1 hour for every consecutive 6 hours of work for men, or 5 hours of work for women.</p> <p>A consecutive of 9 hour rest period must be permitted every 24 hours.</p>	<p>A minimum of a weekly 24 hour consecutive rest the conditions of which are to be agreed upon between both parties.</p>
<u>OVERTIME</u>	<p>Overtime provisions are at a rate of 150 per cent of normal pay.</p>	<p>Not specified.</p>
<u>PAYMENT OF WAGES</u>	<p>Employers have to pay workers at least on a monthly basis, or by agreement in case of piece work.</p>	<p>Employers have to pay domestic workers on a monthly basis without ‘unjustified delay’.</p> <p>The employer must pay the salary in cash or via bank transfer and a written receipt must be provided.</p>
<u>ANNUAL LEAVE</u>	<p>15 days per year.</p> <p>The number of paid sick leaves depend on the period of service:</p> <ul style="list-style-type: none"> • 15 days for a 3 month to 2 year service. • 2.5 months for more than a 10 year service. 	<p>6 days per year.</p> <p>Half a month of paid sick leave and another half a month with half pay, based on medical report.⁵</p>
<u>OTHER REQUIREMENTS</u>	<p>Not applicable.</p>	<p>The employer must allow the domestic worker to receive telephone calls and to communicate with his/her parents once a month at the employer’s cost.</p> <p>The employer must provide food, clothing, and accommodation, which respect the domestic worker’s dignity and right to privacy.</p> <p>The employer must guarantee medical care and obtain an insurance policy in accordance with the special conditions prescribed by the Ministry of Labour.</p>
<u>END OF SERVICE GRATUITY</u>	<p>One month per year of service (half a month for service of less than 1 year)⁶.</p>	<p>Not provided.</p>
FREEDOM OF ASSOCIATION		
<u>ABILITY TO JOIN TRADE UNION</u>	<p>All workers can join a trade union.</p>	

⁵ Only in relation to sickness not derived from the domestic worker’s service.

⁶ The amount of end of service gratuity and its conditions are subject to the circumstances of the contract termination (dismissal or resignation), the number of years of registration at the NSSF as an employee, the age and gender of the employee and the type of activity the persons would like to exercise after having cashed his/her end of service gratuity. The compensation may range from 50 per cent of a month service for a less than 5 year registration to 100 per cent for more than 20 years of registration (articles 51 and 52 of the Lebanese NSSF Law).

GRIEVANCES AND DISPUTE RESOLUTION

<p><u>LODGING COMPLAINTS/ RESOLVING DISPUTES</u></p>	<p><u>Conciliation</u> Workers can apply for conciliation with the Ministry of Labour via a lawyer or in person at the MOL office. Conciliation is undertaken by a labour inspector and is free of charge.⁷</p> <p><u>Judicial remedy</u> Workers can bring an individual dispute to the Labour Arbitration Council,⁸ provided that it is within the statute of limitations.⁹</p>	<p><u>Conciliation</u> In theory, domestic workers can apply for conciliation through the Ministry of Labour, but it is not clear whether in practice this service is available for domestic workers.¹⁰</p> <p><u>Judicial remedy</u> Domestic workers are not covered by the Lebanese Labour Code but they can file a complaint before the Labour Arbitration Council which applies the ‘general law on contractual obligations’ and not the Labour Code.</p>
<p><u>SHELTERS AND PROTECTION SERVICES</u></p>	<p>There are shelters run by civil society organizations.</p>	
<h2 style="text-align: center;">SPONSORSHIP</h2>		
<p><u>SPONSORSHIP AND CHANGING EMPLOYERS</u></p>	<p><u>With permission of employer¹¹</u> Anytime.</p> <p><u>Without permission of employer</u> Only possible with the employer’s approval. In case of abuse, the worker can inform the General Security or the MOL and then they decide whether to transfer the sponsorship.</p> <p><u>Penalty for non-compliance</u> Arrest and deportation. In some cases, the employer is fined.</p>	<p><u>With permission of employer</u> Anytime.</p> <p><u>Without permission of employer</u> Only possible with the employer’s approval.</p> <p>In case of abuse or non-payment of wages for a period exceeding or equivalent to 3 months, the domestic worker can inform the General Security or the MOL who will decide whether to transfer the sponsorship or not.</p> <p><u>Penalty for non-compliance</u> Arrest and deportation.</p>
<p><u>LEAVING THE COUNTRY</u></p>	<p>There is no requirement for an exit permit to leave the country.¹²</p>	

7 Article 5 of the Ministerial Decision No. 2/13 dated March 16, 1996. The law does not specify any time limit on the MOL to close the matter pending before it. The labour inspector will explain to the worker their rights and will provide legal advice on how to resolve the matter. Both parties should be convened by the conciliator at an early date taking into consideration that the conciliation and investigation processes must be completed by applying the urgent procedures.

8 The Council is composed of a worker representative, an employer representative, a commissioner from the Department of Labour as well as a chief judge. There are several Labour Arbitration Councils – in Beirut, Mount Lebanon (Baabda), Tripoli, Saida and Zahle.

9 In case of dismissal, the employee has a time limit of one month starting from the date of notification; in the case of work accidents, the employee has a time limit of one year; otherwise, within 2 years.

10 Recruitment agencies are required by ministerial Decision No. 1/168 of 2015 to report disputes between workers and employers to the Ministry of Labour and to file a complaint.

11 This is referred to as a ‘transfer’ procedure and completed via the public notaries. The term ‘no objection certificate’ is not used in Lebanon.

12 Syrians residing in Lebanon are subject to different regulations related to entry, residency and exit of territory due to their specific status consequent to the Syria crisis. There are granted permission to leave the country by the Lebanese General Security under conditions listed on their website and that may vary due to changes in Syria or Lebanon. <http://www.general-security.gov.lb/ar/posts/36>.