

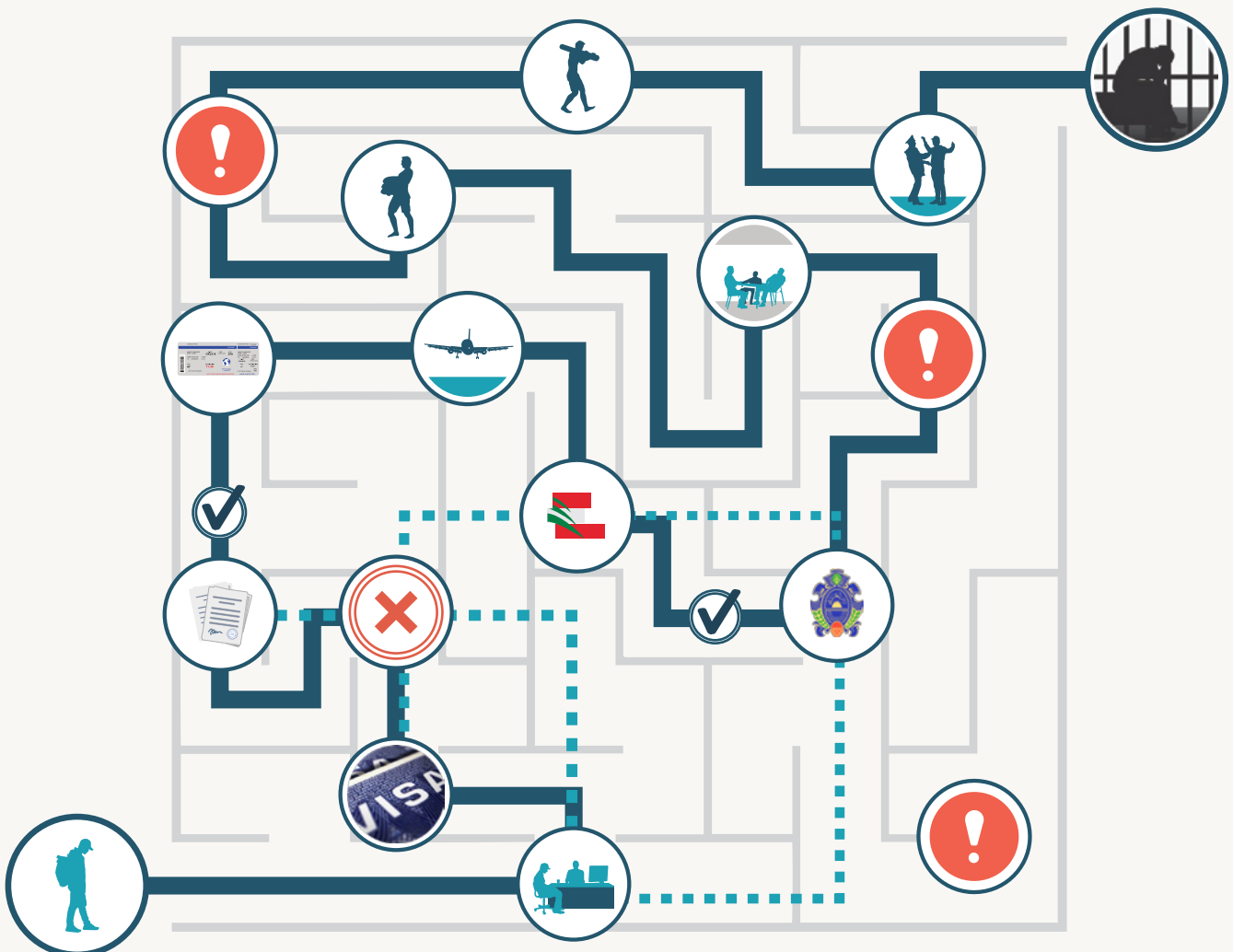
SPECIAL REPORT

MAZE OF ABUSE: LEBANON'S CYNICAL VIOLATION OF BLUE COLLAR MIGRANTS

APR 2021

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HOW AND WHY LEBANON'S NON-DOMESTIC MIGRANT WORKERS ARE TRAPPED IN A SYSTEM OF LABOUR EXPLOITATION





EXECUTIVE SUMMARY

For years, blue collar migrant workers have formed an essential backbone to Lebanon's economy, working under the infamous kafala migration regime in positions considered undesirable by many Lebanese. Together, this largely male workforce attends Lebanon's gas stations, cleans its streets, and stacks its supermarket shelves.¹

But the country which benefits from this plentiful source of cheap labour also systematically and cynically ensnares them in a web of abuse, opening the door to human trafficking networks. Lebanon's Law Number 164 Punishment for the Crime of Trafficking in Persons in 2011 defines human trafficking as "luring, transporting, receiving, detaining, or finding shelter for a person... for the purpose of exploiting said other person or facilitating his exploitation by others."² By its own definition, many of the thousands of migrant workers who arrive in Lebanon through unregulated networks are exposed to human trafficking.

When in Lebanon, those unfortunate enough to fall out of favour with their employer can quickly find themselves in one of the country's squalid detention centres, such as the infamous dungeon under Beirut's Adlieh junction. Often, illegal migrant workers have no choice but to accept another (potentially abusive) employer to correct their residency status and continue working in Lebanon.

The decision to turn a blind eye to these disgraceful supply chains of blue collar migrant workers is deliberate. Much like domestic workers (See: *Cleaning Up*, 2020), a lucrative value chain keeps this exploitative system afloat. Although smaller in numbers than domestic workers, male migrant workers in Lebanon generated around 60 million dollars a year before the economy crashed,

according to Triangle's estimates. This considerable pie is split by brokers and agents in foreign countries, the Ministry of Labour, General Security, public notaries, insurance companies, and medical laboratories.

Once they reach Lebanon, non-domestic migrant workers might expect the Labour Law to protect them from further exploitation. But here too, the state deliberately disappoints. While domestic workers toil outside the Labour Law, they at least enjoy a modicum of protection under a regulated migration regime. For non-domestic workers, poor enforcement, lack of social protection, and the threat of deportation or imprisonment without trial undermine non-domestic workers' few legal entitlements.

Despite Lebanon's economic crises, male migrant workers are still arriving in Lebanon on US dollar contracts. They will likely keep doing so, albeit in smaller numbers, until Lebanese citizens begin working in sectors traditionally allocated to migrants.³ In the meantime, private companies, individuals, and public institutions will continue to profit handsomely from the continuing trade of cheap, exploitable labour.

The crippling economic crisis may provide a window of opportunity to reform a more just migration system. First, migrants deserve a proactive regulation regime to curb the unregulated and abusive recruitment sector. With new laws and meaningful enforcement, the Lebanese government could eventually deliver on its 2011 promise to stamp out human trafficking. More importantly, the state must ultimately scrap the kafala migration regime by delinking a migrant worker's residency and work permits. Only by removing this outdated tradition will ensure that workers are treated fairly, and not as disposable indentured labour.



A PASSAGE TO LEBANON

Male migrant workers face abuse and deception from the recruitment stage until they leave Lebanon. Even before arriving in the country, migrant worker hopefuls must take a considerable financial gamble; unlike domestic workers, whose passage to Lebanon is secured through a registered recruitment agency, non-domestic migrant workers must contend with a shady network of brokers. This totally unregulated network exposes migrants to abuse and human trafficking, as defined by the Lebanese law on human trafficking.⁴

BOX I: The Tier System

Foreigners working in Lebanon are classified into four "tiers," based on the worker's profession and wage. The first tier is only for employers or self-employed who earn three times the minimum wage or above; this group of workers are permitted to bring their families to Lebanon. The second group are white collar technical workers whose salaries are between two and three times the minimum wage. Blue collars workers - including cleaners, porters, farmers, agricultural workers, gas station workers, and concierges - fall into tier three. The fourth and final tier is dedicated to domestic workers, who are usually women. The Lebanese Labour Law applies to all groups, except domestic and agricultural workers.⁵

A tier three worker (See Box I) has two main routes into Lebanon.⁶ The first option is through an unlicensed recruiter or broker working on behalf of a Lebanese employer. A second more direct route exists through the employer's own so-called "Human Resources" representatives working in the country of origin. For example, large construction and waste collection companies send their HR teams to coun-

tries of origin to hire workers directly.⁷ In both cases, Lebanese law fails to provide any form of regulation or oversight of this abusive recruitment sector.⁸ This legislative gap allows agents and brokers to demand arbitrary and unexpected costs with impunity.

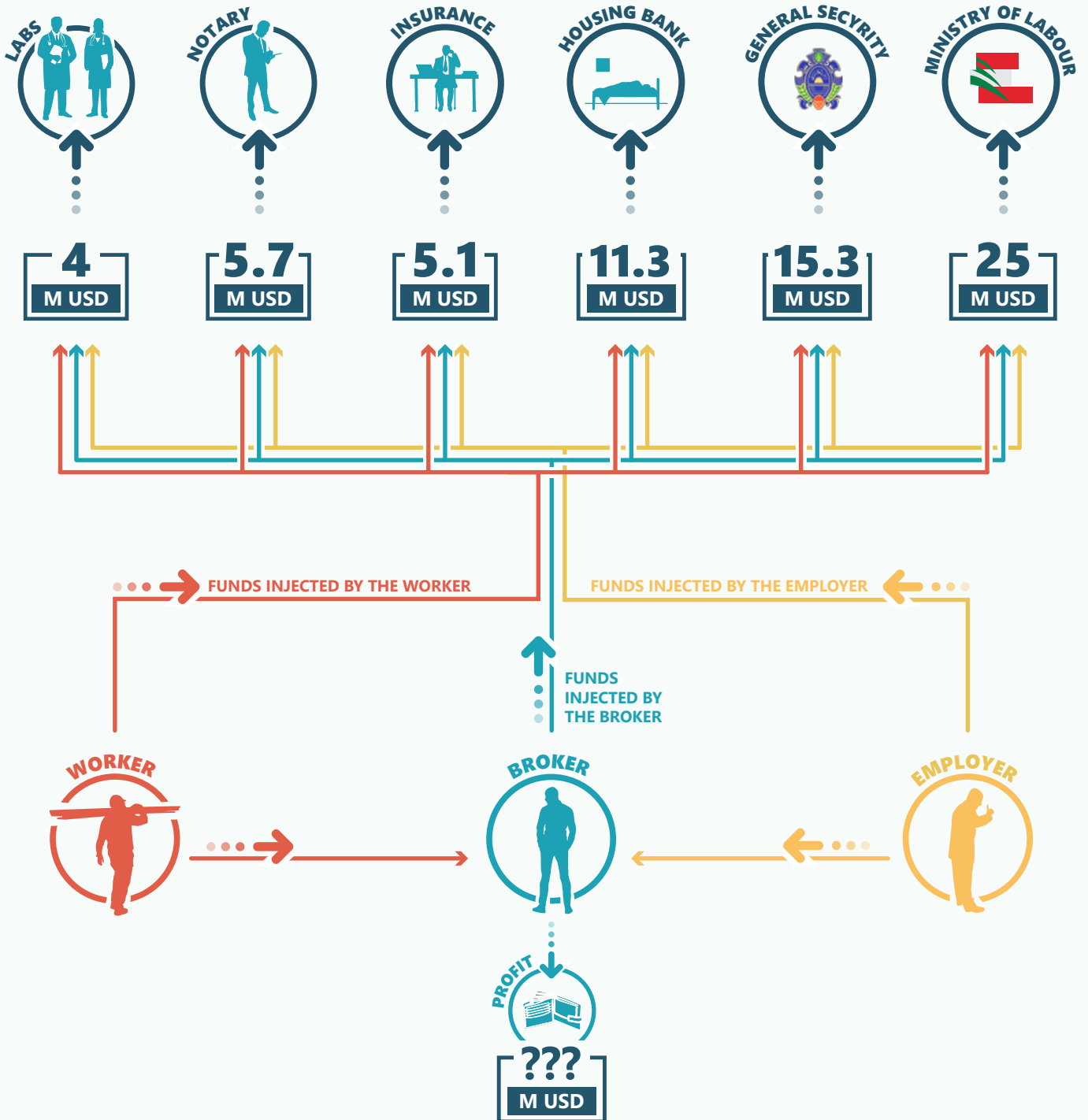
The foreign applicant is typically promised a comfortable job with a well-paid salary starting at around 600 US dollars. In return, the recruiter demands that the foreign applicant or employer provide a valid passport and a broker's fee in US dollars. The broker's fee varies considerably between nationalities, depending on the proximity of the country of origin. This section assumes a conservative estimate of 4,000 dollars for distant countries and 500 dollars for countries with easier access to Lebanon.⁹ Assuming that 11,325 new workers arrived in Lebanon in 2019, unregistered brokers took some 16.7 million dollars in application fees alone (See Figure I).¹⁰

Some of this money is redistributed among various institutions and companies, covering the worker's plane tickets to Lebanon, the cost of their visa, work contract, and pre-approval costs. The broker also takes a slice from this amount; while the exact profit margin is unknown, multiple sources agree that brokers are likely to reap several million dollars per year.¹¹ Indeed, the known cost of entry into Lebanon is a minute fraction of this amount. An entry visa, for example, costs 28 dollars, while an average airplane ticket from Bangladesh to Beirut costs around 325 dollars.¹²

The broker's fee also covers other costs including a fee for obtaining a pre-approval permit from the Ministry of Labour¹³ (\$100),¹⁴ a contract signed at a public notary (\$100),¹⁵ and a stamp (\$0.80).¹⁶

FIGURE I

DIVIDING THE PIE: WHO BENEFITS FROM THE RECRUITMENT OF MALE MIGRANT WORKERS?



Sources: Residency records from the Ministry of Labour; Housing Bank Law; Law regulating the work of foreigners; Publicly listed labour permit costs; Interviews with industry experts.



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According to Article 3 of Law 17561 regulating the work of foreigners in Lebanon,¹⁷ the foreign applicant can either apply for the pre-approval form from abroad or through an official representative who is based in Lebanon.¹⁸

A deposit by the employer paid to the Housing Bank of 1000 dollars is also required before a worker can arrive in Lebanon, according to Article 6 of Law number 283.¹⁹ A sum of 1000 dollars should be paid for every foreign worker that an applicant needs to employ. If the applicant is a company, this amount goes up to 33,333 dollars per company.²⁰ Based on Triangle's estimates, the Housing Bank collected 11.3 million dollars in 2019.

By law, the worker's sponsor or kafil must pay this amount, to be returned once the migrant worker leaves the country.²¹ However, a lack of regulation means that many migrant workers find themselves forced to pay the fee themselves to secure a legal status once they arrive in Lebanon.

WHEN IN LEBANON

Unfortunately, the quest for precarious legal status does not end when a worker arrives in Lebanon. A valid work and residency permit is required for a migrant worker to be considered legal. Upon arrival in

Lebanon, a worker has ten days to apply for a work permit.²² Work permits are only provided to migrant workers who are employed by a Lebanese employer, who functions as the worker's sponsor or kafil. Migrant workers - domestic and non-domestic alike - are not permitted to change their employment situation after receiving the permit. The work permit may be granted and renewed for a maximum period of two years from the date of its issuance.²³

Costs associated with obtaining a work permit include: a fee to the Ministry of Labour (\$333); private health insurance (\$100); and private laboratory tests (\$100).²⁴ Workers typically cover these costs. In many cases, employers who pay for work permits later deduct the costs from their worker's wages.²⁵ The Ministry of Labour received some 25 million dollars in first entry and renewed non-domestic work permits, as well as pre-approval permits, based on data from 2019.

Once a work permit is obtained, a worker may apply for residency from the General Security Directorate. The cost of a residency permit for a non-domestic migrant worker (excluding business owners or white collar employees) is 266 dollars, with a few exceptions for certain nationalities.²⁶ In 2019, General Security made 15.3 million dollars from renewed residency permits and new arrivals.



BOX II: Syrian workers, a special case

The conditions of employment and registration for Syrian workers differ from other migrant workers. Syrian workers' routes into Lebanon vary according to political circumstances affecting Lebanon's neighbouring countries. Hundreds of thousands of Syrian laborers²⁷ worked in Lebanon in the period between 1990 and 2005 during the Syrian regime's occupation of Lebanon, though the number was never confirmed. Many workers from this period were unregistered and working illegally in Lebanon.²⁸ After Syrian forces withdrew from Lebanon in 2005 and before the start of the Syrian revolution in 2011, specific laws were put in place allowing Syrian workers to enter the country on "cheap and easily renewable three-month residency permits, and to work without a work permit."²⁹ Since 2011, a large influx of Syrian refugees has changed the employment conditions of Syrians. Syrian workers can now only enter Lebanon under different entry categories, and those currently residing in Lebanon should pay for a residency permit and a work permit under a Lebanese sponsor.

THE THIRD WAY

Detention centres provide a third - and even more poorly regulated - route for employers to recruit migrant workers. Migrants in Lebanon may find themselves in a detention centre for a number of reasons. Some are caught entering the country illegally; in recent years, young Sudanese workers represent the largest nationality within this group, fleeing persecution and violence in South Sudan.³⁰

Other illegal migrant workers include former migrant domestic workers who left their official sponsors or kaf-

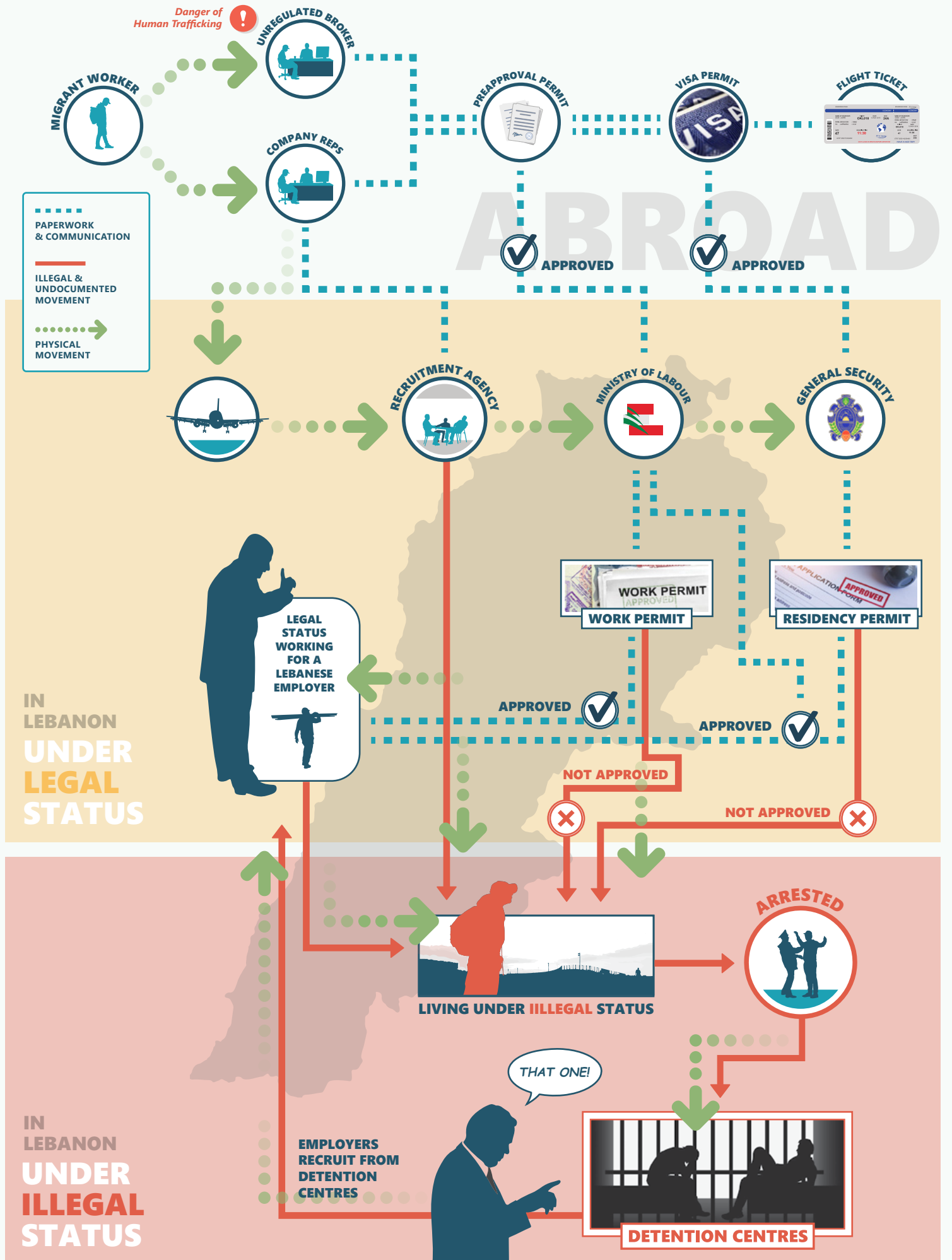
ils.³¹ They may have been dismissed by their employer or quitted due to abusive work practices or payment issues. Since many employers and recruiters withhold workers' passports and travel documents, once the contract with their employer is broken, some workers are unable to leave the country. In these cases, workers lose their legal status, according to Article 15 of the law organizing foreign labour, and are vulnerable to human trafficking and further exploitation. Many find themselves in detention centres and prisons.³²

Recruiters themselves also contribute to the number of migrant workers in detention centres. Exorbitant application fees mentioned above give recruiters and brokers a financial incentive to over-recruit, a practice confirmed by many workers interviewed for this report. Brokers may even create fake jobs in Lebanon, in order to multiply their profits, calling on Lebanese citizens to create fake work contracts. The broker rewards the sham employer with a modest sum taken out of the worker's application fee.

This form of deception lands migrant victims in Lebanon with neither a job nor a valid residency permit, which requires a legal work contract. If he is caught as an illegal resident, the migrant worker is likely to be detained. Finding a Lebanese employer, or at the very least a Lebanese citizen willing to pose as a fake employer, is one of the few ways to correct a worker's illegal status. Usually, this option requires that the worker pay for fees and the Housing Bank deposit himself.

Employers are able to capitalise on this doubly vulnerable subset of migrant workers by effectively buying the worker's freedom in return for a work contract. They may visit one of Lebanon's various overcrowded detention centres holding migrant workers and pay the work-

FIGURE II
BECOMING LEGAL: HOW MALE MIGRANTS NAVIGATE LEBANON'S MAZE OF ABUSE



Sources: Interviews with industry experts and migrant workers



er's penalties. This legally sanctioned practice serves to enforce existing employer-employee power dynamics, placing workers at the mercy of their employers.

WORKING CONDITIONS

In theory, non-domestic migrant workers are protected by the Lebanese Labour Law, unlike migrant domestic workers who are explicitly excluded from the Labour Law.³³ Theoretical protections include maximum working hours, paid holiday, and end-of-service benefits. For example, the law stipulates that migrant workers should not regularly work more than 48 hours per week and 12 hours in a day.³⁴

Workers should receive rest time of one hour for more than six consecutive hours of work and compensation for overtime at a rate of 1.5 more than the standard rate. Workers' maximum working period per week (including overtime) should never be more than 60 hours, and all workers are entitled to one day off per week (36 hours).³⁵ Migrants should also receive 15 days of paid holiday per year. Though migrant workers are not eligible to benefit from the indemnity of social security, they are eligible according to the Labour Law for an end-of-service compensation from their employers.³⁶

In practice, however, non-domestic migrant workers are exposed to countless violations of their labour rights. Poor enforcement of the Labour Law is one key reason for these violations. The Ministry of Labour is charged with inspecting workplaces to ensure adherence to minimum standards of occupational health and safety and decent rights of workers.³⁷ However, the ministry's budget is insufficient to cover equipment, personnel, and transport costs

to conduct inspections, so inspections are rarely carried out.³⁸

However, enforcement is only part of the problem. As with domestic workers, migrant workers' fundamental vulnerability stems from the fragility of their legal status in Lebanon. Workers under kafala have little bargaining power with their employers; since their residency is tied to their work permit, quitting their job would result in illegal status and potentially imprisonment. Interviews suggest that employers frequently offer migrant workers lower fees and wages than they initially agreed. In these instances, workers have little choice but to accept the lower pay, in order to keep their legal residency.

Employers take advantage of workers' precarious situations for their own financial gain. For example, many employers see little value in paying social security fees for migrant workers who cannot benefit from social security. Only workers from a handful of countries can benefit from social security in Lebanon. These countries - namely Belgium, France, Italy, the United Kingdom, and Syria - have signed reciprocity clauses, allowing Lebanese citizens to benefit from their own social security.³⁹ Common illegal practices include restricting payments and vacation days, and withholding insurance benefits, and failing to offer end-of-service compensation.

The majority of migrant workers are also at a legal, social, and economic disadvantage in Lebanon, making them easy to isolate and exploit. Non-domestic migrant workers mostly originate from lower income countries in Africa and East Asia and face linguistic and cultural barriers in Lebanon. These countries include Bangladesh, Egypt, Syria, India, Sri Lanka, Sudan, Philippines, Ethiopia, Nepal, Gana, Kenya, and



Cameroon.⁴⁰ On the legal level, not all migrants enjoy embassy-level diplomatic presence in Lebanon, such as Ethiopia, Cameroon, Kenya, Nepal, Ghana.⁴¹

RECOMMENDATIONS

Ultimately, decoupling a migrant worker's residency and work permits remains the greatest and most important hurdle to dismantling kafala. Non-domestic migrant workers are proof that even with legally enshrined Labour Law protections, the kafala system deliberately ensures that all migrant workers are easily exploitable. An alternative to kafala would grant all migrant workers an employment-based visa which does not specify the name of the employer. Employment-based visas would grant migrant workers greater labour mobility, allowing them to terminate their work contract without fear of imprisonment or deportation. After termination, the workers should be given a limited period of time to find a new job or arrange return travel to their home country.

Unfortunately, recent events - such as Syndicate of Owners of Recruitment Agencies Lebanon (SORAL)'s opposition to a new standard unified contract in September 2020 - suggest that Lebanon is still far from passing reforms of this scale. In the meantime, activists must press for other important reforms which would protect non-domestic workers' rights in the shorter term.

Firstly, the Lebanese government should close the legal loophole that allows the unregulated recruitment – and

exposure to human trafficking – of tier three migrant workers. The initial step will require the government to pass a new law specifically directed at the recruiters of non-domestic workers, requiring all existing brokers and so-called "Human Resources" teams to apply for a certificate from the Ministry of Labour to continue operating. The law must introduce regular audits, demanding recruitment companies to submit detailed and transparent accounts of all expenses incurred in recruiting foreign workers. Any recruiters operating outside of this legal framework must face fines and criminal prosecution.

The new law should coincide with more concerted efforts to apply Lebanon's anti-trafficking law, passed in 2011. If any payments made by registered recruitment by infringe this law, agencies should face fines, criminal prosecution, and potential blacklisting from the list of legal recruitment agencies. The state should also investigate and prosecute employers and recruitment agents who facilitate human trafficking by withholding workers passports, travel documents, or wages.

Once this system is functioning smoothly, the anti-trafficking law should be updated to offer additional protections to survivors of human trafficking. Amendments should focus on ensuring that trafficking victims are not arrested, detained, or deported for unlawful acts traffickers compelled them to commit, such as immigration or prostitution violations.⁴² The government should eventually ratify and enshrine in law a number of important conventions relating to labour rights. These in-

"Ultimately, decoupling a migrant worker's residency and work permits remains the greatest and most important hurdle to dismantling kafala."



clude: Migration for Employment Convention No. 97, Migrant Workers Convention No. 143, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁴³

Simultaneously, the Ministry of Labour must enforce the Labour Law with redoubled labour inspections. The current number of labour inspectors is insufficient for the size of Lebanon's workforce, which includes some 1.6 million workers. Future budget laws must ensure that the ministry has sufficient resources to allocate one inspector for every 15,000 workers, as per the International Labour Organisation's recommendations for developing economies. In the case of Lebanon, this would equal around 100 inspectors.⁴⁴ In addition to more regular and rigorous labour inspections, migrant workers must have access to suitable legal and structural frameworks to complain and report violations both within and outside the workplace. These frameworks would provide free legal support and translation services for all migrants, especially those without fully-fledged embassies in the country.

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One way of encouraging employers to respect the Labour Law would be to allow migrant workers to benefit fully from social security. Currently, workers eligible for social security are only those for whom the reciprocity clause applies. Extending social security coverage to more nationalities would incentivise employers to reg-

ister their workers, increasing the coverage of labour inspections. Once benefiting from social security, the Ministry of Labour could impose fines on employers who continue to employ irregular workers, disincentivising non-compliance.

Finally, detaining migrant workers for lacking paperwork has proven to be an ineffectual and harmful practice. Detention does little to discourage illegal entry into the country; rather, Lebanon's overcrowded, and detention centres have become a back door for employers to find cheap and vulnerable labour. The government should immediately release all migrant workers held in detention and give them a grace period to fix their legal status.

These reforms would not only provide migrants with the protections that they need and deserve; they would pave the way for a new mutually-beneficial social contract with its migrant community. International media has shone a spotlight on the country's embarrassing and exploitative relationship with its foreign labour force. Now is the time to prove that the country can shake off the backward tradition of kafala, correct its international image, and rebuild its economy.

EDITORS NOTE:

Triangle would like to express its heartfelt gratitude to all the migrant workers, activists, researchers, journalists, and academics who anonymously contributed to this investigative policy paper.

This paper was compiled with the support of International Media Support (IMS).



REFERENCES AND ENDNOTES

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- 10 This estimate is calculated according to data provided by the Ministry of Labour, therefore it reflects the payments made by workers who entered the country legally. There is no estimate of how many workers entered the country via illegal channels and what the cost of these channels were. The calculations also assume that all newly registered workers have entered the country via brokers, but in reality, migrant workers can also enter the country via their employers directly. Also not included in the calculations are workers who are nationals of three countries: Sri Lanka, Egypt, and Syria. Each of these countries has a specific agreement or relationship with Lebanon that influences the mode of entry of nationals into the country. For simplicity, this report excluded broker fees for these three countries.
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