

THE KAFALA SYSTEM WHEN EMPLOYERS ALSO ACCEPTED TO SHARE THEIR PERSPECTIVE

RESEARCH BY



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Members of the Migrant Domestic Workers (MDWs) Coordination Consortium

THE KAFALA SYSTEM; WHEN EMPLOYERS ALSO ACCEPTED TO SHARE THEIR PERSPECTIVE

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INTRODUCTION

Years ago the issue of Migrant Domestic Workers (MDWs) in Lebanon began to surface in international media. This came as a result of efforts by civil society organizations, including Insan Association, which have worked to shed the light on the multiple violations of Migrant Domestic Workers rights. Migrants Domestic Workers have many characteristics that render them especially vulnerable; they are women, they are foreign and poor, and are racially discriminated against. All these factors make it easy for us; men and women, institutions and officials, to violate their rights willingly, or unwillingly as a result of ignorance.

The debate about MDWs rights has, without a doubt, progressed significantly in recent times. What started as a shy discussion in the quarters of some human rights organizations soon became an important media debate. The media has in some instance supported the rights of MDWs and in other instances defended violators of these rights. Moreover, the media has oversimplified crimes that resulted in the death of many MDWs while also over-emphasizing incidents where employers' rights were violated. The media also did not hesitate to over-generalize. Thereafter, the discussion surrounding MDWs has moved from media discourses to official talks whose aim was to legislate for domestic work in Lebanon. Although those attempts have not been successful yet, multiple researches and draft laws about this issue were made available to decision makers.

Throughout the years that Insan Association spent defending the rights of MDWs we were able, in cooperation with Lebanese and international partners, to expand the circle of dialogue and research and to include representatives of MDWs.

Today, this research entitled "The Kafala system; when employers also accepted to share their perspective" carried out by a team from Insan Association is a ground breaking study that documents the opinions of a considerable number of employers in Lebanon. Thus, by including employers in the discussion this research sets forward a holistic national dialogue on the rights and duties of MDWs in Lebanon.

This study is also an open invitation to employers. Employers are the ones who have the power to improve the standing of human rights in Lebanon. They are also the only ones concerned with Lebanon's international reputation. The time is right for us employers to end an unjust situation that we can no longer accept.

**Founding Director,
Charles G. Nasrallah
Insan Association**

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INSAN ASSOCIATION

Insan Association's mission is to protect and promote the rights of the most vulnerable and marginalized individuals.

Insan Association pursues its mission through holistic service delivery including education, psychosocial and legal services, advocacy and research. This report was undertaken by the research and advocacy team. The advocacy department aims to influence the structures that deny people access to, and the realization of, their human rights. Consequently, in contrast to reforming the sponsorship system, Insan Association is of the opinion that the kafala system must be abolished, and be replaced by the minimum standards outlined in the International Labor Convention for Domestic Workers (C189), including their incorporation under local labor laws. However, Insan Association recognizes that such transformations are often slow and therefore steps must be taken to minimize the harm experienced by migrant domestic workers' in the interim.

ACKNOWLEDGEMENTS

The research team would like to express their gratitude to the employers' and employees' who participated in this

study. Without your earnest engagement this study would not have been possible. We hope your participation will contribute to ongoing improvements in the working relationship of migrant domestic workers' and employers'.

This research project is credited to a team of diligent Insan Association staff and volunteers. Jenna Sider contributed a comprehensive literature review which formed the foundation of the questionnaire. The professionalism demonstrated by the interviewers is commendable; the interviewers persisted in collecting data despite occasionally experiencing a rude, indifferent and at times hostile, public. Krystel Tabet worked tirelessly to train and support the interviewers. Mariela Acuña meticulously prepared and edited draft reports. Zeina El Roueiheb set up the questionnaire on the SPSS software package and entered some of the data. Roula Hamati patiently entered data into SPSS and prepared and edited report drafts. Lara Hovsepian rigorously edited the final draft. Charles Nasrallah and Lala Arabian contributed to the development of the recommendations and the coordination and supervision of the research project. Samantha Hutt coordinated the research project including methodology design, analysis of the results, development of the recommendations and final report preparation.



Raha Askarizadeh

EXECUTIVE SUMMARY

The following report explores two key themes: Lebanese employers' and migrant domestic workers' knowledge of, and access to, rights afforded under the current legal framework; and employers' attitudes towards the kafala system and potential alternatives. This report builds on the pilot study commissioned by KAFA in 2010 on the attitudes of Lebanese employers' towards migrant domestic workers'. As such, it is only the second research project to explore the views of Lebanese employers' towards migrant domestic workers', despite the millions of dollars that have been invested in improving the human and labor rights of migrant domestic workers'. Further, the report more closely examines employers' level of support for 'promising practice' alternatives to the kafala system.

The research methodology employed incorporated door-to-door sampling; in total 250 respondents were interviewed, 80% of whom were employers'. Key findings of the report are outlined below:

77.9% of employers' interviewed reported that the migrant domestic worker they employ is not in possession of her own passport. This is consistent with findings of a 2005 International Labour Organisation (ILO) report. The readiness of employers' to confiscate migrant domestic workers' passports can be largely attributed to employers' desire to minimize migrant domestic workers' ability to resign, which would likely result in the employer needing to pay recruitment and placement fees again. These employer fears must be pacified before many migrant domestic workers' rights are likely to be realized.

Approximately two-thirds of migrant domestic workers' interviewed reported that the Standard Unified Contract (SUC) had not been explained to them when they signed the contract in Arabic at the Notary Public. Such statistics raise questions about the capacity of a migrant domestic worker to consent to the contract,

given they are not aware of the terms and conditions it sets out. Further, considering the power imbalance between the employer and migrant domestic worker it could be argued that migrant domestic workers' sign the SUC under duress. Moreover, 40.6% of employer respondents indicated they were not aware that the document signed at the Notary Public was an employment contract nor were they aware of the terms and conditions it sets out. These findings raise questions about the legality of the contract.

The report revealed both employers' and employees' have limited insight regarding the formal support that is available to them. This compounds findings demonstrating a lack of knowledge about the legal rights and responsibilities of each party.

Approximately 26% of employer respondents indicated they did not believe migrant domestic workers' should be able to live outside of their place of employment as this would have a negative impact on the character of the worker. An additional 13% stated they believed migrant domestic workers' are not capable of living independently. These opinions illustrate a racist tendency to view migrant domestic workers' as fundamentally vulnerable and susceptible to negative external influence. These perceptions often conceal an employer agenda to control the domestic worker.

A significant 55.8% of employer respondents reported that the kafala system should be changed. Such findings were largely indicative of a general perception that the kafala system is too burdensome on employers'. Support for changes increased to 65% once employer respondents were informed about an alternative employment-category based visa and the reimbursement of recruitment fees in cases of early termination of the contract when initiated by the migrant domestic worker. An additional 34.5% of employers' asserted that such a

system would be effective and preferable for employers' (particularly as it safeguards employers' financial contributions).

A vast 77.9% of respondents indicated they were not supportive of the inclusion of domestic work within the Lebanese Labor Code. The high prevalence of opposition to the incorporation of domestic work under the Labor Code can be attributed to the perception that foreigners are excluded from Lebanese labor laws rather than domestic work as an employment category. This misconception has led employers' to associate the extension of labor rights to migrant domestic workers' with the expansion of rights to other foreigners, specifically Palestinian and Syrian refugees. This misconception must be rectified before support for the inclusion of domestic work under the Labor Code is likely to be secured.

INTRODUCTION

There are approximately 250,000 migrant domestic workers' employed in Lebanon, a country of 4 million people. The isolated nature of working in a private household, combined with gender-based and racial discrimination renders domestic workers vulnerable to exploitative practices. Domestic work has traditionally been excluded from gross domestic product and other societal productivity estimates as it was considered the "natural" work of women and therefore did not require skill or financial compensation. The legacy of patriarchal attitudes towards domestic work exacerbates the need for regulation within this industry. Moreover, pervasive racism within Lebanese society towards countries typically associated with the Global South further heightens the vulnerability of these workers.

The legal and social framework governing the living and working conditions of migrant domestic workers' in Lebanon reflects the trend to subjugate and marginalize women within the country. For example, the Lebanese judicial

system does not permit women to pass on their nationality and does not recognize rape between husband and wife. Article 7 of the Lebanese Labor Code excludes domestic work from its coverage. The official reason cited is that the home is a private sphere that cannot be subjected to the same regulations as other workplaces. However, the concealed nature of domestic work is the precise reason robust regulation is required. The conditions under which domestic work occurs cannot be easily scrutinized by the public and is therefore dependent on governmental monitoring and compliance mechanisms to ensure minimum obligations are met.

The nationality of domestic workers in Lebanon has changed according to political developments. Traditionally, rural Lebanese and Syrians were employed as domestic workers; shifting in the 1920s and 30s with an influx of Kurdish workers; in 1948 with Palestinian refugee camps becoming important for recruitment, and in the 1960s the arrival of Egyptian women seeking work in Lebanon via Syria (where a merger agreement condoned the free movement of workers between the two countries) (Jureidini 2002). Such household help largely came in the form of a young girl from a rural Arab family, whose salary was collected by her family on her behalf, on an annual basis until marriage. The domestic worker was perceived more as a helper than a worker, being educated, socialized and raised as an additional member of the family as a sort of fictive kin. The relationship was one of reciprocity governed by a sense of obligation to the family of the domestic worker, protected by a law of honor upheld by the relationship between the domestic helper's father and the employing family. When war broke out in 1975, the origin of domestic workers conclusively changed. Syrian and Egyptian domestic workers left Lebanon, and amongst tensions of a violent sectarian war, extreme distrust heightened reluctance to hire local workers. Lebanon therefore turned to Sri Lanka, the Philippines and Ethiopia - already exporting labor to the Gulf countries - to fill the

gap (Jureidini 2002).

This shift changed more than the country of origin, it altered the tacit rules that governed domestic workers' relationship with their employers'. Though the initial change can be traced to the onset of war, employers' maintained a preference for domestic workers from abroad for two primary reasons. First, migrant domestic workers' are more exploitable. Employers' hold no obligation to their families, and they are less aware of their rights and therefore unlikely to seek legal redress. Second, they work for lower wages, sometimes even a quarter of the national minimum wage.

Due to the influx of migrant domestic workers' from outside of the Arab world, domestic work, which was already considered of low status, has been further stigmatized by the racial composition of labor – race is now categorically associated with such work. The racialization of domestic work has contributed to attitudes of xenophobia, most clearly seen in the spectrum of wages that vary according to nationality (Abdulrahim, 2010). Migrant domestic workers' from the Philippines receive the highest salaries, migrant domestic workers' from Bangladesh receive the lowest, and those from Sri Lanka, Nepal and Ethiopia receive salaries between the two extremes. The basis for the difference in salary and preference for certain nationalities is perceived intelligence, subservience, knowledge of English or French, and skin color. Further, within the home there are various expressions of racism and xenophobia beyond racial preference translated into wages. Upon the arrival of the migrant domestic worker, some employers' insist on teaching her 'proper hygiene,' often in highly degrading ways like insisting on scrubbing her from head to toe in the shower or cutting her hair. Discrimination against migrant domestic workers' of a darker skin tone is also shown in the way employers' allow their children to treat the migrant domestic worker within the home, telling them, "you can do whatever you like with her" (Jureidini 2009) or justifying the child's behavior by commenting that the child was "not used to her

looks" (Abdulrahim 2010: 15). Gender, race and the "hidden" work site, are thus vital components that heighten the risk of exploitation and abuse of migrant domestic workers' in Lebanon.

The legal framework that governs the living and working conditions of migrant domestic workers' in Lebanon exacerbates their vulnerability rather than diminishing it. Given that domestic work occurs in private homes that are not subjected to other business regulations and the preference for foreign domestic workers, the Labor Code is substituted with a regulatory system that entangles migrant domestic workers' working and living conditions. This system (known as the kafala or sponsorship system), links a migrant domestic worker's residence and work permit to one employer. Whilst, in many other countries such a system operates in tandem with various other mechanisms that protect the rights of the migrant workforce (such as local labor laws), in Lebanon the sponsorship system entrenches the violation of migrant domestic workers' human and labor rights.

As implementers of the "sponsorship system", individual employers' are in a position to exercise extraordinary control over migrant domestic workers'. The sponsorship system requires migrant domestic workers' to rely upon their employers' not only to uphold the work contract and maintain their legal status in the country, but also for their accommodation, food, medical care, and other necessities. This dependence is intensified by obstacles in accessing justice for unpaid wages, abuse or other grievances. Migrant domestic workers' are largely unaware of their rights. This coupled with the frequent restrictions on communication and movement imposed by employers', makes learning about available redress options almost insurmountable (Hamill 2011: 42). Further, migrant domestic workers' have limited access to feasible redress methods. A report released in 2010 by Human Rights Watch found that criminal cases brought by migrant domestic workers' against their employers' for ill treatment took on average 24 months to conclude. Civil complaints for violations such as unpaid

wages took between 21 and 54 months. Moreover, complaints brought before labor courts (which are supposedly faster due to their simpler procedures) lasted an average of 32 months (Houry, 2010). During this time migrant domestic workers' typically do not have a valid work and residency permit and are therefore required to remain in the custody of a State sanctioned guardian (for example, Migrant Detention Center operated by General Security, service provider who has a Memorandum of Understanding with General Security, or an Embassy shelter) (Houry, 2010). There are few less intrusive, non-binding mediation services available to employers' and migrant domestic workers'. Upon request, several NGOs will provide mediation however such services are typically outside their mandate and therefore are provided on an ad-hoc and discretionary basis. Coupled with the concealed nature of domestic work, such minimal viable dispute resolution processes grant employers' unparalleled opportunity to contravene their legal obligations and violate the few rights migrant domestic workers' are guaranteed under current statutes. These circumstances have translated into widespread cases of abuse, from confiscation of passports to non-payment of wages, lack of rest hours and days off, and physical and/or verbal harassment.

RATIONALE

There is insufficient information regarding employers' views of the kafala system or the proposed alternatives. Whilst employers' are the primary benefactors of the unequal relationship imbued within the sponsorship system, they are nonetheless an involuntary participant of the structural injustice. There is no other legal manner of hiring a migrant domestic worker but via the sponsorship system. Moreover, there is little awareness, beyond anecdotal evidence, of employers' knowledge of their rights and responsibilities as employers'. It is anticipated that employers' would be more likely to honor their obligations if they were cognizant of

what they were. Additionally, it is anticipated that with a better understanding of the kafala system and its alternatives, employers' would be more agreeable to comprehensive reforms that protect domestic workers rights. Further, given the immense power imbalance in favor of employers', it is unlikely migrant domestic workers' labor and human rights will be secured (through change at either the policy or practice level), without employer support. However, in relation to the kafala system, employers' are rarely consulted, almost entirely absent from relevant conferences, and have no representative body other than their elected government officials. To date, only one prior study has sought to identify employers' perceptions of assistance needed to meet their current stipulated obligations and support or disapproval of alternative systems. In 2010, KAFA (a Lebanese NGO) commissioned a pilot report on the general attitudes and practices of employers' towards migrant domestic workers. A component of the study ascertained employers' perspectives of the appropriate roles and responsibilities of relevant stakeholders. The study also sought employers' views on a number of alternatives to the current regulatory framework. The research encapsulated within this report builds on KAFA's pilot study, providing an updated and more detailed account of employer sentiment (Abdulrahim 2010).

OBJECTIVE

The purpose of this report is two-fold: to inform measures that will improve recognition and respect of rights currently afforded to migrant domestic workers' within the existing regulatory framework; whilst also identifying specific sites of employer resistance to, and support for, alternatives of the kafala system for the purposes of future lobbying and awareness campaigns. Whilst the sponsorship system denies migrant domestic workers' many basic rights including the right to withdraw their labor and freedom of movement, it does extend a number of

other important rights, such as the right to rest periods and days off. It is anticipated that with adequate support, guidance and information, employers' and employees' can operationalize these rights. This study sought to provide insight into periods of heightened strain on the employment relationship as well as identifying employer and employee awareness of existing support services. This knowledge can inform targeted service delivery intended to support the employment relationship and consequently improve the working and living conditions of migrant domestic workers'. The research particularly focused on the role in-home mediation could play in reducing conflict and rights violations.

Further, the findings delineated in the report can inform purposeful campaigns intended to both leverage existing employer support for reform of the kafala system and to challenge the premise on which employers' oppose reforms. Evaluations of previous campaigns have indicated that they have failed to resonate with employers' and have thus not fostered support for migrant domestic workers' rights as expected. To be effective, future campaigns must address the fears and anxieties of employers'. For example, the research findings established that employers' oppose the extension of rights to migrant domestic workers' due to the perception that such changes would set a precedent for the gradual increase in rights granted to Palestinians. Moreover, the research findings determined that employers' have limited awareness of employment models that successfully protect the rights of employers' and employees' in other countries. Such findings must be incorporated into future campaigns if migrant domestic workers' living and working conditions in Lebanon are to improve.

Additionally, campaigns must exploit existing employer frustrations with the current regulatory framework and channel such frustrations into support for an alternative system.

METHODOLOGY

This study was conducted by a dedicated team of six researchers who interviewed 250 respondents during a three month period in nine different areas of Mount Lebanon and Beirut.

INTERVIEWERS SELECTION AND TRAINING:

Interviewers attended a full day training workshop covering information specific to the questionnaire as well as basic human rights doctrines and background information regarding the kafala system. Interviewers were informed of the need to maintain neutrality and avoid appearance of collusion with the views of the respondent, refrain from asking leading prompting questions and to administer the questionnaire as documented without amending the wording to ensure meaningful comparisons could be made between responses. Ethical and safety guidelines were also discussed.

DATA COLLECTION

A mixed-method study (qualitative and quantitative) was employed throughout the research process. The mixed-method study design enhanced the validity of the research findings (Hussein 2009). Qualitative data was utilized to assist in identifying emerging themes and trends. Quantitative data was gathered to reduce the time required to complete the questionnaire thereby increasing the likelihood that respondents would be willing to participate. The triangulation of qualitative and quantitative data facilitated the identification of convergence among multiple responses. Thus, the mixed-method approach increased the generalizability of the research findings (Burke et al. 2007).

Separate questionnaires were designed for migrant domestic workers' and employers'. The questionnaire administered with migrant domestic workers' focused on their current living and working conditions and knowledge of their rights and available support mechanisms.



The questionnaire developed for employers' targeted challenges faced within their current employment relationship and support of the kafala system and alternatives to it, including the incorporation of domestic work under the Labor Code and the introduction of employment-category based visas.

As the priority of the research was to glean the views of employers', a quota of 80% employer and 20% live-in employee respondents was set at the outset of the research process.

Interviews took place in Beirut and Mount Lebanon. Nine suburbs within these areas were targeted. These areas were selected to increase the probability that respondents represented a range of socio-demographic characteristics, including diverse religious and socio-economic positions. Moreover, the unstable security situation within Lebanon at the time interviews were conducted was a factor when selecting the geographic regions to be included.

Interviews took place in the employer's home. Migrant domestic workers' and employers' were interviewed separately to increase their

willingness to divulge sensitive information and views thereby increasing the reliability/faithfulness of the data collected and reducing reporting bias.

The questionnaire was designed bilingual. The research instruments were developed in English and later translated into Arabic and French. The questionnaire was pre-tested with the target population to check the meaning of the language and the sequence and structure of the questionnaire. Necessary changes were made as required. This ensured the reliability of the testing instrument.

SAMPLING METHOD

As previously mentioned this survey was purposefully designed to principally garner the views of employers'. Consequently, a quota of 80% employer respondents was established at the initial stages of the research process. Given this quota, disproportionate stratified sampling was employed to identify participants. This probabilistic sampling method was utilized to ensure the external validity of the research

(the ability to generalize the results obtained), was maintained. Although by definition the size of groups identified using disproportionate stratified sampling is disproportional to their size in the population; identification of participants within each group was nonetheless undertaken randomly.

Interviewers were instructed to begin at the main street within a given suburb, arbitrarily select a direction, and approach every third house or apartment block on that street. Subsequently, they were instructed to proceed into every second street on the left. If they reached the perimeter of the suburb, they were instructed to return to the main road and repeat the process again (excluding the previous street from the possibility of randomly selected directions).

DATA ANALYSIS

Upon completion of the data collection, the qualitative data was converted to quantitative data for analysis. Two researchers separately classified the qualitative data into emergent categories of quantitative data to index the information. At the end of the coding process, different categories were compared to one another, and coders were found to be in agreement. Subsequently, all data was entered into SPSS software (version 20) for analysis.

The analysis of the data consisted of two parts. The first part focused on obtaining descriptive statistics of our study population (frequencies, means, and percentages). Descriptive statistics played a pivotal role in developing a better understanding of the sample. Subsequently, relationships among variables were explored using the Chi squared test.

ETHICAL CONSIDERATIONS

To ensure the ethical treatment of participants, all interviewees were presented with a document detailing the purpose of the research and the contact information of Insan Association prior to the commencement of the interview. Interviewers were instructed to ensure participants properly understood and verbally consented to the purposes of the research. Furthermore, given

the sensitivity of the topic, interviewers abided by the principle of anonymity. The interviewers recorded the name and contact information of respondents separate to their responses to prevent the linking of answers to participant contact information at a later stage.

LIMITATIONS OF THE RESEARCH

As mentioned previously, this study occurred in various areas of Mount Lebanon and Beirut, encompassing a variety of socio-demographic characteristics that represent the diversity of the region.

Due to several factors (including the unstable security situation, but also restrictions of time and resources) it was necessary to confine the research to the capital and key urban areas surrounding it. We aim to extend this study to the rest of Lebanon in the future as we believe the views of those outside the capital and its neighbouring suburbs are both unique and under-represented. Nevertheless, the sample size and quality of responses obtained provided valuable data for analysis.

Another challenge faced was the unwillingness of employers' to participate in the door-to-door survey. Interviewers reported being chased out of buildings, verbally harassed or simply refused entry.

When consent for interviewing was given, respondents were generally reserved. Interviewers reported that employers' were particularly hesitant to answer the question in relation to how they manage conflict with their employee. Interviewers often had to repeat the question several times throughout the course of the interview prior to an answer being provided.

Many employers' complained that the questionnaire was too long and became impatient and aggressive when answering the last few questions. Attitudes of racism and xenophobia were also frequently expressed in relation to many questions. This demanded a high level of professionalism from our interviewers to ensure they conveyed impartiality.

RESEARCH FINDINGS

IDENTITY DOCUMENTS

Having one's legal documents is imperative for a range of reasons. Due to the unstable security situation within Lebanon, permanent checkpoints are common at key entry points to major towns and villages. Additionally, temporary checkpoints are frequently established throughout the country. It is within the mandate of the officers manning such checkpoints, to ask for identity documents including work and visa permits. Article 36 of the 1962 Foreigner's Law stipulates that any foreigner found without the necessary paperwork is subject to fines and imprisonment. It is within the purview of these officers to detain those who cannot demonstrate they have a valid permit to be in the country. However, 62.5% of migrant domestic worker respondents reported their work and residency permits were not in their custody. 90% of those who stated they are not in possession of their work and resident permits reported they are with their employer and the remaining 10% of interviewed migrant domestic workers' reported their work and residency permits were with a sponsor for whom they do not work.

Given that the security situation in Lebanon can deteriorate rapidly without notice, it is essential that all foreigners have their passports in order to seek consular support during such times or to evacuate the country if necessary. Yet 81% of migrant domestic worker respondents reported that they were not in possession of their passports. 92% of those migrant domestic workers who do not possess their passport stated their employer had it and 8% reported a sponsor for whom she does not work / previous sponsor, had her passport. Similarly, 77.9% of employers interviewed reported that the migrant domestic worker they employ is not in possession of her own passport.

Among the 77.9% of employer respondents, 47.3% reported they confiscated the passport of the migrant domestic worker they employ in order to inhibit her from "running away"

or quitting; consequently protecting their financial investment. In addition to costs paid to the placement agency for facilitation of the recruitment process, sponsors are required by law to cover the costs of health insurance, living expenses, return airfares, residency and work permit renewals and other administrative fees. The whole process represents significant expenditure that employers are determined to safeguard. These findings are congruent with results from a 2005 ILO study which found that 71% of female employers believed they have the right to limit the movement of the migrant domestic worker they employ (ILO 2005). The similar reporting levels between this study and the one undertaken by the ILO in 2005 illustrates that campaigns implemented over the past 8 years intended to improve migrant domestic workers' rights (specifically freedom of movement and the right to quit) have failed to address employer concerns regarding the potential financial implications. It is apparent that migrant domestic workers' freedom of movement (facilitated by possession of passport and work permits) will continue to be resisted by employers until this concern is adequately addressed.

Only 22.1% of employer respondents reported that the migrant domestic worker they employ is in possession of her passport. This further substantiates the results of the 2005 ILO study which found that only 18% of employers interviewed (both male and female) believed that migrant domestic workers' have the right to be in possession of their own passport and other legal documents. The possession of a migrant domestic workers' identity documents becomes a crucial negotiating asset within the employer-employee relationship. As lawyer, Roland Tawk, explains:

"I have worked on at least 2,000 cases representing migrant domestic workers' in need of legal help to reclaim their passports and other identity documents from former - often abusive - employers'. These domestic workers had often

experienced beatings and other abuses as well, but many employers' would only return identity documents and passports to the workers in exchange for a hefty sum of money" (Hamill 2011, p. 26).

In our study, 19.5% of employers who reported keeping the passport of the migrant domestic worker they employ asserted they do so as the migrant domestic worker is their responsibility. The previously mentioned 2010 KAFA report highlighted that due to the interpretation that the kafala system renders employers responsible and liable for migrant domestic workers, employers feel obliged to deny migrant domestic workers their basic rights in order to protect themselves from legal or financial repercussions (Abdulrahim 2010). In practice, employers rarely face legal consequences for the actions of the migrant domestic worker they employ. However, this perception of consequences (albeit financial, legal, or in terms of community reputation) fosters employers' sense of entitlement to deny migrant domestic workers' basic human and labor rights.

Moreover, 14.2% of employer respondents stated they keep the passport of the migrant domestic worker they employ as they were recommended to do so by either General Security, the Placement Agency, or both. Previously, when a migrant domestic worker was 'picked up' by her sponsor at the airport, General Security would hand the migrant domestic worker's passport directly to the employer. Though this practice has now largely been abandoned and the passport is now typically handed to the migrant domestic worker, placement agencies continue to encourage employers to confiscate migrant domestic workers' passports in an effort to restrict their movement. One explanation for such practices is that the high fees paid when hiring a migrant domestic worker and the ties embedded within the current kafala system (for example when a migrant domestic worker arrives to Lebanon for the first time she is legally unable to leave the airport without her sponsor) creates a sense of employer responsibility for the migrant domestic worker that may be perceived as "ownership".





Claire Patard

Several previous studies have acknowledged the phenomena of treating migrant domestic workers' as property and an investment in which costs must be recuperated; by for example, confiscating passports or not paying wages for extended periods of time (Hamill, 2012). Such practices feed into the notion that the migrant domestic worker is the property of the employer as the migrant domestic worker has been "purchased" for the duration of the contract.

Of the 22.1% of employers who reported that the migrant domestic worker they employ is in possession of her passport, 59% indicated that migrant domestic workers should keep their passport as it is their right and/or their property. 36% reported the migrant domestic worker has her passport because the employer trusts her. Such a response can be interpreted as indicating that these employers do not perceive possession of one's passport as an inalienable right but rather a right granted on a discretionary basis depending on the relationship between the employer and employee.

Interestingly, respondents residing in Keserwan were remarkably more likely (88%) to withhold the migrant domestic workers' passport they employ, than respondents in Beirut (69.4%) and Metn (69.1%). One possible explanation for this finding is that Keserwan is a smaller, more geographically isolated community (significantly smaller than both Beirut and Metn) and the residents are therefore potentially more suspicious of foreigners. Such a hypothesis is supported by the following statement made by an employer residing in Keserwan:

"We live in a much closed community. We all know one another. The only strangers we have are tourists or people coming from Beirut to visit. We only have locals here and we prefer for things to stay that way to avoid any security problems".

However, further research would need to be undertaken engaging a larger sample size to unequivocally determine if a relationship

exists between this location (or a similar sized and geographically located community) and a higher prevalence of passport confiscation and moreover, if this can be attributed to a distrust of strangers.

The research identified a relationship between the education level of the employer and the likelihood that the migrant domestic worker is in possession of her passport. For example, 27.1% of employers with a university or technical education reported that the migrant domestic worker they employ is in possession of her own passport. Conversely, 10.8% of employers with a secondary or lower level of education reported that the migrant domestic worker they employ is in possession of her passport. The relationship between education and more liberal attitudes towards the "other" has also been substantiated by data obtained from the World Values Survey. Welzel (2002) finds that education is strongly associated with what he terms "self-expression values". Self-expression values are composed of the tolerance of human diversity, inclination to civic protest, liberty aspiration, and self-satisfaction. Welzel (2002, p. 277) concludes that education has an emancipative effect on people, whereby educated people tend to be "more liberal, more progressive, and more post-materialistic than the average population". The link in the literature between education and tolerance of human diversity can explain the observed difference in attitudes and practices among groups based on level of education completed. Those who have a higher level of education are more likely to hold the self-expression values and consequently are more likely to be tolerant of diversity and have greater liberty aspirations demonstrated by lower levels of passport confiscation.

As is evident from the questionnaire results and previous studies, passports, residency and work permits are most commonly held by the employer of the migrant domestic worker. As this issue is conveniently absent from the Standard Unified Contract and encouraged by private placement agencies, it is left to the

preference of the employer.

STANDARD UNIFIED CONTRACT

In 2009, The Lebanese Steering Committee (LSC), the Office of the High Commissioner for Human Rights (OHCHR) and the ILO developed the "Standard Unified Contract" to enhance the protection of the human and labor rights of migrant domestic workers. This contract was the first standardized contract for migrant domestic workers in Lebanon (ILO 2012). However, though the contract has been translated into the native languages of migrant domestic workers, these documents are yet to be made available at the Notary Public where migrant domestic workers still sign the contract entirely in Arabic. 64.1% of migrant domestic worker respondents reported that the SUC was not read or explained to them before signing the document. Given migrant domestic workers sign the contract in Arabic, - which is largely not explained-, the capacity of the migrant domestic worker to consent to its terms and conditions is questionable. Consequently, so is the legality of the document. Moreover, migrant domestic workers' ignorance of their rights and responsibilities as stipulated in the SUC heightens their vulnerability to exploitation.

In all, 40.6% of employer respondents indicated they were not aware that the document signed at the Notary Public was an employment contract nor were they aware of the terms and conditions it sets out. The research findings do indicate an increase in employer awareness of the existence of the SUC. The 2010 KAFA study determined that only 21.6% of the sample was aware of the Standard Unified Contract, and even fewer could outline more than one or two terms of the contract (Abdulrahim 2010). Further, this study revealed a stark relationship between the level of education of employer respondents and their knowledge of the Standard Unified Contract: 70.7% of respondents with a technical or university education were aware of the SUC. Comparatively, only 32.3% of employer respondents with secondary school or less education were aware of the SUC.

Likewise, employers who were aware of the SUC (28.5%), were significantly more likely to report that the migrant domestic worker they employ was in possession of their passport. In contrast, only 12.5% of employers who were not aware of the contract reported that the migrant domestic worker they employ keeps her passport. This finding indicates that employer training regarding the SUC is likely to have unintended benefits in relation to observance of migrant domestic workers' rights.

Once the terms and conditions of the Standard Unified Contract were explained, employer respondents were asked if they felt that the contract adequately protects the rights of migrant domestic workers, with 80.1% responding in the affirmative. When those employers were asked how the SUC protects migrant domestic workers, 78.4% of respondents indicated that it specifies the duties of both the employer and employee.

Of the 19.1% of respondents who reported that the SUC does not protect the rights of migrant domestic workers, 56.4% indicated that this is because it is not implemented. Given that over a third of employers are not cognizant of the rights and responsibilities set forth in the SUC, concerns regarding compliance are not surprising.

The Standard Unified Contract states that both parties must sign a receipt upon issuance of the monthly salary. In a relationship that is inherently unequal this requirement provides a minimum protection for the migrant domestic worker. Such documentation can be a crucial method of proving non-payment of wages. However, the study revealed 87.5% of migrant domestic workers interviewed received their money in cash and 67.2% do not sign a receipt. The low prevalence of compliance with payment documentation impedes the ability of a migrant domestic worker to dispute non-payment of wages in legal arbitration proceedings. The Standard Unified Contract also recognizes the worker's right to a day off per week, 6 days

annual leave, 8 consecutive rest hours per day and a limit of 10 non-consecutive work hours per day. However it fails to guarantee the right of the migrant domestic worker to leave the place of employment during rest hours, which remains subject to mutual agreement between employer and employee (ILO 2012: 50, art.12). Whilst a migrant domestic worker's right to freedom of movement is not protected by the SUC, it is recognized in international law, specifically article 13 of the Universal Declaration of Human Rights. The authors of this report adopt the International Human Rights framework that stipulates that the denial of freedom of movement is a violation of basic human rights.

Independent Living

Whilst the Standard Unified Contract does not explicitly delineate the requirement for migrant domestic workers to reside with their employer, it is nevertheless implied. Article 8 of the SUC specifies that the employer must provide food, clothing and accommodation. Moreover, in practice the General Security has without equivocation interpreted article 8 as requiring migrant domestic workers to reside with their employer. Anecdotal evidence suggests General Security personnel occasionally render the migrant domestic workers work and residency permits contingent on testimony or evidence that the migrant domestic worker resides with her sponsor.

The study found that 70.4% of employers reported that they do not believe migrant domestic workers should be able to live independently (outside of the place of employment). Of them, only 4.1% reported the reason being that it was required by the contract.

Another 35.2% of respondents who reported that migrant domestic workers cannot live independently indicated that this was due to financial and practical implications (this included the inability of migrant domestic workers to afford private accommodation given their meager wage and their lack of family support within Lebanon). Additionally, 26.9% reported that migrant domestic workers' cannot live independently as

exposure to the world will put her at risk or sully her character. The quote below summarizes the opinions expressed by many employer respondents within this category:

"When they go out they learn bad habits, like stealing, lying or even dating men. I don't want her to get pregnant or have any disease as a result of living on the streets. After all she is living with us and cooking for my children" (Abdulrahim 2010:17)

Likewise, 20.7% reported that the migrant domestic worker cannot live outside their place of employment as they are the employer's legal responsibility; and a further 13.1% of respondents reported that the migrant domestic worker is incapable of living alone. Such sentiment can be attributed to perceptions that the migrant domestic worker is inherently vulnerable and in need of care and protection. When the migrant domestic worker is seen as naive, not proficient enough in Arabic and thus vulnerable to exploitation, employers assume responsibility (or the pretence of such), in order to protect her from dangers outside the home. The migrant domestic worker is seen as incapable of being on her own, needing restrictions as a form of protection. Employers express fears of extreme social consequences, such as pregnancy, HIV/AIDS, being murdered, committing a crime, and thus threatening the family's reputation. It is not uncommon especially within the first few months of employment, to restrict a migrant domestic worker's movement in order to make sure she is trustworthy, sometimes this is extended for the duration of her stay and perceived as a necessary measure to prevent absconding (Jureidini 2002). Supposedly maternalistic declarations, such as 'I treat her like a daughter', are used to demonstrate protection and care, but these statements are more often reflective of control over, and responsibility for, the migrant domestic worker where the employer remains the main beneficiary.

Such statements reinforce the ability of the employer to control the migrant domestic worker's movement and relationships, justified

as the employer's 'responsibility' to 'protect' the migrant domestic worker. This exerts a form of emotional manipulation that not only limits the migrant domestic worker's freedoms, but also instills in her a sense of indebtedness to the employer who claims to want to protect her, further heightening her control. One study by KAFA (2010) revealed that though 93% of employers stated they treated the migrant domestic worker employed in their household like a family member, only 43.4% of those interviewed allowed the migrant domestic worker to sit with them at the dinner table. Of the same employer sample, 83% said they would send her home if she became chronically ill, and 90.7% would send her home if she got pregnant (Abdulrahim 2010). These contradictions are evident throughout the employer / employee relationship. Future campaigns must challenge the discourse of care and protection engaged to justify the violation of migrant domestic workers' rights.

Alternatively, 29.6% of employers reported that they believe migrant domestic workers should be able to live independently (outside of the place of employment). Among them, 69.4% of respondents indicated that such a situation would improve the comfort of both the employer and employee. The study also revealed a perceivable relationship between education level and support for independent living, as 37.7% of those with a technical or university education endorsed the concept of migrant domestic workers living independently. Conversely, 12.3% of respondents with a secondary or less level of education endorsed the notion of migrant domestic workers living independently. As previously mentioned, such a relationship can be explained by Wezel's (2002) self-expression values, where education is linked to support for diversity, tolerance and liberty.

The research also revealed that evidence of one violation is an indicator of other rights violations. For example, whilst only 20.3% of migrant domestic worker respondents reported not having set work and rest hours, 92.3% of these respondents also reported not being

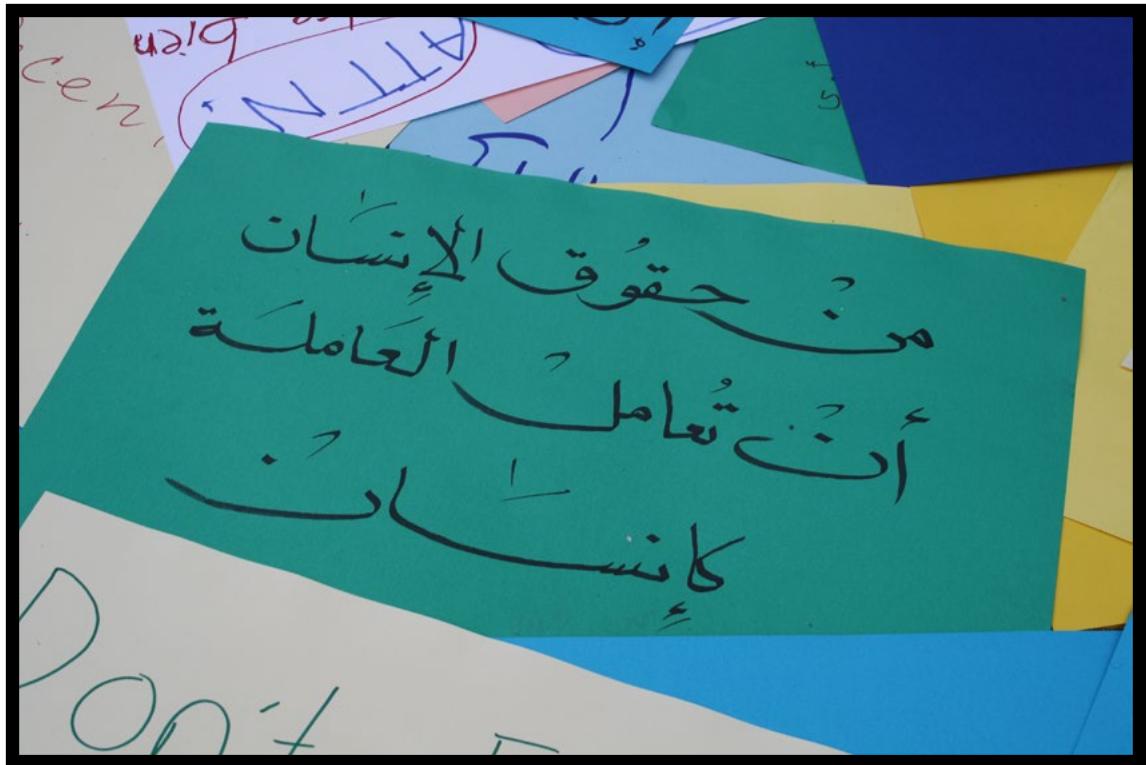
able to freely leave their place of employment during rest hours. Further 69.2% of those who reported not having set work and rest hours also reported not having a day off per week. Whilst this sub-population is clearly vulnerable to abuse and exploitation, only 23.1% of this group have their embassies contact details, and likewise only 23.1% would be willing to take their employer to court for rights violations. In contrast, of those who do have set rest periods (79.7%), 60.8% are able to leave their place of employment during rest hours. Further, 72.5% of this sub population have a day off per week, and 54.9% have their embassy/ consuls contact details, while 60.8% would take their employer to court if their rights were violated. The trend to violate multiple rights becomes more apparent when considering the right to freely leave the place of employment. Of those who are able to freely leave their place of employment during rest hours, 46.9% reported signing and keeping a receipt of payment of wages. Conversely, only 18.8% of those who are not able to freely leave their place of employment during rest hours keep a signed receipt of payment of wages. Moreover, of those who are able to freely leave their place of employment during rest hours, 56.3% stated they have their work and residency permit. In contrast, only 18.8% of those who are unable to leave their place of employment freely, have their work and residency permit.

Awareness of the multiple abuse trend is important for agencies and actors who support migrant domestic workers. Further research is needed to confirm if evidence of one abuse or rights violation is a risk factor for other violations. If confirmed, such findings can inform the risk assessment framework of organizations, activists and community leaders who support migrant domestic workers. Additionally, such evidence can be used for earlier and more intensive intervention within employer-migrant domestic worker work relations. This could be in the form of mediation or judicial investigations.

DISPUTE RESOLUTION

A significant 56.3% of migrant domestic





workers stated that the principal issue they face in Lebanon is physical and emotional abuse, whilst another 40.6% of respondents stated that a lack of rest hours was the primary challenge for them. However, despite pervasive violations of migrant domestic workers rights and the unequal power relationship between employer and employee, migrant domestic workers are noticeably hesitant to seek redress through formal channels.

According to our study, 48.4% of migrant domestic worker respondents reported that, when facing challenges with their employer, they would attempt to solve the problem on their own. The next most prevalent preferred support mechanism when managing challenges with their employer was the support of embassies and consular services (reported by 21.9% of employees). Only 7.8% of migrant domestic worker respondents reported that if their employer broke the law (including violating the contract, abuse or assault) they would seek the support of the authorities (police and court). When asked why they would not contact the

authorities, 60% of respondents explained they do not know how to use such mechanisms, and a further 26.7% stated they would not seek the help of authorities because they don't trust the judicial system. Such findings are consistent with previous research conducted on this issue.

A report released in 2010 by Human Rights Watch found that in cases where migrant domestic workers file a complaint, they often face inaction by police and the judiciary. Their complaints are frequently not treated as an allegation of a crime, are responded to disproportionately to the gravity of the allegation, or are ignored entirely. Additionally, many migrant domestic workers who file a complaint with the police about abuse are subsequently detained due to their irregular residency status or employer counter-charges of theft (Houry 2010). This often leads to months of detention, even if the migrant domestic worker does eventually win in court. Once detained, the migrant domestic worker is put under immense pressure to reach a settlement with her employer and to avoid the court system altogether. The same

Human Rights Watch report also found the persistent police practice of simply 'returning' the migrant domestic worker to the abusive employer, or themselves perpetrating abuse during the period of detention, imprisonment and interrogation. Moreover, amongst the 114 cases Human Rights Watch reviewed, they did not find any example of authorities prosecuting employers accused of overworking migrant domestic workers, locking them inside homes, confiscating passports, or denying them food (Houry 2010).

The Lebanese Ministry of Labor has taken steps to provide dispute resolution mechanisms by establishing a hotline to receive urgent calls as well as a complaint system. However, a KAFA report published in 2011 found that few cases reached the complaints stage because of a lack of trust in the system, and a lack of information about the process (Jureidini, 2011). The Lebanese agencies responsible for ensuring migrant domestic workers experience just working and living conditions whilst in Lebanon, must take the necessary actions to improve migrant domestic workers' understanding of, and confidence in, their capacity to ensure migrant domestic workers' rights are protected.

Migrant domestic workers' vulnerability due to a lack of access to formal justice mechanisms is compounded by their ignorance of other support mechanisms. Our research found that 90.6% of respondents were not aware of any NGOs that assist migrant domestic workers and 82.8% cited not being aware of community leaders they could turn to for help. However, 47.6% of respondents stated that the support of NGOs is needed to feel more confident in speaking to the authorities (police, courts and General Security). Further research should be undertaken to ascertain why migrant domestic workers reported such a low awareness of support services. This finding is particularly astonishing given that several agencies distribute important contact information to migrant domestic workers upon arrival to the airport and have partnerships with organizations in countries of origin.

Similarly, employers have limited awareness of support mechanisms available to them. Whilst 67.1% of interviewed employers indicated they feel they have the information and support necessary to employ a migrant domestic worker, 32.9% of employer respondents stated they need more support prior to and during the probation period. This finding indicates that the recruitment and placement phases are a period of heightened tension and confusion for employers. The various bodies and organizations who work with migrant domestic workers and employers must respond to this finding and increase the availability of employer targeted support services during the recruitment and probation periods.

The majority of employers interviewed (64.3%) reported that when conflicts in the employment relationship arise, they address the problems themselves. Such findings are somewhat problematic given the distinct nature of the employment dynamic. Whilst the migrant domestic worker-employer relationship is first and foremost an employment relationship governed by contractual rights and responsibilities, the research findings highlight that both parties have limited knowledge of their legal obligations. Additionally, in most instances, the migrant domestic worker is the first full-time employee the employer has supervised. The capacity to manage others is a unique skill that is often developed through formal and informal training not provided to employers of migrant domestic workers. The lack of such skills was further evidenced by employer responses to this question, including:

"I solve the problem cordially. Sometimes I threaten her to go to the Employment Agency and sometimes I deduct from her salary."

"I call the agency and they give me tips like threaten her with sending her back to Ethiopia and things like that."

Moreover, the migrant domestic workers' close proximity to family members and residence



within the employer's home as an integral part of daily life results in a far more intimate relationship than is typical in other formal employment relationships. The history of the 'fictive kin' further confuses the working relationship. Additionally, the female employer often faces confusion not only in terms of her relationship with the migrant domestic worker she employs, but also in regards to her own place within the household with the presence of another woman (Jureidini, 2011). Female employers' often find the presence of another woman in their home threatening, seeing her as a competitor for the affection of the children and husband (Jureidini 2011). These feelings of displacement can lead to a sense of role confusion and even identity crisis. With the migrant domestic worker taking on the tasks and roles the female employer traditionally undertook, the female employer struggles to find her new role within the home, especially if she is not working outside of it. Anecdotal evidence suggests that when faced with an undefined role and subsequently a challenged self-worth, the female employer will try and assert her role as the woman of the house by meticulously micro-managing the cleaning, setting strict boundaries between the migrant domestic worker and the children, and projecting her frustrations onto the migrant domestic worker in order to validate herself in a cycle of threat, displacement and assertion (Abdulrahim, 2010).

Given the heightened pressure within the employment relationship, awareness of, and access to, external guidance and support is critical. However, 69.1% of employer respondents reported they were not aware of support or services provided by community leaders or NGOs.

The research revealed a relationship between education level and knowledge of community leader and NGO support mechanisms for migrant domestic workers. 36.1% of university or technically qualified employer respondents were aware of such services. In comparison, 18.1% of respondents who have completed secondary school or less were aware of

community leaders or NGOs who provide such support. A vast body of literature supports the claim that education provides "a greater understanding [...of one's] physical and social environment" (Haddad et al. 1990, p. 68). Education is also credited with providing useful information that allows individuals to improve the quality of their lives (*ibid*). Our results validate this theory. The research findings suggest that people with higher education have greater knowledge of services provided by NGOs. This form of knowledge is crucial as it can potentially improve the quality of life for both the employer and the migrant domestic worker.

THE KAFALA SYSTEM

Interestingly, our study showed that 55.8% of employer respondents reported that the kafala system should be changed. Those who supported this affirmation were subsequently asked how it should be changed. Of them, 39% reported the kafala should be abolished, whilst 36.4% reported that it should be changed to make it easier for employers. Employers repeatedly stated that the current system is a burden on employers, explaining, for example:

"The Kafala system makes me feel paranoid. As a sponsor you need to keep an eye on your worker even after they finish work. I also hire Syrian workers. I don't feel this kind of responsibility towards them. I pay them daily. If they go and don't come back I am not responsible, and if they do anything illegal, the municipality deals with them."

A further 24.6% of employers reported that the kafala system should be amended to guarantee migrant domestic workers' rights. These findings indicate considerable levels of support for changes to the current system. Such attitudes should be harnessed in future advocacy campaigns intended to foster momentum for changes to, and ultimately the abolishment of, the kafala system. Conversely, 43.3% of employer respondents reported that the kafala system should not be changed. Those who reported that it should remain unaltered were subsequently asked why they held this view. 43.3% of respondents reported it was

not necessary to change the kafala system as it adequately protects migrant domestic workers'. Another 23.3% reported that the current system protects the employer's investment, while 16.7% also reported that it gives rights to both parties. These findings signal the need to raise greater awareness about the specific aspects of the kafala system that indeed fail to adequately protect the rights of migrant domestic workers' and, to some extent, employers' as well (for example, their right to hire a freelance domestic worker). Additionally, 13.3% of employer respondents thought that the kafala system must not be changed as it is necessary to have a Lebanese person supervise foreign workers to ensure migration is properly regulated. Such opinions can be linked to historical concerns about migration within Lebanon, particularly related to large numbers of Palestinian refugees who reside in the country, -who are unable to return to Palestine or be resettled in another country,- and whose presence is often cited as a trigger for the Lebanese Civil War.

ALTERNATIVES TO THE KAFALA SYSTEM

During the interviews, alternatives to the kafala system were explained to the respondents. The models outlined, specifically addressed how employers' financial contributions could be protected whilst also safeguarding migrant domestic workers' human and labor rights.

The employment-category based visa that existed in the United Kingdom prior to May 2012 has often been cited as the best migrant domestic worker visa system employed to date. According to it, any worker who migrated to the United Kingdom for the purposes of domestic work was granted an employment-category based visa. Whilst the migrant domestic worker required an initial sponsor to confirm there was an offer of employment, the visa did not bind the employer and employee together but rather tied the employee to the domestic work category. Thus, the worker was free to change employers' as desired, as long as all employment took place within the field of domestic work. The visa was typically issued for a period of twelve months after which time the

visa could be renewed. This visa did not require the employee to reside at the employer's home, and local labor laws applied to holders of this visa. In parallel, measures to compensate the employer's financial contribution were explained. Specifically, should a migrant domestic worker wish to terminate the contract (for reasons other than abuse and/or exploitation) the worker (or their new employer) would be required to pay back recruitment and placement fees incurred by the employer, on a pro-rata basis.

The respondents in our study were subsequently asked if they would support the implementation of a similar system in Lebanon, with 65% of employers indicating that they would. Likewise, 34.5% of respondents supportive of the employment category based visa stated they preferred this system as it protects the rights of the employer (including their financial investment), whilst 33.1% reported they were supportive of this system as it more adequately protects the rights of migrant domestic workers. The remaining 32.4% reported they would support the employment-category based visa as it is advantageous for both parties. These results indicate that Lebanese employers would be more amenable to supporting an alternative to the kafala system if adequate information was available about models that protect both migrant domestic workers' rights and employers' financial contributions.

Of the 35% of respondents who indicated they were not supportive of an employment category based visa, 41.1% stated this was because a Lebanese person should be responsible for each foreign worker within Lebanon. Another 19.2% of respondents reported that they did not support it as they preferred a third party to undertake the recruitment process. Also, 39.7% of respondents thought that such a visa system would create instability in the employment relationship as the employee could resign at any time. Given the significant number of respondents who articulated concerns regarding employee turnover, future campaigns would be wise to address this. Such campaigns could highlight that currently the initial contract is typically for a two-year period after

which time the migrant domestic worker is able to return to their country of origin and subsequently come back to Lebanon to work for a different employer. However, anecdotal evidence indicates that migrant domestic workers are more likely to remain with the same employer for the duration of several consecutive contracts.

The study found that those belonging to a younger cohort are more likely to support the employment-category based visa with supportive respondents being on average 38.3 years of age, whilst those not supportive were on average 43.2 years of age.

THE LEBANESE LABOR CODE

The study also found a significant 77.9% of respondents were not supportive of the coverage of domestic work by the Lebanese Labor Code. Of them, 33.1% indicated that the benefits granted to workers covered by the Lebanese Labor Code would render domestic services unaffordable. A further 46.1% of respondents not supportive of the inclusion of domestic work under the Labor Code reported that they held this view as migrant domestic workers are not Lebanese and therefore should not be afforded the same rights as Lebanese people. Respondents expressed renewed concerns that extending labor rights to migrant domestic workers would increase the likelihood that Palestinians would be afforded similar rights and that such rights would lay the foundation for the eventual right to citizenship for Palestinians residing in Lebanon. Respondent's perspectives are reflected in the below employer statement:

"No (the kafala system should not be changed). For political reasons. Palestinians don't have this right, this suggestion worries me".

It is interesting to note that whilst the Lebanese Government asserts that domestic work cannot be included under the Labor Code as it occurs in the private sphere, employers' themselves did not articulate such views. The attitudes expressed by employer respondents highlight pervasive racism within Lebanese society where foreigners are not considered entitled to minimum rights. Employer

statements included:

"A Lebanese worker is not earning the minimum wage; you want a "maid" to get paid like a Lebanese? I wouldn't pay her that much. Besides in her country USD 200 is a lot of money."

"It wouldn't be fair for the Lebanese to be equal to migrant workers and to get the same salary."

"My kids are Lebanese from a Lebanese father and a Lebanese mother and they are hardly paid. You want the migrant worker to be equal to my kids? No!"

"Of course not! Priority must go to Lebanese workers. People are angry because Syrians are stealing all of the jobs. Now you want an Ethiopian and a Filipino to get minimum wage."

These opinions indicate a lack of awareness that the Labor Code covers everyone employed in Lebanon (of both Lebanese and foreign nationality). However the Labor Code excludes two occupations - domestic and agricultural work.

The influx of Syrian refugees as a result of the Syrian conflict has also exacerbated the hostility experienced by all migrants, including migrant domestic workers. Due to the porous border agreements between Lebanon and Syria, Syrians fleeing the conflict in their country are able to take up work in Lebanon without a work permit (for a period of six months after which time they are eligible for an annual work permit for \$200USD). Due to their crisis situation, Syrians are often willing to work for low wages. Popular Lebanese sentiment expresses widespread concern that the increased competition for jobs and the willingness of Syrians to work for low wages will both drive wages down and squeeze Lebanese citizens out of the job market. Employer respondents often expressed racist and xenophobic attitudes towards Syrians and subsequently justified the denial of labor rights for migrant domestic workers on the grounds that extending rights to one category of foreign workers (migrant domestic

workers) would risk encouraging other foreigners, specifically Syrian refugees, to seek work in Lebanon. This sentiment further demonstrates a misunderstanding as to why migrant domestic workers are excluded from the Labor Code. Efforts must be made to inform the public that migrant domestic workers are excluded from it based on the type of work they undertake rather than their status as foreigners. Employer racism is further demonstrated by the 5.3% of respondents who reported that migrant domestic workers do not have the capacity to manage the rights afforded under the Lebanese Labor Code.

Of the 22.1% of respondents that indicated support for the inclusion of domestic work under the Lebanese Labor Code, 87% stated they support such change on the basis that domestic workers deserve adequate labor rights and a fair wage. Similarly, the research findings demonstrate that younger respondents are more likely to support the inclusion of domestic work under the Labor Code. The average age of support for inclusion was 36.6 years of age, in contrast to an average age of 42.3 years for those who were unsupportive of such a change. These findings indicate the benefit of tailoring advocacy and awareness campaigns to a younger demographic as their support for the advancement of migrant domestic workers' rights is more likely to be achieved.

RECOMMENDATIONS

TRAINING AND SUPPORT

Whilst much emphasis has been given to the training and support needs of migrant domestic workers (as evidenced by the numerous vocational training courses available in traditional origin countries such as the Philippines and Sri Lanka), there has been little to no attention to the support and training needs of employers. The research revealed that employers need more support prior to the arrival of the employee and during the initial period of employment. The sector must identify innovative methods for providing training and support. Courses

should be established that inform employers of all stakeholder's rights and responsibilities. This training should specifically target employers' lack of awareness of the terms and conditions of the Standard Unified Contract. Training is likely to increase recognition that the employer-migrant domestic worker relationship is primarily a working one. Moreover, the research findings revealed a relationship between increased awareness of the SUC and observance of other migrant domestic worker rights, specifically the worker's possession of her passport. Thus, training could have far reaching positive and unintended consequences. Further, the capacity to work within a cross-cultural context has long been recognized as a specific skill set, yet limited training or awareness material has been developed explicitly to assist employers negotiate this element of the working relationship. It is anticipated that the provision of employer cross-cultural training within the initial employment period is likely to decrease frustration and conflict. Additionally, as many employers of migrant domestic workers have not previously supervised staff, basic human resource management training and material should be developed for employers. The report also indicates that both migrant domestic workers and employers have limited awareness of support mechanisms available to them. Further research should be undertaken to ascertain why migrant domestic workers reported such a low awareness of support services. Specific research should identify the most effective methods of communicating such information to both employers and migrant domestic workers. It is anticipated that in-home mediation services are likely to increase awareness of available support mechanisms. However, unless such mediation is made mandatory during the initial employment period, innovative campaigns and material must be developed to reach all employers and migrant domestic workers.

LEGAL AUTHORITIES

The Lebanese agencies responsible for ensuring that migrant domestic workers' experience fair working and living conditions whilst in Lebanon, must take the necessary actions to improve migrant domestic workers' understanding of, and



confidence in, their capacity to ensure workers' rights are protected. Lebanese authorities must work from the premise that all people are equal before the law and such notions should be promoted throughout their work. Training should be provided to Internal Security, General Security and judicial personnel to assist them to identify and eliminate racist, sexist and classist practices.

EXPLOITATION AND ABUSE TRENDS

The identification of the trend of multiple offenses perpetrated against migrant domestic workers is an important insight for NGOs and actors that support migrant domestic worker rights. Further research should be undertaken to confirm if evidence of one abuse or rights violation is a risk factor/indicator of other abuses. If confirmed, such information can inform the risk assessment framework used by support workers. Additionally, such evidence can be used for earlier and more intensive intervention within employer-employee work relations. This may be in the form of mediation or official investigations.

The research findings presented herein indicate that over half of employers interviewed support changes to the kafala system. This increased to approximately two thirds of employer respondents after the employment category-based visa and pro-rata reimbursement of fees system was explained. Employers particularly expressed support for an alternative model that reduced the level of employer responsibility. However, such support is largely dependent on assurances that employers will not be significantly financially disadvantaged under any new system. Informative material must be developed to raise employers' awareness of functional employment models other than the kafala system. Advocacy and awareness campaigns could highlight the reduced responsibility of employers under an employment category-based visa for migrant domestic workers. For example, employers would no longer be named on the migrant domestic worker's work visa, would not be responsible for renewing the visa and would not be required to report the termination of the contract (due to the migrant domestic worker quitting for example) to

the authorities. Additionally, awareness campaigns and materials must explain how alternative models can equitably compensate employers for fees incurred. Such campaigns are likely to have a cogent impact on a migrant domestic worker's right to withdraw her labor and to freedom of movement.

Currently, the kafala system largely consists of a number of administrative decisions and decrees issued by General Security. Whilst a lack of legislative protection places migrant domestic workers' working and living conditions in a precarious situation, a benefit is that improvements can be secured without requiring parliamentary endorsement. This must be interpreted as a significant advantage given the current political instability within Lebanon and the government's emphasis on internal security (heightened by the conflict in neighboring Syria). Lobbying and advocacy campaigns must be crafted to boost General Security's willingness to issue administrative decisions and decrees that substitutes the kafala system with directives in support of migrant domestic workers' human and labor rights. Furthermore, training must be provided to General Security personnel to ensure they have the technical skills to both design and implement such regulations.

Certainly administrative decisions and decrees, even the most positive ones, can't replace legislation that is stable and final and protects the rights of domestic workers.

This report exposed the link between the hesitancy to grant greater rights and protection to migrant domestic workers and fears about the extension of rights to other foreigners within Lebanon, specifically refugees. An assessment must be launched to determine how to respond to this association. There is benefit in unifying causes and demands across marginalized groups, however unifying causes requires broader demands and therefore progress can be sluggish. This is particularly relevant when considering synergizing the demands for migrant domestic worker rights and the demands of the rights of

Palestinians within Lebanon, given the historical and contemporary sensitivity of this issue.

The research findings determined that younger employers are more likely to be supportive of alternatives to the kafala system that better protect migrant domestic worker rights. Further research should be undertaken to identify the younger cohort's level of support for alternative systems (that benefit migrant domestic workers) in comparison to an older demographic. If the results reveal a meaningful difference in levels of support, campaigns and awareness material should be specifically targeted to leverage younger employers' propensity to endorse rights-based changes to the system.

THE CARE AND PROTECTION DISCOURSE

Future campaigns must challenge the discourse of care and protection engaged to justify the violation of migrant domestic workers' rights. This discourse is sustained by both Officials (during private and public events and press conferences) and the mainstream Lebanese public, thereby normalizing such perceptions. Campaigns must emphasize that the relationship between employers and migrant domestic workers is fundamentally a working one and therefore the minimum rights afforded should be in accordance with all standard working relationships.

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