

Roundtable Discussion

Inclusive Workplaces and Policies: Shaping the Future of Lebanese Labor Law and Ensuring Diversity, Equality and inclusion in the Workplace in time of crises

Wednesday, 23 October, 2024

Hour: from 10:30 to 12:30

Online Roundtable Discussion on zoom

Introduction

The Lebanese League for Women in Business (LLWB) is a non-profit organization founded in 2006. It is a socio-economic, apolitical, non-religious association bringing together professional women and providing them with a platform that aims to support women in business and women in the workforce to “take the lead and succeed”. This is achieved through the design and implementation of development programs, mentorship, and access to funding programs for women entrepreneurs and business owners. LLWB also works in partnership with the private sector as well as with key decision makers in the public sector and in partnership with several local and international organizations to achieve its mission. It conducts programs in Beirut, North Lebanon and Beqaa, and has over 769 members among its network including business owners, employees, entrepreneurs, independent professionals, and students.

In addition, LLWB operates as per four main pillars of interventions: Transformational Learning and Development, Access to Business Networks, Community Engagement, and Advocacy and Social Change. These pillars are the key framework of LLWB current activities. Through its pillar related to advocacy, and in order to bring social change, the Lebanese League for Women in Business has been working since its inception on amending the labor law to ensure it is compliant with International standards and that it respects the rights of all to a workplace free of all forms of violence, as well as it comprehends articles aiming at retaining, promoting and ensuring the rights of all workers at works.

Through its collaboration with KAS, LLWB in 2024 is working on amending discriminatory legislation in Lebanon and gathering recommendations from a pool of various stakeholders on issues aiming at enhancing women economic empowerment and inclusion of all in the workplace, as per LLWB’s mission and vision.

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In this regard, LLWB is organizing a roundtable discussion with specific stakeholders to get their input in regard to the main amendments needed in the labor law and the policies that could enhance women's economic participation, especially in light of the **ITUC Global Rights Index 2024** report according to which Lebanon is behind and lacking main rights for workers¹. Due to the crises and war that Lebanon is facing this concept note was amended to also cover the policies that could be taken during time of crises and war.

Background and Rationale

The Lebanese Labor Code of 1946 (the “**Labor Code**”) provides to some extent a level of protection to employees in Lebanon regarding child labor, working hours and leaves, salary, unlawful dismissal and health and safety regulations. Additional provisions related to workplace accidents were also enacted considering the failure to adopt the necessary decrees for the implementation of the Social Security law provisions pertaining to workplace accidents and occupational diseases. Furthermore, amendments to the Labor Code were introduced to address some gender disparities in the workplace. In that perspective, article 26 of the Labor code was amended by virtue of Law number 207/2000 to prevent gender-based discrimination at the workplace and article 28 of the Labor code was amended by virtue of Law number 267/2014 increasing the maternity leave for female employees which is currently provided for a period of ten weeks. The Law number 220/2000 on the rights of persons with disabilities also includes provisions related to equal opportunities at work and Law number 205/2020 on the criminalization of sexual Harassment and rehabilitation of its victims aggravates the sentence in the case of sexual harassment committed in the context of an employment relationship or if the offender has material, moral, functional or educational authority over the victim or uses severe psychological, moral or material pressure in committing the offence to obtain a benefit of a sexual nature.

However, despite these amendments, the Labor code and labor related legislation fall short of ensuring diversity, equality and inclusion in the workplace. Indeed, article 7 of the Labor code excludes from its scope of application various categories of workers such as domestic workers in private houses, workers for non-commercial and non-industrial agriculture corporations as well as family workers employed in a solely family establishment under the management of the father, the mother or the guardian. Furthermore, labor related legislation still does not include any clear procedures that may be initiated to address discrimination and sexual and moral harassment at work. Employees lack protection against occupational diseases, labor institutions which aim to ensure practical protection and the equal access to the labor market have proven to be inefficient and inaccessible and employees' unions have been subject to the prior authorization of the minister of Labor. Finally, working conditions related to the protection against sexual harassment at work are still insufficient as no specific obligations for the employer to abide by to prevent sexual harassment in the workplace have been imposed.

These shortcomings have translated in the lack of social protection which is supposed to be partially achieved via labor related legislation. According to the CAS & ILO, “In January 2022,

¹ The 2024 ITUC Global Rights Index, <https://www.ituc-csi.org/ituc-global-rights-index-2024-en>.

the Labour Force Participation Rate (LFPR) was 43.4% in Lebanon, indicating that less than half of the working-age population were either working for pay or profit, or seeking employment. The male labour force participation rate was 66.2%, significantly higher than the female rate of 22.2%. The youth labour force participation rate was 34.3%, considerably lower than the rate for adults at 46%, as young people are often in education”². Furthermore, it has been demonstrated that female workers in Lebanon earn 16%-19% on average³, less than their male counterparts (taking into account the human and social capital). Moreover, according to various studies, the Lebanese labor legislation has still various discrimination against multiple stakeholders⁴: it singles out women, “coupling them with children” and “imply[ing] that adult women are perceived as juvenile figures, which is a notion that is codified and reflected in the law”⁵. It also specifically undermines the protection of foreign workers as “the Lebanese Labor Law proves to be particularly blind to the needs of women from foreign nationalities, especially domestic workers and refugees (...): ‘foreign workers are taken advantage of in the jobs they do, especially in the agricultural domain’”⁶.

Gender gaps in the distribution of unpaid household and care work

Gaps remain in promoting equitable distribution of caregiving duties within the family and recognizing household and care work as valuable labor⁷. These gaps are also reinforced by the current Labor Code provisions regarding parental leave and women labor. Indeed, though progress has been achieved by increasing the paid maternity leave period to 10-week leave in April 2014 by the Lebanese Parliament, such period still falls short of the ILO’s international standards, which mandates for a minimum of 14 weeks⁸. Additionally, the discussions on the “provision of only 3 days of paternal leave”⁹ in Lebanon, underscores a broader issue of inequality, highlighting the disparity between maternal and paternal leave policies and importance given to care work. This situation emphasizes the need for expanded “parental leave”. Indeed, such expanded “parental leave” would not only allow for a more balanced sharing of family responsibilities between both

² CAS & ILO, “Lebanon Follow-up Labour Force Survey – January 2022”.

http://www.cas.gov.lb/images/Publications/LFS_2022/Fact%20Sheet%20-%20Follow%20Up%20LFS%20Lebanon%202022.pdf.

³ Harb, N., & Rouhana, T. (2020, September 2). Earnings and gender wage gap in Lebanon: The role of human and social capital. USAL. <https://www.tandfonline.com/doi/full/10.1080/00036846.2020.1745750>.

⁴ Bouakl C., Chemaly R., Legal Women’s Rights in the Workplace, A comprehensive report for trainers, LLWB, Lebanon, January 2024

⁵ ILO, Labor law of Lebanon Explained,

<https://web.archive.org/web/20170517031517/http://www.ilo.org/dyn/travail/docs/710/Labour%20Code%20of%202023%20September%201946%20as%20amended.Publication%202010.pdf>.

⁶ Gender Analysis of the Lebanese Legal System, Policy brief 2020, <https://www.efi-ife.org/en/pdf-detail/94860-policy-brief-gender-analysis-of-the-lebanese-legal-system>.

⁷ LLWB is cooperating and leading on a study that is being conducted by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in collaboration with various entities, experts, and local NGOs, including the Lebanese Organization for Studies and Trainings (LOST), Lebanese League for Women in Business (LLWB), Lebanese American University’s Arab Institute for Women (LAU-AiW), The Rural Initiative (TRI), and Dr. Nouha Ghosseini. The aim of the study is to understand the realities of domestic work, volunteering, and care work. By identifying and understanding the main challenges and burdens faced by women, the study will provide recommendations and strategies to address care work in Lebanon and propose practical solutions to improve the lives of those involved.

⁸ International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183), article 4: “a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks”.

⁹ The 3-day paternal leave was approved by the Council of Ministers; however, it has not yet been adopted by Parliament.

women and men, but would also drive for a more sustainable business success as these measures encourage more women to enter the Lebanese workforce¹⁰.

Traditions and gender roles reflected and mirrored in the labor law

The labor and social security relevant legislation inherently embodies significant gender-based biases. For instance, despite the landmark reforms that have been introduced by Law number 323/2023 and which provide for more equal treatment for working men and women regarding social protection, paragraph (1)(a) of article 47 of the Social Security Law executed via Decree number 12539 dated 16 April 1963 still considers that family and schooling allowances for a child fall to the father (the male employee) over the mother (the female employee) unless the guardianship of the children is exclusively allocated to the mother. This provision reflects traditional gender roles and does not equally recognize the role of female employees as potential breadwinners. Furthermore, article 27 of the Labor Code prohibits women from working in several industries listed in Annex 1 such as underground mining. It is important to note that this provision, aimed at protecting women from dangerous fields, could be nuanced by restricting such prohibitions to only pregnant and nursing women instead of prohibiting it for all women, similar to the Directive 92/85/CEE of the European Union¹¹.

In addition to the above, although women, in general, encounter various limitations within the law, vulnerable groups of women are particularly targeted. As stated above, article 7 outlines that domestic workers and agricultural workers are excluded from the Labor Code, limiting their access to social protection and increasing their risk of exploitation. Studies have found that 52% of female migrant domestic workers in Lebanon reported psychological abuse by employers, 14% reported physical abuse by employers, 31% experienced forced confinement, and 99% had their passports confiscated by employers or others¹². Agricultural women workers, like their domestic counterparts, are left without crucial legal protections, making them vulnerable to forms of exploitation and abuse. In fact, gender gaps prevail in agricultural wages with women often earning two-thirds to half of the men's wage for the same work, hours and efforts¹³. These challenges and "the importance of implementing family-friendly labour policies and their impact on the family,

¹⁰ Fakhri, A. (n.d.). *The provision of family-friendly work practices in Lebanon: Challenges and consequences for the private sector*. Lebanese American University, Arab Institute for Women. <https://aiw.lau.edu.lb/images/White%20Paper.pdf>.

¹¹ European Communities Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

¹² Human Rights Watch. (2010, September 16). Without protection: How the Lebanese justice system fails migrant domestic workers. Retrieved from <https://www.hrw.org/report/2010/09/16/without-protection/how-lebanese-justice-system-fails-migrant-domestic-workers>

United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). (2023). *Women in the agro-food sector in Lebanon: A review of the legislative framework*. psdp-legislativeframework.pdf (unwomen.org), Page 11.

society, economy and business, given their role in the adoption processes” were highlighted on multiple occasions¹⁴.

Menopause characteristics: a need to consider for full inclusion of all

Under the Lebanese labor law, workers are protected from discrimination on the basis of protected characteristics including disability, age and sex. If menopause amounts to negative symptoms, which is the case of 73% of employees surveyed by Chartered Institute of Personnel and Development found in 2023¹⁵, an employer will be under a legal obligation to make reasonable adjustments as a measure to prevent discrimination at the workplace. In its article related to employment law and menopause it is important to note that authors are tackling menopause as indirect discrimination facing women, where firms and companies have gender blind and neutral policies¹⁶. Media and the public discourse since the Covid Pandemic¹⁷ have shed light on the need for firms to support menopausal workers. Reflection on such a topic will encourage more people to delve into policies regarding this issue.

Adjustments such as flexible working hours and increasing breaks if needed, could be helpful in order to manage menopause symptoms being experienced and their impact at work. Not only is this needed, but it is also key, given Lebanon's commitment to international agreements designed to ensure the security and wellbeing of workers and their families. Indeed, as highlighted by the Equality and Human Rights Commission (EHRC) in the UK¹⁸, menopause symptoms can be considered a disability if they substantially impact daily activities, requiring employers to make necessary workplace adjustments.

Hybrid, Flexible time and result orientation

Flexible work hours have an impact on employees' productivity and overall workplace satisfaction. Contrary to common assumptions, flexibility in scheduling does not necessarily lead to increased absenteeism. In fact, according to Dalton and Mesch (1990)¹⁹ as referenced in Dr. Ali Fakhri's research²⁰, such flexibility reduces absenteeism. Additionally, it is essential to acknowledge the

¹⁴ see for example the workshop organized by ESCWA and the Lebanese Women and Children Parliamentary Committee in June 2024, the proceedings of the ESCWA and Parliamentarian Committee (Women and Children), 2024, <https://www.unescwa.org/events/supporting-law-bills-flexible-work-and-family-friendly-labour-policies>.

¹⁵ Chartered Institute of Personnel and Development (CIPD). (2023, October). *Menopause in the workplace: Employee experiences in 2023*. [Menopause in the workplace: Employee experiences in 2023 \(cipd.org\)](https://www.cipd.org).

¹⁶ Langevin, L. (2023). Miroir, miroir, dis-moi qui est la plus jeune ? La ménopause comme critère d'entrée dans la vieillesse pour les femmes : réflexions juridiques. *Les Cahiers de droit*, 64(1), 157–187. <https://doi.org/10.7202/1097340ar>.

¹⁷ Ali Abbas Ahmadi, Firms must help menopausal workers, or face being sued, 22 February 2024, BBC News, <https://www.bbc.com/news/health-68366519>.

¹⁸ Badshah, N. (2024, February 22). *Employers must make 'reasonable adjustments' for women going through menopause*. The Guardian. Retrieved from <https://www.theguardian.com/society/2024/feb/22/employers-must-make-reasonable-adjustments-for-women-going-through-menopause>

¹⁹ Dalton, D. R., & Mesch, D. J. (1990). The impact of flexible scheduling on employee attendance and turnover. *Administrative Science Quarterly*, 35(2), 370-387. Sage Publications, Inc. on behalf of the Johnson Graduate School of Management, Cornell University. <https://www.jstor.org/stable/2393395>.

²⁰ Fakhri, A. (n.d.). *The provision of family-friendly work practices in Lebanon: Challenges and consequences for the private sector*. Lebanese American University, Arab Institute for Women, Page 26.

benefits of flexible work time for women. According to Scandura et al. (1997)²¹, women working in firms with flexible working hours tend to have higher job satisfaction compared to those in firms without such flexibility, which can lead to better firm performance. Furthermore, the rise of hybrid work models during the COVID-19 pandemic offers additional flexibility for which “employers must design effective communication protocols with employees and establish operational schemes that fit their unique business model”²².

It is in that perspective that the labor related legislation as well as work structures and policies should be amended for more flexible timing and hybrid work solutions that are better results oriented.

LLWB wishes to gauge and check with its partners and various stakeholders from Academia, private sector and NGOs, what could be done to ensure that the labor legislation will address the described obstacles and gaps mainly during time of crises and war to ensure effective economic inclusion for all and not leaving anyone behind.

Agenda

10:30-10:45 Welcoming and Introduction Presentation of the meeting and expected Outcomes (by LLWB and KAS)

10:15-11:15 Presentation of the labor law and its implication on the inclusion of women from a gender Lens (by Youmna Makhoulf)

11:15 – 11:45 Open discussion: Main recommendations from the participants on the necessary law amendments from a gender perspective and practical steps that can support the formalization process of having a flexible workplace mainly in times of crises and war (by Youmna Makhoulf and LLWB).

11:45-12:00 Concluding remarks (by LLWB), way forward and Networking

Aim and Objective of the roundtable

LLWB aims to organize a roundtable discussion with stakeholders from the Academic, NGO, and private sector and some public institutions, with the aim to discuss the needed and possible amendments to be made to the labor law and or internal procedures of private and public companies in Lebanon to ensure economic inclusion of all and not leaving anyone behind.

<https://aiw.lau.edu.lb/images/White%20Paper.pdf>.

²¹Scandura, T. A., & Lankau, M. J. (1997). Relationships of Gender, Family Responsibilities, and Flexible Work Hours with Job Satisfaction and Organizational Commitment. *Journal of Organizational Behavior*, 18(4), 377-391. [Relationships of Gender, Family Responsibility and Flexible Work Hours to Organizational Commitment and Job Satisfaction on JSTOR](#).

²² Fakhri, A. (n.d.). *The provision of family-friendly work practices in Lebanon: Challenges and consequences for the private sector*. Lebanese American University, Arab Institute for Women, Page 26.

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This roundtable is organized by LLWB in partnership with KAS (Konrad-Adenauer-Stiftung) as LLWB, is conducting a multisectoral dialogue program aiming to amend discriminatory policies and procedures in Lebanon.

It shall be based on a participatory approach to address the impact of compounded crises on women's economic participation and its impact on women-led businesses in Lebanon. The multisectoral dialogue program that LLWB leads focus on both the formal and informal sectors and aims to propose amendments for policies to be inclusive and gender aware. The dialogues have various themes that LLWB has already been advocating for years to ensure sustainability, and cumulative of the work. This roundtable is related to how to improve the workplace and the labor laws, another roundtable is related to how to combat sexual harassment and for Lebanon to ratify convention 190 of ILO and its 206 recommendations. These roundtables feed into the advocacy work of LLWB, to ensure gathering multiple stakeholders input on main key topics it LLWB is advocating for. It is important to note that LLWB is continuing to work also on the Women on Boards Journey, and is organizing also various roundtables with experts and partners to ensure the commitment to the women on boards journey is scaled up.

Roundtable's Expert: Youmna Makhlof | Lawyer & Researcher
Youmna is a lawyer and researcher. Her publications and research focus on labor, social protection, gender, identity, nationality, family, personal status and religious laws. Youmna is also a Lecturer at the Faculty of Law at the Saint Joseph University of Beirut. She holds a PhD in law from the University of Paris II Panthéon-Assas. Her dissertation explores the identity of the individual in Lebanese private law.

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