

# Working Women in Lebanon

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Social legislation in Lebanon does not date back a long time. It is contemporaneous with the industrial development just prior to and after World War II.

Clauses 624-656 of the Law of Obligations and Contracts are the only ones that deal with workers and labor, since economic activity used to be restricted to agriculture. But due to economic prosperity, economic openness, commercial exchange, and the mainstream economic ideas that advocate economic justice and industrial advancement, the need to adopt new laws to organize the conditions of workers and labor emerged.

Thus, labor legislation and the legislations supplementing it have come into existence: These are:

- The Lebanese Labor Law issued on September 23, 1946 with its seven chapters, two supplements, and preliminary provisions which designate the employer, the hired individual (employee or worker), the intern, the syndicate, and the institution.
- The Law of the Organization of Syndicates under Decree 7993 issued on April 3, 1952.
- The Law of Social Security issued on September 26, 1963 under Decree 13955 and its attempt to provide communal and social security.

It should be pointed out that labor, social security, and syndicate organization laws are restricted to work within the private sector and some public institutions, and do not include government employees and the public sector. If we were to discuss the status of women under the 1946 Lebanese Labor Law — whose provisions do not clearly distinguish between men and women as the pres-

ence of women in the labor force back then was meager — we find that its provisions adopted the principle of gender equality in case of equivalence of employment. And when the minimum wage was adopted in the years 1941, 1942, and 1943, the law made equal the remunerations of women and men whenever they were undertaking the same employment.

The decree issued in this respect in 1965 clearly calls for the application of the law to all employees (male and female) when women undertake the same job as men.

The Labor Law has put into action specific measures that legally protect workers of both genders and specific measures that protect female workers only (Articles 21-30).

We have the following remarks about this:

Protective measures for female workers were taken, alongside protective measures for juveniles. This is an indication that the law views females, even when of adult age, as minors:

- The law prohibited employing women at night.
- The law allows a woman to leave her job due to marriage without specifying her period of absence. This confirms the legislator's view that her job is unnecessary and that her household duties take precedence over her work outside the home.
- The law prohibits employing women in certain industries (first supplement to Article 43).
- The employer must provide a minimum one-hour break at noon whenever the work hours exceed five hours a day for women and six hours a day for men. We contend that this provision should include all workers and not just women.

- The requirement to sit down during breaks for female employees whose work requires their being in a standing position.
  - Fully paid maternity leave — regardless of the worker's contract type — that lasts for at least 40 days, 30 of which must be postnatal. This leave is independent of the annual and other vacations.
- It must be mentioned that the Labor Law excludes domestic and agricultural workers.

The Lebanese government has ratified the Convention on the Elimination of all Forms of Discrimination Against Women which states in Article 11, about which there are no reservations whatsoever, that:

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

1. The right to work, the right to the same employment opportunities, to equal remuneration including benefits, the right to social security, and to protection of health...
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
  - To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status
  - To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances
  - To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities
  - To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article are to be reviewed periodically.

In 2005, as part of the implementation of this treaty in Lebanon, and as a result of the request of civil society to amend the Labor Law to correspond with the provisions of this convention and other international labor treaties that Lebanon has ratified, a number of amendments were made through Law 207. Although these amendments are not sufficient, they constitute commendable progress. The amendments include the following:

- The provision of Article 26, which forbade women from working at night in the industrial sector, was annulled. It was replaced by a provision that clearly prohibits any gender discrimination between workers concerning employment type, remuneration, employment, promotions and advancements, vocational training and attire.

- Article 29 was amended to extend the maternity leave from 40 days to seven fully paid weeks. This includes the pre- and post-natal periods, but still falls short of the maternity leave of the female employee that reaches two months in countries like Yemen. It also falls short of the period specified by the Fifth Arab Labor Treaty which is at least ten weeks. The period is also shorter than the period specified by the 103rd International Labor Treaty, which Lebanon has not ratified to date, and which specifies a period of at least 12 weeks, no less than six weeks of which is after birth.

- Article 52 of the Labor Law, used to prohibit the issuance of a dismissal warning to a pregnant working female until she is five months into her pregnancy. This prohibition now covers the period falling between the beginning of the pregnancy and the worker's return from her maternity leave.

Although we welcome these amendments, we insist that they be coupled with certain follow-up procedures and amendments including:

- Ratifying all Arab and international labor treaties pertaining to the rights of female workers (for example: The Fifth Arab Labor Treaty and the International Labor Organization 103rd Convention.)
- Raising the work age of male and female juveniles so that it is forbidden to employ them before they are of age
- Separating between the rulings for women and for juveniles, due to the difference between the needs for protection for each
- Reducing the protective measures not relating to maternity, because exaggerated protection may become counter-productive to women's interests, especially when employers stop making use of their services
- Unifying protective measures to include both males and females
- Allowing part-time shifts for both genders
- Taking punitive action against sexual harassment by superiors and co-workers
- Considering maternity a social duty whereby renewal of generations is necessary for the existence of a society and its continuation. The government and the social security fund should bear the cost of women's wages during their maternity leaves. This would encourage employers to hire them.
- Encouraging women to take part in syndicates through enacting a quota system in the executive councils of those syndicates.

We are aware that gender discrimination used to take place during the implementation of laws and that it still does. Even if no anti-discrimination provisions exists, what is required is changing the mentality of society on one hand, and women's efforts exerted in proving their capabilities and qualifications in the work field, on the other hand.

Translated by Ahmad Ghaddar