

**LEBANESE AMERICAN UNIVERSITY**

Class Interest and the Kafala System in Lebanon

By

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## **Dedication**

I would like to dedicate this paper to my advisor Dr. Paul Tabar who showed a high level of continuous guidance throughout my journey and my work on this thesis.

This wouldn't have happened without the support of my family, MEPI, Mrs Dina Abdul Rahman, Mrs. Line Samaha, and Maya Sfeir. A big Thank You for their continuous support and belief in me.

# Class Interest and the Kafala System in Lebanon

Rasha Shalha

## ABSTRACT

The Kafala system is a form of sponsorship for migrant workers that wish to work within another country. This system is most prevalent in Arabic countries where a great number of workers are needed for industries like oil and production. However, many feel that the strict stipulations of the Kafala system gives too much power to local sponsors over migrant workers and may inhibit their freedom of choice. Other argue that the Kafala system is a necessary economic structure, bringing essential employees to the work force and reinforcing the middle-class economy. By interviewing sponsors who use the Kafala system within the country of Lebanon, information revealed indicates that this system, while with its faults, remains an integral part of the economy. By better understanding the need for the Kafala system within Lebanon, one can better approach the human rights concerns in law and social context.

Key Words: Lebanon, Kafala system, Middle-class, Class Interest, Migrants

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## **List of Abbreviations**

CSOs: Lebanese civil society organizations

FENASOL: National Federation of Worker and Employee Trade Unions in Lebanon

FLA: Fair Labor Association

ICCPR: International Covenant Civil and Political Rights

ILO: International Labor Organization

ITUC: international trade Union Federation

IWW: Industrial Workers of the World

IRB: Institutional review board

LAU: Lebanese American University

# **Chapter One**

## **Background Information**

### **The Origin of the Kafala System**

There are large numbers of immigrants seeking refuge and employment in Arabic countries. As Lebanon (2020) observes, most of these are from regions close by and, often, from the war-torn areas, thus ruling out their possibility of returning home. Simultaneously, due to the economic crisis in some of these areas, many employers are more prone to seek out cheap labor sources. Eventually, this drives them towards reliance on immigrant workers relative to the domestic ones, who are relatively more expensive. In this context, the Kafala system plays a central role in finding cheap labor to help the economy. Essentially, the Kafala system allows for migrant workers' sponsorship, thus acting as an assistant labor model (Bajracharya & Sijapati, 2012).

While Jureidini and Fares Hassan (2019) observes that the Kafala system is reliant on sponsorship, there have been reports on recent growth on criticisms to the system with different groups monitoring the unfair distribution of power between the employer, sponsor, and migrant workers (Bajracharya & Sijapati, 2012). For most, especially women, there are points of vulnerability such as poverty, foreign status, and racial discrimination, easing exploitation by individuals, institutions, and even government officials. However, while the system is being reputed due to human rights concerns, it has been hailed as a means of generous economic support (Assouad, 2017). Given that the workers are an integral part of the Lebanese workforce, they facilitate the middle-class's status. With the calls for its abolishment, the economy is poised to receive a significant blow.

Given the different economic and human rights perspectives, the Kafala system contains benefits and unintended negative consequences. As such, the paper seeks to conduct an in-depth review of the direct and indirect beneficiaries of the Kafala system regarding immigrant laborers in Lebanon. Ideally, the research seeks to facilitate comprehension of the reasons behind the absence of government policies addressing the system's issues. In the thesis, the primary focus will be on the Kafala system within the Lebanese context. Through an interview of different sponsors with firsthand experience, the paper will endeavor to explore the system's controversies while highlighting the benefits gained by the middle-class in the region.

As such, the economic significance of the Kafala system should be scrutinized for cognizance of its permanence. Granted, the research has vital implications for policymakers. Given concerns over human rights violations, the Kafala system, as Jureidini and Fares Hassan (2019) observes, maintains its economic significance. By exploring these factors, one will gain insight into the existing problems, thus easing the process of finding solutions. Fundamentally, the policy relevance is rooted in determining its prolonged operation devoid of regulation and understanding the people benefiting directly and indirectly.

## **1.1 Research Questions**

Studies on the plight of migrant workers have assumed a generic view often from the perspective of the migrants. As the review of the literature will show, the case for Lebanon's immigrant labor force is inferred from these sources and widely deductive. However scant the information is, there are still scholars pointing out to the Lebanese situation. As such, the research seeks to address different questions surrounding the Kafala system. These are:

1. Why the Kafala system is still maintained in Lebanon?

2. In whose interest the Kafala system to be maintained in Lebanon?
3. In what way are the immigrant workers affected by the system?
4. What changes should be introduced to the Kafala system?

According to Tabar (2010), the migration of a sizeable portion of the Lebanese population has created a gap calling for dependence on migrant workers. Through the review of the existing literature, the paper will explore the current state of the Kafala system from the perspective of its initiation. It can be deduced that the conditions facing domestic migrant workers in Lebanon are fostered by the need to have foreign workers in society. However, managing the presence of these foreign workers in Lebanon has been faulty right from the onset. It seems that the sponsorship program or Kafala system directly supports the class structure of the Lebanese population. The formulation of the research questions seeks to determine the validity of the observation (Buckley et al., 2016).

Fundamentally, the research was born out of a need to offer scholarly information on the influence of the class structure in Lebanon. Mainly, the approach evaluates the social impact towards the continued maintenance of foreign domestic workers and the influence on present disparities in labor relations. Fieldwork conducted in various organizations and levels of management in both the service and industrial sectors will help to analyze the impact that non-Lebanese workers have on the social structure. Investigative reports from these findings will facilitate the comprehension of the evolution of the labor force in Lebanon as well as examine the contribution of domestic workers to the labor force. A useful insight will be undertaken into the recruitment process of the Kafala system and the complicated dynamic relationship that exists between employers and domestic worker under the sponsorship program (Pande, 2013).

Again, the research will also analyze existing scholarly works addressing the legal framework on immigrant workers. Essentially, it is in regard to the organization of the domestic workers by considering the extent to which these laws are enforced by security personnel and government agencies. In terms of the job situation, we will consider the sponsorship contracts, the qualifications or lack of qualifications, monthly take-home pay, working hours, and the power and control of employers. Agencies responsible for bringing in unskilled labor are not left out of the equation – we will analyze their role in the kafala system, the relationship with government and benefits they derive from sustaining the system.

## **1.2 Introduction to the Study**

The Kafala system dates back to the 1950s'. It began as a sponsorship system but eventually became a means of defining the relationship between employers and migrant workers in many countries, including Lebanon (Jureidini & Fares Hassan, 2019). A sponsorship system was faulty right from the roots: It has been used to provide an illegal workforce at their employers and sponsors' mercy. The Kafala system was initially intended to give a rapid influx of cheap labor to realize the region's economic goals (Jureidini & Fares Hassan, 2019). In times of economic prosperity, this illegal workforce is deployed to achieve individual goals, but they can be rapidly expelled in less affluent times.

The Middle East is one of the most conservative and traditionalist regions today, where gender segregation and social regulations are strictly enforced (Pande, 2013). Under the Kafala system, the Government cedes a lot of its power over and responsibility for these workers to their employers and sponsors. Built on the Bedouin principle of hospitality the Kafala system functions as a framework for hosting foreigners by assuming obligations on their treatment and protection

(Bajracharya & Sijapati, 2012). Fundamentally, the sponsorship program privatizes the unskilled labor force by transferring the migrant worker's rights to the employer. Ideally, this is done in a manner that allows these individuals to control the workers' immigration. Notably, the employers abuse these privileges resulting in the oppression of the migrant labor force from less affluent countries that have come to Lebanon searching for greener pastures or earning a livelihood (Bajracharya & Sijapati, 2012). There have been cases where employers are reported to take possession of the workers' passports. Essentially, the practice is a violation of the Lebanese laws. While the issues are rampant, it serves as evidence of the Government's purposeful blindness to the violations. In this flawed system, migrant workers can neither enter Lebanon freely nor leave or change jobs without express written permission from the employer (Kafeel) (Khan & Harroff-Tavel, 2011). The practice has similarities with slavery, given the denial of fundamental freedoms and rights to movement and choice. There have been cases where employers are reported to take possession of the workers' passports.

According to Bajracharya and Sijapati (2012), these domestic workers are subjected to a series of oppressive and abusive work conditions, hence facing the Kafala system's blunt. For instance, housemaids and nannies must work long hours without breaks, often from 6 a.m. to midnight, leaving little time for sleep or attending to personal needs. As Manseau (2007) observed, while their services usually exchange small amounts of money, the domestic workers are typically responsible for cleaning and chores for which they may lack training or sufficient capabilities. If this system is allowed to continue—which appears likely, as the Government has no interest in dismantling it and the wealthier classes benefit from it—migrant workers will continue to suffer abusive exploitation. Migrant workers are currently trapped in Lebanon, and very few have any means or opportunity to seek redress or justice.

Given the ills visited on the migrant workers and the governments' complacency, it suffices to observe that the Kafala system creates a platform legitimizing, albeit illegally, the perpetuation of workers' subjugation. Additionally, the situation creates a workforce that is ready to be exploited. Fundamentally, Bajracharya and Sijapati's (2012) observations on passport possession present the case for "illegal workers" who, lacking legal avenues for self-advocacy, operate at the mercies of their employers and sponsors. As Lomguesesse and Tabr (2014) highlight, these workers maintain the Kafala system while undertaking domestic assignments for the societies' middle-upper classes. The study essentially explores the dynamic relationship between these workers, the benefiting classes, and the Kafala system's enablers.

### **1.3 Middle-Class Stratification in Lebanon**

According to Assouad (2017), the Lebanese economy is fueled by the upper classes of society. Besides, the growth is reinforced by the middle-class formed by the mid-level public employees, small investors, mid-level property owners in major cities, security officers, merchants, mid-level traders, secondary school teachers, professors, and many skilled labor professionals. Their professional activities are characterized by a high level of expertise and advanced skillsets, and they are equipped with the tools and means necessary for engaging in productive economic activity.

In Lebanon, this class can be further subdivided into lower and upper-middle-class segments according to the disparities among its members' financial reach and economic capacity (Watenpaugh, 2012). Studies have reported statistics that indicate that Lebanon's middle class is gradually shrinking, with some two-thirds of all graduates now migrating abroad (Traboulsi, n.d.). Although Lebanon has benefited from a rapid influx of newcomers from the neighboring and Asian



countries, Lebanon has also undergone a 'replacement migration paradigm' following its citizens' emigration. While making the observation, Tabar (2010) highlighted the brain drain affecting its economic potential in the industrial and agricultural sectors. The Lebanese working class seems to be gradually declining. As a sectarian society, however, systemic inequalities are aggravated by the reception of more than 25% of the national income by the upper social classes (Assouad, 2017). While there has been emigration, foreign workers' net flow, coupled with the Kafala system, plays into the hands-on sectarianism and income inequality. These are factors that manifest in the eventual management of the migrant labor force.

#### **1.4 Immigrant Labor**

As Tabar (2010) reports on Lebanon's historical migration patterns, the impact of immigrant labor on Lebanon's development and prosperity cannot be overemphasized. The Lebanese working class has experienced many structural changes; the emigration of skilled professionals out of the country has been balanced by an influx of unskilled labor. As Tabar (2010) reports on Lebanon's historical migration patterns, it becomes clear that Lebanon has received more than 10 million immigrants. Given their search for employment opportunities, the writer observes that most of these are unskilled and semi-skilled, thus seeking domestic and cheap labor opportunities. Today, that figure is roughly the same, but it now racially diverse workers from other developing countries in Africa, Asia, and elsewhere countries. The unskilled professions available in Lebanon include:

- Domestic servants, most of whom are cleaning staff from Sri Lanka, the Philippines, India, Sudan, Syria, Egypt, and elsewhere in Africa (Tabar, 2010), and
- Construction workers, road crews, agricultural laborers, petrol station attendants, and mechanics (Buckley et al., 2016).

Employers in Lebanon are notorious for preferring foreigners over citizens because it allows them to pay much lower wages. They are not required to pay social security for such employees. Middle-class employers also use the Kafala system to impose unendurable working conditions that produce much lower working conditions on the migrant population's unskilled workforce. The Government has taken to deploy a laissez-faire attitude towards implementing policies to tackle the growing crisis of exploited labor. If steps are not taken to control and end this crisis, Lebanon may soon find itself embroiled in a major humanitarian crisis (Kafa, 2020).

### **1.5 The Tragedy of Domestic Employment**

According to statistics, there are roughly 200,000 migrant workers primarily from the Philippines, Ethiopia, and Sri Lanka (Tabar, 2010). The continued influx of domestic workers from other Third World Countries takes this number up by the day. Given the migrant workers' conditioning, most of who are from Third World Countries and are unskilled, the Kafala system's eventual negatives contain pointers of a seemingly slavish course benefiting the sponsor. The majority of these workers employed under the kafala system are bonded to the householder or employee for 24 hours of the day. The system's rules and regulations are fundamentally ambiguous, thus granting the employers an opportunity to exploit the works within these ambiguities. It is thought that this exploitive relationship between domestic workers and employees starts with the agency that hires immigrant labor.

According to reports, about 150 agencies pay good money to the state to secure permissions to bring in these domestic employees per year (Traboulsi, n.dd). It is rumored that for the agencies, one has to pay a thousand dollars for the Sri Lankan workers and two thousand for one of Filipino origin (Traboulsi, n.d.). Furthermore, there is a three-month period whereby the domestic maid or

worker is sponsored by the agency, essentially acting as a probationary period (Assouad, 2017). During these months, if unsatisfied by the worker, the employer has a right to request that the worker be returned.

Terms of employment and working conditions are inhuman – the hours are never set and could rise as high as 100 hours per week (Manseau, 2007). The worst part is that monthly wages for these domestic staff workers are as low as \$100-\$200 with no predefined rest hours (Malit & Naufal, 2016). Workers are only allowed to place calls once or twice to their home countries every month, and in some cases, they are denied access to their home countries (Malit & Naufal, 2016). The domestic worker under the Kafala system is restricted in all fronts and not allowed to move – effectively this makes them prisoners in the homes in which they serve. They aren't allowed to leave or move out of the house without the permission of the employer and, in extreme cases, are locked up in the house when the employer leaves the house. (Malit & Naufal, 2016).

The situation seems to worsen as domestic servants are subject to all manners of physical, emotional, and sexual abuse. These abuses take a negative toll on their emotional and psychological stability to the extent that many end up taking their own lives. According to a Human Rights Watch from 2008, many of these domestic servants fall from balconies in a desperate attempt to flee oppressive servants (“Lebanon: Migrant Domestic Workers Dying Every Week, Human Rights Watch”, 2008). Those who escape end up doing freelance household jobs elsewhere, a job that potentially pays better than what was obtainable in their previous employment. According to Hamill (2011), Ethiopian migrants make about \$150 dollars a month while their Sri Lankan counterparts make about \$180. As Manseau (2007) highlight, there are cases where the workers receive only 20% of their wages with the rest being siphoned to the middlemen who arranged for their jobs. In Tabar (2010) research, it emerges that foreigners within

Lebanon contravening the Law of Entry and Exit are liable to a sentence of one month to three years, fines, and deportations. For workers who feel mistreated and thus opt to run away, the lack of travel and identity documents renders them illegal workers vulnerable to arrests. These eventually find themselves in the Kafala black market used by the employers to evade the system's costs and strictures (Manseau, 2007).

## **1.6 Migrant Labor Laws in Lebanon**

Domestic immigrant labor laws are nonexistent in Lebanon. The domestic labor law observed by other countries is not subject to Lebanese labor law. One of the notable elements in the process is Manseau's (2007) insinuation of the inexistence of binding legislation regarding how domestic workers ought to be treated. There are no laws on minimum wage to be paid, no rights to union membership or worker's association, legislative law to resolve disputes between employer and worker, and no right to universal healthcare services or social security. In Tabar's (2010) observations, Lebanon, seeing that it never ratified the International Convention on the Protection of Rights of All Migrant Workers and Members of their Families, the country is not accountable to any international body on the treatment of migrant workers. As a result, one of the first steps to take to mitigate the inhuman crisis will be to formulate laws or cause the government of Lebanon to pass the right policies into law.

In recent years there have been several campaigns from various civil societies and organizations trying to unmask the plight of domestic workers in Lebanese society. Through the work of scholars such as Bajracharya and Sijapati (2012), the condition of the migrant workers has recently been gaining the attention of civil service societies. Indeed, these efforts have resulted in creation of a database containing details of all domestic workers in Lebanon. However, the scholarly reports

and media coverage shows that action should be more elaborate than the creation of a migrant database. The Lebanese domestic worker is explicitly excluded from Article 7 of the Labor law which ought to have given some protection that other classes of employees have. The decision of the Lebanese legislation to ban or exclude the domestic worker from forming unions or being a member of an existing union goes against the fundamental human right that is expressly stated in the International Covenant Civil and Political Rights (ICCPR). This law was specifically drafted by Lebanon in 1972 and entered into the full force of implementation in 1976. Article 22 of the ICCPR law states that everyone working in Lebanon, under any sector of the country, be it agriculture, Industrial, commerce etc., shall have the right to associate with others. This right to association also includes the right to form unions for the collective protection of personal interest or the interest of others. (“Summary: International Covenant On Civil And Political Rights (ICCPR) – CCLA”, 2015)

Instead of following the laws as stipulated by the ICCPR act, the domestic worker has been forced to undertake a Standard Unified contract that is drafted between the employer of labor and the domestic worker (Sater, 2013). This Unified contract was drawn up by the ministry of labor and contains the right of the worker. What is inclusive is the right to have a private place to rest during free times, the right to wear clean clothes and have sufficient food to eat, and the right to medical care which invariably must include dental as well as eye care. While addressing the plight of these workers, Bajracharya and Sijapati (2012) observe that one of the challenges is the absence of binding contractual agreements and, in some cases, contractual substitution. As such, the vulnerability of the workers is instinctively legitimized denying them legal reprieve where their rights are concerned. As Sater (2013) observes, the Unified contract stipulates that the domestic worker should have the right to at least 24 hours of rest within the week, and this rest period must

be discussed and decided amongst the employer and the worker. Additionally, it adds that the domestic worker has a right to work 10 straight hours with numerous breaks and can also work 8 straight hours with breaks at night.

## **1.7 Research Methodology**

The research will assume a qualitative approach. Given the extent of scholarly findings on the Kafala system, it suffices that an investigation of the social behavior warrants a methodology involving observation and interviews. As such, data is eventually analyzed cognizant of the participants' perceptions. The participants consisted of employers most of whom are beyond my circle of interaction. Additionally, friends, distant family, and neighbors agreed to offer their input thus facilitating the gathering of instrumental data. In total, the sample included 20 persons of which 8 were middle-class workers, 6 working-class citizens benefiting directly from the Kafala sponsorship program, and finally 6 the domestic workers. In both the middle-class and working class citizens, the men were 5 while 4 of the domestic workers were women. Domestic workers gave firsthand information about their experiences and were valuable to this research work. Predefined questions were administered to the sample population and responses were collected spontaneously. Interviews were not recorded because of the sensitivity of the issue at hand – in some cases, the researcher had to find a little privacy before domestic workers were at ease to relate their experiences.

## **Chapter Two**

### **Literature Review**

#### **2.1 Historical Background of the Kafala System in Lebanon**

Throughout the years, the Republic of Lebanon has gone through a series of stages and reformation to absorb migrant population (Gaur & Saxena, 2010). While these stages have been before and after the Lebanese civil war, they have been instrumental to the development of the region. However, the issue of migrant workers poses enormous challenges to the Lebanese government and international communities. The challenges that have befallen many Lebanese domestic workers have resulted in controversy over the Kafala system amongst the authorities and sponsors (Jureidini, Bin & Fares Hassan, 2019). Essentially, the government is seen as assuming a passive role rather than actively initiating and implementing policies mitigating the existing challenges. As this chapter seeks to show, the process, as well as the results, are depicting of a stratified Lebanese social structure supported by the Kafala System.

The factors necessitating the demand for domestic workers can be effectively traced to the Lebanese civil war of 1975 to 1990. As observed, before, the war, uneducated, unskilled, and semi-skilled youths, most of whom hailed from Syria, Egypt, and Palestine, was usually employed as domestic helpers. While they were tasked with keeping the house clean, the breadwinner would then engage in various gainful activities to fend for their family. Following the war, there was a record 120,000 fatalities with more than 70,000 Lebanese citizens remaining internally displaced (Makdisi & Sadaka, 2003). Additionally, the war resulted in a mass exodus of people from the

war-torn country to neighboring Arabic countries. It is estimated that about one million Lebanese citizens may have migrated out of the home country effectively searching for greener pastures (Makdisi & Sadaka, 2003). As would be expected in such a tumultuous period, the economic decline and security breakdown fueled the emigration.

Given that the 1990 population of Lebanon was at 2.5 million people, the emigration of a million people gives grounds for concern (Lebanon Population, 2020). Ideally, the civil war created a void in the workforce especially at a time when the country needed labor for rebuilding towards its strategic objectives. However, Lebanon was given a new lease at life by the arrival of African and Asian migrant workers. In particular, the migrants precipitated dramatic changes by availing a much needed workforce. While the first wave of migrant workers, predominantly male, arrived in the 1970s, it is only in the 1980s and 1990s that female domestic workers became part of the Lebanese workforce. Notably, most of these immigrants arrived in large groups through various channels, both legal and illegal (Jureidini, 2004). The immigrants' home countries were in support of the process due to increasing foreign remittances.

However, the lack of success in lobbying Lebanon to develop and initiate stable policies advocating for the protection of the migrant workforce decreased confidence in the immigration process (Naufal & Genc, 2012). Fundamentally, the request for Lebanon to include favorable policies in the labor contracts was born out of the failure of private recruiting agencies to abide by certain procedures and the constant complaints about domestic abuse. As a result, Naufal and Genc (2012) observes that the country, have had to develop a system for the recruitment of workers. Mainly, the process is merely a gesture at responding at policy requests from other nations.



## **2.2 Recruitment Process**

The present domestic worker recruitment process in Lebanon is founded on a sponsorship program. First, the prospective worker has to receive an invitation to work in Lebanon before being granted a permit to work and reside in the country. Notably, most of the invitations come from well-established agency networks in Lebanon and the consigning countries (Pande, 2013). More often, the invitation directly comes as a request by employer in dire need of a domestic worker. In either case, the Ministry of Labor issues preliminary work authorization to migrant domestic workers by providing a valid invitation letter. Consequently, the Ministry of Interior issues entry visas via the General Directorate for General security. Ideally, the General Directorate of General Security processes the legal entry of the migrant worker, and arranges for the work permit and residency documents once they are settled in the country. Finally, the sponsor appends their name in the agreement assuming the care of the migrant worker. That is, the sponsor cosigns the entry visas, work permit, and residency documents thus binding the two parties (Pande, 2013). Notably, the entry visas are valid for only three months. Once the individual gets to the airport, they are conditioned to a basic migration routine that results in their passport being handed over to the General security agency of Lebanon for further processing. The process culminates with the sponsor being legally bound to take the migrant worker to a local agency for basic medical checkup (Mansour-Ille & Hendow, 2018).

It must be pointed out that there are no clear indications or directions that must be followed before an agency is granted the legal right to bring in domestic workers. The only known procedure is a security deposit which the intending agent must deposit in the government's housing bank (Mansour-Ille & Hendow, 2018). In Lebanon, there more than 300 recruitment agencies of which only about 40 to 50 have a seemingly legitimate operation with genuine agents, an office structure

and working staff. The others simply hold agency licenses and work as they consider fit. Most of those who hold valid licenses share or sell their quotas for the year with active agencies that have to confirm structures (Mansour-Ille & Hendow, 2018). That is, in order to enhance the legitimacy of the operations, the latter collaborates with the former eventually creating the image of a structured organization.

For the process to be successful, the Lebanese government and recruitment agencies are required to work alongside agencies from the cosigning countries. Notably, the worker's desires, as individuals, to secure a better life requires that they raise significant fees for the local agencies (Pande, 2013). Mainly, they resort to borrowing or funding by the local agency in some cases. As a result, they usually incur a large debt settled over a long period. From the onset, these workers do not receive all the facts on what awaits their arrival. Usually, the entire recruitment is shrouded in secrecy and promoted by agency selfishness eventually fostering by a lax legal enforcement by Lebanese government.

Upon collection of the fee and processing of all pertinent documents, the local agency arranges for travel to Lebanon where the sponsor is obligated to pick the domestic migrant worker at the airport gate. A medical examination is needed, and the resulting report must be filled in by the sponsor before a work permit is issued. It is at that point that the general security guard will hand over the passport to the sponsor. As Gardner (2010) observes, the gesture has caused human rights organizations to voice out their concerns that a sponsorship system is indeed a modern-day form of slavery. Essentially, the domestic worker has no choice but to conform to whatever chores and treatment they receive from their sponsor. It must be stated that the sponsor also takes on the responsibility of paying the insurance of the migrant domestic worker before the three-month grace

period elapses (Sater, 2013). The prospect of a challenging experience, cast against the hope for better opportunities draws an enquiry of the legality of the recruitment system.

### **2.3 Legal Aspect to the Kafala System**

According to Article 7 of the Lebanese Labor Act, migrant workers are excluded from major benefits accorded regular workers (Hamill, 2011). While it is skewed towards favoring the sponsor, the migrants are only bound by drawn up by the Ministry of Labor. As Hamill (2011) observes, the contract is the main source of the worker's rights. Seeing that Article 7 excludes domestic workers without regard to their being native or foreigners, it suffices to observe that it is the reason Lebanese homes prefer to use migrant domestic workers instead of citizens of the country. Families in Lebanon employ an estimated 250,000 domestic migrant workers all of whom are not allowed union membership or some form of collective association (Hamill, 2011). Although Article 92 of the standard unified contract permits some of the foreign nationals in other economic sectors unionize, it bars foreign workers from electing or holding elective positions in these associations.

Considering these laws, a majority of foreign nationals are denied the freedom of association and collective bargaining. Invariably, the individuals become vulnerable to abuse and exploitation. Lebanon ought to treat every human in its territory in accordance with international standard human rights statutes. Particularly, these international laws make it mandatory that every signatory state must respect the rights of citizens and foreigners within the country (Hamill, 2011). The highly restrictive nature of the Kafala sponsorship program, coupled with the unwarranted abuse of workers, has led many countries including Ethiopia to bar citizens from working in Lebanon and any Arab country were these programs are in full force (Kanso, 2018).

Indeed, there various cases of workers coming forward to recount their experiences under the Kafala system. Most of these claim that they have been forced to work seven days a week with their passports confiscated by their employers (Hamill, 2011). Amongst these, most claim they sign annual documents at the Ministry of Labor. However, these documents are written in Arabic and thus the workers cannot decipher their contents (Pande, 2013).

Article 9 of the labor contract laws covers the workers from any health hazards in case of emergencies (Hamill, 2011). The right to work for ten consecutive hours with frequent short breaks and at least 8 hours of night rest is covered up in Article 11. Article 12 covers the domestic worker's right to 24 hours of weekly rest and the liberty to choose which day of the week that would be and the right for an annual leave period spanning six days to be discussed and agreed upon by the sponsor. Other sections of the unified contract cover the right for a return ticket should the domestic worker deem it fit, and the right for one phone call every month is covered by article 14. When there is a medical report of an emergency, the domestic worker has the right for sick leave for a month with pay. The unified contract doesn't stipulate if the domestic worker can be assisted by any means. However, it is vital to observe that despite the stipulation of the rights in the standard unified contract of the sponsorship program, these rights are hardly ever followed to the letter. One of precipitating factors is the illiteracy of many domestic migrant workers (Hamill, 2011). Again, the workers are limited when the sponsors take possession of their passports.

All individuals within Lebanon are subject to the Lebanese labor law irrespective of nationality, ethnicity or race. Independence and limitations of work depend on the mode and path of entry. Foreign workers can register for social security provided they are legally registered to work with a valid work permit and residency. However, only foreigners whose country of origin practices the same are allowed these benefits. There are currently five countries with reciprocal laws with that

of Lebanon – Belgium, United Kingdom, Syria, France, and Italy. Foreigners from other countries are not given the benefit of social security, thus the employer is forced to cover the cost of medical insurance. On many occasions, employers are known to bypass the law by under declaring the number of foreign workers they have in a bid to escape paying for medical insurance.

The standard contract, binding for one year and renewable afterwards, of the Kafala system highlights the rights of migrant domestic workers. The contract is a set of legal frameworks that defines the working relationship between employers and migrant domestic workers. Vital areas like the service agreement, wage, working hours, health insurance, working conditions, break, off days and a host of other important contract terms are discussed. The laws establishing the working relationship between the employer and the migrant domestic worker contain 18 articles in English and Arabic. Therefore, foreign nationals from different linguistic backgrounds are at a disadvantage. They are made to sign without comprehending the content and even when they do understand the content a majority of these migrant workers are not given a copy of the signed document. In one case, the migrants work for employers who feel the contract should be longer thus hold them illegally.

There are two distinct views held by employers about the Kafala sponsorship system. First view is that employers see the system as a means of protecting the employer especially in a country like Lebanon where there is little to no protection from the government. The second view held is that many employers see it as the government's means of passing on the responsibility of managing migrant labor to the employers. Thus, there is a widely held notion that the Kafala system places undue responsibility on the employer, so from any employment perspective it's easy to see why there has been widely held exploitation of migrant domestic workers – they get into the country on the backdrop and financial prowess of the employer without backing from the country's labor

laws and are forcefully held captive. The government should take responsibility for migrant domestic workers and implement laws that reduce the financial burden on the employer. If this is done, employers will only be saddled with the responsibility of accommodation and monthly wages. This brings us to the next most important item about domestic migrant labor (International Labor Organization, 2016).

## 2.4 National Implementation of Sponsorship Schemes in the Middle East

While many states are no longer use the term Kafala, the central elements that are characteristic of the system are still largely in effect but varying degrees (Naufal & Genc, 2012). In the quest to get adequate reforms into society, some countries have tackled the superficial symptoms while others have succeeded in eliminating the exploitative elements of the program.

The figure below shows a comparison of the Arab countries that still practice one form of the sponsorship program.

COUNTRY	BAHRAIN	KUWAIT	OMAN	QATAR	SAUDI ARABIA	UAE	JORDAN	LEBANON
<b>SPONSORSHIP-RELATED ELEMENTS</b>								
<b>IS THE MIGRANT WORKER TIED TO THE EMPLOYER FOR:</b>								
i. Entry to country of destination	yes <sup>22</sup>	yes	yes	yes	yes	yes	yes	yes
ii. Renewal of residence permit	no	yes	yes	yes	yes	no <sup>23</sup>	yes <sup>24</sup>	yes
iii. Termination of employment	no <sup>25</sup>	yes	yes	yes	yes	no <sup>26</sup>	yes	yes
iv. Transfer to different employer	no <sup>27</sup>	yes <sup>28</sup>	yes	yes	yes	no <sup>29</sup>	yes	yes
v. Exit from country of destination	no	no	no	yes	yes	no <sup>30</sup>	no	no

Any 'yes' in the matrix offers employers a level of control and may impede internal labour market mobility and fair migration

Does the migrant worker need the approval of the employer for:

COUNTRY	BAHRAIN	KUWAIT	OMAN	QATAR	SAUDI ARABIA	UAE	JORDAN	LEBANON
<b>EXACERBATING ELEMENTS</b>								
Passport confiscation allowed (not prohibited the law)	no	no	no	no	no	no	no	yes
Domestic workers excluded from labour law	no <sup>31</sup>	yes <sup>32</sup>	yes <sup>33</sup>	yes <sup>34</sup>	yes <sup>35</sup>	yes <sup>36</sup>	no <sup>37</sup>	yes <sup>38</sup>
Charging recruitment fees to workers allowed (not prohibited by the law)	yes	yes	yes	no	no	no	yes	no

Any 'yes' in the matrix means lack of legal coverage thus not offering legal protection to migrant workers

**Figure 1:** Sponsorship System in eight countries in the Region including Lebanon (Source: International Labor Organization)

## 2.5 The Role of Lebanese Agencies in the Kafala System

Agencies responsible for sustaining the Kafala system promote the process via three distinct levels: through a recruiter, the consulting agency, and mediator (Hamill, 2011). The recruiter seeks to offer labor recruitment services making their profit margins off the process of migrating workers to Lebanon. Secondly, the agent's business involves charging fees for their services to people seeking employment in Lebanon with fees covering transportation cost and government fees. Workers from Sri Lanka pay an estimated amount close to \$1500 to a Lebanese agent while potential high-grade workers from the Philippines and Ethiopia can pay as high as \$3,000 to a Lebanese agent (Malit & Naufal, 2016). In some extreme cases, where the domestic worker can't foot their expenses, the first three months' salary is taken by the agents as payment to an agency. In some extreme cases, even if the full payment is made, they still have to give away a significant portion of their earnings (Malit & Naufal, 2016). As such, settling into the new environment becomes hard.

Migrant workers from the Philippines with good command of English demand higher cost and premium commissions. Given that they are deemed better educated; they garner more respect as maids than those from other countries. Indeed, there are those agencies that bond with certain domestic workers and will only contract them out on short term bases to employers (Buckley *et al.*, 2016). It is evident that the high price involved in recruiting some domestic workers is deemed an investment. Essentially, the employer tends to jealously guards by ensuring that the domestic worker stays until the contract is up. As a precaution, in some Kafala practicing countries, the migrant domestic worker is made to pay a sum of \$1,000 in a bank in order to cover travel expenses back home, but this fund is never given back to the domestic worker. The present structure ensures that both legal and illegal agencies flourish in Lebanon all competing for a slice of the lucrative Kafala trade (Buckley *et al.*, 2016).

Recruiting agencies are liable to provide a replacement within the first three months should the domestic worker fail to compete or decide to discontinue working for the employer for one reason or another. Seeing that the first three months are probationary agencies advise employers to devise means of holding and limiting the freedom of these domestic workers. Their passports are confiscated and all communication with the outside world is cut off. In the next section, we discuss some exacerbating factors that are characteristic of the sponsorship program. Essentially, highlighting these issues offers an in depth look the exact challenges the migrants face.

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### **2.5.1 Recruitment Issues Surrounding the Kafala System**

In order to understand the full extent to the sponsorship program, it is necessary to discuss some factors central to the system. As Hamill (2011) observes, these factors show a heightened risk of abuse and exploitation.

### **2.5.2 Upfront payments**



As Hamill (2011) writes, majority of the upfront payments such as recruitment, and medical, insurance costs are borne by employers. As a result, the employer is more likely going to impose restrictive measures that place the worker in check. While illegal, the employers pass these costs to the workers through salary deductions (Hamill, 2011). If for any reason, the worker decides to terminate the contract, he or she may be liable to pay for damages or may be made to pay fees before approvals in order to resign or change jobs after the probationary period.

### **2.5.3 Inefficient dispute settlement**

There are multiple barriers and challenges in seeking in many Middle Eastern countries. The first challenge of filing a case against an employer results in the migrant worker losing his residency permit because he/she is unable to work with the previous employer. Domestic workers usually fail to file cases due to lack of work or stay visa (Hamill, 2011). The uncertainty of their residency thus limits their legal resource. Usually, Hamill writes, legal dispute may take longer to settle than expected thus proving counterproductive to the migrant worker. These challenges and legal limitations hinder workers from seeking justice in the face of exploitation thus giving sponsors an upper hand (Buckley et al., 2016).

### **2.5.4 Power and Transnational Debt**

The imbalance of power between the migrant worker and Kafeel (sponsor) is tipped by the debt crisis. A lot of the migrant workers have dependent family members making their stay in Lebanon vital one. With the transnational debt factor creating the imbalance, the migrants are limited on their action. Should they offend the Kafeel, they not only jeopardize their employment but initiate a course of events affecting their dependents (Gardner, 2010).

### **2.5.5 Linguistic and Cultural Barriers**

Linguistic and cultural differences create barriers that migrant workers face in Lebanon. Ideally, the recruitment agencies take advantage of the situation drafting contracts favoring the sponsor (Gardner, 2010). That is, through the seemingly favorable contracts, the sponsor sees a source of cheap labor thus managing to meet their goals in as little time as possible. The domestic worker, on the other hand, has to navigate the cross cultural divides wrought within language, socialization, religious practices in order to create a mutually comprehensive link with the sponsors. Eventually, studying Arabic and English serves to enhance the interactivity of the domestic workers (Hamill, 2011). Indeed, one may argue that the sponsors draw workers from regions where Arabic is not widely spoken as a calculated attempt to help build a very docile working force.

## **2.6 The Lebanese Economy and the Kafala System**

The economy of Lebanon is a neo-colonial state intertwined with European and American economies (Davies, 2018). In developing countries like Lebanon, many of the large corporations are foreign owned and controlled. Those that are not are usually controlled by a select few within the elite circle. While its main industry is banking, the country serves as a point for collection and transfer of Lebanese oil capital to European and Western. Similar to other countries, Lebanon has served as a valuable market place for foreign finished goods (Davies, 2018). Its location has been advantageous as a center for the distribution of these foreign finished goods to neighboring eastern Arab countries.

Following trade stratification, the importation and distribution of finished goods is a major feature of the Lebanese economy. Ideally, the banking industry and related trading activities constitute over two-thirds of the economy (Farsoun & Farsoun, 1974). In fact, the writers add, in the mid-'60s, the service sector is rumored to have generated about 68 percent of the Lebanese national income. However, the economy is monopolistic as revealed by the concentration of wealth and

extreme power amongst a few individuals (Farsoun & Farsoun, 1974). While the elites control a major portion of a lot of the economy's resources, they exhibit the power in both trade and commercial activities.

The controlling elite exercise its power by influencing policies. As such, most of those the in key elective posts were financed by the powerful elite. As such, it is difficult to push for labor policies in direct contrast with the interest of Lebanese elites (Joseph, 1991). Additionally, a third of the Lebanese labor force is engaged in the service sector. Farsoun and Farsoun (1974) observe that the segment is responsible for two-thirds of the national income. The remaining two-thirds of the labor force are responsible for one-third of the national income.

### **2.6.1 Class Structure in Lebanon**

The penetration of European and American enterprises in the Lebanese economy has created a society with a distorted form of dependent capitalism (Farsoun & Farsoun, 1974). A majority of workers in Lebanon work for or are agents of these foreign corporations. Mainly, the mercantile capitalist system is interested in the import of finished goods into the country and to a much lesser extent export locally made primary goods out of the country. This invariably creates a trade deficit in the country that leads to economic growth but not economic development (Pattichis, 2004).

The liberal government trade policies in Lebanon lead to the development of a lopsided economy highly dependent on oil, mining, and agriculture (Davies, 2018). In such an economy, there are severe limits on opportunities such as the accumulation of wealth amongst the citizens and the development of homegrown enterprises. Furthermore, a very tight job market is developed where many turn to family resources as small scale entrepreneurs struggle to raise funds for a business.

The prevailing economic challenges set in motion the pressures of emigration of a significant

portion of the labor force which leaves a void that has to be filled. The void is filled not by skilled migrants but largely an unskilled labor force from poorer countries.

Lebanon has witnessed the sustainable growth of a sizable number of professionals in the insurance, auditing, engineering, design, and medical as well as other liberal professionals. However, these professionals mostly work in family-owned incorporated. The monopolistic nature of the economy of Lebanon, as well as the fact that the country is highly dependent on foreign corporations, means that entrepreneurs are pushed to sole proprietorship which succeeds best as small family farms (Farsoun & Farsoun, 1974).

While a great number of these small-scale family firms operate in the industrial sector, they are also found in the agricultural and trading sectors as well. The influence and the large number of a family-owned enterprise controlled by owners have led many economic experts to label Lebanon as an individualistic society. As the fundamental policy of the Lebanese government remains unchanged, it leads to some structural economic consequences. They are as highlighted in the following section.

The rentierization of the Lebanese economy is growing at the expense of production leading to double-digit unemployment, as well as high exchange rates in many banks. The emigration of skilled countered by the influx of unskilled labor and domestic workers. The Lebanese civil war significantly reduced population growth with about one-third of the population leaving the country (Hamill, 2011). The growing trade deficit will continue to be a major challenge to the economy of Lebanon, largely promoted by lax trade laws of the government. The surge in real estate investments from Lebanese residing abroad and affluent individuals creates elitism in the economy. As a result, a high cost of living ensues following income distribution favoring a few. The extreme concentration of wealth in certain sectors of the economy continues to strengthen and

promote a monopolistic economy (Marrouch & Turk Ariss, 2012). Taxes increase class inequalities: The tax regime in Lebanon has not done much to eliminate the current disparity in the Lebanese economy. In 2004, Rafic Hariri proposed a radical tax plan that was intended to abolish income taxes for professionals. However, company profits were also excluded from this plan.

Since 2004, many of the tax policies have been counterproductive and have only served to widen the income inequalities of the economy. Tax avoidance is widely practiced in Lebanon. The country lacks adequate measures to tackle defaulting corporations. In Lebanon, Holding Companies do not have to pay taxes, and many tax laws have either been refuted by powerful businessmen or lacked proper enforcement. Abolishing customs duties on goods has also been counterproductive and has led to a growing increase in income inequality. More than 83% of imported goods into Lebanon are subjected to import duties to the tune of 5% or lesser ("Regulations and customs in Lebanon: Customs", 2020). As indirect taxation of Lebanese citizens grew, direct taxation of profits and exemptions from rent decreased. By design, Marrouch and Turk Ariss (2020) observe that the policies are seemingly set to benefit the rich.

### **2.6.2 The Middle Class**

As observed the economy is controlled a select few. Ideally, the middle-class in the society faces challenges in making ends meet (Idriss, 2020). Notably, only a few manage to cater to their spending needs and still save and invest. With time, it becomes difficult to maintain an average middle-class lifestyle. They need to pay for house rent, address the meal plan, maintain good health, and to other fiscal responsibilities. As a result, most have become indebted. Given the rising cost of living, their woes are bound to exacerbate.

It is for this reason that many young Lebanese move to other countries. Of these, Idriss (2020) writes, a majority is well-educated with the potential for beneficial contributions to the economy. The high immigration rate is one of the reasons why the middle class in Lebanon is shrinking (Tabar, 2020). As a whole, the middle-class can be divided further into three subdivisions – the upper-middle class, the middle-middle class, and the lower middle class. The upper-middle class includes mid-level industrialists, agricultural traders with medium-sized agricultural plots, specialist, and service providers (Farsoun & Farsoun, 1974). While the upper-middle-class seems financially stable, they are dwarfed by the elite circles reaping huge profits from their investments. The intermediary section of the middle class in Lebanon is characterized by ownership of mid-level investments and means of production. Ideally, these are left with little to save after covering their expenses. Being the most populous, the lower middle-class is the most distinctive of the three classes. Primarily, their source of income is earnings working in private and public enterprises (Tabar, 2020). Therefore, it suffices to explore the characteristic migrant sponsor.

## **2.7 Characteristics and Demographics of Employers of Domestic Migrant**

### **Workers**

Analyzing the population for the Lebanese workforce that is directly responsible for hiring migrant domestic workers will give us an insight into the rationale for keeping the Kafala system running. Factors like the age of employers, educational background, gender, income, and class are an essential to understanding why the Kafala system has survived for so long. A recent report by the International Labor Organization (2016) highlights many important demographics of the employers of the Kafala system. These demographics are important to the success of this paper in a bid to identify the contributing factors for the characteristic Kafala system. The report of the International Labor Organization (2016) surveyed 1,200 employers, and it shows that a majority

of employers hiring domestic workers are mostly middle-aged women falling within the intermediate and low middle class of the Lebanese working population. Argumentatively, the higher echelons are in a capacity to hire quality labor as a reflection of their social status.

Many of these employers are between the ages of 31-50 years, and they make up about 49.2% of the entire employers surveyed. 18.2% of the employers surveyed are between 51-60 years while employers between the ages of 21-30 make up for 9.6% of the total employers surveyed. Finally, employers over 60 years of age make up for about 23% of the total number analyzed (International Labor Organization, 2016).

The study also reviewed a relatively well-educated population with over 49.1% having some form of higher university education. Many of these employers are married with dependent family members while a selected few are engaged. Although there are those that are divorced, 12.7% are widowed (International Labor Organization, 2016). The fact that many employers in the Kafala system are married means that a majority of the domestic migrant workers are made to work in households of three or more persons. Some domestic migrant workers work in extended nuclear families that accommodate seven to ten people.

Studies show that a majority of the households have a monthly income of less than \$1000 (International Labor Organization, 2016). Evidently, the employer's demography offers insight why domestic workers are denied what is rightfully theirs. The household income bracket being less than \$1,000 places these employers at the low-middle income class because they barely have enough to maintain the Lebanese standard of living let alone cover the expenses of managing a migrant domestic worker.

### **2.7.1 Demographics of Domestic Migrant Workers hired by Employers**

The demographic study of domestic migrant workers in Lebanon shows that a large number of these workers are from Ethiopian origin even though the Ethiopian Government has placed a ban

on its citizens from traveling to Lebanon for work. Based on the total number of work permits renewed, Ethiopian migrant workers are in the forefront of unskilled labor in Lebanon. The second-largest group of migrant domestic workers comes from Bangladesh. Many Lebanese employers prefer to hire Bangladeshi domestic workers because they are known to have the lowest monthly wage requirement in the industry (Jones, 2015). Domestic workers from the Philippines make up the third most populous in Lebanon even though the government has also placed a ban on its citizens from traveling to Lebanon for work. These three countries, Ethiopia, Bangladesh, and the Philippines make up the block of the migrant domestic workforce in Lebanon. Other workers from Sri Lanka, Nepal, Indonesia and other minority countries including African countries make up the remaining workforce (Jones, 2015). A sizeable number of these migrant workers are young women in their early and late twenties.

## **2.8 Labor Force and Domestic Working Population in Lebanon**

Estimates by International Labor Organization (2016) show that half of the Lebanese labor forces are foreign workers with a little portion of that labor force in professional services. A sizeable number is made up of non-Arabs and unskilled labor. Syrian workers have been allowed to enter Lebanon with a rather very cheap and easily renewable three-month working permit (Hamill, 2011). They can even work without a working permit whilst other nationals are made to pay high fees in order to get a working permit. For this lax legal reason, the conditions for working as a Syrian and as citizens from other countries differ to a large extent.

### **2.8.1 Role of Informal Sector**

The very large size of the informal sector in Lebanon negatively affects the labor market. Scant data exists on numerous subsistence farmers, retailers and the self-employed. Many of these



informal employees including those that employ foreign domestic workers do not contribute their quota to the social security system (Idriss, 2020). Many have no formal social insurance cover and do not conform to any labor regulations. The social security arrangement and regulations in Lebanon are not well-structured to offer any form of relief to migrant domestic workers. It will take some time before lasting changes are made.

## **2.9 Lack of Bilateral Agreement**

The lack or non-existent bilateral trade agreement between countries and richer receiving countries can play a critical role in the uneven distribution of power. Many countries are notorious for not going into bilateral labor agreements with other countries because of their near-infinite supply of low-cost labor from other nearby countries. Poorer countries lack protective bilateral agreements and when these agreements are there, they are not strong enough to offer the right protection. In other instances, many destination countries avoid entering into bilateral agreements with other countries to avoid political intrusion from labor-sending countries.

Political intrusion can result in changes to policy-making which may not be beneficial to destination countries. Without a doubt, bilateral agreements can help to set a framework that will act as guidelines as to how migrant laborers ought to be treated. For example, there is a powerful bilateral agreement between Lebanon and Syria that's why citizens of Syria have better labor autonomy than citizens from other countries. Syrians are not subject to the sponsorship system and can work without having to go through the rigorous process of obtaining a working permit or residency, besides Syrians enjoy many benefits from the ministry of labor than foreigners from other countries.

## **2.9 Limited Coordination between States**

It goes without a doubt that there is very limited cooperation between destination countries and labor-sending countries. This weak coordination between countries contributes to the lax legal framework that serves as a guide for employing migrant domestic work. There is currently a debate as to which country should bear the greater responsibility of monitoring migrant domestic workers. Whatever the case may be, domestic workers need to learn the culture, understand the laws, languages, and ways of the people if they are to seamlessly blend into society. There must be a system that regulates, verifies and monitors the domestic workforce to help mitigate the current problems bedeviling them.

Many domestic workers have been forced to face absconding cases if they weren't permitted to go outside the house. This further limits their chances of accessing embassy information or seeking help elsewhere. It is in the best interest of sending countries to monitor, educate and inform their citizens of the existing laws and legal coverings of the destination countries they intend to work. Even if these training programs may seem to be ineffective at least they serve as a valuable means where new migrants can be educated on their domestic rights. However, in contrast to giving domestic workers the right education, many recruitment agencies directly transport the migrant domestic worker to the employer. This bypasses the necessary destination-based training required. Because of the inadequate implementation of key government mechanisms, recruitment agencies are also able to influence the legal flow of information to migrant domestic workers in favor of the employer who takes advantage of their ignorance.

## **2.10 Regulating Domestic Work in Lebanon**

In many developing and developed countries, the domestic working sector absorbs a significant portion of the entire workforce. In both, the domestic workers are usually the poorest with little to

no access to skilled labor because of poor or no educational background. The fact that domestic workers are made up of the poorest in society means they are also significantly a vulnerable portion of the working population. In some countries, domestic work is purely attributed and given to migrant workers (mainly women) who migrate from their country to earn enough money to support their families. There will continue to be an increased demand for domestic workers as countries begin to recognize the importance of domestic work. Yet despite their importance, migrant domestic workers tend to be one of the most undervalued and poorly regulated labor workforces in developed and developing countries.

The lack of monitoring and regulatory policies in the industry manifests itself as a lack of decent working conditions, low pay, physical abuse which are typical working characteristics of the informal economy. If it were not for domestic workers, many other women family members won't have been able to participate fully in advanced production in the formal economy. The classification of domestic work in the informal economy is due to the nature of the job – particularly because it is done in a private home, absence co-workers, no-office space, little to no monitoring system and very little to no formal terms of the agreement. The fact that domestic work is viewed as an out of service employment opportunity; it has been excluded from many labor and employment legislation.

Enacting the right legislation and regulatory policies to govern the activities of domestic workers is a step in the right direction for dealing with the informalities and abuses that is characteristic of the informal sector. Regulatory policies and legislation will also ensure that the work and employment opportunities of domestic workers are never compromised in the future. Although there will be major challenges and hurdles to cross, extending the powerful arm of labor laws to domestic workers are a no-brainer to ensuring that the migrant domestic workforce is included in

the formal labor economy. The existing human rights law, civil law, and other laws are good but can't fill the place of right legislation especially when it comes to correcting the ills of inhuman working conditions and physical abuse.

Legislative labor laws need to be passed into the constitution to curtail the excess of both worker and employer. The present Kafala sponsorship system has proven to be very exploitative forms of acquiring cheap labor at that the expense of migrant domestic work. The righty labor laws will help to facilitate the formalities of the employment relationship between worker and boss. This legislation should make acquiring domestic workers less burdensome by lowering the financial cost and addressing the imbalance of power between recruiting agencies and labor-sending countries. Form a formal perspective, enacting legislative laws to govern the domestic workforce will ensure the creation of a handful of decent opportunities for a lot of people. With the right legislation, no domestic worker will be paid below the minimum wage requirement and should allow the job metamorphose into a more productive aspect of the economy (Khan & Harroff-Tavel, 2011).

## **2.11 Conclusion**

While many Arabic countries have adopted the Kafala system as a labor solution, the issues raised in the news media and through scholarly research show that it is plagued with challenges. Mainly, the middle class, who are the biggest beneficiaries, have seen the ignorance of the foreign workers as cause for their illegal treatment. The workers, on the other hand, are seen as unaware of the system especially on account of their financial responsibilities. However, there are different factors that may be explored in correcting the ills. The following chapter gives insight into the reformation process.

## **Chapter Three**

### **Reforming the Kafala System and the Role of International Organizations**

The Kafala system was designed to help the Middle Eastern countries with getting enough overseas workforce when needed, but in the course of several decades, the system showed some critical flaws such as human rights abuse. The overseas workers often do not know their rights or they do not know how to protect their rights. In this case, international organizations have to step in to prevent human rights abuse from happening within the framework of the Kafala system.

#### **3.1 The Sponsorship System under Reform**

The International Labor Organization (ILO) researchers for the Arab states, Azfar Khan and H el ene Harroff-Tavel (2011) insist on transferring the responsibility for maintaining the Kafala system from the Lebanese Ministry of Labor to the Ministry of Interior because the latter one possesses better technical and organizational capabilities to monitor both employees and employers in the best interests of both.

Rooja Bajracharya and Bandita Sijapati (2012) claim that many overseas workers in Lebanon have no contracts signed with their employers whatsoever. In other words, many overseas workers under the Kafala system in Lebanon are not legally bound to their Lebanese employers. If so, the Lebanese employers have no right of demanding anything from their employees, let alone the practice of taking away overseas workers' passports. Even if overseas workers do have the contract signed with the Lebanese employer, many workers are not aware of the contract content (Bajracharya & Sijapati, 2012). This study reveals a tremendous psychological problem that forces overseas workers to neglect their own safety by not demanding to sign a contract with the

employer, let alone the problem when overseas workers voluntarily agree to hand over their passports to their Lebanese employers.

According to the 2011 International Labor Organization (ILO) Policy Brief No. 2 titled *Reform Of The Kafala (Sponsorship) System*, Lebanon still discriminates against overseas workers depending on their home country. Migrant workers from Syria enjoy better conditions than migrant workers from Southeast Asia. Lebanon's progress in reforming the Kafala system is very slow because it came up with the standardized contract template with migrant workers back in 2009 (*Reform Of The Kafala (Sponsorship) System*, 2011).

### **3.2 Why Reform the Kafala System**

The Kafala system maintenance entails numerous cases of human rights abuse, namely the practice of taking away passports of overseas workers in Lebanon. Sooner or later, the international community represented by international organizations such as the International Labor Organization has to step in to reform the Kafala system to prevent human rights abuse from happening in the future.

#### **3.2.1 Structural Dependence on the Employer**

The practice of taking away workers' passports and forcing them to keep working even if their working visa expired gets to the point when human rights abuse under the Kafala system takes the form of "contemporary slavery in Lebanon" (Idriss, 2020). When discussing the option of reforming the Kafala system, it is important to clearly point out that forcing whoever into slavery is unacceptable in the modern world. The sponsor is responsible for all aspects related to the workers' stay in Lebanon, but if any case of human rights abuse takes place, the workers fail to complain because some of them are "illiterate and do not speak Arabic" (Damir-Geilsdorf & Pelican, 2018). If so, the Kafala system has critical flaws that enable de-facto enslavement of

migrant workers, many of whom do not sign contracts and do not know how to protect their rights because they are illiterate and do not speak Arabic.

Another reason for the urgent call for a reform borders on the fact that under the Kafala system, migrant workers are unable to change jobs as easy as they would have wanted it to be. Without the express permission of the Kafel, the migrant domestic worker finds it extremely hard to change jobs. So they are left with very little choice but to keep bearing inhuman working conditions for extended periods.

### **3.2.2 Pushing Migrants to Irregular Status**

The ILO recommends shifting the responsibility for making a visa from the employer to the employee to make the latter one more responsible for his or her own rights (Reform of The Kafala (Sponsorship) System, 2011). Because otherwise, some employers find it enticing to force the worker to keep working even after the visa is over and is not renewed. If so, the overseas worker turns into a criminal that breaks the immigration law of Lebanon by overstaying in the country beyond he or she was permitted, according to the work visa. By making the worker a criminal, the employer tries to keep working for him or her forever.

### **3.3 Opportunities for Reform**

The Lebanese employers de-facto is not interested in reforming the Kafala system because its current state allows them to abuse the rights of their overseas workers. Hence, the international community represented by international organizations such as the International Labor Organization (ILO) must step in to spread the word among other international organizations such as the United Nations organization and other similar organizations.

### **3.3.1. Rationale behind the Kafala System Reform**

The need for reform policies falls under two major premises; firstly domestic workers and all other migrant Labor working force will be needed in Lebanon for years to come to fill up the unskilled and emigration gap. Lebanon depends heavily on domestic labor and specialized household care for the elderly especially when social services in Lebanon are little or nonexistent (Sibai et al., 2020). It does make sense that the heated polity surrounding the Kafala system be addressed with favorable reforms that tackle abuses and over-dependency on the employer. In essence, migrant workers are needed in the labor sector to promote its proper functioning. The second premise dwells on the fact that migrant domestic workers will continue to operate on contractual bases according to the express wishes of hosting countries.

In order to realize reform objectives, certain core areas must be addressed; first, the Kafala system needs an overhaul of the recruitment process in order to take off the financial burden of recruitment from the employer (Reform of The Kafala (Sponsorship) System, 2011). Only then will the right labor mobility in Lebanon be achieved. Migrant workers must be allowed to leave employers for justifiable reasons rather than enduring abusive conditions or thinking of escaping (Damir-Geilsdorf & Pelican, 2018). Secondly, in formulating labor rights policies the rights of the domestic worker must be included in the policing-making process (Sater, 2013). Finally, after favorable reforms have been enacted there must be a conscious effort to strengthen the implementation of labor laws, background monitoring, checks and balance, and unbiased dispute settlements. To further champion the cause of reform policies various internal and international bodies have been involved in the struggle including Lebanese civil society, awareness campaigns, trade unions, and various international conventions.



### **3.3.2 Lebanese Civil Society Response**

Since the 1980s, Lebanese civil society organizations (CSOs) have been aware of human rights abuse taking place regarding the Kafala system and overseas workers (Rintakumpu, 2016). The Lebanese civil society organizations (CSOs) knew the direct relationship between the Kafala system and numerous cases of overseas workforce abuse (Hamill, 2012). In the beginning, CSOs such as Lebanese trade union FENASOL (National Federation of Worker and Employee Trade Unions in Lebanon) were offering charitable help to migrant workers, but then they decided to offer advocacy services to abused workers. FENASOL has taken an active stance against the Kafala system as the corrupt system that enables human rights abuse in Lebanon. Up to the present day, the efforts of Lebanese civil society organizations (CSOs) to call for reforming the Kafala system remain in vain because there is still no clear mechanism of how the reform can be implemented. Human rights abuse persists in Lebanon.

### **3.3.3 Awareness Campaigns**

Awareness campaigns have been partially targeted at educating domestic migrant workers of the possible challenges they will face with the Kafala system (Rintakumpu, 2016). Many local civil rights organizations have risen from the suburbs of Lebanon with the sole aim of educating migrant workers. One of these civil rights organizations is the Migrant Workers Task Force (MWTF) which has been very instrumental in language training skills in English and French (Gustafsson, 2011). They hold regular language classes to help domestic workers make sense of every contract and document they sign (Lebanon: New kafala consultation an opportunity to protect migrant workers' rights, 2020). A joint force of the MWTF and an anti-racism movement group has succeeded in setting up about three centers in Beirut, Saida, and Jounieh. These grassroots organizations have played a very vital role in generating the much needed international awareness about the atrocities

faced by migrant workers. Currently, Amnesty International, ILO, and many other international organizations are at the forefront of pressurizing the Lebanese government for the right reforms. However, despite the public outcry and awareness campaigns, successive leaderships in Lebanon have treated the moves with laxity or turned a blind eye to developments (Gustafsson, 2011)

### **3.3.4 Trade Union Initiatives**

There have been calls for the establishment of a legalized trade union for migrant domestic workers. Unions like the Lebanese trade union FENASOL (National Federation of Worker and Employee Trade Unions in Lebanon), the international labor organization, and other domestic institutions have fearlessly asked that a legal law allowing migrant workers partake in union activities be passed (Rintakumpu, 2016). Lebanese trade union FENASOL (National Federation of Worker and Employee Trade Unions in Lebanon) is at the forefront of independent trade unions in Lebanon that aren't influenced by the Government directly or indirectly. Lebanese trade union FENASOL (National Federation of Worker and Employee Trade Unions in Lebanon) has already shown its resolve to lend a helping hand in the past in support of workers fighting against the odds to formally organize themselves in trade unions as stipulated by the Lebanese law (Bajracharya & Sijapati, 2012). Despite their efforts, the continued intentional neglect perpetrated by Lebanese legislators to pass a law that allows migrant domestic workers into trade unions is a source of concern (Damir-Geilsdorf & Pelican, 2018). For example in 2015, a founding congress that brought together Domestic Workers in Unionism for the first time in Lebanon was rejected by Lebanese officials as reported by Human Rights Watch in Beirut (2015). To date, the status of that union remains unresolved effectively keeping domestic workers out of the umbrella protection of a trade union.

Lebanese trade unions argued that ensuring the rights to freedom of association of domestic workers will help to champion the cause for new legal protections. Many of these workers were already under constant abuse and harsh working conditions so it made sense that a protective union that represented the rights of the workers is instituted (Idriss, 2020). An attempt was made by six Lebanese workers to submit a request to the labor ministry to form a union on December 29, 2014 (Lebanon Deports Domestic Worker Rights Organizer, 2020). The move was widely commended and it received strong support from the International Labor Organization (ILO), the Lebanese trade union FENASOL (National Federation of Worker and Employee Trade Unions in Lebanon), and the international trade Union Federation (ITUC). On the 25th of the following month, over 350 Lebanese domestic workers gathered for the first inaugural congress meeting but were disappointed to discover that union members have received no response from the Ministry of Labor (Lebanon: Recognize Domestic Workers Union, 2015). In fact, according to the Human Rights Report in Beirut (2015), the Minister “Sejaan Azzi” disbanded the union attempt, labeling it as illegal.

In a highly tactical move, the Minister for labor chose to push forward on long-standing promises that over the years have yielded little to no positive results. The Lebanese Government has continued to downplay the severity of the situation by turning a blind eye on domestic workers who urgently need a protective structure in place (Amnesty International, 2019). The ongoing struggle to unionize migrant domestic workforce has been further undermined by the crackdown on activists. By December 2016, security officials in Lebanon deported Sujana Rana, a Nepalese migrant worker at the forefront of the struggle for favorable migrant labor rights. The manner in which she was arrested shows that she was targeted for her activism rather than any other just

reasons. The continued crackdown on union organizers is a direct infringement of the human right to freedom of association and collective bargaining power under international law standards.

Any attempts of the Lebanese government to suppress the development of the migrant workforce trade unions violate Article number 87 of the International Labor convention that stipulates the need to organize and form associations or trade unions without prior registration or approval from government officials. Contrary to that international law, article 86 of the Lebanese labor code stipulates that there is a need for prior approval and authorization from government officials. There is a conflict of interest in the policy process that leads to the formation of trade unions. In Lebanon, there is no definite time for approval or disapproval for the formation of trade unions which means the process is flawed and highly dependent on the political disposition of the officials in power. Furthermore, article 4 of the Lebanese labor law prohibits the unionism of migrant domestic workers.

### **3.4 International Human Rights Instruments for Protecting Domestic**

#### **Workers**

It all started when about 100 nongovernmental organizations met in Beirut to admonish the Lebanese government to accept a union for domestic workers. In Lebanon the international human rights law protecting migrant workers has not been passed into law, migrant workers and other unskilled labor workers are subjected to varying levels of abuse. If the value for human life is anything to go by, then there must be concerted efforts on the international, state, and local levels to implement laws that will serve as guidelines in determining the rights of workers.

The Kafala system has to be reformed to better reflect modern trends in the field of international labor that in turn provides international workers with sufficient tools for protecting their rights. At an international level, the labor law rights governing migrant workers are broad and multifaceted

as in the case of the International Trade Union Confederation (ITUC). Its legal framework covers aspects such as salaries, minimum wages, working conditions, safety as well as the freedom of association and the right for collective bargaining via associations or unions, but Lebanon is still not a member state of the ITUC (Global Rights Index: The Violations of Trade Union Rights, 2013). Along with the international Labor organizations (ILO), other labor organizations in the fight for basic human rights including but not limited to the Fair Labor Association (FLA), Industrial Workers of the World (IWW), International Center for Trade Union Rights, and International Labor Rights. Many treaties have been proposed and adopted by various international and human rights organizations. To date, there are about 9 core international human rights treaties all established by a committee of experts (Core International Human Rights Instruments (Treaties) and The Treaty Bodies - Women with Disabilities Australia, n.d.). The 9 treaties enacted so far cover a broad range of migrant workforce in many areas of their social-political and economic wellbeing.

The ICERD act covers all forms of racial discrimination against international labor migrant workers. This act went into force on January 4th, 1969. Other treaties such as the right of freedom from torture, abuses, and collective bargaining are also included in various international human rights laws. For example, the right for just and favorable working conditions such as just wages is covered in article 7 of the ICESCR human right act. Even though the rights of migrant workers are adequately covered by international human rights treaties, there is still a need for a separate establishing framework to address the need for labor migration policies that are specifically targeted at migration-related situations (Mosley & Singer, 2015).

Apart from the use of various international human rights policies to protect the rights of migrant workers in the jurisdiction of a foreign country the cramping and punishment of human

traffickers can help curtail or stop the spread of illicit human trade peculiar to recruitment agencies. Globally recognized human rights group Amnesty International published a report on the Lebanese Kafala system as the “system that facilitates exploitation, forced labor and human trafficking” (Lebanon: Blow to Migrant Domestic Worker Rights, 2020). That is why Lebanon needs to implement the Palermo Protocol. The Palermo Protocol is one such tool that can be used to prevent, suppress, and punish individuals, organizations, and companies involved in illicit human trafficking trades especially women and children. The Palermo Protocol also expressly condemns in no small terms the forceful extraction of labor, servitude, and slavery via the use of deceitful processes, slavery, or coercion (Doezema, 2002). However, despite the good intentions of the Palermo protocol over 15 years ago, many scholars think that the protocol has served very little to stop sex trafficking and child labor. Studies have cited disagreements in wordings, inaccurate reporting, broad-based policies and the UN’S failure to enforce compliances from participating countries (Seideman, 2015).

### **3.4.1 International Conventions**

At the moment, there are no effective international conventions that would improve the situation of the Lebanese migrant workers. Although such international conventions on human rights and advocacy groups would be of particular importance to migrant domestic workers because Lebanese government itself looks reluctant to effectively reform the Kafala system. No conventions are placing prolonged pressure on the Lebanese governments at the moment to act towards the enactment of favorable laws and policies that can help address the domestic Labor situation in Lebanon.

### **3.4.2 United Nations Conventions**

The United States organization is the world's most influential international organization, and the decisions of the UN Security Council are mandatory. That is why the interest groups need to engage the UN regarding the issue of the Lebanese Kafala system reform. Several conventions held by the United Nations are relevant to the pursuit of justice for domestic migrants of the kafala system. The International conventions of economics, social and cultural rights and those of civil and political rights have the potential of placing pressures on the powers that be in Lebanon. However, it must be stated here that the conventions to eliminate all forms of discrimination against women were ratified in Lebanon in 1972 but to date; the opposite seems to be the case with migrant domestic workers whose population is mainly made of female foreigners.

Surprisingly, Lebanon is a signatory to the Universal Declaration of Human Rights adopted by the United Nations General assembly. This law is enshrined in their constitution and supersedes all other domestic laws. Article 5 of the law is of major importance to domestic migrant workers and specifically condemns the use of degrading treatment or punishment of laborers. Other Articles in the law addresses the right to freedom of movement, employment, and the right to a just and favorable condition. The article also highlights the need for leisure and break from long working hours, however, none of these seems to have applied to the current situation of migrant domestic workers. It's a shame how the powers that be in Lebanon have let the current situation last this long in the sight of strong pieces of evidence pointing to physical and sexual abuses and unfavorable working conditions.

### **3.5 Current Challenges to Kafala Reformation**

Although there has been a growing trend of abolishing the Kafala system, there is no clear mechanism on how to make these changes happen. One other reason for the slow response of

abolishing the Kafala system may be due to the civil liabilities involved in taking up extra responsibility. Lebanon, for instance, is already bedeviled by numerous economic, social, and political crises. The government can barely provide the basic necessity of social security, and jobs for its citizens so taking up the civil responsibilities of migrants may not be in their best interest. There have been reports of foreign activists been deported for their role in civil advocacy and activism. In Lebanon, there seem to be many nongovernmental organizations working for the protection of basic migrant rights but many of their efforts have been geared towards improving the standard contracts, lobbying, and raising awareness rather than on the call for a complete abolishment of the kafala system (Lebanon: Blow to Migrant Domestic Worker Rights, 2020). Therefore, because of the epileptic drive towards abolishment, government officials are not in sustained pressure to make lasting changes to the labor law policy in those regions.

The lack of drive to reform the Kafala system may also be the widespread prejudice that is characteristic of the region. This widespread prejudice is held against the majority of migrant workers especially does from Africa and Asian. The situation makes it less favorable for well-hearted citizens to speak up for foreigners who are already classified as second-hand citizens of the system even in light of glaring abusive pieces of evidence. A retrospective analysis of anti-discrimination laws from the international labor organization shows that majority of these laws haven't been implemented even though they might have to be ratified on a national level. If these laws were widely implemented, it may have strengthened the position of migrant workers in many of these countries. Even in countries where some of these anti-discrimination laws exist, they still fall short of international standards with very little information about their implementation process. In Lebanon, an activist group has formed an anti-discrimination movement against racism citing concerns that the over 250,000 migrant workers face racial discrimination on the bases of their



skin color, race, and nationality (Anti- Racism Movement, 2020). The anti-discrimination against migrant workers is a widely held notion in many destination countries.

The challenges of adequate reform policy may also be attributed to the economic interest at play in many of these countries. Perhaps cues from the economic situation can gear us in the right direction why reforms are not forthcoming. There has been a very powerful lobby within the ranks of government that may be responsible for the laxity observed in many countries to take decisive actions (Reform of The Kafala (Sponsorship) System, 2012). These lobbyists believe that a change in the current system may not be in their best interest because of the huge business it brings to them. One culprit organization that could keep pressing for an unchanged status quo are recruitment agencies serving the middle and lower class citizens, construction companies looking for cheap labor, and a host of other manpower labor driven sectors.

Lobby groups in conjunction with a corrupt system in the country have succeeded in sidelining groups with reformist agenda and little financial powers to make lasting changes. There have been changes in executives when a high ranking official attempts to make radical reform policies in the kafala system. These changes could only have come from strong lobby groups and individuals benefiting from the kafala system.

Sending countries also have a major role to play in why there seems to be very little success at reform policies (Bajracharya & Sijapati, 2012). Many sending countries to date have refused to band themselves together in one voice to articulate their stand. There is certainly political and social power in collective action but these sending countries haven't held a common ground to place undue press on the powers that be in Lebanon and other receiving countries. But what could be the reason behind their lack of common interest and the need to form a bloc? One possibility

points to the fact that sending countries benefit from the remittances from migrant workers in receiving countries. These remittances play a major role in the GDP in home countries.

The government of sending- countries are more prone to pursuing international control and non-binding memoranda of agreements to strengthen and regulate international labor (Bajracharya & Sijapati, 2012) . However, these moves have proved to be very ineffective at curtailing the present migrant labor crisis. Signing these documents have failed woefully in protecting the rights of migrant workers. There have been calls from various advocacy groups and activists that these individual country-centric agreements can promote unhealthy competition among sending countries. That is if receiving countries find out that string labor laws prohibit them from acquiring migrant workers from host countries recruitment agencies will opt for migrants from other countries where labor laws are favorable.

In conclusion, Lebanon itself is not interested in reforming the Kafala system because the employers can exploit their workers by abusing their rights. The workers in turn neglect their own rights because many of them agree to work for Lebanese employers without any contract at all, and even if they signed a contract, they can sign the contract without ever reading and understanding it. Some organizations in Lebanon are signaling about the issue, but their efforts at the moment are in vain. Lebanon is not a member state of the International Trade Union Confederation (ITUC), unlike some of its neighboring countries. To get a better picture on the ground, the thesis will contain a qualitative research (a survey) to come up with concrete recommendations on how to reform the Kafala system in Lebanon.

## **Chapter Four**

### **Methodology, Results, and Discussion**

#### **4.1 Methodology**

##### **4.1.1 Introduction**

The Kafala system has been in existence for many decades dated back from the 1950s'. However, it has been associated with mixed reactions in terms of reviews from those that have been made to pass through it in quest of job opportunities abroad. To explicitly come out with the information that best describes the research questions, this research used a qualitative approach. Going by the number of participants that were sampled for this study, it sorted for a design that would bring out the exact issues as to why there are existing disparities in thoughts of those that have been through the system. In his literature review, Connelly (2016) notes that the quality and trustworthiness of a research design forms a pivotal role in not only the integrity of the findings in regards to the credibility, dependability, conformability, and transferability.

The qualitative research design was sorted to ensure that the participants' perceptions are extracted with fewer modifications or interference from the confinement and the strict dictates of some employers or institutions. As such, the data collected were eventually analyzed and discussions were made as pertains the participants' perceptions. Most studies have been associated with wrong findings that have influenced wrong discussions, and eventually leading misplaced and non-reflective analysis and conclusions. In their inferences, scholars Queiros, Faria, and Almeida (2017) denote that compromised data is associated with poor or unmet objectives. They further state that the participants' reviews and mode of answering interviews in qualitative research should

be well guided otherwise crude and undecided information would be the case in most instances. Therefore, depending on the nature of the work and the services that framed the participants, qualitative research design best suited this study by having parameters that could best handle the research questions.

#### **4.1.2 Study population**

The study population plays a key role in the determination of the research aims and objectives. The achievements of any study are often associated with the size of the sample population, the level of literacy regarding the study topic, and the instrumentation of the study tools. In studying the Kafala system, it would have been only relevant if the people involved in the study have had first-hand experiences from the system. As a result of that consideration, the study involved 20 Kafala sponsors comprising of 19 women of varying social status (that is, the sponsors comprised of high class. While the socio-economic status of the majority of the sponsors interviewed belonged to the middle class or working-class section of the economy).

A total of 5 migrant domestic workers were chosen randomly from Pilipino, Ethiopian, and Sri-Lankan nationality. The study used this number of immigrants to act as the representative of all immigrants domestic workers by providing a bird's eye opinions and views regarding the challenges and dissatisfactions experienced from the Kafala system. Together with participants from the sponsors that are Kafala System, their views were treated confidently and anonymously as per the dictates of this study's ethics. Policymakers' views were also sorted to identify the precursor of all these concerns raised by the participants as well as in helping to expound the bone of contention surrounding all these services the Kafala system offer. Policymakers also helped in understanding why there have been no actions taken or if there are then to what extent have there been implementations of such and the scope of operation.

### **4.1.3 Inclusion and exclusion criteria**

Exclusion and inclusion criteria as stated by Connelly (2016) is vital for every research as it limits the chances of error occurrences due to unlimited entry of participants as well as the entry of wrong or untargeted study population. Through making such distinctions, the researcher is thus assured of relevant data and information that are strictly confined to the research questions. With the nature of this study, limitations on the participants to be engaged were regarded and abided by as such. In determining these participants, a close check of their identities was made by the researcher, and that the credentials provide were authenticated either by the sponsors themselves or by the employers of the immigrant domestic workers.

The quality of research depends heavily on the integrity of the data collected from the participants. The integrity part is assured by getting the right participants with a certain level of know-how regarding the study topic. In this perspective, the study exclusively engaged only those immigrant domestic workers who have and/ or going through the Kafala System in acquiring their existing job opportunities. By using these criteria, this study managed to have only relevant and genuine immigrant domestic workers who helped in ensuring that the information relayed were those that concisely answering the research questions thus enabled the realization of the study objectives. Because the study wanted views from the horse mouths that are the sponsors, the study sorted out 20 participants who the researcher had adequate proofs that they belonged to the Kafala System. In this context again, it aided in the authentication of some doubtful data obtained from the immigrant domestic workers.

The structured interview questions were presented only to the certified target population as described above. The exclusion of the non-targeted participants into answering these questions

would have interfered with the study's data integrity which a key factor in any research. Through the exclusion criteria, the study was carried in a more reliable environment that ensured a true picture and inner feelings of the immigrant domestic workers as well as the actual take of the sponsors in responding to some of the issues that pertain to their services.

#### **4.1.4 Sampling procedure**

The participants for this study were sampled through the snowballing technique. Kafala system operates in many countries. They offer opportunities to immigrant domestic workers across countries of different laws and cultures. It is therefore effective to use snowballing sampling in coming up with the sample that represented all these diversified working areas together with sensitivity of the study subject (Etikan and Bala (2017)). In this regard, the technique grouped the immigrant workers in terms of the various issues they have experienced with Kafala system as well as the nature of working conditions. The snowballing sampling method enabled the study to determine the extent of their treatment as well as the diversification and views of their areas of operations. Kafala system is involved in sourcing job opportunities across countries of different work cultures, labor laws, and the general domestic work by-laws.

All these were to be considered in snowballing the participants. Putting into consideration the varying situations of the participants helped the study to deeply understand the terms and conditions that define the Kafala system and how they manage to operate within other countries' boundaries. Learning the underlying issues to do with the Kafala system was key as it influenced the nature of questions that were designed. It ensured that the questions in the structured interviews were the full representation of what was going on.

#### **4.1.5 Sample size determination**

In qualitative research design, participants' saturation is always a factor to consider in determining the sample size (Boddy, 2016) making the design always embrace a smaller sample size since the information needed could be gotten from a small number of participants and by so doing, the views held by others who would have been brought forth are similar adding no value. Putting this into consideration, 20 members of the sponsors were sampled for this study as well as 5 immigrant domestic workers who acted on behalf of other immigrant domestic workers across the countries that have deals with the Kafala system.

#### **4.1.6 Study tools and instruments**

For this study to be rendered successful, some tools and instruments enabled data collection to be done. The study used structured interviews that contained questions regarding the research questions and objectives. The structured interviews were differently designed for two categories of the participants that is, some questions were specifically designed for the immigrant domestic workers, and another set of questions were customized for sponsors. As attached in appendixes A and B, the structured interviews for the sponsors and employers were based on 12 core questions that targeted the nationalities of the sponsors as well as their views on how the Kafala system renders its services. It also interrogated the sponsors on the general financial flow from the work or economic activities they delved into.

On the immigrant domestic workers, the questions entailed 16 areas covering the demographic profile of the immigrant domestic worker, their relationship with their employers that dictates the working culture and environment, the experience in terms of years spent with the then employers, modes of communication with families, how often are they paid et cetera.

Of importance were the identities of the participants' answers. According to research ethics, the confidentiality of the respondent should be anonymously stated to avoid conflicts and other scandalous acts between the respondents and the organizations in question. By ensuring that the structured interviews have no specifics for actual naming and identities, the participant's confidence was ensured and this made them respond to the questions with less scar-mongering and the fear of unknowns.

#### **4.1.7 Data collection procedure**

After successful completion of sorting out logistics and technical formalities of the study, there was a meet-up session with respondents in a bid of collecting data. The data was collected through the use of structured interviews with the participants. The structured interviews were self-administered to the participants who were later given time to understand the needs of the questions. Brief explanations were given to those participants who could not understand what the questions talked about or entailed. Through this, the study ensured accurate answers were given out from the respondents. The guidance was offered to the illiterate participants who could neither read nor write answers. The guidance was done under strict codes of conduct from the researcher. Any room for manipulating the participants' responses was not allowed and never given any chance to occur as data integrity was key.

As this study involved two categories of participants (Sponsors and immigrant domestic workers), the structured interviews were administered on two different occasions to ensure that the confidence and morale of either of the participants were never derailed by being together. The study, therefore, resorted to the issuance of structured interviews from the out of reach context to both the participants. There are normally high possibilities of intimidation, as well as fear



associated with putting together employees and employers on the same bench. Queirós, Faria, and Almeida (2017) posit that the inclusion of fear and intimidations in the respondents' mind automatically changes the direction of the answering techniques by the respondents. The study took heed of this and ensured that sponsors and the immigrant domestic workers who participated in answering structured interview questions do not interact whatsoever.

#### **4.1.8 Institutional review board (IRB) of the Lebanese American University (LAU)**

The Lebanese American University (LAU) institutional Review Board (IRB) is responsible for the review and approval of research projects involving human subjects that are conducted at LAU and the locations. The Lebanese American University's primary objective for this is to ensure that the proposed and approved research is conducted under total adherence to the outlined auspices that encompass ethical principles of the Belmont Report and the protections provided by the regulations and guidelines governing research.

This study, therefore, recognized the underscoring principles that are approved by the board. The researcher hence made quite considerations on how the respondents were handles, how the guidance was conducted to those respondents who could not read or write, how the structured interviews were designed, and finally the collection of the information from the participants. The entire research procedures were conducted under total adherence to these policies.

As a mandated body to review all the research projects within the institution, this study had been well informed by the policies of the board and that all the procedures were carried out accordingly and in context. Through this, this study gained rapport and support from the participants as they authenticated its feasibility and integrity. The participants were made to go through the terms and

conditions of the study by reading them out by the researcher. Through this, a broadened elaborations were made clear regarding the study.

#### **4.1.9 Ethical and consent consideration**

Ethics is key in every sector. It dictates the general views of the discourse that identifies an organization or an individual to the outside environment. In this context, ethical issues are very critical by the fact that the research involves human beings in getting the data necessary for the discussions as per the research's research question and objectives. The nature of the participants who were selected for this study especially the immigrant domestic workers have needs that require urgent actions like policy formulation and implementations to better their situations. They, therefore, become vulnerable to be easily lured into malpractices by any researcher in what is termed as non-ethical actions.

A deeper undertaking of the respondents' needs is key to evaluating and treating them. It implies that a researcher needs to know the actual nitty-gritty that pertains to the subject matter in conjunction with the environment under which research will take place (Harper, Herbst, and Kalfa, 2018). The process of not mistreating an individual starts with the basic understanding of the underlying issues through which the respondents go through. Harper and associates (2018) include scientific misconduct that involves flatulent activities coupled with deceptions. Fraud in research is considered unethical as it could make respondents' life in danger by either exposing them or having some ill motives on them.

Yip, Han, and Sng (2016) assert that legal and ethical issues in modern research are a fundamental tool in ensuring a successful stud run. They further argue that research studies that involve human participants have raised much concern among scholars. Therefore it important for a complete

familiarization of the existing policies that govern the use of human beings as respondents in any study. Most often, these policies are quite stringent and very sensitive. The sensitivity part comes during the actual data collection and drawing of the collected data.

In this research, human participation was key in data sourcing. They played a pivotal role in ensuring that the data issues were about the topic of study and that the actual representation of the data depicts what the general population has. With due diligence and total observance of the ethical issues, the research ensured that the participants' health, life, dignity, integrity, right to self-determination, privacy, and confidentiality of personal data regarding the research subject were guarded appropriately. As detailed in the Belmont Report, Yip and colleagues (2016) review that Belmont presents a framework through which research is evaluated through three ethical pillars that include respect for persons which entails the recognition of the autonomy of the respondents, beneficence that gives no room for causing harm to the respondents by ensuring maximum benefits and minimizing risks for harm, and lastly, justice for the respondents at both personal or societal levels.

In pursuit of completing a research study, any mistreatments that are meted on the subjects of the research who are the respondents are considered non-ethical. The mistreatments in this perspective revolve around the worsening of the mental health of the respondents, physical torture, failure to ensure research confidentiality as earlier agreed upon, and the general immoral behaviors of the researcher. In carrying out this study, the respondents were never subjected to any form of the above-mentioned mistreatments. It, therefore, made the research gain the reputation it deserves as per the dictates of ethics.

#### **4.1.10 Consent**

Consenting to be used for a given study is very important in the quality of data collected. Queirós, Faria, and Almeida (2017) posit that participants consent to sign the research tools is one of the ethical pillars that any researcher is entitled to carry out. Consenting to the research means that the respondent would be engaged in data collection and that all the procedures that entail the use of responses they will be in to take up such roles. Before any participant is made to consent to any procedure during the study, all the details that pertain to the study need to be deeply explained in the language and demonstrations that best suit the literacy levels of the targeted participants.

A study like this one was based on both human and research centeredness. To expound on this, the study considered both the dictates of involvement of humans in the research as well as the dictates of carrying out research study. Participants' consent was achieved after a successful description of the intentions of the study and the legal formalities attached to it. The legal formalities are key in the authentication processes of any studies. For this study, there were terms and conditions as well as signed documents from the Institutional Review Board (IRB) of the Lebanese American University (LAU).

In most cases, especially during research studies, the respondents could be drawn from various places that might be having different levels of education, health-related issues, and the general take on socialization. All these groups have to be considered during the sampling process and interviewing to make sure that the information they will share out is in line with what the research questions and objectives need. By doing this, it is considered ethical, and that using the respondents in sourcing pieces of information is granted and allowed. Appending signatures by the participants to help in carrying this study was appreciated as a form of gratitude. The process was well

undertaken under minimal disturbances and related factors. The conduction of the administration of the structured interviews was also done only after they were asked for assistance and gave in for the support from the researcher.

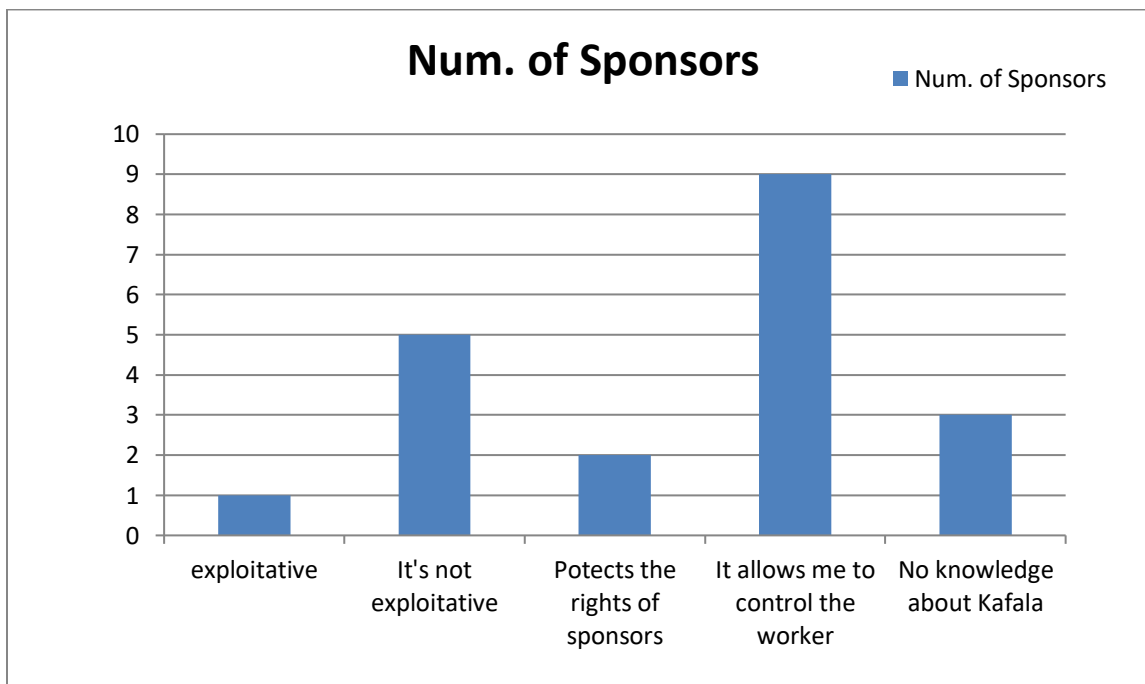
## 4.2. Results and Finding of the Survey

This section provides findings and critically analyzes the results of the study to draw out knowledge about the Kafala system from both employers and migrant domestic workers alike.

The report analyzes core areas of employer relationships like perception and need for a domestic worker, social status, salary paid, living conditions of the Kafala, and a host of other useful metrics.

### 4.2.1 Employer’s Perception and need for a Domestic Worker

Employers were asked what they thought about the kafala system and the exploitative nature against migrant domestic workers.

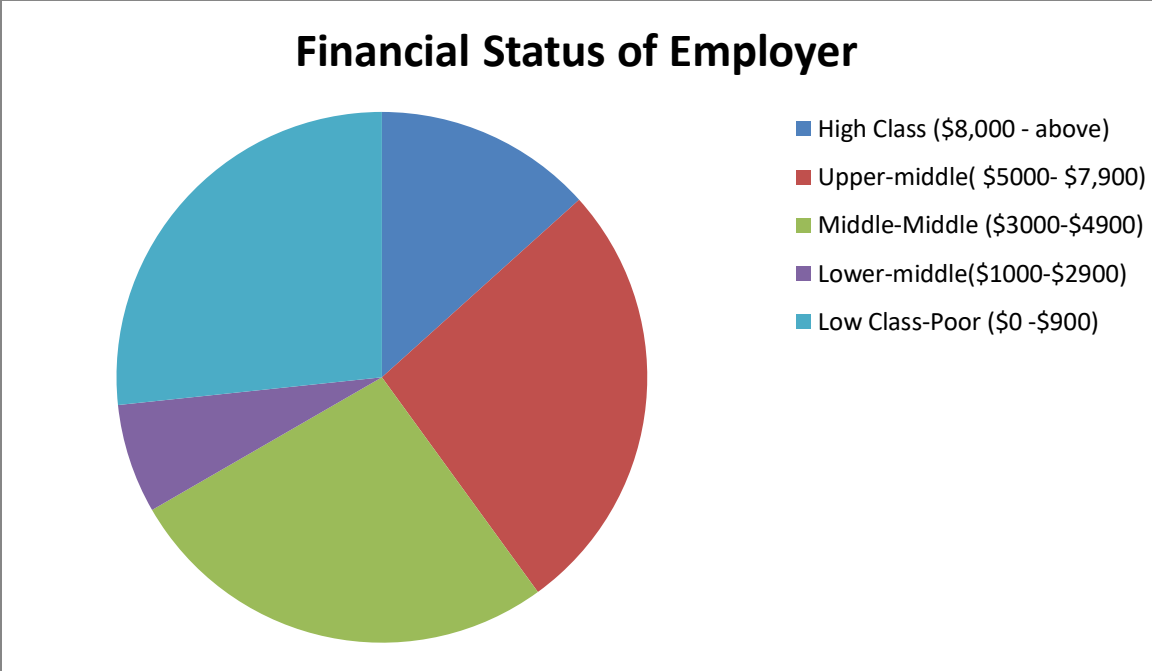


**Figure 2:** Employer’s perception of the exploitative nature of Kafala

The results show that a large percentage of sponsors interviewed out rightly states that the Kafala system is not an exploitative system hiring a cheap labor. Only one of the employers interviewed condemned the practice and believes that a better alternative is introduced. 9 out of the 20 employers interviewed also agree that the system is exploitative but they gave reasons that the present system helps them control the worker. Three employer wasn't aware of the kafala system, which breeds a cause for concern with the recruitment process. Lastly, three employers referred to the exploitative nature of the kafala system as a system that protects the rights of the sponsors. Samar reports that, "Kafala system is not exploitative. It is necessary to protect my rights as an employer where it allows me to control the worker. Without the Kafala system, the worker might run away at any time and puts me in danger".

#### **4.2.2 Social Status of the Employer**

The social status and class of the employer is a useful barometer to the economic and financial strength of the employer. Understanding the financial prowess of the employer may be responsible for the disparity in migrant worker monthly wages. Some domestic workers are better paid than others for several reasons which may be dependent on the financial or social-economic stratification of the employer. Secondly, there is no central policy in place or specific directive in the universal kafala contract that stipulates the least amount to be paid to the migrant domestic worker.



**Figure 3:** Class structure of employers interviewed in Lebanon

A total of 20 employers were interviewed for this research report and the pie chart analysis shown above is a representative percentage of the class structure of these employers. Of the 20 employers interviewed 13.33% are high-class citizens with monthly take-home pay over \$8000, while the upper-middle and middle-class employers make up for 26.67% each for the employers interviewed with monthly take-home pay of \$5,000-\$7,900 and \$3,000-\$4,900 respectively.

Hiba who is a sponsor reports that, “I belong to upper-middle class as I am a psychiatrist. I have my own clinic and I work in a hospital. I earn around 7,000 \$ monthly” while Ahmad reports that, “I belong to middle class as I have my own business that generates between 3,500\$ and 4,000\$ per month. Besides that’s, my husband is a lawyer”

Finally, the lower middle class make up for just 6.66% of the entire employer population interviewed while the poor in the society receiving less than \$900 monthly make up for 26.67% of the employers surveyed. The stratification of employers according to monthly earnings was based

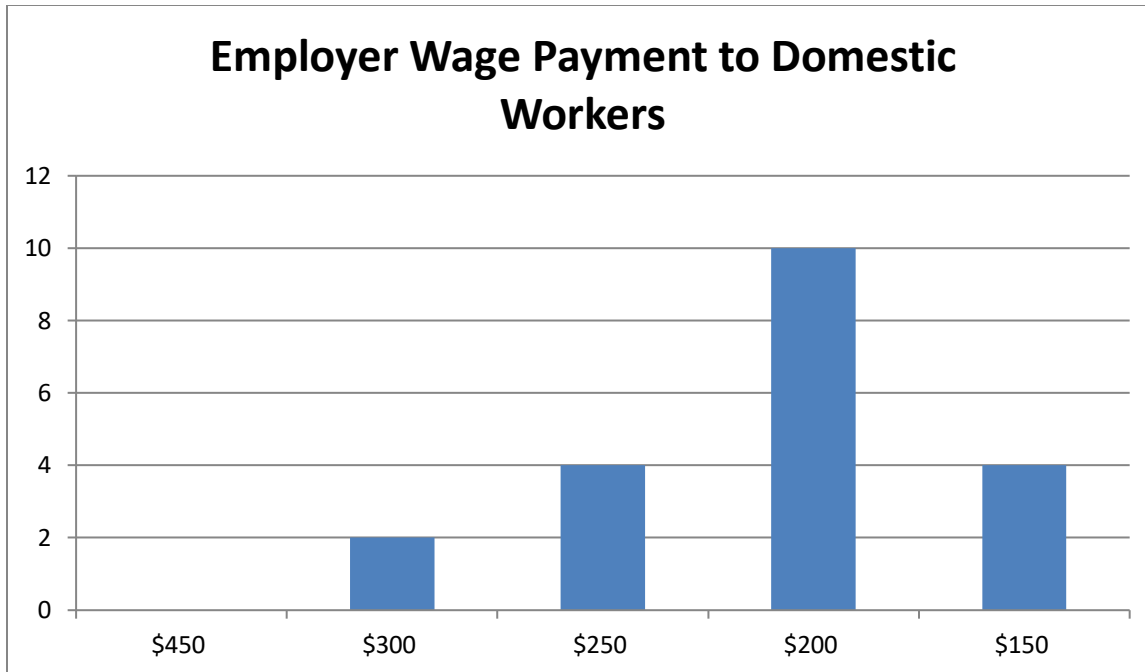
on the reported finding of Traboulsi (n.d.), in the research on “Social Classes and Political Structure in Lebanon”.

Hilda, one of the sponsor who belongs to lower middle class reports that, “I work as a teacher in a public school, in addition to teaching children afternoon. I earn around 1200\$ per month and hence I consider myself of lower middle class. However, my income allows me to have a migrant domestic worker as I pay for her 200\$ per month which is fair for me. On the other hand, Ghina states that, “I work in a kitchen of a restaurant. My monthly income is 450\$. I can’t afford to hire a domestic worker”.

#### **4.2.3 Salary Paid to Migrant Domestic Worker and Minimum Wage**

The kafala contract stipulates in article 5 that the migrant domestic worker must receive his or her salary at the end of the month without delay and in full according to the agreement between the employer and worker. In Lebanon, there is a clear disparity in wages paid to migrant domestic workers and since Lebanese labor law doesn’t cover the migrant domestic worker, they are alienated from the \$400 national minimum wage requirement. All employers interviewed in this study pay the domestic worker less than \$300 which is a far cry from the national minimum wage requirement. Strikingly, the amount paid to the migrant workers was averagely the same irrespective of the social status of the employer. High-class employers of the society, as well as middle class citizens, paid between \$200-\$250 monthly.





**Figure 4:** Bar chart of employer monthly payments to migrant workers

There seems to be a consensus of the amount that should be paid to the migrant domestic worker according to the population of employers understudy. One employer reinforces the resolve that there is a consensus for payment as she boldly states that “150\$ this is enough and fair as it is determined by the agencies”. This means that recruitment agencies play an important role in the amount of salary received by migrant domestic workers. When employers were asked why they don’t pay more, many gave reasons that they pay for all other things like clothes, food, and other basic amenities needed by the worker. Others pointed to that their limited monthly income doesn’t allow for increased monthly reimbursement to the domestic worker as one of the sponsor says that, “I think 200\$ is more than enough for the migrant domestic worker as it considered a high amount in her country, and I pay for additional things like food and clothes which means I pay for her around 300\$ per month in total.” While Majida reports that, “I gave the worker 150\$ per month; however, I pay for her the telephone and internet costs. And if my monthly income was higher than what I am receiving, I would give her a rise as she deserves that”.

#### **4.2.4 Living Conditions**

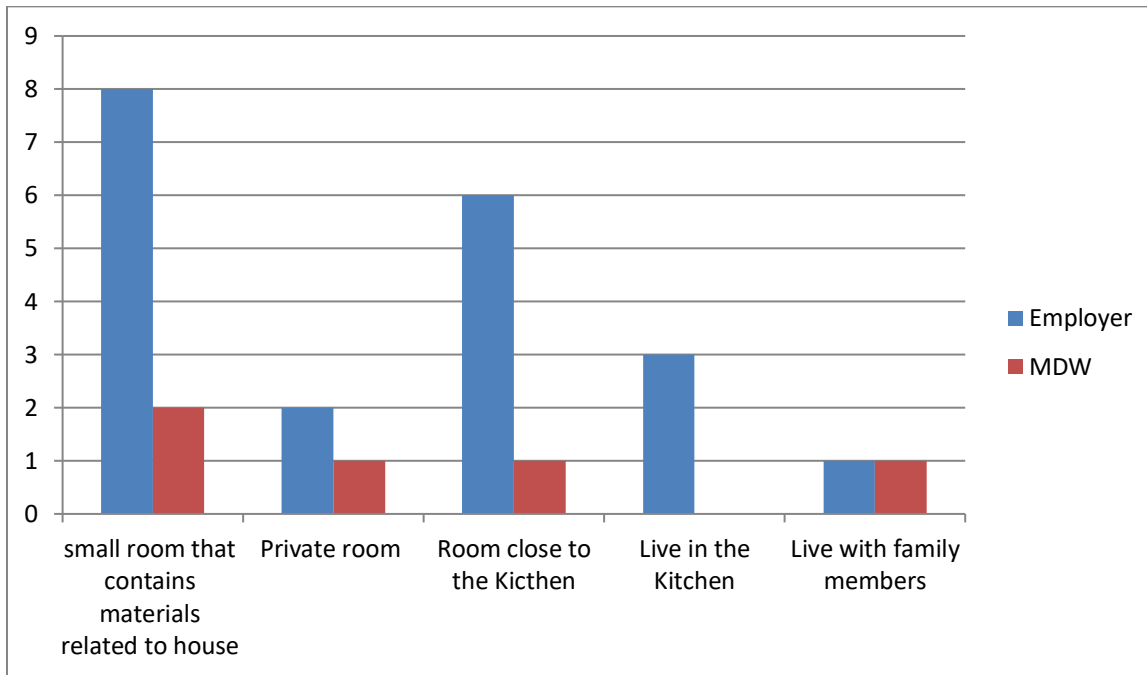
The contract agreement between the migrant worker and employer states that the sponsor is saddled with the responsibility of caring and providing the basic amenities for the domestic worker. The sponsor should provide food, shelter, clothing, and all other acceptable living conditions that make for a comfortable living. However, the kafala contract doesn't specify or define what acceptable working conditions should be either does it state the quality of food or the type of clothing. The contract terms do not stress or stipulate the extent of employer obligation to provide a comfortable living space, good food, or adequate clothing.

Although the research didn't specifically ask about some of these living conditions it did ask about the working relationship the employer had with the domestic worker. Many employers made positive references of good working relationship with the domestic worker. While this may not be a yardstick in determining the living conditions of the domestic work it does point researchers in the right direction that many workers might have been conditioned mentally to accepting present conditions because of the helpless nature of their state. Many employers say they prepare for the domestic worker a small room that contains some materials; others said they were given a separate room or a room near the kitchen. Finally, others claim the domestic worker lives inside the kitchen while only a handful say the domestic worker is treated as a family member and is given a room just like those of other family members or lives in the same room as family members.

Hiam states that, "the migrant domestic worker sleeps in a small room next to the kitchen. The room contains some materials related to the house, but it is a good room equipped with the needed furniture with a good condition." While Sara reports that, "the worker sleeps in the same room where my daughters sleep. I consider her as one of the family members. The house is not so big,

while if there was an additional room, I would provide her with a separate room, so she can have her privacy.”

The pie chart of figure 4 shows the living conditions in terms of space for the domestic worker. The pie chart shows a report from the 20 employers and 5 migrant domestic workers interviewed.



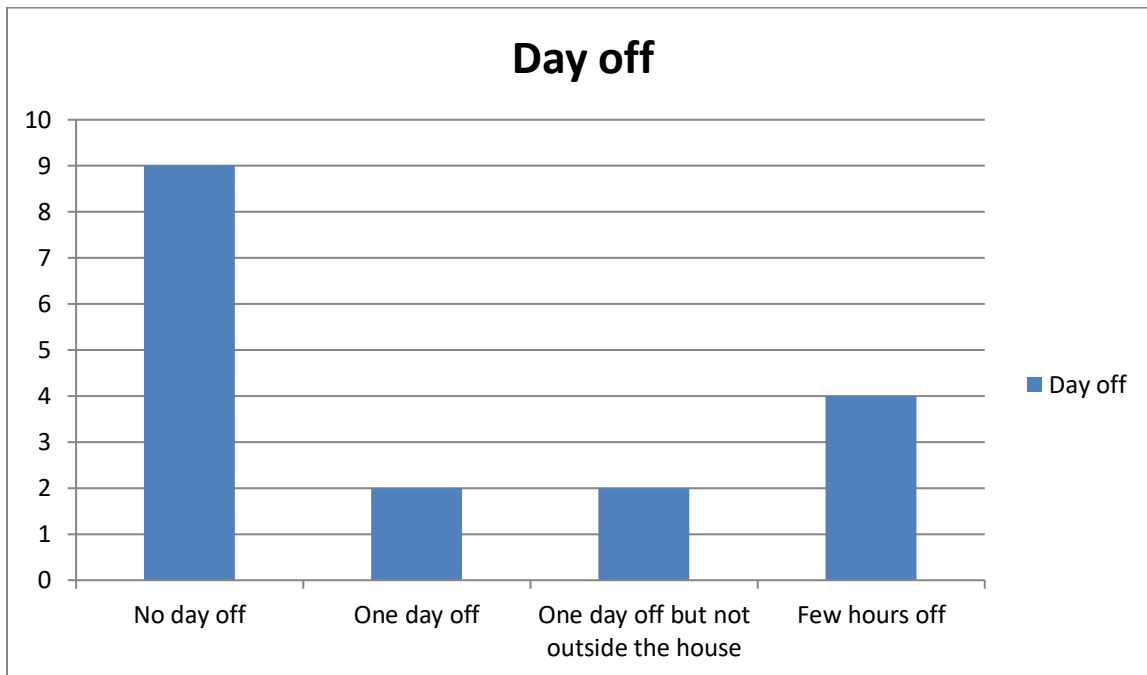
**Figure 5:** Living conditions of Migrant domestic worker (Employer and MDW)

Even though findings failed to correctly identify living conditions from the employers there is useful evidence that a majority of Lebanese households provide separate or private from for the migrant domestic worker. However, many households still don't provide the basic shelter requirement for a domestic worker so they are left to sleeping in the Kitchen, a room close to the kitchen, or at the balcony.

#### 4.2.5 Number of Hours or Days off work

Although the research failed to analyze the number of working hours migrant domestic workers are compared to work it did ask fit employers granted the stipulated one day off as required in the contract terms. The number of working hours a day or week is a useful barometer in determining

the working conditions of migrant domestic workers. If they are forced to work long hours without sufficient rest, it may take a negative toll on the health condition of the migrant domestic worker. Considering that they are poorly paid (below minimum wage), long working hours can be detrimental to the health of domestic workers. Figure 5 shows the number of employers who agreed, those who didn't allow, and those who provide restricted off workdays to the migrant domestic worker.



**Figure 6:** Day off for migrant domestic workers

The graph clearly shows that an overwhelming majority of Lebanese employers don't respect the contract terms of a day off for the migrant domestic worker. 9 out of the 20 employers interviewed agreed that they don't give a free day off to the domestic worker. Many cite the reasons security concerns or the fact that the domestic worker doesn't know their way around the country or town. Many offered restrictive hours of freedom on Sundays, while others claim that the domestic worker is free from work on Sundays but to restricted movements around the house. According to the kafala contract, employers can adjust the working hours of the domestic workers as long as it

doesn't exceed 12 hours daily. The contract also stipulates that the domestic worker has a right to a full day of uninterrupted rest (24 hour period) but it is clear that either employer is ignorant of this contract law or they willfully deprive the domestic worker of the off day that is due to them. Over 50% of Lebanese employers do not abide by this rule while others only provide restricted hours of rest. The fact that many employers don't respect the provision to a full day's of rest goes to show the limiting and exploitative conditions migrant workers are might face every day. This predatory forced labor without adequate rest period will tell negatively in the worker's health especially in a situation where they are not covered by social security.

Majida reports that, "I can't give a day off to the worker as she does not know well the country and she has no place to go. So, I prefer her staying in the house in front of me as I will be so much worried if she is outside."

Suzan states that, "I'm always in need for the worker so I can't give her a day-off. Also, she is always inside the home and she takes some hours for rest".

#### **4.2.6 Document Confiscation**

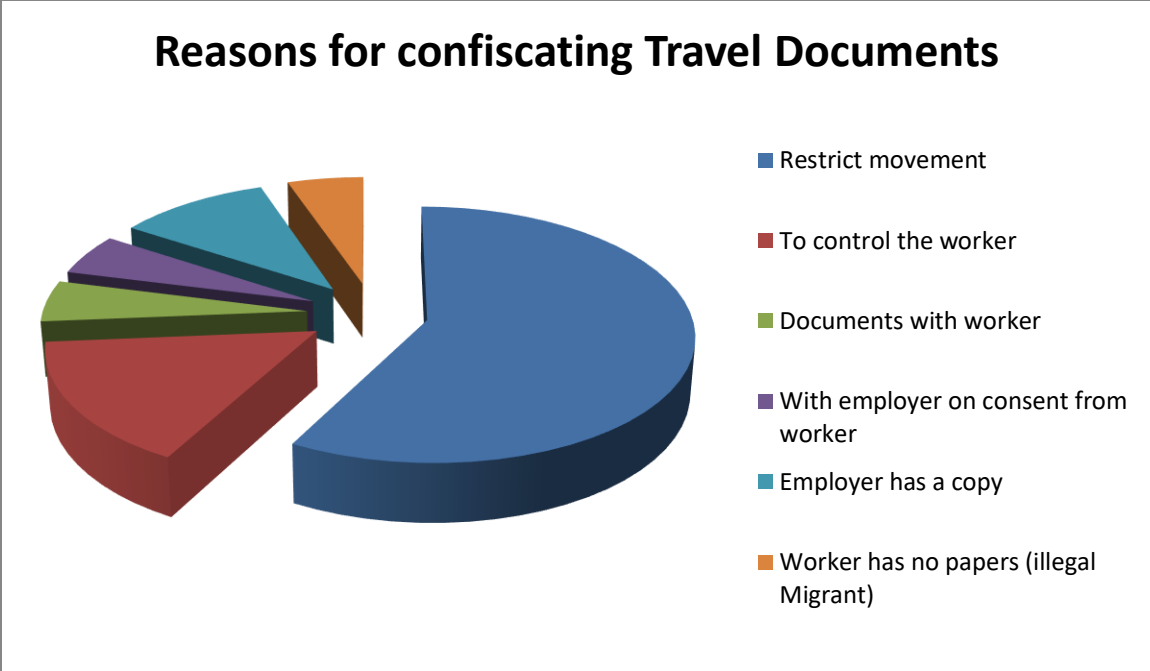
The widespread practice of confiscating the migrant domestic worker's passport doesn't seem to have any end in sight. Contrary to the stipulation of the universal contract and the worker's convention of 2011, this research found out that over 90% of employers held on to legal and travel documents of the domestic workers they employed. Many gave reasons for their action but none of these reasons was satisfactory enough to warrant the confiscation of travel documents. One of the most popular reasons for confiscating passports is that it prevents the domestic worker from escaping (Pande, 2013). Of the over 90% of employers who held migrant domestic worker's passports, many claims that they did it to prevent the worker from absconding from work and to protect their investments. In cases like this, the migrant worker is prevented from obtaining the

passports even if they ask for it. No matter how hard they try, they won't be able to get the travel documents thus can't pay visit to their home neither can they make safe trips outside the house without the fear of getting apprehended by Lebanese authorities. Only a few domestic workers have a copy of their travel documents. A retrospective look at the categories of workers with their own travel documents and it reveals that they were either old time workers on the job for a period of time or they have developed some sort of rapport and understanding with the employer.

In-depth reviews reveal that a majority of employers held the travel documents of the domestic worker to prevent them from escaping until they fulfilled the duration of their contract. They also expressed some fears that migrant workers may terminate their employment contract with them should they get a hold of their travel documents. This trend of withholding worker's travel documents doesn't seem like dwindling down soon because of the perceived notion that the taking control of the travel documents of the domestic worker is a guarantee against incurring huge financial losses associated with payments to the recruiting agency, documentation of the migrant worker and all other expenses that helped bring the domestic worker into the country.

"I can't guarantee giving the migrant worker her passport and legal documents as she might run away at any time and I will be in a problematic situation. It is safer to keep the documents with me so I can control the worker and restrict her movement."

Recruiting agencies have a big role to play in this problem; many of these agencies inform their clients that it is ok to withhold the travel documents of the domestic worker. So any solution to this must be treated from the root cause of the problem – the recruiting agencies. The widespread practice of withholding the documents of the domestic worker is a social norm that doesn't look like it's going to change anytime soon.



**Figure 7:** Reasons for confiscating travel documents of worker

**4.2.7 Access to phone and internet**

We live in the 21<sup>st</sup> century where access to a phone and internet are considered to be the norm around the world. The internet serves as a globalized platform where information and messages can be shared from one end of the world to the other without major hindrances. Accessing whether migrant domestic workers are allowed to use a phone or the internet can be used to determine the level of restriction placed on them. If they are allowed to use a phone that is connected to the internet then domestic workers will have the liberty of keeping tabs with friends, family members and even the authority. They could quickly send messages or make calls when there is a threat to her safety or under intense abusive situations.

A selected few of the employers interviewed said that the domestic worker doesn't have access to the internet neither does she has a phone to make calls. This gives a little cause for concern because of the highly restrictive nature interfering information sharing and inability to reach out to the

outside world. However, an overwhelming number of employers claim that the domestic worker has access to an internet enabled phone and at liberty to make calls or browse the internet as long as doing so doesn't interfere with the domestic chores.

### **4.3 Interviews with Migrant Domestic Workers**

Interviewing sponsors of the kafala system only could make the research report biased and titled in favor of the employers so a few migrant domestic workers were interviewed to analyze their own situation. The interview was restricted to only 5 migrant domestic workers which may not be a representative figure of the entire domestic work force in Lebanon which is over 250,000 persons today. A total of 16 questions were administered via questionnaires to the domestic worker and responses were analyzed to identify patterns in conjunction with those from employers. However, it must be stated here that the migrant workers interviewed have no working relationship with the employers interviewed in this research in order to avoid any harms might be caused for the migrant workers.

#### **4.3.1 Relationship with the employer**

Form the responses analyzed from the small survey sample it seems that the workers interviewed have a long working relationship with their employer. Three of them have stayed with the same employer for three years while, two others have spent 7 and 9 years with the same employer. This goes to show that they may have built strong level of trust between themselves and the employers to warrant their continued stay with the employer. However, this is just an hypothetical guess since it has been reported that employers are known to cunningly force migrant workers to renew their respective contract. So it's quite difficult to tell from the small sample the general relationship with employers.



2 of migrant workers interviewed have been abused, the majority have a comfortable place to stay, are given very few hours of rest at night and a day off on Sundays or any other day of the week. “I am abused verbally from the employer and sometimes physically. On some days, Madam came from her work feeling angry and started shouting and hitting me. I don’t have a day off. My movement is always restricted. When I’m outside the house, I can be with the sponsor. I can’t go out alone”. Another migrant domestic worker reports that, “I have a good relationship with my employer and this might go back to the length of my staying with there as I have been working with her for more than 3 consecutive years. My employer allows me to have a day-off on Sunday, where I go to Migrant Community Center which is a space for migrants to gather, learn some languages and participate in events.”

Employers with higher socioeconomic status are more prone to offer full-day leave than those of low socioeconomic status (Ilo, 2016). Again we can see clearly that the intermediate to low-middle class citizens of the society are prone to abusing the worker’s right to a full day off. One of the reasons why the right to a full day off is often abused is because many of these employers are not aware that it is a legal provision for the domestic worker. Perhaps if they were better enlightened on the provisions in the standard contract they would respect the terms of the contract. Deliberate efforts must be made to properly educate employers on the provisions of the contract before any deal is signed. On the other hand, many of these employers who know about the provision of the right to a full day rest but still go ahead to abuse those rights give room for concern. In cases of purposeful violation of migrant domestic worker rights, other interventions to address this challenge must be proposed. Even in situations where the employer respects the worker’s right to a full day off, they aren’t allowed to venture out of the house alone. This brings us to our next item on the list - restricting the freedom of movement (International Labor Organization, 2016).

### 4.3.2 Salary Payments and General working Conditions

Salary payments received by domestic workers is at the same range with what was analyzed for employers. Only one of the five migrant workers interviewed receives \$300 monthly while others either got \$250 or \$200 monthly. This further strengthens our resolve that there is a general consensus among employers of the specific amount of money that can be paid to migrant domestic workers. Majority of migrant workers interviewed said they receive their salaries every two or three months which can be delayed some times. ]

“I got 200\$ as a salary, but I did not receive it by the end of each month. Sometimes every two or three month to receive my salary.”

Fig 3 shows a diagrammatic representation of wage disparities within years of employment.



**Figure 8:** Wage payments by the number of years in employment. (Source: International Labor Organization, 2016)

### 4.4 Discussion

Overall, the findings of this research demonstrated generally bias towards the domestic migrant worker in favor of the Kafaal or sponsor. The finding was able to draw out some useful

conclusions especially in certain core areas of the Kafala system. Almost all Kafala sponsors interviewed agreed that the system was exploitative to their favor with many of them acknowledging that the present system helped them control the migrant domestic worker, or protect the rights of the sponsors. This is a popularly held notion even among the sponsors, hereby fueling the theory that migrant domestic workers are been maltreated in one way or another.

The next aspect the study succeeded in establishing is that the salaries paid to migrant domestic workers are nowhere where it ought to be. Interestingly, it was discovered that there is a consensus among employers of the amount that the domestic worker receives at the end of every month - this figure is between \$150 - \$300 monthly. It's a far cry from the minimum wage of \$400 that ought to be paid in Lebanon and is further proof of the exploitative nature of the Kafala system. Migrant domestic workers are made to work long hours in the harshest of labor conditions and are given very little at the end of the month for their work. The study also took into consideration the financial status of the employer to assess whether socioeconomic factors played an important role in the kafala system. While the sample size isn't large to draw useful conclusions, it failed to establish any core relationship between high financial status with the salaries paid to migrant domestic workers. A few upper-middle and high-class employers where interviewed and despite their favorable financial disposition, they paid below minimum wage to migrant domestic workers. The living conditions migrant domestic workers are made to pass through daily gives us cause for concern. Only a few employers agreed that the domestic worker was treated like every other member of the family, while others kept the domestic worker in the kitchen, or a room close to the Kitchen. A large portion of those interviewed (employer) couldn't expressly state the shelter or living conditions provided. In respect to the number of days or hours worked, despite the employer's knowledge of the provisions of the kafala contract to a full day off or 24-hours of

uninterrupted rest, many employers still don't adhere to this rule. Those who adhered to the rule placed strict restrictions on the domestic worker hereby limiting their movement around or outside the house. However, all 5 of the migrant domestic workers interviewed were allowed to go outside the house probably because they have been living with the sponsor for a long time and have gained a reasonable amount of trust. There is reasonable difficulty in reaching out to a majority of migrant domestic workers who are locked indoors – they represent a significant portion of the population of migrant domestic workers who are abused and maltreated.

Many of the workers held indoors and under strict restrictions will most probably have their documents confiscated by the employer. Our research discovered that over 90% of employers interviewed, confiscated travel documents of the domestic workers, citing strong reasons on the need to control the movement of the worker or secure the investments made to the employer the domestic worker. Finally, access to the internet and phone seem to be common with all those interviewed. The majority of sponsors interviewed claimed that the domestic workers under their care aren't denied access to these basic tools that allow them to reach out to the world around them.

After the interviews and analyzing the data that obtained from both the sponsors and migrant domestic workers highlighting the class structure, it can be concluded that it is in the interest of the middle class, especially female to maintain the kafala system for regulating the employment of domestic workers in Lebanon. This system give middle class women the chance to get out and work and pay a little money for the migrant worker whose doing the work (150\$- 250\$) which is very little compared to decent wages. They get someone who responds to their needs regardless; at any time she must work, no holidays, no breaks, works on the weekend, and other exploitative acts. Kafala system allows this oppressive and authoritarian practices that results in extra exploitation and oppression and limitation of freedom of mobility and control of the domestic

workers. This reason explains why the kafala system is still on in Lebanon despite the fact that it is against human rights treaties and international conventions.

#### **4.5 Suggestions and Opportunities for Kafala Reform**

There is a need to be very strategic and precise in the type of reforms that needs to be in place because of the present migration to the Middle East and to avoid heating the polity in the region. The region is already plagued by War and Lebanon has seen a huge influx of refugees especially from war-torn Syria (El Khouri-Tannous et al., 2018). As the current abuses peculiar to Lebanon places the country in bad light and negativity undermining the rule of law it is in Lebanon's interest to incrementally enforce positive reforms to the Kafala system. If things are left the way they are, there is a tendency that international public relations with sending countries may be negatively impacted. On the other hand, receiving countries must do all that is in their power to respond to the needs and interests of their citizens abroad.

The symbiotic relationship between sending countries and Lebanon must be fostered because migrant domestic workers and other unskilled labor will be needed to make up for the shortfall in the national labor supply and skills gap. Lebanon, in particular, depends on unskilled labor for construction work and other industries; therefore it will be in their best interest to promote policies that foster strong relationships with sending countries. Some of the critical reforms that are needed at this stage include a need to formalize the recruitment process, allowing for more labor mobility to counter abusive employers, increasing the safeguard of migrant domestic workers against exploitation and abuse, implementing proposed labor laws drafted by the international labor organization (ILO) (Gaur, 2019).

#### **4.5.1 Formalizing the Recruitment Process**

Formalizing the recruitment process is a move that should curtail a lot of ills in the present kafala system. If the informal process that is peculiar to the sponsorship system is responsible for the abuses and exploitative nature of the business then formalizing the recruitment process is a step in the right direction (Khan & Harroff-Tavel, 2011). The nature of the recruitment process and how agents take advantage of the loopholes promotes exploitation in unfair favor of the sponsors or employers. Many migrant workers are brought into Lebanon via agents who do not have their best interests. A lot of these agents are not licensed in sending countries making it very hard to track their activities. Sometimes, sponsors prefer to deal with agents who are not licensed in order to hide from authorities their nefarious activities. Both sending and receiving countries must place pressure on employers to only recruit domestic workers from agencies and agents that are duly registered and licensed to do so. Measures must be in place to deal decisively with any defaulter who tries to circumvent the process by recruiting domestic workers via illegal means. These measures can be in the form of fines, levies or even jail term to discourage the present lucrative trade of forced labor in sending and receiving countries.

To accomplish this task there must be a homogenization of standards between both Lebanon and receiving countries like Bangladesh, Philippines, Sri-Lanka, and other sending countries (Khan & Harroff-Tavel, 2011). However, policy homogenization can be very difficult to achieve because of the fear of international preying on other countries. Notwithstanding, there should be enhanced information sharing between countries, capacity building for law enforcement officers, and sanctioning of agencies that fail to abide by the rules. Agreements on steps to take between Lebanon and other countries can be reached via bilateral agreements to ensure that migrant workers are well protected. If bilateral agreements have been reached there must be follow-through efforts

to ensure that they are implemented to the latter because bilateral agreements are useless without follow-through implementation. The role of the migrant worker's originating country can't be overemphasized, they should be held accountable for training their nationals with the right information, and training on the realities of working abroad especially in the unskilled labor sector. (Khan & Harroff-Tavel, 2011).

#### **4.5.2 Promoting Labor Mobility among Migrant Workers**

Promoting and permitting labor mobility is a necessary step in the right direction. Presently, the kafala sponsorship system is structured in such a way that the migrant workforce is caged to a particular employer even under abusive and inhuman living conditions. Policy objectives to reforms must look for ways to increase domestic worker's labor mobility without been a subject of victimization, or expulsion. One way this can be done is by the intervention of the Ministry of Labor into the affairs of the recruitment process. Many of these processes place a high financial burden on the sponsor to the extent that they see it as necessary to confiscate the travel documents of the worker. If the financial burden on the sponsors is addressed with the right policy initiative there will be a few reasons to hold on to the travel documents of the Kafala and hence improved labor mobility will be achieved. While there seem to be no laid down rules that indicate domestic workers can leave the employers when they fill like, the ILO convention 97 and 143 stipulates that migrant workers should have the same rights as nationals and must be given the freedom to choose.

There are two core benefits to promoting labor mobility; the first and most obvious of them all is that it will reduce the instances of abusive conditions by employers of labor. If migrants are allowed to move or change jobs there are very slim chances that any worker will continue to bear the burdens from oppressive sponsors. The second benefit is geared towards the economy of Lebanon. An increase in labor mobility will shift the workforce to areas where their services are

required instead of the constant restriction to a particular employer. Increasing labor mobility may be a tall task to accomplish and may mean that the Ministry of Labor takes responsibility for overseeing the recruitment process rather than leaving it to agencies and private individuals. The Ministry of labor can liaise with sending countries and act as a clearinghouse for complaints from migrant domestic workers as well as employers and ensure that the appropriate action is taken to intervene and verify claims, and mistreatment.

#### **4.5.3 Improving the Working and Living Conditions**

The final objective of reforms in the Kafala system includes improving the living conditions of migrant domestic workers. From the research it is evident that many domestic workers are maltreated and made to live in hostile conditions. One of the core areas that need to be addressed is ensuring that no migrant worker is made to work for less than the minimum wage set by the Ministry of labor. Other areas like living conditions of the worker are already been provided for my labor laws but these laws haven't deterred employers from going against the law, therefore, implementation and not the law is responsible. There must be decisive moves to ensure that labor laws governing the living conditions of workers are implemented and followed by employers of labor. Other areas not covered by labor laws should be addressed by new laws and regulatory frameworks for implementation. The formulations of such laws to ensure the right living conditions for migrant workers can be guided by international laws from the International Labor Organization (ILO) (Khan & Harroff-Tavel, 2011). The present discrepancies in labor laws between nationals and foreign workers in Lebanon must be abolished irrespective of the occupational category of the worker. Every individual within the borders of Lebanon must be guided by the same laws from the Ministry of labor. Regulatory measures are laws to promote the right living conditions are not enough on their own; they must be followed by strict enforcement



measures. This is why the institutional capacity of the Ministry of Labor must be strengthened to fulfill this task.

#### **4.6 Kafala System and Confessionalism**

The kafala system and confessionalism in Lebanon are interrelated with each other. The study exhibited some key acumens and assumptions concerning the kafala system for migrants and domestic workers. Nevertheless, some differences or contradictions are invariably in Lebanon's limelight regarding the impact on migrant workers and privileges for domestic workers. Kafala system is a source of expediting migrant workers to work in the country and improve the living standard (Pande, 2013). But gaps regarding regular pay or average income, accommodation, and many other policies still exist. It identified the need for connecting the kafala system with confessionalism in Lebanon (Biaett, 2012). There are two sides to confessionalism.

First, it has been observed as an unambiguous and full assent of religious teachings. The government must accept its teachings or penetrations as generally accepted principles to make effective people's strategies. On the other hand, it has also been perceived as a mixture of religious and political beliefs. When dealing with communities with the same religious beliefs, the distributing policies and institutional power are two main critical factors. With the growing number of foreign workers in the country, integrating with confessionalism is imperative to favor the economy, societies, and human rights. However, it seems the misfit in Lebanon, as the government did not align with the confessionalism (Nelson, 2013).

In many other economic activities, confessionalism has been practiced effectively. But discriminatory behavior when dealing with migrant workers is the main issue, which remained for many years. Giving more facilities to local sponsors compared to the migrant workers depicts the current Kafala system gap and missing links in the confessionalism practices. The limited link or

connection between the kafala system and confessionalism has been accepted due to several economic benefits. Promptly, the government should find ways to develop the right religious interoperations to align with the migrant workers (Yasmine & Sukkar, 2019).

The confessionalism in Lebanon is practiced for Muslim workers, as some privileges are given over non-Muslim workers with some gaps. As far as the human rights and religious teachings, backed by confessionalism, political distribution and institutional power are not practiced effectively. Consequently, it can be said that the missing links between Kafala systems and confessionalism influenced the human rights concerned. The middle class's obsession with social status and high living standards is increasing over time, and it is quite evident in Lebanon. The migrant workers are included in the middle-class sector, as they always intend to improve the living standards and become better contributors to the economy (Messeder, 2019).

Nonetheless, over time, it is uncovered that the middle class in Lebanon is shrinking, and biased practices are one of the main reasons in this whole context. The race to get rid of outdated lifestyles and maintain a higher status perpetually predominated in the country. But the pandemic hits back, as middle-class neighborhoods are unable to pay their bills and migrant workers are included. It is destroying the essence of the kafala system and its possible link with confessionalism. The country failed to distribute resources and power, especially at the bottom-line, full of migrant workers. Kafala system and its connection with confessionalism seem biased, which is the main reason behind the destruction of the middle class. The obsession of middle-class people with status and high standards puts them behind (Biaett, 2012).

The bargaining power of migrant workers remained low in this country due to strict policies. People moved from developing countries to improve the living standard and improve their status. With the low bargaining power, government, and related institutions, including organizations, has

portrayed discriminatory behavior regarding salaries or wages. The mobility of migrant workers is a crucial factor in finding better career opportunities and setting the foundation for a desired social status. But, the Kafala system is contradicting with the confessionalism in Lebanon, leading to freedom limitations. The economic and political benefits and opportunities have been prioritized, and it hit the migrant workers obsessed with class and status. The role of the confessional leader in Lebanon is noticeable, as it can streamline or optimize the human rights and many other needs of the middle class, notably migrant workers (Pande, 2013).

The confessional leader in Lebanon can get support or insights from the Kafala program to derive the actual essence of the programs and their objectives and purpose. Based on the right and favorable religious and political interpretations and meanings, he can streamline the current kafala system's new vision and objectives. The intention of the leader is not to transform or unfreeze the whole kafala program. The main priority can be to enable the system's essence to remove biased behaviors, especially when it comes to the wage rate, accommodation, mobility, and many other career opportunities (Pande, 2013).

The role of the political party in a confessional state like Lebanon is evident. With the new leadership approach, some favors for the middle class, including migrant workers, can be offered. It has been unveiled that Lebanon is an entire state or an economy where the state or government generates the national revenues from rent paid by foreign individuals or migrant workers. The confessional leader can rethink the significance of migrant workers, and subsequently, some shifts in the current Kafala program can be made to make the difference. Still, according to insights derived from the research and interviews from local sponsors, the current Kafala system must be preserved. Some developments by consolidating the essence of confessionalism and confessional

leader are essential. In Lebanon, the Kafala system should evolve, as far as the increasing or growing issues for migrant workers are concerned (Biaett, 2012).

## **Chapter Five**

### **Conclusion**

Lebanon has embraced the economic and political systems with a substantial impact on different groups' social and economic lives. The labor laws protect some laborers exposing the domestic laborers to potential exploitation by the employers. The Kafala system has presented substantial debates in Lebanon's economic system following its effects on the laborers. The sponsorship system maintains that the migrant workers should consult the oppressive employers about the contract terms. The sponsorship system gives employers the power to make significant decisions concerning the services provided by the employees. Most people feel like the system is unfair for the migrant domestic workers, and the domestic workers from its terms and ties them to the kafala system, which links legal the employees' legal status to their employers' actual terms. The Kafala system provides that the workers change their employers with the permission of the employers. The middle class has, however, supported the sponsorship system in Lebanon for decades. The domestic employees' lives have become vulnerable due to the abusive systems with the escalating poverty levels and the pandemic. Most of the employers benefiting from the system constitute the middle-class families who mainly employ women to perform domestic tasks. The middle class supports the Kafala system due to cheaper labor, domestic laborers' contribution in the market, and least exploitation.

Domestic workers have registered significant contributions to the Lebanese economy in recent decades. The arrival of workers from different countries has positively impacted the host governments' social and economic developments, such as Lebanon. The immigrants majorly come from relatively developing countries to seek better living conditions in the new environments.

Arguably, there is a growing dependency on the host countries on immigrant labor (Pande, 2013). The immigrants majorly contribute to the provision of labor to the companies with the contract terms. Most of the Middle East countries rely on the labor offered by the Asians and Americans. The immigrant laborers majorly deal with tasks that have a more significant economic impact on the government.

The supply and demands of female domestic workers have been on the rise in Lebanon. The contract terms for the immigrant workers are similar to the slavery terms, which tie the subjects to forced labor (Mansour-Ille & Hendow, 2018). Most immigrant laborers in Lebanon are stationed in Beirut, where the population constitutes the middles classes with a relatively substantial income. With the significantly high numbers of immigrants, the government benefits from the domestic laborers' taxes. Besides, the government has little input in covering for the immigrants' social needs since the labor law excludes them. The immigrants are entitled to expenses such as insurance covers for health and accidents. Since the domestic workers rarely travel, the government receives substantial profits from their insurance payments. The profits are relatively high for the government since the domestic workers are not entitled to social benefits and job protection (White Paper, 2017). The significant contribution to the market is vital for the middles class since it relies on paying the taxes. Moreover, the immigrants provide essential labor to the middle class with low wages. The factor contributes to a reduction in the disposable income of the middle-class families to facilitate their payments.

Besides domestic duties, the immigrant workers contribute significantly to running the business owned by the society's middle-class members. The workers offer reliable labor since the contractual terms with their employers pin them to serve for at least three years. Considerably, three years is a significant period for the workers to have contributed to the labor market. The

middle-class prefers immigrant services since they provide ready labor. The Lebanese business labor market is flooded with immigrants from African and Asian countries. Most laborers work on plants such as oil and farms, which contribute to Lebanon's economy. The immigrant workers are charged with costs to cover for their work permits, unlike local employees whose work their employees cover permits. The contribution implies that the domestic laborers are pillars to the growth of the economy in Lebanon. Since most immigrant laborers work for middle-class families, the employer is likely to maintain the Kafala system.

The middle class benefits significantly from the immigrant's services due to the provision of cheap labor. The labor is not proportional to the employers' benefits since the latter have relatively higher amounts of disposable income. Most of the domestic workers receive payments ranging from \$ 100 to \$ 350 per month. The employers can freely decide the amounts to be paid to their domestic employees since they have absolute power over them (Pande, 2013). The sponsor system does not have a provision for advocating for the workers' rights concerning their salaries. Therefore, employers have the autonomy to choose the figures to pay their employees regardless of the subjects' responsibilities.

Although the wages are low for the employees, they seem relatively substantial for the workers because they have come from countries with relatively lower income generation. Nonetheless, the amount is significantly smaller, considering their working conditions (Mansour-Ille & Hindow, 2018). Most domestic workers have unsuitable working conditions since the Lebanese labor law does not protect them. The set terms for the Kafala system do not meet the threshold standards of worker protection. The mode of obtaining domestic labor has become easier for middle-class families. The employers frequently take female workers in the companies falsely with cheap work permits. Although the laws concerning labor stipulate that the workers should be protected, the

employers find immigrant labor as an inexpensive option since they do not guarantee them compensation at the end of the service.

The set terms in which the employees execute their duties encourage significant production without substantial payments. Unlike the Lebanese labor union, the Kafala system does not provide legal standards for setting minimum wages for its employees (Lonnquist, 2020). The weekly resting days are not guaranteed for immigrant laborers under the sponsorship system. Moreover, the immigrants are not entitled to the freedom of association in case of any employment concern. The system denies the employees' rights to negotiate for overtime pay whenever they have worked or more time. Under these conditions, the workers are likely to deliver cheaper labor to middle-class employees. To this extent, the middle-class employees are likely to save more costs by hiring the services rendered by the immigrant workers. The middle class would recommend the services offered at a cheaper cost to maximize their returns and control the households.

Other than the costs, the employers do not cover the costs to facilitate the benefits such as food supply and housing. The immigrant workers swerve as cheaper options for the middle-class families since they can afford to pay them low wages (Kukrety, 2016). Given that the employers carry the legal responsibilities for their immigrant workers, there have been reported cases of workers' complaints about lack of payments. The employers enjoy the power vested on them against the subjects leading to a guaranteed service provision by the immigrant workers. Generally, the middle class subscribes to the idea of immigrant workers' labor due to its affordability.

Middle-class families are interested in maintaining the Kafala system due to its nature to exploit the workers efficiently. The sponsorship system provides that the workers can only change their jobs, resign or return to their home countries with the permission of the employers who hired their services. The contract terms are crucial for the employees yet friendly for middle-class families.



The system gives the employer power to control the domestic employees' rights to work and live in Lebanon (Mansour-Ille & Hendow, 2018). The system brings an imbalance in power between the two parties leading to exploitations in favor of the employers. The middle-class families would most likely support the Kafala system to manipulate the employees according to their terms. Findings depict that employers have always frustrated immigrant workers, especially domestic workers.

Majority of the employers in Lebanon have exposed their workers to conditions that pin them on duty whenever they want to find more conducive conditions. Kafala system allows employers to have the employees' credentials, such as residency permits and passports. Withholding of items makes it challenging for the domestic laborers to run away from oppressive experiences (Lonnquist, 2020). The workers stick on their jobs for long periods with the fear of deportation or detention since running away is treated as a crime. Consequently, employers have the advantage of obtaining reliable services from immigrants for more extended periods. Lebanon has undergone an economic crisis in the recent campaign, exposing the middle-class families to extremely tough conditions. Poverty levels were already on the rise before the coronavirus pandemic. The explosion in Beirut, one of the country's strongholds, intensified the poverty levels for middle-class employers.

The pandemic and general economic crisis in Lebanon has further exposed the immigrant laborers to adverse conditions (Lonnquist, 2020). Since the sponsorship system does not offer the laborers adequate protection under different circumstances, they have become prime victims of the pandemic and the recent explosion in Beirut. The middle classes have employed stricter measures in response to the overall poverty levels. A significant fraction of the workers has experienced unexpected termination of contracts by their employers. Others have realized a spell of working

without receiving payment from their employers. Most of the middle-class families are receiving free labor during the pandemic. The employers have consistently subjected their employees to harsh conditions by letting them leave without salaries, passports, and belongings (White Paper, 2017). Furthermore, the employers deduct the employees' wages to cover the employees' work permits rather than take responsibility as required by the law. The middle-class families find it easy to manipulate their workers since the sponsorship system does not guarantee the rights to accommodation and wages. The Kafala system proves to have more benefits to the middle-class families during the rise of poverty in Lebanon.

Conclusively, the middle-class families in Lebanon are interested in maintaining the Kafala system for continued cheap labor supply. The sponsorship system supports that the migrant workers should consult the employer's oppressive employers whenever they wish to revisit the contractual terms. The sponsorship system gives employers the power to make significant decisions concerning the services provided by the employees. The domestic workers have registered tremendous contributions to the Lebanese economy in recent decades. Markedly, there is a growing dependency of the host countries on immigrant labor. The immigrants majorly contribute to the provision of work to the companies with the contract terms. The middle class benefits significantly from the immigrant's services due to the provision of cheap labor. The labor is not proportional to the employers' benefits since the latter have relatively higher amounts of disposable income.

The current situation of Lebanon's migrant domestic workers is evident due to their struggle and hardship. The government, including public and private institutions, treated these workers like a slave. They are bearing the brunt of Lebanon's financial crisis. Of course, the government intends to excrete the financial crisis by increasing domestic production and economic strength.

Nevertheless, they put pressure or burden on migrant domestic workers. Corporations have asked workers to go back to their countries with no returns or wages for these workers. The pandemic has hit the country hard, and the financial crisis is a superior outcome or results in this regard.

The Kafala system has been compromised in terms of its essence and objectives, making the situation worse or unfavorable for migrant domestic workers. Further, many employees reported that organizations stopped paying in dollars, leaving them with unpaid salaries. The pandemic situation negatively impacted society, and it increased destitution, particularly in the middle class or migrant worker communities. It is a fact that many domestic workers have come from African and South Asian countries where the situation is more disturbing as compared to Lebanon. The current state is not up to the mark, as workers work beyond their expectations and promises. The reality shock in organizations, including both public and private organizations, is notable, leading to massive departure.

Hardship for foreign workers is an ongoing process, as they are moving from dire to catastrophic. The explosion and pandemic led to no legal protection for migrant workers in Lebanon, leading to the worse state or situation. The role of the Kafala program or system is obscure in this whole context. Based about migrant workers and economic conditions, the new Kafala system consultation has been identified as a unique need. Some recent developments or improvements are expected to emerge to protect the rights of migrant workers. The pressure from human rights organizations and amnesty international is compelling the government to review its Kafala system. The legal residency of workers with employers will improve, which can eliminate or reduce the hardship or biased behaviors. The international labor organization collaborates with the labor ministry in Lebanon to reform the current kafala system.

The financial condition of the country is unfavorable due to the rapid current crash. Workers reported that the value of salaries or wages decreased over time. The recent update regarding the Kafala system is the possible or coming reforms over terms and conditions. Migrant workers will be able to leave the organization without losing the immigration contract. Of course, it will give migrant workers the freedom to find new opportunities without leaving the country. This useful update can help workers to move to industries that survived the recent financial crisis.

In the current financial or economic crisis, some updates concerning the Kafala system emerged, for instance, one of the significant updates or changes in the protection of the immigration contract. It will provide a right to the foreign worker to resign and find new opportunities. It is now an excellent opportunity for workers to change employers or organizations with the current organization's consent. The latest update also highlights the minimum wage. Foreign workers will be getting the national minimum wage, and employers have to follow these policies to avoid legal severe trouble or complications.

The most important thing for the government is to remove discrimination based on the nationality of workers. The new update restrains the employers from keeping the passport and other related documents. Some amendments regarding workers' mobility are also optimized to improve the relationship between migrant workers and employers. Lebanon is looking at the bigger picture of migrant workers and their possible contributions to the national economy, mainly in these financial crises. The aim is to reduce the aftershocks of economic turmoil by guiding these modifications.

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# Appendices

## APPENDIX A

### Interview Questions to Sponsors:

1. What is the main reason why you need a domestic worker?
2. What is the nationality of the domestic worker?
3. What is your main source of income, and what is the average monthly income from your work or business?
4. How would you consider yourself socially? What is your social status?
5. The Kafala system has been criticized by humanitarian organizations and activists over its exploitative nature. What do you think about this? Do you think it is exploitative or beneficial?
7. Can the domestic worker leave your home whenever she wish? If not, what are the reasons for the restriction?
8. What about holidays?
9. Does the domestic worker has her travel documents? Or are they confiscated? And what is the reason?
9. Does the domestic worker have access to the internet and mobile phone services?
10. How would you describe the kind of relationship that you have with the helper?
11. What is the monthly average of the domestic worker?

## **APPENDIX B**

### Interview Questions to Migrant Domestic Workers:

1. What is your nationality?
2. How many years have you been with your employer?
3. Are you entitled to a day off? Are you allowed to go out on your day of rest?
4. Do you communicate with your family? Are the expenses on you or on employer?
5. When do you get paid? Do you receive your payment on time?
6. How much do you get paid?
7. Do you receive any bonus?
9. Are you entitled to keep your passport with you?
10. How many hours per day you work?
11. Where do you sleep?
12. Have you experienced any type of abuse?
13. What is the class/ social status of your employer?
14. What is the gender of your employer?
15. What is the highest education of your employer?
16. What is the marital status of your employer?

## APPENDIX C



لجنة الأبحاث

### NOTICE OF IRB APPROVAL

To: Ms. Rasha Shalha  
Dr. Paul Tabar  
Professor  
School of Arts & Sciences

APPROVAL ISSUED: 5 March 2020  
EXPIRATION DATE: 5 March 2021  
REVIEW TYPE: EXPEDITED – INITIAL

Date: March 5, 2020

RE: IRB #: LAU.SAS.PT2.5/Mar/2020

Protocol Title: Kafala System and Class Structure in Lebanon

Your application for the above referenced research project has been reviewed by the Lebanese American University, Institutional Review Board (LAU IRB). This research project qualifies as exempt under the category noted in the Review Type

This notice is limited to the activities described in the Protocol Exempt Application and all submitted documents listed on page 2 of this letter. Enclosed with this letter are the stamped approved documents that must be used.

#### CONDITIONS FOR ALL LAU NOTICE OF IRB EXEMPTION DETERMINATION

**LAU RESEARCH POLICIES:** All individuals engaged in the research project must adhere to the approved protocol and all applicable LAU IRB Research Policies. PARTICIPANTS must NOT be involved in any research related activity prior to IRB notice date or after the expiration date.

**EXEMPT CATEGORIES:** Activities that are exempt from IRB review are not exempt from IRB ethical review and the necessity for ethical conduct.

**PROTOCOL EXPIRATION:** The LAU IRB notice expiry date for studies that fall under Exemption is 2 years after this notice, as noted above. If the study will continue beyond this date, a request for an extension must be submitted at least 2 weeks prior to the Expiry date.

**MODIFICATIONS AND AMENDMENTS:** Certain changes may change the review criteria and disqualify the research from exemption status; therefore, any proposed changes to the previously IRB reviewed exempt study must be reviewed and cleared by the IRB before implementation.

**RETENTION:** Study files must be retained for a period of 3 years from the date of project completion.

**IN THE EVENT OF NON-COMPLIANCE WITH ABOVE CONDITIONS, THE PRINCIPAL INVESTIGATOR SHOULD MEET WITH THE REPRESENTATIVES OF THE IRB OFFICE IN ORDER TO RESOLVE SUCH CONDITIONS. IRB CLEARANCE CANNOT BE GRANTED UNTIL NON-COMPLIANT ISSUES HAVE BEEN RESOLVED.**

If you have any questions concerning this information, please contact the IRB office by email at [irb@lau.edu.lb](mailto:irb@lau.edu.lb)

BEIRUT CAMPUS	BYBLOS CAMPUS	NEW YORK OFFICE
P.O. Box: 13-5053 Chouran Beirut 1102 2801 Lebanon	P.O. Box: 36 Byblos Lebanon	475 Riverside Drive Suite 1846 New York, NY 10115
Tel: +961 1 78 64 56 +961 3 60 37 03 Fax: +961 1 86 70 98	Tel: +961 9 54 72 62 +961 3 79 13 14 Fax: +961 9 54 62 62	Tel: +1 212 870 2592 +1 212 870 2761 Fax: +1 212 870 2762
		<a href="http://www.lau.edu.lb">www.lau.edu.lb</a>



The IRB operates in compliance with the national regulations pertaining to research under the Lebanese Minister of Public Health's Decision No.141 dated 27/1/2016 under LAU IRB Authorization reference 2016/3708, the international guidelines for Good Clinical Practice, the US Office of Human Research Protection (45CFR46) and the Food and Drug Administration (21CFR56). LAU IRB U.S. Identifier as an international institution: FWA00014723 and IRB Registration # IRB00006954 LAUIRB#1

**Dr. Joseph Stephan**  
Chair, Institutional Review Board



**DOCUMENTS SUBMITTED:**

LAU IRB Initial Protocol Application	Received 10 February 2020
Proposal	Received 10 February 2020, amended final version 2 March 2020
Letter to centers	Received 10 February 2020, amended 5 March 2020
Consent Introduction to Questionnaires middle class -ENGLISH	Received 10 February 2020
Consent Introduction to Questionnaires to middle class - Arabic	Received 10 February 2020
Consent Introduction to Questionnaires working class - ENGLISH	Received 10 February 2020
Consent Introduction to Questionnaires working class - arabic	Received 10 February 2020
Consent Introduction to Questionnaires MDWs - ENGLISH	Received 10 February 2020
Consent Introduction to Questionnaires for MDWs - ARABIC	Received 10 February 2020
Consent Introduction to Questionnaires who can't afford - ENGLISH	Received 10 February 2020
Consent Introduction to Questionnaires to people who can't afford MDWs - ARABIC	Received 10 February 2020
<b>IRB Comments sent:</b> 19 February 2020 2 March 2020	<b>PI response to IRB's comments dated:</b> 27 February 2020 2 March 2020
NIH Training – Paul Tabar	Cert.# 186703 Dated (17 February 2009)
CITI Training – Rasha Shalha	Cert.# 35033900 Dated (25 January 2020)

## APPENDIX D

### Consent to participate in a Questionnaire Class Structure and Kafala System in Lebanon

I would like to invite you to participate in a research project by completing the following questionnaire. I am a student at the Lebanese American University and I am completing this research project as part of my thesis. The purpose of this questionnaire aim to review the Kafala system in Lebanon and the class structure to know who is really benefiting from this system.

There are no known risks, harms or discomforts associated with this study beyond those encountered in normal daily life. The information you provide will be used to enhance and improve understanding the Kafala system and who wants the system to remain. In addition to looking how MDWs are being treated by the different class structure in Lebanon. You will not directly benefit from participation in this study. The study will involve 20 participants. Completing the survey will take 30 minutes of your time.

By continuing with the questionnaire, you agree with the following statements:

1. I have been given sufficient information about this research project.
2. I understand that my answers will not be released to anyone and my identity will remain anonymous. My name will not be written on the questionnaire nor be kept in any other records.
3. When the results of the study are reported, I will not be identified by name or any other information that could be used to infer my identity. Only researchers will have access to view any data collected during this research however data cannot be linked to me.
4. I understand that I may withdraw from this research any time I wish and that I have the right to skip any question I don't want to answer.
5. I understand that my refusal to participate will not result in any penalty or loss of benefits to which I otherwise am entitled to.
6. I have been informed that the research abides by all commonly acknowledged ethical codes and that the research project has been reviewed and approved by the Institutional Review Board at the Lebanese American University
7. I understand that if I have any additional questions, I can ask the research team listed below.
8. I have read and understood all statements on this form.
9. I voluntarily agree to take part in this research project by completing the following Questionnaire.

If you have any questions, you may contact:

Name (PI)	Phone number	Email address
Rasha Shalha	+961 76037266	rasha.shalha@lau.edu
Dr. Paul Tabar	+961 70045729	ptabar@lau.edu.lb

If you have any questions about your rights as a participant in this study, or you want to talk to someone outside the research, please contact the:

Institutional Review Board Office,  
Lebanese American University  
3<sup>rd</sup> Floor, Dorm A, Byblos Campus  
Tel: 00 961 1 786456 ext. (2546)  
[irb@lau.edu.lb](mailto:irb@lau.edu.lb)

**This study has been reviewed and approved by the LAU IRB:**

