



## THE KAFALA SYSTEM AND THE MDW

The international NGO Voices International (VI) produced a set of five Info Notes together with migrant domestic workers (MDWs) and their community leaders over the course of a six-month research project in 2010/2011 funded by the Government of Ireland. The Info Notes highlight obstacles faced by foreign domestic workers during their travel to and employment in Lebanon.

VI is working closely with the MDW community to have their rights as workers recognised and their recommendations for changes to immigration and employment systems implemented. The five Info Notes have been developed for the migrant domestic community to assist in highlighting needs and asking for change.



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## WHAT MIGRANT DOMESTIC WORKERS SAID

“You have my papers with you, you confiscate my papers and me, because you have spent money on me? The human being does not have a price. The human being does not have a price. (...) And the papers that you have in your hands, my freedom.”

Cameroonian woman on the confiscation of papers

“Yeah, because it’s good to stay with somebody, relax. But the salary, you know, you can make more money if you work in different place. I am thinking I want to make more money and quickly, I want to go back home. Not to stay here many years, no.”

Bangladeshi woman explains why she wants to be a freelance worker, working for more than one employer rather than in one house, where it is possible to ‘relax’

“Sometimes there is work, sometimes not work, so sit in house. But when you work, that means according to the hour. It’s not per month, from time to time. So when they call you, four hours, sometimes five hours. Five dollars or 6,000 [LL]. That’s means four dollars. This is one hour. So per day maybe if I find work, three hours, four hours. Not more than five hours working. So it’s not every day during the week.”

Ethiopian woman explaining the uncertainty of income as a freelancer

## WHAT MIGRANT DOMESTIC WORKERS HIGHLIGHTED

### Background: Lack of protection under Lebanese labour law

Domestic workers are excluded from the 1946 Lebanese Labour Law. The general Lebanese law relating to contract (the General Contractual Obligations Law of 1932) currently provides the only legal framework on employment for MDWs.

In 2009 the Lebanese Ministry of Labour introduced a much needed Unified Contract for MDWs that outlines employers’ and workers’ rights and obligations. While the contract guarantees certain basic rights, it provides inadequate protection against a number of common workers’ rights violations.

To date there is also no effective mechanism in place to monitor use and compliance with the contract and none of the MDWs that participated in this research knew of the contract more than one year after its introduction.

**The Kafala system and the MDW** - VI found that many of the problems that MDWs face in Lebanon are due to their type of working sponsorship in Lebanon (the Kafala system). This system legally and practically links the employee to the sponsor (Kafeel), which means that in cases of abuse or exploitation the worker lacks legal and social protection. A worker depends on the sponsor to file paper work with the General Security (within the Ministry of the Interior) and the Ministry of Labour, which regulate the worker's stay in Lebanon. It is required that the sponsor assumes full economic and legal responsibility for the employee during the contract period. The worker cannot leave the country without permission from the sponsor and cannot leave the sponsor in cases of abuse without becoming illegal.

**The Kafala system and violation of MDW rights** - VI found that a number of rights are violated because of the 'ownership' position that the sponsor has over the employee, including the right to full and timely payment of wages, the right to regulated work hours and time off, the right to mobility, the right to privacy and the right to an environment free from violence. Most importantly, the right to protection under the law and legal redress is absent and creates a base for violations.

**The Kafala system and illegal MDWs** - Once MDWs leave their sponsor, they are considered illegal. Freelancing, or working for more than one employer is also considered illegal. Many workers, however, who work for one employer under a contract told VI that they are often expected to work at more than one house, or for many additional hours for no extra income. VI found that some workers prefer freelance work because they are able to make extra money and have a greater amount of freedom without the dependency of a sponsor. This is an unregulated and illegal industry.

**Lack of information about the kafala system** - A key concern is that there is little information on the Kafala system; there are no official reference documents that are available to the general public. VI found that without information many participants became illegal without even realising it and are uncertain about how to change their status.

#### **Background: Paper sponsor**

A sponsor, sometimes paid by the worker, who acts as a sponsor yet does not expect the worker to live or work the majority of their working day (or any time at all) within the house. This practice is illegal and both the sponsor and the MDW may be penalized under the present system.

## **WHAT MIGRANT DOMESTIC WORKERS CALLED FOR**

### **Lebanese Government should:**

- Accept reciprocal residence and working rights arrangements with sending countries
- MDWs should be in possession of their passport/ikama and other relevant papers at all times
- Ensure that the MDWs are working only in the house of the sponsor and are not required to work in other family members' houses without additional pay.
- Not require the name of the employer in passport
- Allow workers to be able to change sponsors without needing permission
- Revise the kafala system that makes a worker illegal from the moment they leave their sponsor
- MDWs should be in charge of their own papers so that they don't need to find "paper sponsors" etc

**“eEveryone deserves to be heard”**

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