



**Assessing Workplace Discrimination, Accessibility,  
and Opportunity for the LGBTQ+ Community  
in Lebanon. 2022-2023**

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This product is part of the My Work, My Rights! Network materials which is a network of civil society organizations working to achieve justice and comprehensive social and legal protection of individuals working in the formal and informal labor market in Lebanon, in accordance with international human rights law, Lebanese labor law, and international labor standards.

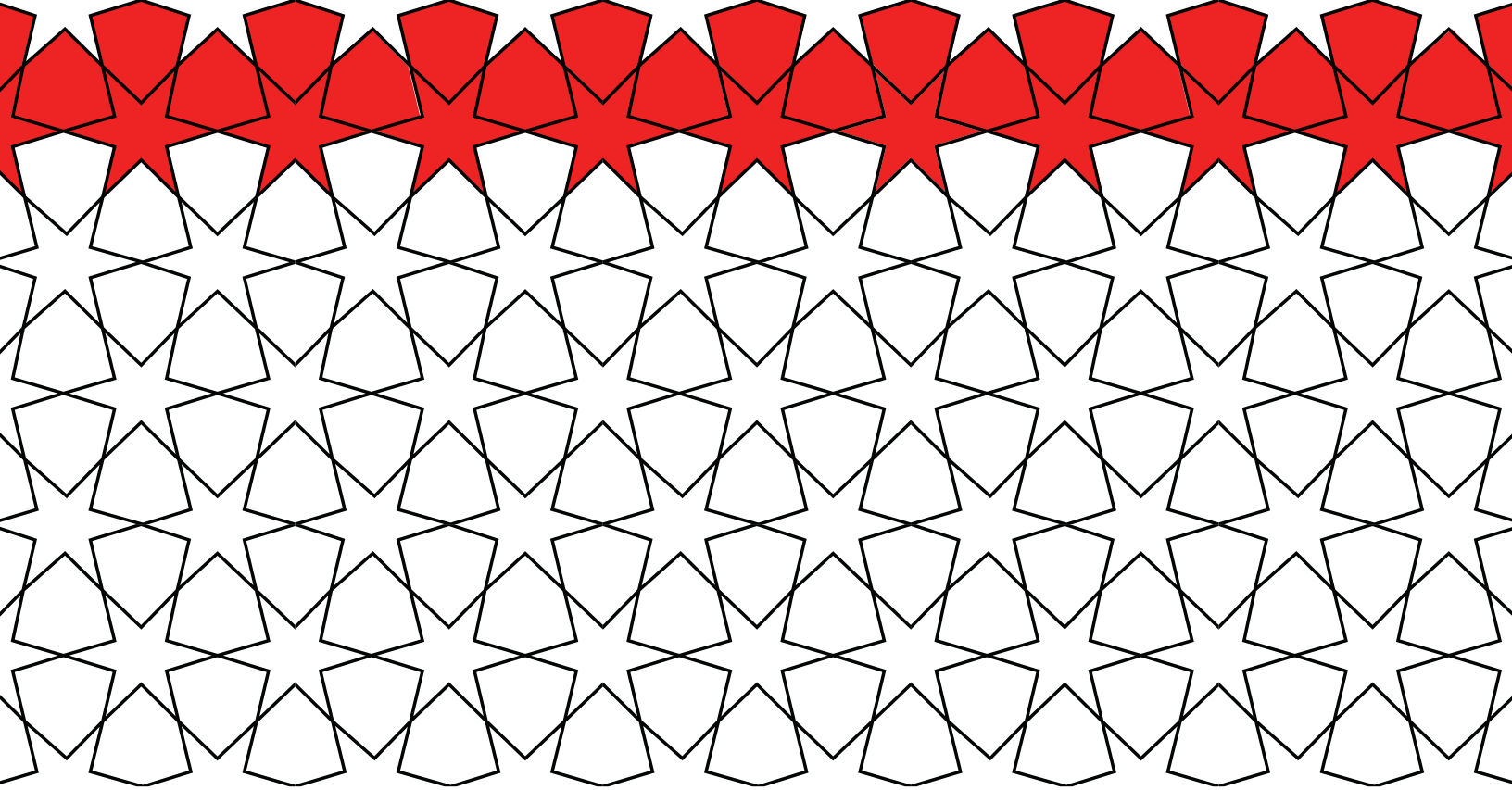
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### **About Helem**

Helem, is the first LGBTQ+ rights organization in the Arab world, officially established in Beirut, Lebanon in 2001. Its mission is to lead the struggle for the liberation of Lesbians, Gays, Bisexuals, Intersex, Transgendered, Queer LGBTQ+ and other people with non-conforming sexualities and/or gender identities in Lebanon and the SWANA region from all sorts of violations of their individual and collective civil, political, economic, social, and cultural rights. Our goal is to empower young LGBTQ+ leaders to advocate for their own liberation.

# Introduction



The right to equal treatment before the law is a constitutional right mentioned in article 7 of the Lebanese Constitution. It states that “All Lebanese shall be equal before the law. They shall equally enjoy civil and political rights and be bound by public obligations and duties without distinction.” The constitution is not the only body of law which guarantees equal rights to all Lebanese citizens, and unfortunately like other articles of constitution, its initial formulation did not include adequate protections for individuals and groups who suffer violations of their basic rights based on their identity – violations most often justified by the very same legal texts that were originally meant to protect them.

The Lebanese labor code is one such example that has failed both citizens and non-citizens alike in guaranteeing safe, fair, and dignified access to employment. The Lebanese labor code was adopted on the 23<sup>rd</sup> of September 1946 by the chamber of deputies and has largely remained the same since then, with few updates and reforms often not in line with modern workplace standards nor with the natural trajectory of societal progression that we have witnessed through the 20<sup>th</sup> and 21<sup>st</sup> centuries. In addition to the national labor code being outdated and weak, Lebanon had also missed the ratification of many essential international conventions that would have retroactively provided much needed rights and protections, such as the convention on Tripartite Consultation on International Labor Standards of 1976<sup>1</sup>, Convention 102 on Social Security of 1952<sup>2</sup>, Convention 168 on the promotion of

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<sup>1</sup> [INTERNATIONAL LABOR ORGANIZATION; Tripartite Consultation on International Labor Standards; 1976.](#)

<sup>2</sup> [INTERNATIONAL LABOR ORGANIZATION; Convention 102 on Social Security; 1952.](#)

Employment and Protection from Unemployment of 1988,<sup>3</sup> Convention 190 on Violence and Harassment in 2019<sup>4</sup>, and many others.<sup>5</sup>

Not only have conventions not been ratified, but the necessary amendments to the Labor Law and special laws providing additional protection to vulnerable communities are also still missing. The most major revision this century was done in 2000 through law 207/2000, which modified most articles related to the employment of women, adding provisions such as article 26, which prohibits any discrimination between men and women related to wages, the type of work, employment, and promotions. In addition, the revision forbade employers from dismissing working women or sending them the required notice for dismissal during their maternity leave.<sup>6</sup> In December 2020, twenty years later, the Lebanese Chamber of deputies adopted law 205/2020 criminalizing sexual harassment and mandates in its second article, an increased penalty whenever the harassment occurs in the workplace or due to a “dependency relationship” resulting from employment. While these changes were welcome and needed, they were barely adequate to address the problem of gender inequality in Lebanese labor law, and did not even scratch the surface of the myriad of other reforms the code still desperately needs.

Up to this day, the Lebanese labor sector remains largely discriminatory against women, LGBTQ+ people, refugees, migrant domestic workers, and other marginalized groups. Discriminatory practices take many forms, with the most prominent including abusive or nonexistent work contracts, unsafe workplace settings and culture, inequitable pay scales, discriminatory recruitment, and the absence of legally protected work guarantees. At the time of writing this report, following the devastating impact of the Lebanese economic crisis and the COVID-19 outbreak, employees' conditions (especially LGBTQ+ workers) are deteriorating by the day, with little interest from the governing authorities to provide concrete solutions and assistance – with no

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<sup>3</sup> [INTERNATIONAL LABOR ORGANIZATION; Convention 168 on the Promotion of Employment and Protection from Unemployment; 1988.](#)

<sup>4</sup> [INTERNATIONAL LABOR ORGANIZATION; Convention on Violence and Harassment; 2019.](#)

<sup>5</sup> [INTERNATIONAL LABOR ORGANIZATION; Conventions and protocols not ratified by Lebanon till day; April 2022.](#)

<sup>6</sup> Lebanese Labor Law; Articles 29 and 52; April 2022.

indication of any serious work being done to provide the necessary legal framework to protect marginalized groups on the horizon.

Amidst the manifold crisis, depreciating national currency, decreasing availability of basic needs and resources, and an increasingly oppressive Lebanese government, the barriers faced by the LGBTQ+ community have increased exponentially over the past three years. According to an OXFAM survey<sup>7</sup> conducted in collaboration with Helem in 2021, most LGBTQ+ individuals reported facing serious issues with housing, access to healthcare, and access to food security – compounded by the alarming levels of unemployment that the survey collected. Currently, unemployment levels within the LGBTQ+ community in Lebanon hover around 79%, almost double the national average of 40% unemployment recorded at the time. Many members of the community therefore have resorted to relying completely on humanitarian assistance, or to resort to jobs in the informal sector where discrimination and violence tend to be much higher without recourse to justice. Unfortunately, LGBTQ+ discrimination in the workplace has historically gone unreported and unpunished as most employees fear a whole host of repercussions on them should they come forward with accusations. It is not only the current economic crisis that has been a leading cause of LGBTQ+ unemployment. Historically, LGBTQ+ individuals have found it more difficult to secure employment opportunities due to both conscious and unconscious bias in hiring practices, both with individual organization and enterprises as well as employment offices. Transgender and gender non-conforming individuals, or individuals whose gender expression is non-normative, find it especially difficult to secure employment. Those who do often experience harassment, bullying and other discriminatory behavior at the workplace – including extortion, blackmail, sexual harassment, unfair labor conditions, and lack of access to proper and/or equal benefits and career advancement opportunities. Toxic workplaces often force many LGBTQ+ individuals to resort to hiding their sexuality or gender identity in order to avoid being targeted, which in turn contributes to lower levels of workplace happiness and productivity as a result of being confined in an oppressive environment. The consequences of being outed in the workplace can often be devastating and

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<sup>7</sup> [NIZAR AOUAD; DANA ABED; Queer Community in Crisis: Trauma, Inequality & Vulnerability Policy Brief; June 2021.](#)

do not stop at the possibility of losing one's job. LGBTQ+ workers also risk being outed to their families or to the public, being exposed to extrajudicial retaliation and violence from ex-employers, or even being charged with Article 534<sup>8</sup> of the Lebanese penal code which is used to criminalize same sex relationships in Lebanon should their sexual orientation or gender identity become known.

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<sup>8</sup> Article 534 of the Lebanese Penal Code, which criminalizes "any sexual intercourse contrary to the order of nature."





## Glossary of Terms:

**Agender:** Having no gender; it refers to individuals who do not identify with gender.

**Asexual:** it is used to describe individuals who do not experience sexual attraction.

**Bi:** it is a sexual orientation that mostly refers to individuals who have the capacity to be attracted sexually, romantically, or both, to individuals of more than one gender.

**Cis man:** refers to an individual who identifies as a man and was assigned male at birth.

**Cis woman:** refers to an individual who identifies as a woman and was assigned female at birth.

**Gay:** it is a sexual orientation that mostly refers to men who have the capacity to be attracted emotionally, sexually, or both to other men.

**Gender identity:** is a socially constructed spectrum that refers to a personal sense of one's gender. It is the recognition and feeling of the person that leads them to identify as a man, woman, non-binary, agender, or different gender identities.

**Gender-fluid:** a person who has a fluid gender identity.

**Genderqueer:** relating to a person whose gender identity does not correspond to conventional binary gender distinctions.

**LGBTQIA+:** Acronym for lesbian, gay, bi, trans\*, queer, intersex, asexual, and more.

**Lesbian:** it is a sexual orientation that mostly refers to women who have the capacity to be attracted emotionally, sexually or both to other women.

**Gender non-Binary:** is an umbrella term that refers to a diverse range of identities that belong to individuals whose gender identity is not restricted to the binary extremes of gender. Non-binary can be genderfluid, agender, genderqueer, or another gender identity.

**Pan:** it is a sexual orientation that mostly refers to individuals who have the capacity to be attracted sexually, romantically, or both, to individuals of all genders, noting that Pan individuals, while having the capacity to be attracted to individuals of all genders, might have gender preferences.

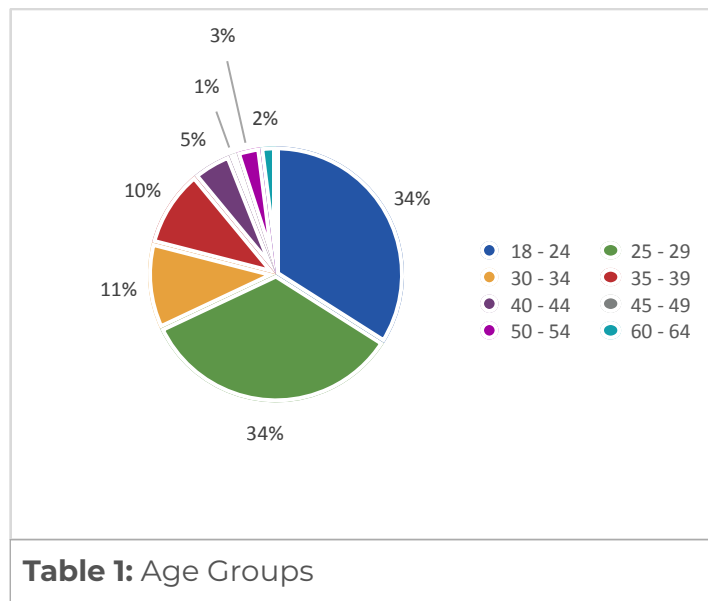
**Straight:** it is a sexual orientation that mostly refers to individuals who have the capacity to be attracted emotionally, sexually, or both to individuals of a different gender, noting that this term primarily refers to the attraction of binary persons to individuals who are on the other binary end, for example, women who are attracted to men, or vice versa.

**Trans man:** refers to an individual who identifies as a man and was assigned female at birth.

**Trans woman:** refers to an individual who identifies as a woman and was assigned male at birth.

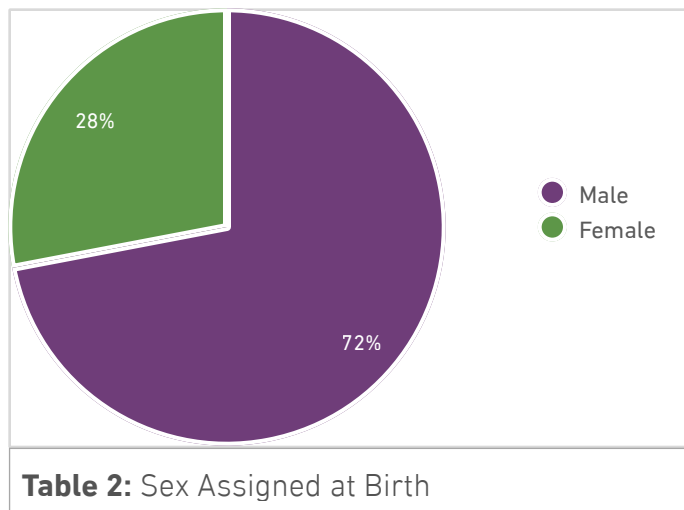
# Methodology and Segregation

In the scope of this study, Helem's team surveyed 100 participants based on a survey questionnaire filled during in-person meeting with participants between the period of December 2021 and January 2022. The participants' demographic information is presented as follows:



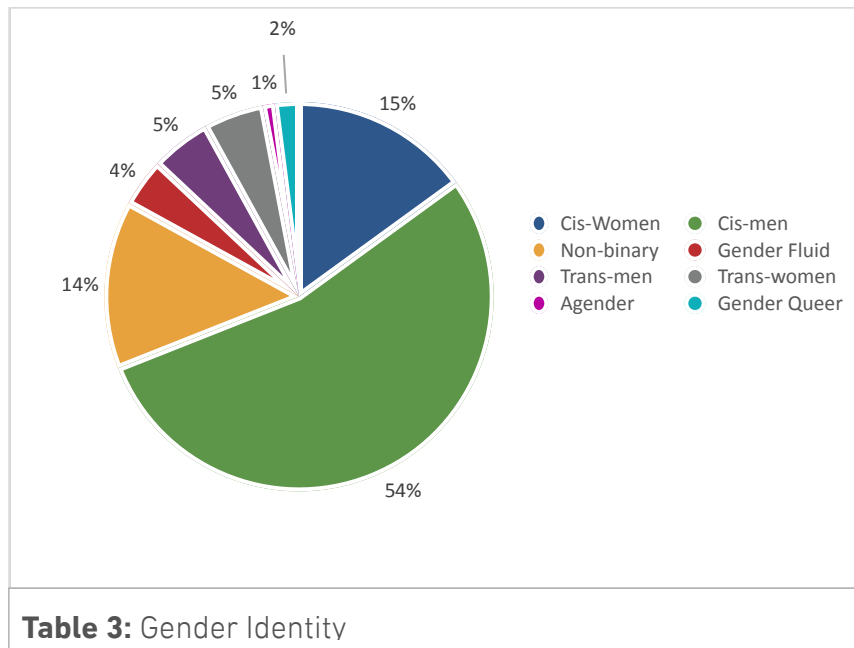
## Age Range:

34% of participants are aged between 18 and 24;  
34% are aged between 25 and 29 years;  
11% are between 30 and 34;  
10% are between 35 and 39;  
5% are between 40 and 44;  
1% are between 45 and 49;  
3% are between 50 and 54;  
2% are between 60 and 64 years of age.



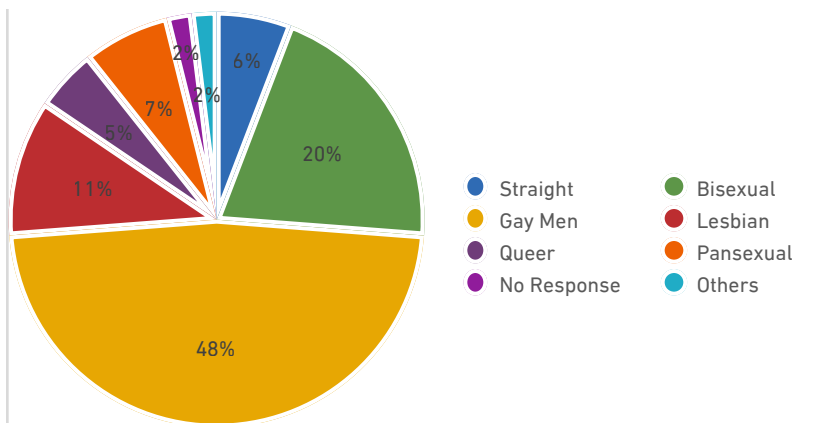
### Sex Assigned at Birth:

28% of the participants were assigned female, and 72% were assigned male (table 2).



### Gender Identity:

- 15% of the participants identify as cis-women;
- 54% identify as cis men;
- 14% as non-binary;
- 4% as gender fluid;
- 5% as transmen and 5% are transwomen;
- 1% are A-gender;
- 2% are genderqueer.



**Table 4:** Sexual Orientation

### Sexual Orientation:

6% of the participants are straight;

21% are bisexual;

49% are gay men;

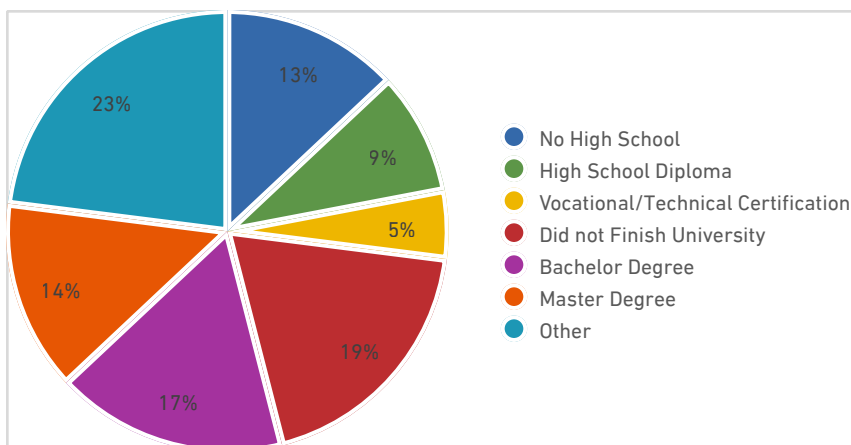
11% are lesbians;

5% are queer-sexual;

7% are pansexual;

2% preferred not to answer.

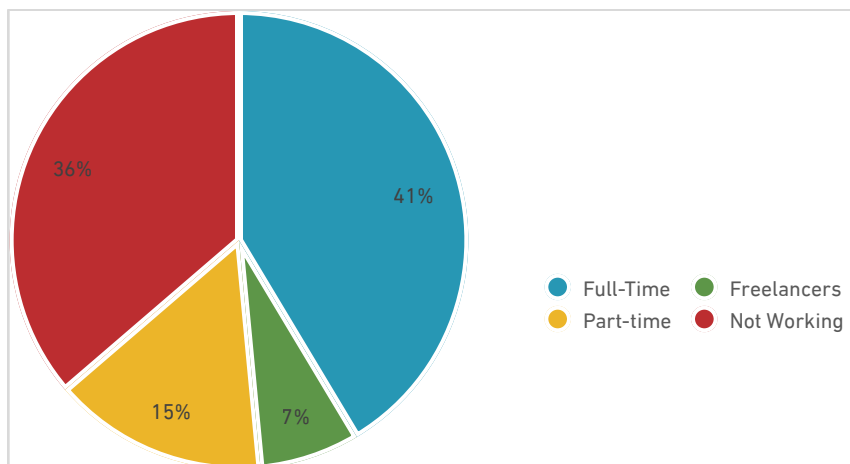
2% Selected “other” as an answer.



**Table 5:** Educational Level

**Educational Level:**

13% of the participants reported that they did not graduate from high school;  
9% of them have a high school diploma;  
5% hold a vocational/technical certification;  
19% of them started university but did not finish;  
17% have a bachelor's degree;  
14% have a master's degree;  
23% reported others.



**Table 6:** Work Status

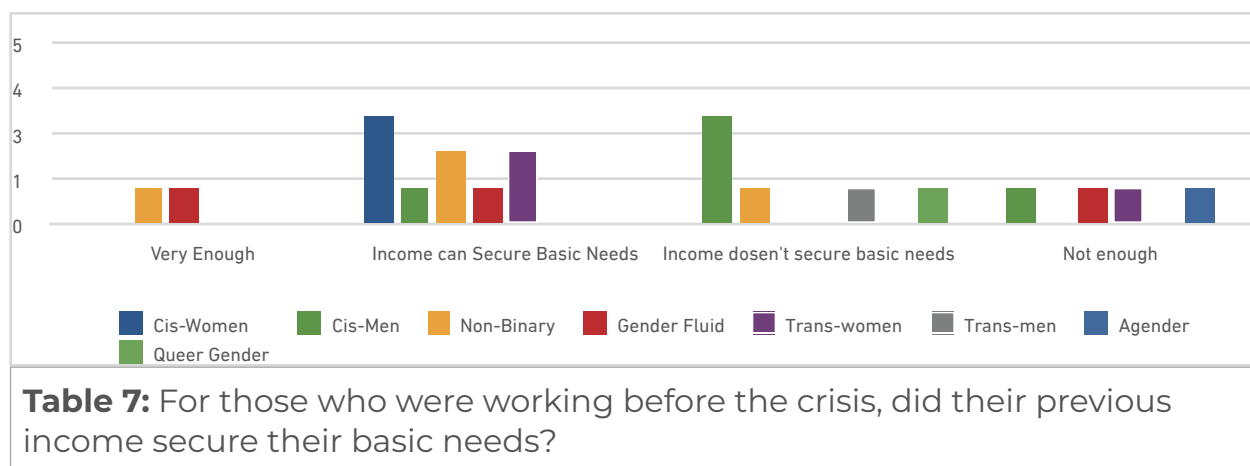
**Work Status:**

41% of the participants work full-time;  
7% are freelancers;  
15% work part-time;  
33% are unemployed. However, they used to work;  
3% never had a stable job, and one participant did not answer this question.

# Rights Under the Labor Law

## Right to Fair Wages

Wages in Lebanon for those still fortunate enough to be employed have already been radically affected by the rapid decline of the Lebanese Lira and the complications imposed by the COVID-19 lockdown measures. Average salaries in Lebanon have decreased by 84 percent in the last year alone<sup>9</sup> and the Lebanese pound has "lost more than 90% of its worth," leaving 82% of the population below the poverty line in 2021.<sup>10</sup> In addition, Lebanon's minimum wage has been reduced from the L.L. equivalent of \$450 per month to roughly \$30 per month, by December 2021.<sup>11</sup> The Crisis Observatory at the American University of Beirut estimates that "a family's food budget is about five times the minimum income."<sup>12</sup>



**Table 7:** For those who were working before the crisis, did their previous income secure their basic needs?

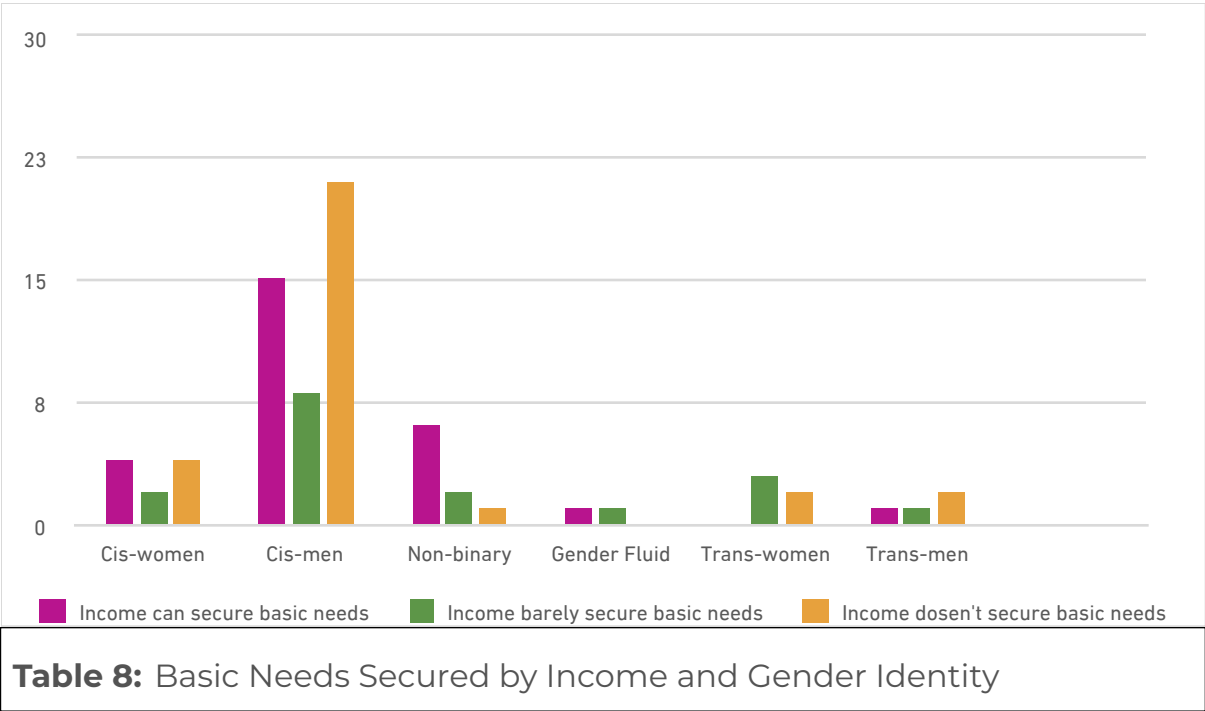
<sup>9</sup> [RAMADAN TALA; Lebanon's Average Salary Plummets 84 percent over 12 months; February 2021.](#)

<sup>10</sup> [ESCWA; Multidimensional Poverty in Lebanon \(2019-2021\); September 2021.](#)

<sup>11</sup> [The961; Exchange Rate: December 28, 2021; December 2021.](#)

<sup>12</sup> [THE BORGAN PROJECT; The Effects of the Economic Collapse in Lebanon; February 2022.](#)

The above circumstances have resulted in a massive wave of unemployment across the country, which necessitated revisions in how we as Helem would go about harvesting information about workplace conditions for LGBTQ+ people in Lebanon during an ongoing crisis. Therefore, survey questions were expanded to include inquiries on labor conditions for the last held employment position or positions for individuals who had lost their jobs due to the ongoing crisis. This was necessary in order to measure income levels and other indicators outside of the impact of the rapid devaluation of the Lebanese Lira as a result of the ongoing inflation.

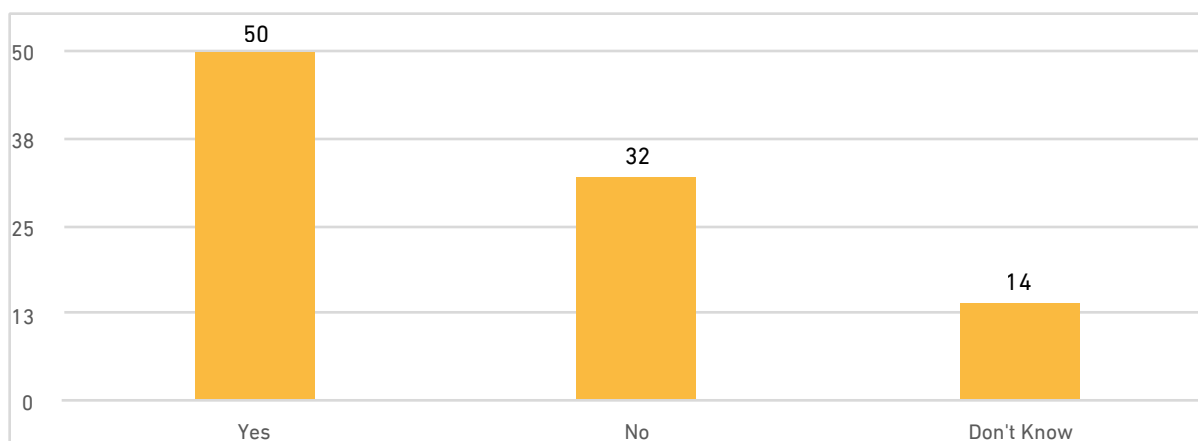


According to table 6, among the 100 participants in this survey, 97% had been steadily employed. Information derived from tables 7 and 8 reveal that 50% of both non-binary individuals and cis-women were receiving incomes that were enough to secure their basic needs while 50% were not. Regarding gay cis-men and trans-women, the data revealed a similar bleak image, as approximately 47% of cis-men and transwomen reported their income did not secure their basic needs at all, while 24% said that what they were receiving barely covered it. Regarding gender fluid individuals, 40% reported their income as not being enough while 20% reported it fails to secure their basic

needs. Most alarmingly, 80% of trans-men surveyed reported that they did not have their needs covered by their income.

Of course, after the economic crisis, the numbers became exponentially worse; not only had many have lost their jobs and their primary source of income, but 100% of the individuals who have managed to maintain their jobs after the crisis had taken places stated that their income was not enough to support their basic needs. Based on the data collected, 38% of the individuals who participated in this survey reported an income that did not at all secure their basic needs of food, shelter, and access to healthcare. Additionally, while the situation was critical for all participants, transwomen appeared to be the most affected regarding the security of their essential needs. 0% of the transwomen still working reported having a revenue that met their most basic of needs.

From a legal perspective, not having a wage that covers the individual's basic needs stands against existing provisions within Lebanese law; for adequate pay is one of the three main necessities described in Article 624 of the code of obligations and contracts. According to article 44 of the Lebanese labor law, the wage given to the wage-earner must be enough to provide them and their family with "the basic needs of life."<sup>13</sup>.



**Table 9:** Was there a Difference Between LGBTQ+ Individuals Salary Compared to Colleagues' Salary?

<sup>13</sup> Labor Law; Article 44: "The minimum payment must be sufficient to meet the essential needs of the wage-earner or salary-earner and his family, with due consideration to the nature of the work. Pay is not to be less than the official minimum pay."



In addition, Article 20 of the Lebanese labor code states that it is mandatory for labor inspectors to enforce the law and supervise the execution of the related decrees.<sup>14</sup> As for the inspections, they are of two types: periodic and urgent. The problem is that urgent checks are only done following a complaint submitted to the department. However, while the number of complaints is increasing, the inspectors are not being able to respond to the complaints they are receiving due to staff shortage. Further, with the lack of awareness and training provided to the inspectors, even the ones responding to urgent calls are likely to be biased and discriminatory to LGBTQ+ individuals.<sup>15</sup>

To further assess income discrimination, we asked the surveyed participants about whether they felt their pay was unequal compared to their colleagues who are not members of the LGBTQ+ community but performed the identical or largely similar job functions as they did within the same workplace. Results showed that 50% believed their salary was lower than their colleagues who do not identify as LGBTQ+ individuals.

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<sup>14</sup> Labor Law; Article 20: "All stipulations designed to outline the need and the terms of the training contract and the exams at the end of the training period shall be the object of decrees passed by the Council of Ministers. Labor inspectors shall be charged to see to the execution of these decrees and supervise the enforcement of the provisions of the present law. A decree shall determine the powers of these officials who are seconded to the Social Affairs Service of the Ministry of National Economy."

<sup>15</sup> [ILO; Lebanon - International Labour Organization.](#)

## Right to a Work Contract

The work contract is defined in the Lebanese Labor Code Article 12<sup>16</sup> as “a contract - written or oral - through which the employee works for the benefit of another person, known as the employer. The employee becomes subject to the employer's administration and instructions in return for a periodic salary or wage.” Lebanon distinguishes between individual and collective employment contracts and separately regulates the latter in the Collective Agreements Law, enacted in 1964. A joint employment contract is an instrument governing employment terms between a party representing one or more employee trade unions and another party (i.e., an individual employer; a group of employers; a representative of one or more professional bodies, or one or more unions employers).<sup>17</sup>

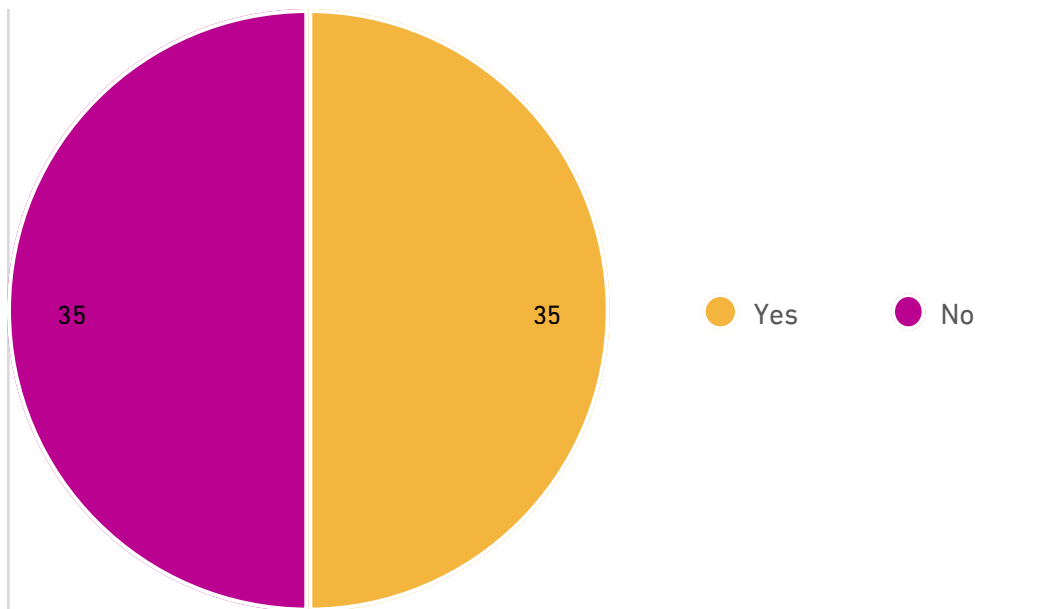
As mentioned before, employment contracts may be oral or written and may be either fixed-term or indefinite in duration. However, the minimum terms completed in an employment contract are not specified in the Labor law. The fundamental rights defined by applicable legislation – including limited working hours and leave entitlement – are implied in the absence of clauses in the contract that are more beneficial to the employee.

While they are implied, the absence of written contracts in the case of an oral contract tends to omit much legal proof of warranties that should be given to employees in terms of compensation, a breach in obligations of the employer, solemn amendment of the regulations, and many others. LGBTQ+ individuals, especially after the crisis, have been victims of violations of rights in the labor field in the absence of written contracts registered in the ministry of labor and the NSSF that would protect them.

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<sup>16</sup> Labor Law; Article 12: *“The work contract may be written or oral. In both cases, it is submitted to the authority of Common Law. The written contract is to be worded in Arabic; it may be translated into a foreign language if the foreign employer, wage-earner, or salary-earner does not know Arabic.”*

<sup>17</sup> [TAKIEDDINE MALEK and ABOU ALI LAMA; Lebanon: Labor and Employment Comparative Guide; March 2021](#)



**Table 10:** Presence of a Work Contract

**Of the total number of participants in the survey, only 50% reported working under viable work contracts:**

- 3 out of 10 cis-women said that they signed an agreement with the employer and that it was a written one, and the remaining 7 did not sign a contract.
- 21 out of 44 cis-men signed a written contract.
- 7 out of 14 non-binary individuals signed contracts; among them, 6 were written contracts.
- 1 out of 4 individuals who identified as gender fluid, and 1 trans-man out of 3 signed written contracts.
- 2 trans-men did not sign any contract.
- 1 trans-woman out of 2 and 1 out of 2 genderqueer individuals signed a written contract.

The lack of work contracts is extremely concerning as it puts into effect an unbalanced and unequal relationship between LGBTQ+ employees and their employers where accountability and access to justice is not possible even if individuals have the ability to challenge their employers and demand equitable treatment. By not providing the option to sign a contract to LGBTQ+ individuals while keeping the option for employees who did not identify as

such, employers have been discriminative toward the LGBTQ+ community,<sup>18</sup> resulting in dire consequences especially after the pandemic and the ongoing economic crisis. Working without a written contract makes it extremely difficult to build a case, legally or otherwise, should labor violations take place. While the Lebanese labor code does recognize verbal contracts as legally binding, their utilization as evidence is more difficult when LGBTQ+ individuals are concerned due to the general lack of witnesses when verbal contracts are made and due to inherent power dynamics when the word of an LGBTQ+ employee is pitted against the employer in cases where the former's identity, orientation or expression can be used against them.

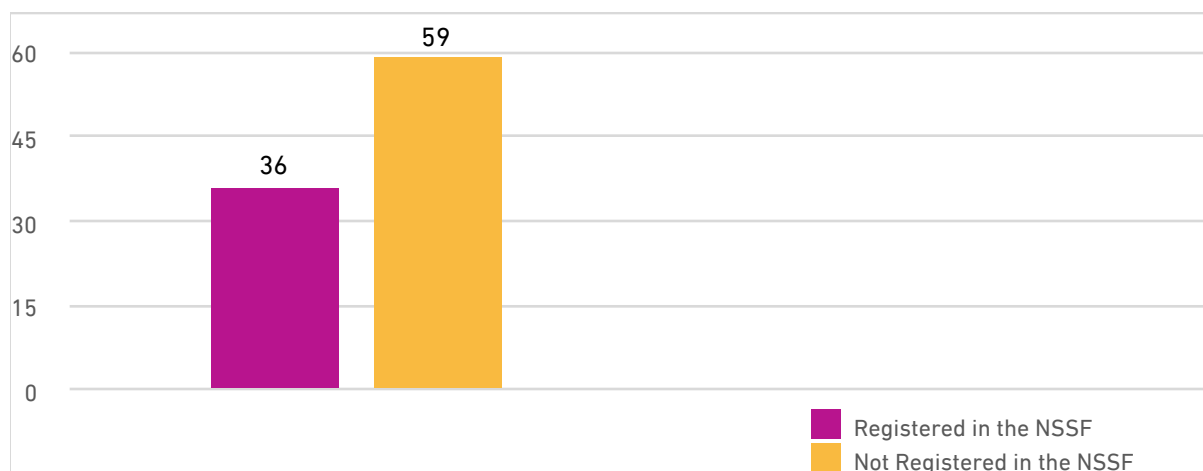
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<sup>18</sup> [YOUNES RACHA; Human Rights Watch; "In Lebanon's Covid-19, Aid the Vulnerable, Including LGBTQ+ People; April 2020.](#)

## Registration for Health Coverage

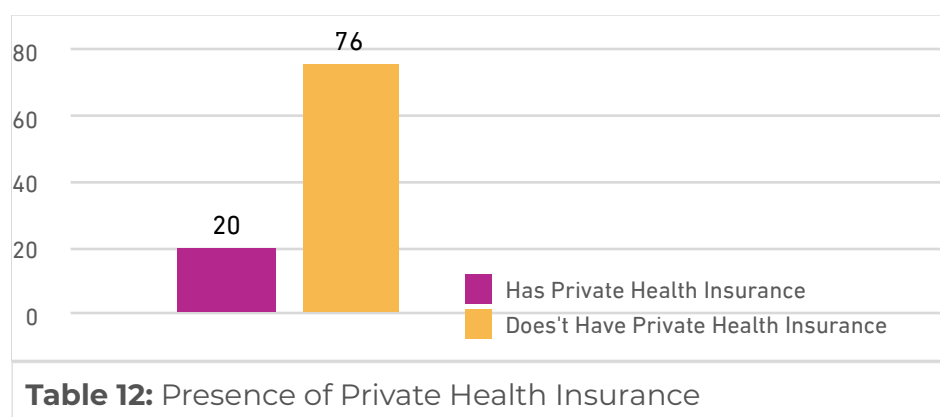
When it comes to medical benefits, the most wide-spread and utilized are those provided by the National Social Security Fund (NSSF). This fund provides three primary services: the sickness and maternity branch, family compensation branch, and the end of service indemnity branch. The regulations that determine who can benefit from this fund are in themselves discriminatory against women and gender non-conforming individuals. For example, in most cases, women are exempted from extending their NSSF coverage, especially when married, in contrast to men. This is in addition to the NSSF only recognizing binary gender identities and thereby excluding any genderqueer or non-binary individuals from receiving any coverage unless they conform to the NSSF's binary understanding of gender.

In addition, and according to the labor law, registration in the NSSF must occur during the first ten days following the start of employment. The NSSF is a mandatory scheme for specific employees: permanent employees of the formal private sector, employees in government-owned corporations, and contractual and wage earners of the public administration that do not benefit from the Civil Service Cooperative scheme. Many employers avoid this registration responsibility because it is considered a financial burden by most employers to register an employee. Furthermore, employers use the probation period as an excuse not to register or delay the registration of employees; while others use the consultancy contracts. However, every employee has the right to be registered in the NSSF by law and to benefit from the offered services, especially end-of-work indemnity and health coverage.



**Table 11:** Registration with the National Social Security Fund (NSSF)

The data gathered in this survey shows concerning levels of LGBTQ+ individuals who have not yet been registered as part of the NSSF. While it is a legal requirement, approximately 3 in 5 LGBTQ+ individuals, which is nearly equal to 62% of the participants in the survey reported working as full-timers without being registered in the NSSF by their employers. For those who are registered, benefits under the Fund are very limited as the coverage and services it provides are extremely basic and do not include many LGBTQ+ individuals' needs. This includes but is not limited to coverage for mental health services (which include therapy sessions with a psychologist and access to medications that are still not included in the medication list covered by the NSSF). It also fails to include another common request-coverage for gender affirmation surgery, hormone replacement therapy, or any other medical needs for transgender individuals considering or actively in the process of transitioning. There is no doubt that the economic crisis has worsened the accumulated health coverage crisis, but the situation got worse after hospital directors began preventing patients benefiting from the fund's benefits (and who could not pay directly) to enter the hospital, unless in extreme and deadly medical cases, leading to catastrophic consequences among patients suffering from chronic illness and needing recurrent treatment.<sup>19</sup> Since Lebanon imports the vast majority of its medications and hospital equipment, and coupled with the massive brain-drain in healthcare professionals leaving the country due to lack of employment opportunities and the devaluation of the Lebanese Lira, the NSSF can now only cover a much smaller percentage of the medical benefits that it could usually cover previously - and even those are usually restricted to individuals battling serious illnesses and injuries.



<sup>19</sup> [LEBANESE OBSERVATORY FOR WORKERS AND EMPLOYEES; "No access to hospitals"; June 2021.](#)

With the situation concerning the NSSF being what it is, the need for every individual to obtain private medical insurance that covers any payments that the NSSF does not or cannot cover has risen exponentially. While every individual has the right to benefit from private medical insurance regardless of whether they are registered in the NSSF, Lebanese citizens used to only obtain private health insurance that would cover whatever the NSSF could not or would not. However, with the current situation, people have become obliged to obtain full coverage on private health insurance, which costs a lot more than health insurance that used to only cover the difference of the NSSF payment. This increase in cost of healthcare insurance has been prohibitive to many Lebanese, especially those from chronically underprivileged and marginalized communities who disproportionately relied on NSSF coverage for medical needs and emergencies.

Only 20% of LGBTQ+ individuals have reported having access to private health insurance, while 80% reported that they did not have access to private health insurance even before the crisis. The data shows that employers have largely been unwilling or unable to offer protection to their employees, whether it is because private insurance was (and has become) more costly, or because employers have no incentive to cover their employees beyond the NSSF. The lack of health coverage for LGBTQ+ workers is one of the most pressing and alarming threats that currently faces the community. It poses many challenges regarding access to health coverage and medical services, such as the lack of accessibility to hospitals in emergency cases, lack of ability and capacity to conduct medical tests, and the lack of access to medication that is used to treat chronic illnesses, among others. The lack of medical coverage severely impacts the community's lives and livelihoods, with those lucky enough to have secured or retained employment having to spend the majority of their wages on healthcare that should be there by natural right.

# Rights Under the Labor Law

## Policies that Handle Discrimination against SOGIESC

Each company or institution must have a set of internal policies regulating specific matters such as child rights safeguarding, discrimination against women, communication between employees, LGBTQ+ rights or any other regulations it deems essential to enforce its values and communicate clear and transparent expectations of professional and ethical behavior as well as the consequences of violating those expectations .

While regulation of these internal policies is absent from the Labor law, the law does require the formulation of internal rules as part of its foundational documents, mandatory for any employer having fifteen or more wage-earners in their service. These rules, while not a suitable replacement for codes of conduct, do often govern multiple aspects of employer and employee relations that could include dress code, professional conduct, and other matters. Moreover, to be applicable, such regulations must receive the approval of the Ministry of Labor.<sup>20</sup>

While they encompass an amalgamation of many different parts of an organization or company, such as human resources, finance, and other department with specific requirement, workplace policies must also define what employees can expect from their employers as well. This relationship should be transparent, equitable, and fair to all employees despite the fact that workplace policies may differ from one workplace to another.

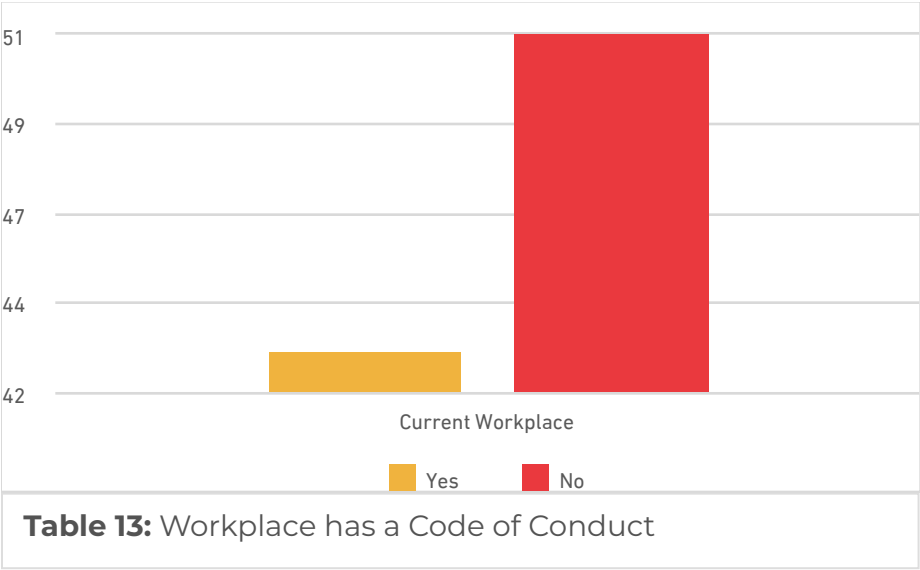
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<sup>20</sup> Article 66 Labor Law: "Any employer with fifteen wage-earners and salary-earners or more on his service must lay down labor regulations and personnel statutes in his establishment.

These texts must bear the approval of the Ministry of National Economy."

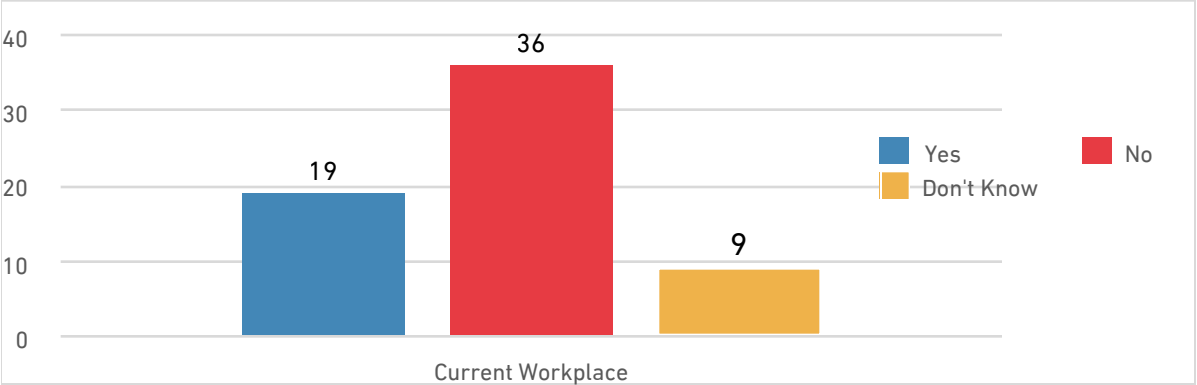


Working in an organization or company that has a code of conduct - a specific kind of policy that regulates and enforces workplace behavior - that employers and employees (as well as other stakeholders) are required to read, sign, and follow is one of the most important mechanisms to address workplace discrimination such as bullying, extortion, sexual harassment, or violence, especially on the basis of SOGIESC. While organizations in Lebanon are not legally mandated to have a code of conduct that specifically governs employee behavior (another glaring problem in the Lebanese labor law), every organization should have a code specifically created and implemented by its leadership which should be socially and culturally relevant, abides by international human rights and labor rights standards, and suites the needs and requirements of the employees and the nature of the work itself. While it does not replace the need for laws, a code has value as both an internal guideline and an external statement of an organization’s values and commitments, and when signed can be a reliable document with which to base expectations and evaluations of professional conduct for both the employee and employer.



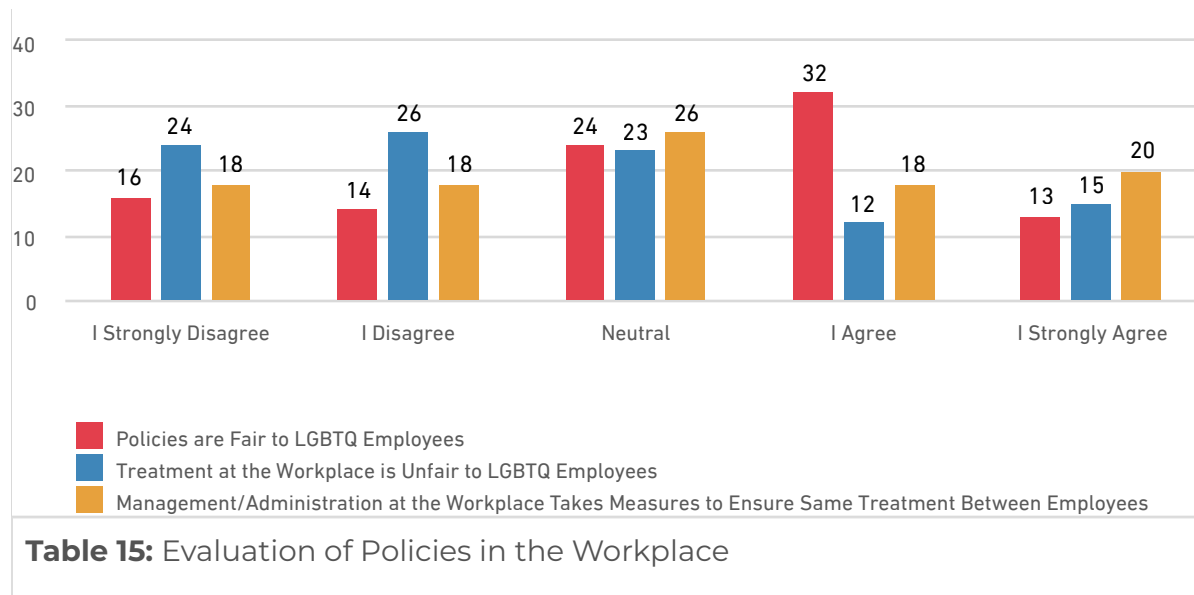
According to the results of this survey, over half of the LGBTQ+ individuals who are now working or have been working up until losing their employment recently have done so without a code of conduct. This is concerning on a multitude of levels, as it indicates not only the lack of transparency and clarity on behalf of the employer and their organization as to what constitutes

acceptable behavior, but also leaves individuals without any concrete expectations and responsibilities towards the employer, the organization, the work and one other. This is often to the disadvantage of marginalized communities who rely on such mechanisms for added protection and deterrence, as well as a concrete source of information that could be used in any subsequent investigations or punitive measures in the absence of an actual legal text.



**Table 14:** Presence of Workplace Policy that Handles Discrimination and Gender Based Violence

While policies cannot be contrary to the laws which govern them; they must respect not only national labor codes but also international standards, especially ones that were signed and ratified by the country in which they operate. While the absence of policies that handle discrimination against SOGIESC does not mean that discrimination is allowed, the lack of such policies shows that employers do not address this issue internally. Numbers show that, on average, 70% of the individuals who participated in the survey did not have anti-discrimination policies in their workplace of any kind. The number is not surprising considering that it was previously mentioned that half of them did not have a code of conduct at their workplace. The absence of such policies may lead many individuals to fear or resent their workplace. Without any support or protection from the institution, they may have to hide aspects of their personality, change their behavior, or even work harder and under unfair conditions in order to justify their employment and reduce the probability of them being targeted.



All policies need to be fair and inclusive toward LGBTQ+ employees. The survey results have shown that 30% of the participants feel that the policies at their workplace are not fair and are in fact discriminatory against them as LGBTQ+ individuals regardless of whether they are out or not.

## Available Mechanisms to Report Violations

It is reasonable to expect that an employer provides a workplace for workers that is safe, professional, and conducive to both productivity as well as the professional growth of individual employees as well as the collective team that makes up the bulk of the work of any establishment. For many LGBTQ+ individuals, workplaces have never been an accepting environment, but rather hostile and discriminatory spaces where their rights are violated, their dignity compromised, and their labor exploited. Not only do they not have their rights as employees protected, but they have also been subject to violations affecting their safety and well-being such as bullying, violence, extortion and discriminatory behavior. The discrimination LGBTQ+ individuals face usually manifests in physical or verbal violence or a host of major and micro-aggressions that signal to LGBTQ+ employees that their presence, work, and life is not appreciated, welcome or even tolerated in their workplace by employers and colleagues alike. While these aggressions are against the law and punishable by the Lebanese Penal Code, LGBTQ+ individuals find themselves in fear of reporting such violations to the police, fearing the repercussions the complaint they file might have on their work, in fear of being dismissed. Torn between enduring these violations or losing their job, the current state of the country forces many to choose the former. Given the absence of internal mechanisms to monitor and report these violations, LGBTQ+ individuals have been extremely prone to either dire working conditions, or economic insecurity and the associated vulnerabilities that come along with it.

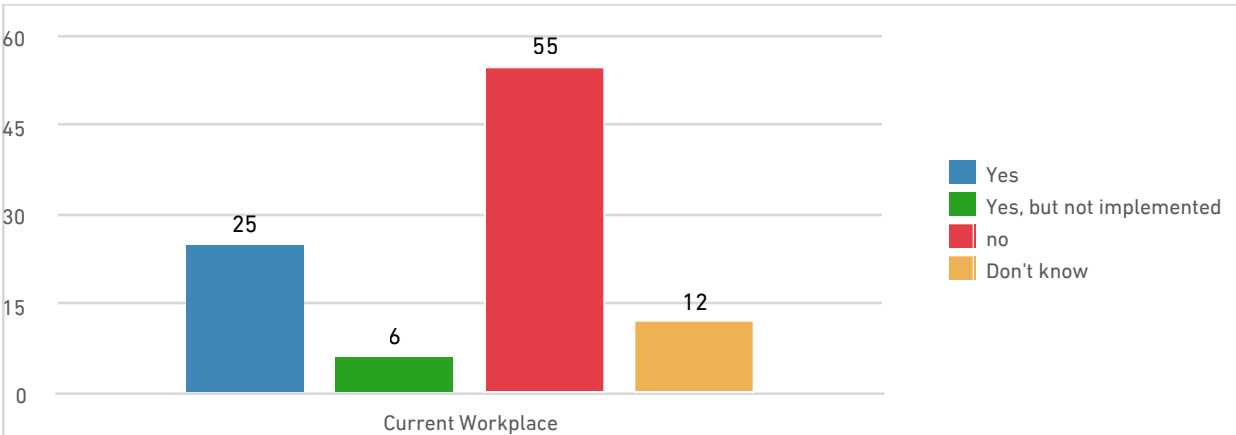
The Lebanese labor law does not make any reference to bullying and extortion in the workplace. The penal code does reference extortion in Article 650, and the Lebanese Constitution does reference discrimination in Section C, but both do so in a generalized manner without specifying what constitutes either in a workplace setting. In addition, while having passed a law against sexual harassment, Lebanon has not yet ratified International Labor Organization (ILO) conventions 190 and 44, which target the protection of workers from harassment in the workplace and provide allowances for the involuntarily unemployed, respectively.<sup>21</sup> One of the major violations that LGBTQ+

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<sup>21</sup> Helem; *The Universal Periodic Review of LGBTQ+ Rights in Lebanon*; September 2020

individuals particularly face in the workplace is sexual harassment, which is already an endemic problem that has plagued women and sexual and gender non-conforming minorities with no legal protections or deterrence. Sexual harassment in the workplace was not criminalized in Lebanon neither in the penal code or the labor law, until the passing of the special law 205/2020 mentioned earlier.

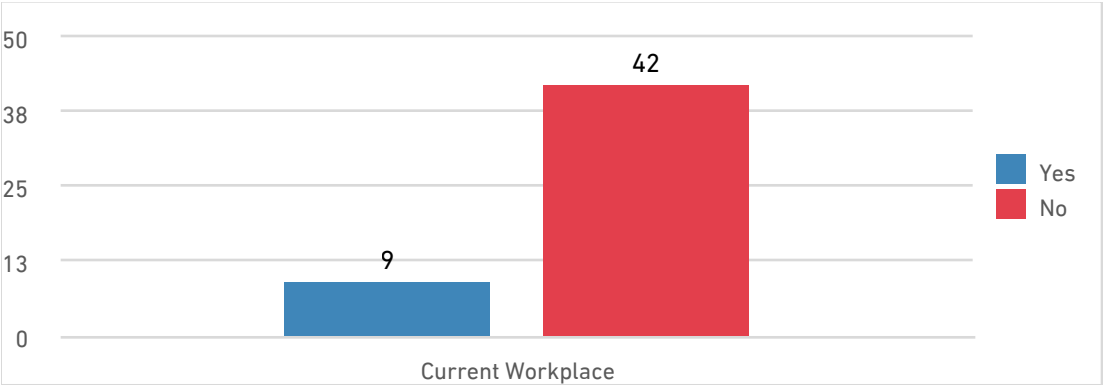
The law criminalizes sexual harassment in general but sets an intensified penalty when this crime occurs in the workplace, considering the act of sexual harassment to be more severely punished when it is linked to the relation between employee and employer. Article 2 of the 2020 law states that, if found guilty, a harasser can be sentenced to imprisonment anywhere between 6 months to 2 years along with a payment of a fine ranging from 10 to 20 times the official minimum wage. Unfortunately, despite the new law, the crime of sexual harassment is still considered a misdemeanor, not a felony, and the afore-mentioned penalty is not high enough to present a significant enough deterrent to harassers from breaking the law – nor does it effectively communicate the Lebanese government’s intention and seriousness in combatting the scourge of harassment not only in the workplace but all over the country.



**Table 16:** Availability of Mechanisms to Report GBV and Discrimination against SOGIESC

One of the main advantages of working under an operational code of conduct is the ability to detect, identify, and report violations through mechanisms that are designed to prevent gender-based violence (GBV) and discrimination

against SOGIESC. When asked about the availability of tools to report gender based violence and/or discrimination against SOGIESC, 59% of the surveyed have confirmed that their workplace does not have any mechanisms to report such violations. Furthermore, while overall 28% said that they had active reporting mechanisms, only 22% had mechanisms that were being implemented, while 6% confirmed the available mechanisms were not implemented. The lack of reporting mechanisms, whether within established codes of conduct or other HR manuals, renders it extremely difficult to maintain a healthy and safe work environment, and contributed to the extremely high levels of under-reporting of GBV-related crimes in Lebanon.

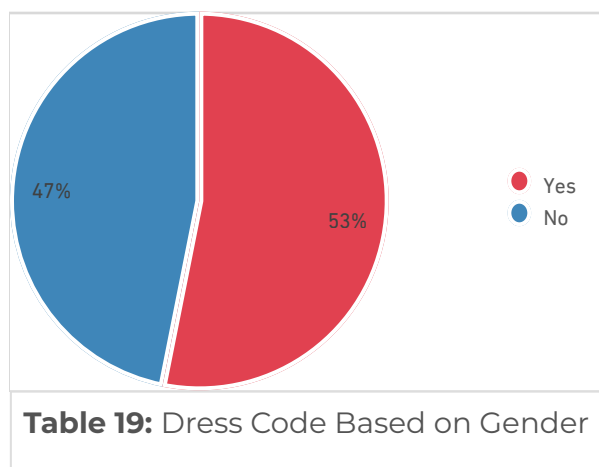
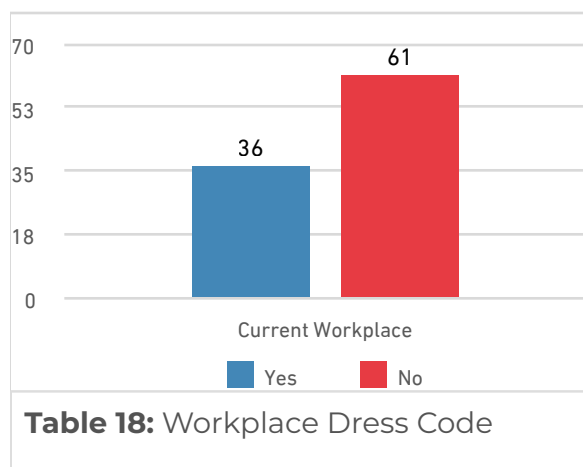


**Table 17:** Employee Uses Mechanisms to Report GBV and Discrimination against SOGIESC

Not only is the lack of mechanisms to report gender based violence (GBV) or discrimination against SOGIESC at the workplace a concern, the general culture of impunity surrounding this sort of violence is also a large contributor to these crimes going unreported and unchallenged. It was evident that many LGBTQ+ individuals, even when subject to discrimination or violence, said that they have not or would not use them out of fear of retaliation from their employer or colleagues and out of the belief that such actions will not provide them the justice they deserve. Results showed that 4 in 5 individuals who have taken the survey confirmed that they would not resort to these mechanisms, a further indicator that policies and protocols alone are insufficient to address the chronic levels of homophobia and transphobia permeating the workplace culture itself and reinforced by national discriminatory laws, policies, and mechanisms.

## Working Environments are Gendered

Recognizing diversity, including gender diversity, in the workplace is vital in ensuring the safety and respect of LGBTQ+ workers. While some progress has been made in this area, Helem believes more can and should be done. Inclusivity should be considered in company policies, the space offered to the employees, dress codes, workplace activities, and throughout workplace communication methods and platforms without necessarily relying on established norms and traditions when it comes to how people's identities and beliefs connect with their work. This approach acknowledges and makes visible the existing differences based on how everyone chooses to self-identify and respects their SOGIESC. It is of paramount importance that organization and company policies do not inadvertently cause harm or discomfort to individuals whose needs and requirements are adversely affected by rigid and unchanging workplace norms and culture.

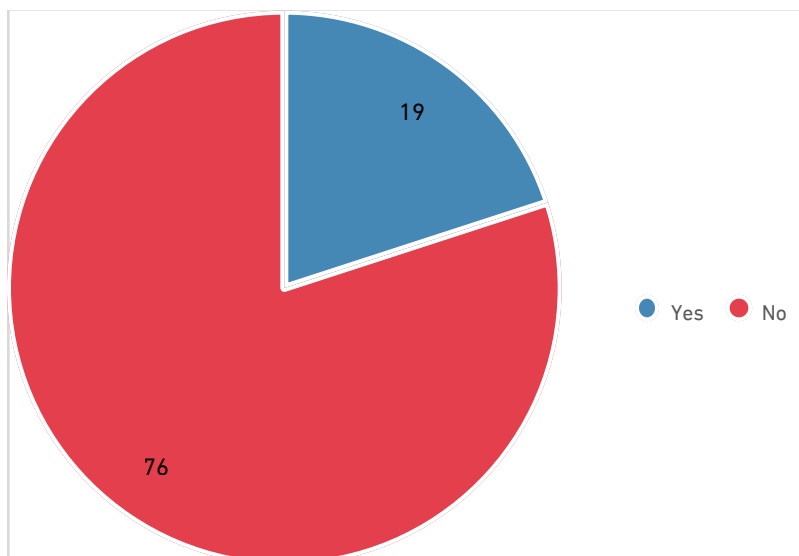


One of the major challenges that face LGBTQ+ individuals across multiple industries is the presence of a mandatory dress code that is based on a binary understanding of gender identity, or worse, based on their sex assigned at birth. This is de facto discriminatory against individuals who are trans, gender non-conforming, or their gender expression does not match normative societal expectations. Mandatory dress codes based on gender and/or sex become insensitive to how individuals self-identify and usually reflect a culture of gender mainstreaming.<sup>22</sup> Among the participants who have taken part in

<sup>22</sup> ILO; *10 Keys for Gender Sensitive OSH Practice*; [https://www.ilo.org/wcmsp5/groups/public/@ed\\_protect/@protrav/@safework/documents/publication/wcms\\_324653.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@safework/documents/publication/wcms_324653.pdf); 2013.

the survey, 36% have confirmed that their current or previous workplace had mandatory dress codes based on sex or gender, which is a sizable portion of the community.

While not all individuals who are forced to adhere to a dress code are non-binary, and while not all individuals may necessarily oppose the practice, the prevalence of a dress code policy – often due to marketing and trademark considerations – reinforces such gender mainstreaming. It is essential to mention that dress codes or uniforms are part of the company's internal regulations and sometimes are part of their visual identity and/or marketing trademark. However, in all cases, while it is the right of the employer to impose dress codes or uniforms for their employees, especially in cases where uniforms relate to mandatory safety and security provisions (such as workers in factories or medical laboratories) - that dress code should not necessarily be gendered, and if it is, employees should be allowed to choose which uniform best reflects their gender identity and expression.



**Table 20:** Inclusive Language in Internal Workplace Communication

Another important area of workplace inclusivity for LGBTQ+ individuals is utilizing and mainstreaming gender inclusive language in internal communication between employers and employees and among employees themselves. Inclusive language is a communication style that incorporates

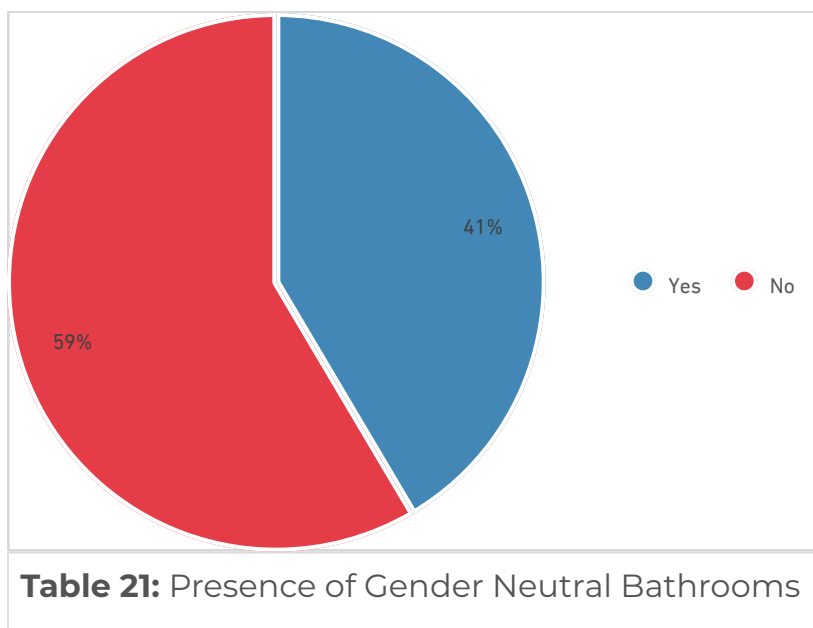


phrases and expressions that are inherently welcoming and respectful to how each individual chooses to self-identify. This method of communication avoids assumptions based on appearance or perceived gender identity that might exclude trans and gender non-conforming individuals, even if the exclusion is unintended. Therefore, the chosen language is crucial to enable everyone in the organization to feel like they belong.<sup>23</sup> Examples of inclusive language in internal communications include introducing the inclusion of pronouns as identifiers, e.g. "I am X, the pronouns I use are she/her"; incorporating gender neutral language and vocabulary avoiding terms like "guys" when addressing a group of gender diverse individuals and using gender-neutral terms such as staff members, folks, volunteers, or clients; and mainstreaming using plural terms to avoid gendered pronouns inherent in the Arabic language.

Unfortunately, the survey found that this important aspect of inclusive workplace cultures is largely missing in Lebanon. 80% of survey participants stated that they did not experience any inclusive language whatsoever in internal communication in their current or previous workplace. The lack of diversity within the Lebanese workforce, particularly that of openly trans\* individuals, as well as the lack of empowerment that queer employees and workers experience in the workplace has contributed to these persistently low percentages of inclusive and affirming spaces.

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<sup>23</sup> [Deloitte; 2018 Deloitte Millennial Survey; 2018.](#)



In addition to dress code and language, a workplace's utilities in terms of infrastructure and accessibility play a major role in providing an inclusive and equitable workplace. According to traditionally acceptable norms, an employer must provide separate male and female toilets or bathrooms for employees at the workplace.<sup>24</sup> These bathrooms are sometimes equipped with different fixtures that adapt to the needs of the sex/gender that is utilizing them. While the Lebanese labor law, the Lebanese Ministry of Labor, as well as most syndicates remain silent on the need of parameters governing the provision of such facilities, the Lebanese workplace has also largely followed this traditionally acceptable trend of segregating bathrooms according to binary understanding of both sex and gender.

Bathrooms are not a luxury in the workplace, they are a requirement for individuals to be able to spend extended periods of time in a space to be able to do their jobs and are a vital and non-negotiable health and sanitation necessity. Segregating bathrooms according to gender and/or sex is especially discriminatory to trans and gender non confirming individuals as it is unclear as to what bathroom they are able to use in the workplace and where they would feel safe and welcome to use such facilities privately in the same manner as everyone else. Trans and non-binary individuals often face great discrimination and violence when using bathrooms. Many institutions and

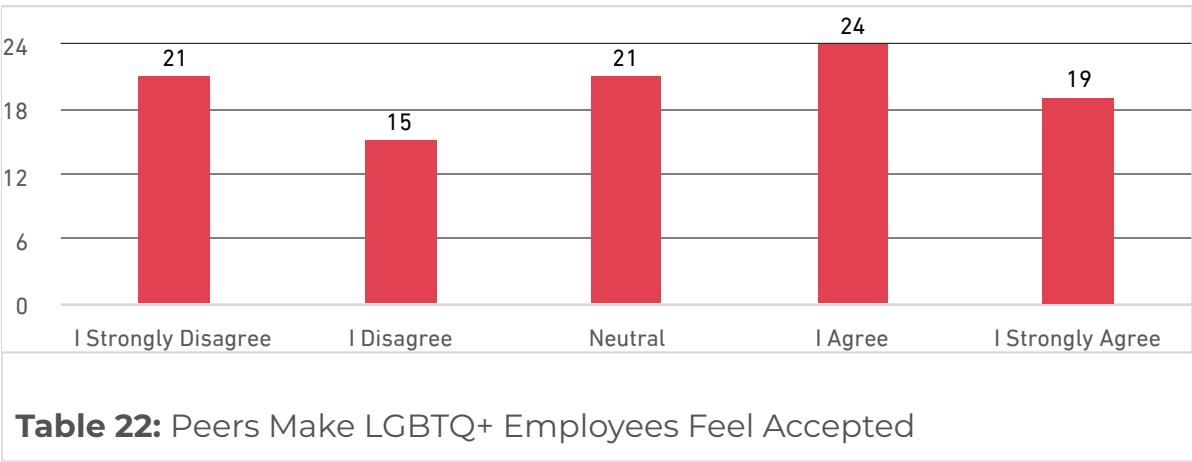
<sup>24</sup> [LEGISLATIONS.GOV.UK; The Workplace \(Health, Safety, and Welfare\); Regulations 1992.](https://legislations.gov.uk/the-workplace-health-safety-and-welfare-regulations-1992)

other bathroom users consider their presence to be unwelcome, invasive, or even predatory – especially in the case of trans women using women’s bathrooms. In addition, Article 521 in the Lebanese penal code criminalizes “men masquerading as women to enter women’s spaces” which can be used to criminalize their presence in gendered bathrooms. Unfortunately, only about 41% of individuals who took the survey has confirmed having gender neutral toilets in their workplace. This does not only make it tougher for queer individuals to utilize facilities in their current workplaces, it makes the barriers to entry of those workplaces even more prohibitive to trans and gender non-conforming individuals and reduces the quality of their life and wellbeing in the workplace .

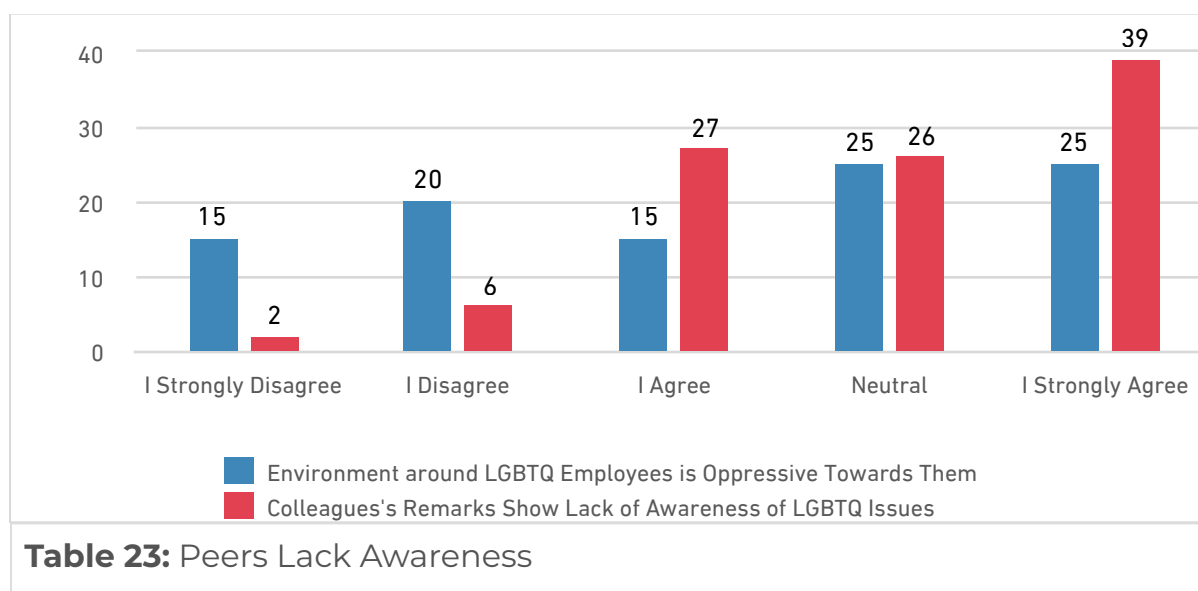
## Relationship with Workplace Peers

It goes without saying that good peer relationships contribute to a more productive, safe, and pleasant work environment as well as they contribute positively to an employee’s quality of life outside of the workplace. Positive peer-to-peer relationships have been known to increase job satisfaction, decrease employee turnover, and attract skilled employees. Moreover, positive peer relationships can contribute to professional growth, since supportive employees may help each other develop professionally, which contributes to collective career advancement and benefits an organization as a whole.

That being said, in order to advance in the work environment, every employee has the right to feel accepted and should have a working environment that is safe, comfortable, and free from discrimination.<sup>25</sup> Employees feel accepted and empowered when there are well-written and exhaustive codes of conduct, adequate policies, and an inclusive environment, which includes self-development and acceptance of everyone, and adequate awareness provided to the employees through training and capacity building. Managing peer relationships and ensuring respectful and professional employee relations is a major responsibility on behalf an employer.

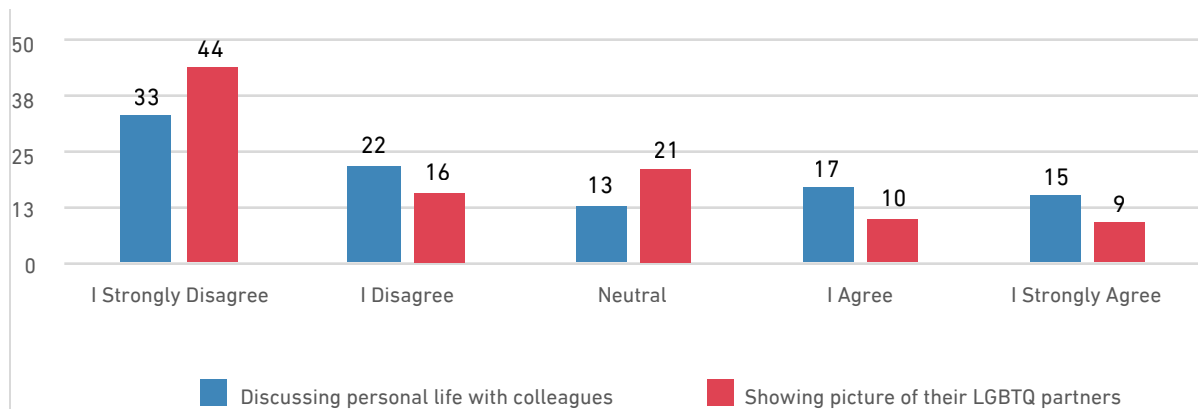


<sup>25</sup> ILO; *c190 – Violence and Harassment Convention, 2019 (No.190)*



Many of the afore-mentioned policies and mechanisms are missing from working environments in Lebanon, and the survey results reflect that as only 43% percent of the LGBTQ+ working individuals feel that their peers accept them. In comparison, 21% remain neutral on the issue, and 36% disagree and feel they do not feel accepted by their peers. It is worthy to mention that these results reflect places where LGBTQ+ individuals already work, and do not necessarily mean that individuals have disclosed their SOGIESC fully or partially to their colleagues. Regardless of whether they are out or not, approximately 1 out of each 3 individuals do not feel accepted at their workplace, which indicates that there is still a large lack of awareness and capacity building in organizations on issues related to inclusivity and acceptance of the other.

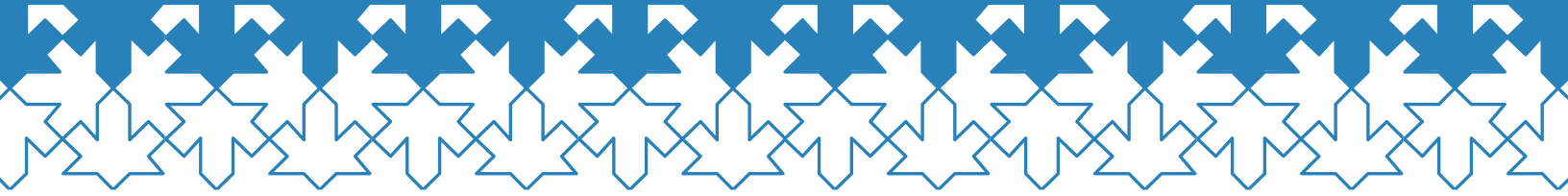
The above statements are confirmed when examining the survey results pertaining to whether respondents felt that their work environment is oppressive towards them or not. Among the surveyed, 50% of the surveyed felt that the work environment is oppressive towards them as LGBTQ+ individuals, while only 35% confirmed it was not. The results are comprehensible when faced with 65% of those individuals confirming the lack of awareness of LGBTQ+ issues.



**Table 24:** Sharing Personal Information in the Workplace

It is important to note that not being oppressed does not necessarily mean that an individual has disclosed their SOGIESC, or “came out” in the workplace. According to the survey results, more than 55% of the participants do not discuss their personal life with their colleagues, and only 10% can show pictures of their partners to other colleagues. This indicates that the lack of discrimination reported is not related to the level of comfort of sharing details about one’s personal life, and that individuals who reported that they felt were not discriminated against in the workplace were not individuals who were necessarily “out” to their colleagues.

# LGBTQ+ Individuals are Eager to Work



## Discrimination in Recruitment

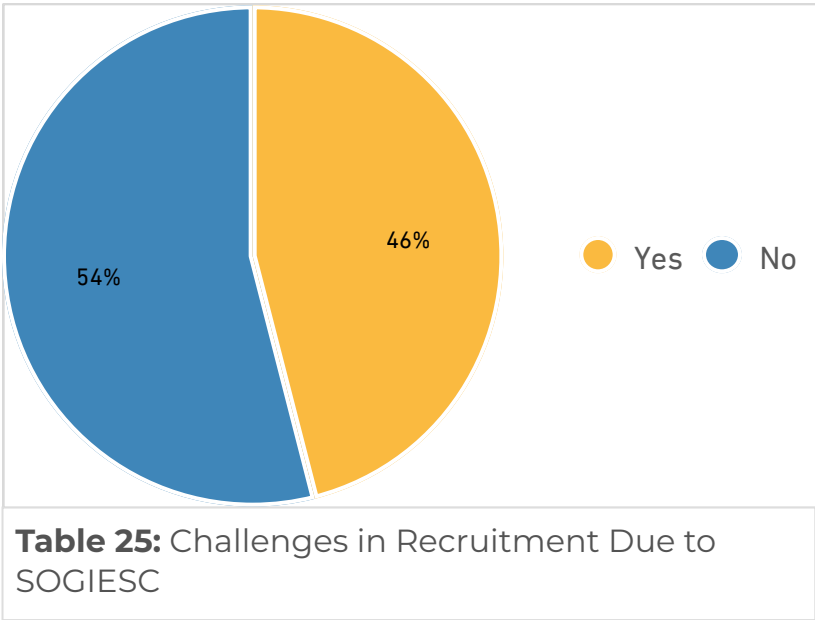
According to a needs assessment conducted by Helem in 2019, the vast majority of members of the community, particularly those with non-normative gender identities and expressions, have reported that they have faced multiple kinds of discrimination in the recruitment process mostly based on their gender identity and/or gender expression. Multiple individuals claimed that their applications for employment would be denied or dismissed as soon as prospective employers discover their gender identity does not match their sex assigned at birth, or that their gender expression and non-normative appearance is made known upon the initial in-person interview. This, they claim, was after their application was favorably viewed by employers during phone interviews or initial calls over the phone. While multiple businesses, especially small and medium enterprises and employers offering white collar jobs would indicate that they evaluate individuals solely based on merit, this claim is not supported by the experiences of queer individuals in Lebanon, and especially not in industries that would usually employ blue collar jobs such as construction, manufacturing, retail, and sanitation.

The Lebanese law has not defined an official and transparent complaint, monitoring, or regulation mechanism that governs the selection process for public and private sector employment and provides recourse to justice for individuals who have experienced discrimination during the recruitment process. While employers possess the right to choose the most suitable candidate for any given position, protection against discrimination should be a part of the decision making process, as is mandated by principle 6 of the UN Global Impact for sustainability.<sup>26</sup> In addition, section C of the Lebanese constitution's introduction emphasizes the “respect of public liberties, especially the freedom of opinion and belief, and respect for social justice and

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<sup>26</sup> [UN Global Impact; The Ten Principles of the UN Global Impact; April 2022.](#)

equality of rights and duties among all citizens without discrimination” such equality is being neglected in multiple cases.



LGBTQ+ individuals who took this survey reported facing difficulties regarding employment opportunities as they affirmed that despite having the necessary qualifications, whether it be educational levels or professional skills, they were still denied employment.<sup>27</sup> 46% of respondent stated that they have faced challenges in accessing employment and that they believe those challenges were a direct result of discrimination based on their SOGIESC.

Though the Labor Arbitration Committee was established to resolve disputes concerning active working relationships between employer and employee, the Lebanese Labor Law has not extended its jurisdiction to include conflicts resulting from unfair discrimination or treatment in the recruiting process. At present, any individual who suspects or even has evidence that they have been discriminated against in the recruitment due to their SOGIESC or any protected status under the Constitution cannot resort to the Labor Arbitration Committee to challenge or even report such discrimination.

<sup>27</sup> Farah Baird, Dalal: FINAL CONSULTANCY REPORT On the “Assessment on the perceptions & attitudes of employers towards the LGBTQ++ community” And “A situational analysis of the LGBTQ+ community in the workforce”; September 2020.



When a rejection of a particular position occurs, the only possible option left is to resort back to the general principles of the law. If a dispute occurs between the two parties concerning a rejection based on gender identity or sexual orientation, the recourse can be submitted in front of the ordinary courts and based on the denial of the fundamental rights mentioned in the Lebanese constitution including laws mandating the equal treatment of all citizens without any discrimination between them.

While the option of resorting to courts to challenge discrimination in the recruitment process is a theoretically possible option, it faces four main challenges in practice that would discredit the option. First, the Lebanese judicial system was already suffering from under-staffing, making cases take longer, sometimes more than a decade to provide a ruling for a case, therefore any form of justice would be delayed if not forgotten due to the years of follow up needed for one single case. Second, the burden of the proof falls on the victim, with the absence of clear and compelling evidence, it's very difficult to prove that lack of selection of employment was due to discrimination or bias based on SOGIESC. Third, submitting recourse in front of courts cannot be done without a lawyer whose prohibitive costs, especially if the case drags on for years due to delays and other factors, is not within the means of the majority of LGBTQ+ individuals who face this problem., Finally, and most importantly, an LGBTQ+ individual cannot prove discrimination in the recruitment process without revealing or drawing additional suspicion with regards to their SOGIESC in order to explain why they have been discriminated against. This confirmation or suspicion, when revealed in a court of law, might lead to the person being “outed” to external parties and the public, not to mention also being vulnerable to charges based on Article 534 of the penal code if the judge considers the testimony of the plaintiff to be an act of self-incrimination – and thus detain them based on that “confession”.

With legal avenues being blocked or prohibitive in nature, one avenue for seeking justice could be through leveraging the organizational and lobbying power of syndicates. Syndicates not only work on preserving, promoting, and protecting a profession and its best interests, but also make sure that individuals who practice the profession are protected with their right to work and fair treatment is upheld. So far in Lebanon, not one single syndicate or

worker's union have officially recognized LGBTQ+ individuals or taken any concrete steps to include them in their membership and policies nor advocate on their behalf. None have developed a mechanism of reporting or monitoring discrimination of LGBTQ+ individuals, neither during recruitment nor after they manage to secure employment under any form of contract.

## Attitude of Unemployed LGBTQ+ Individuals Towards Finding a Job

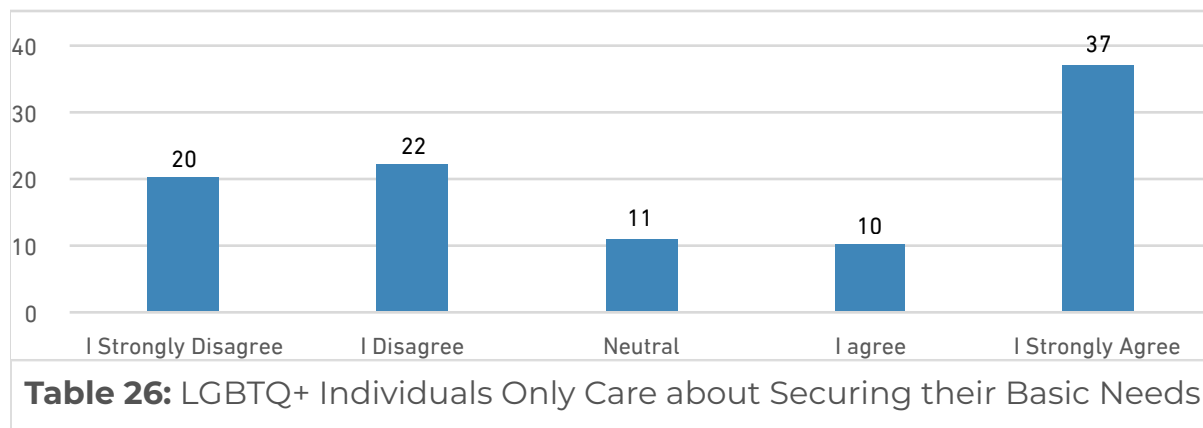
Lebanon was already dealing with its most significant economic crisis since the end of the civil war in 1990, with a nearly 150% depreciation of the Lebanese pound (at the time of writing this report) and uncontrolled inflation. COVID-19 exacerbates an already dire economic situation for vulnerable communities, particularly LGBTQ+ persons. For many, the lockdowns has exacerbated an already terrible economic condition. The traditional coping mechanisms are no longer effective, and the Lebanese government must act quickly to safeguard them and other vulnerable people.

Before the advent of the crisis in late 2019, some LGBTQ+ individuals in Lebanon relied on LGBTQ+ groups and community centers for little cash aid, psychosocial support, and mental health care. The economic crisis has overburdened these organizations, and the lockdown measures have significantly reduced their services. Due to the severe economic crisis and the necessity of social separation, LGBTQ+ individuals who previously supported others in need, including temporarily lodging, can no longer do so.

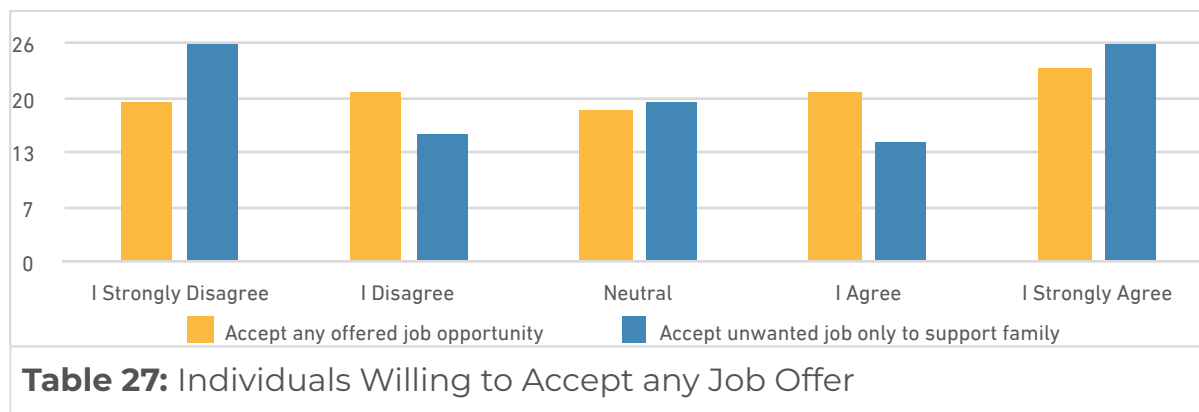
According to a report published by Oxfam in collaboration with Helem, the LGBTQ+ community in Lebanon has been one of the hardest hits by the successive economic and political crises that has befallen Lebanon. The community has witnessed an exponentially sharp increase in demand for basic needs such as food, shelter, and medication. Already challenged by endemic inequality, violence and violations of their civil, political and bodily rights - many LGBTQ+ individuals reported losing their jobs with an unemployment rate of 79%, almost twice the national average,<sup>28</sup>.

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<sup>28</sup> [Oxfam Lebanon, Queer Community in Crisis: Trauma, Inequality and Vulnerability; June 2021.](#)

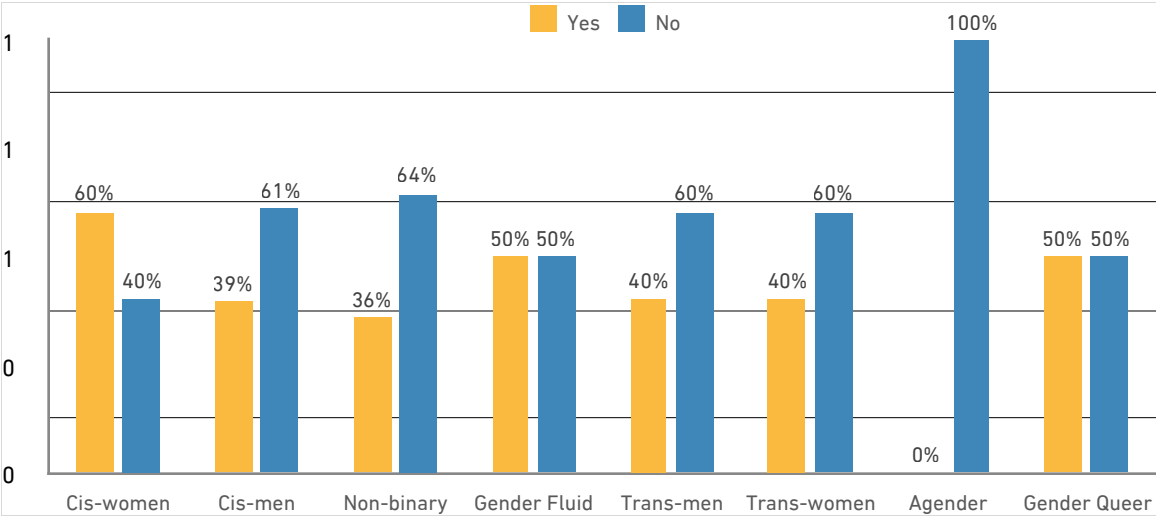


As a result of this alarming statistic, the current situation has had a profound effect on how LGBTQ+ individuals view employment and their desire to secure it. Results of the survey show that 47% of the individuals that took part in the report only care about securing their basic needs, without any consideration for their professional growth, aspirations, or future plans. The repercussions of the crisis have translated into altering the expectations of LGBTQ+ workers concerning the job or position they were pursuing.



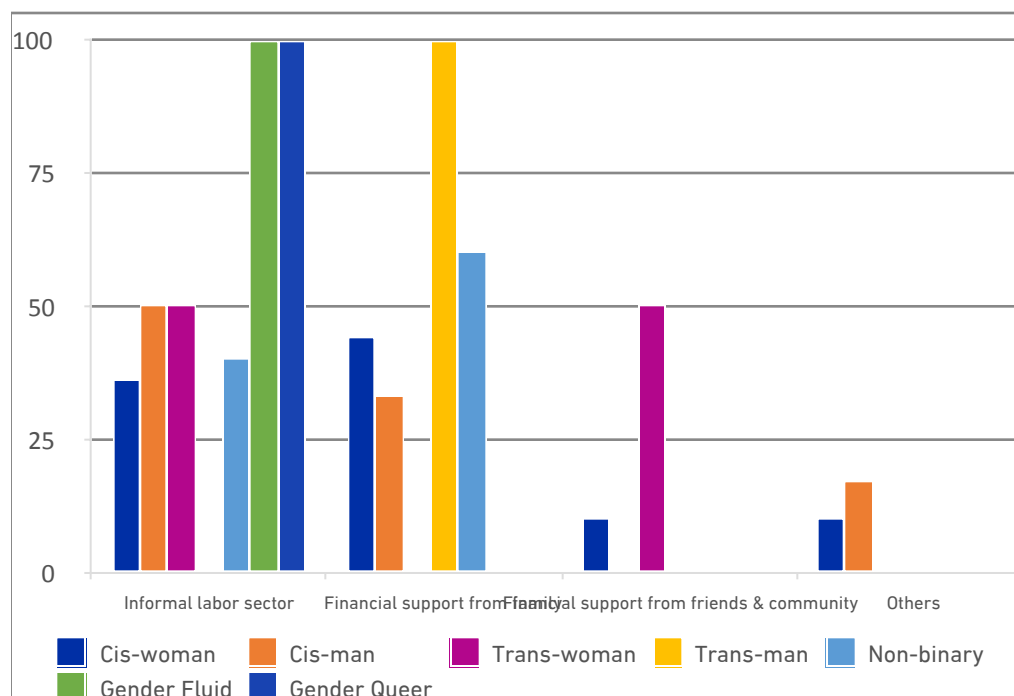
While under different circumstances, LGBTQ+ workers would have striven to find jobs that would fill their ambitions, large swathes of the community are now preoccupied with looking for jobs that provide the bare minimum. Results confirm that 43% of respondents are willing to take any job opportunity they are offered without consideration of any other factors. Furthermore, in some cases, it's not only their needs that have to be met, for many individuals have reported that they had to support their families' needs as well. 40% of the surveyed individuals stated that they are willing to take an unwanted job to support their families, even if it means going back to the closet or being in an unwelcoming or discriminatory work environment.

# Alternative Income Generating Activities



**Table 28:** Alternative Income Sources by Gender Identity

Due to the multiple crises plaguing the country, many LGBTQ+ individuals have reported searching for alternative income-generating activities in the absence of formal jobs that would bring a stable income. A quick gender-identity-perspective analysis confirms that the need to find an alternative income was present among all genders. While 60% of cis-women and 50% of gender fluid individuals were the highest percentages of individuals looking for alternative incomes, the percentages came in approximately similar for cis-men, non-binary, trans-men and trans-women (around 40%).



**Table 29:** Income Source Name and Gender Identity

Further, with regards to the types of alternative income sources, those were divided between financial support either from friends, family, or community members, or from informal employment sector, regardless of whether Lebanese law considered the latter legal or not. Survey responses show that 51% of cis-women and 33% of cis-men have received support from their families or friends, with 33% of the former and 50% of the latter having resorted to working in the informal labor sector to secure alternative income, compared to 40% of non-binary individuals who have done the same.

While financial support from families or friends is not always available or sustainable, a more acute concern lies with individuals who are forced to enter the informal labor sector. Indeed, 50% of trans-women, 50% of gay cis-men, and 100% of individuals who identify as genderqueer and gender fluid who have taken part in the survey confirmed having or participating in an informal income-generating activities. The concern generated from this alarmingly high number of individuals engaging in informal labor practices is the total lack of oversight and the increased vulnerability that often accompanies individuals outside of any parameters of protection. Helem's 2021 LGBTQ+ Rights Violations report<sup>29</sup> saw an increase of exploitation, sex trafficking,

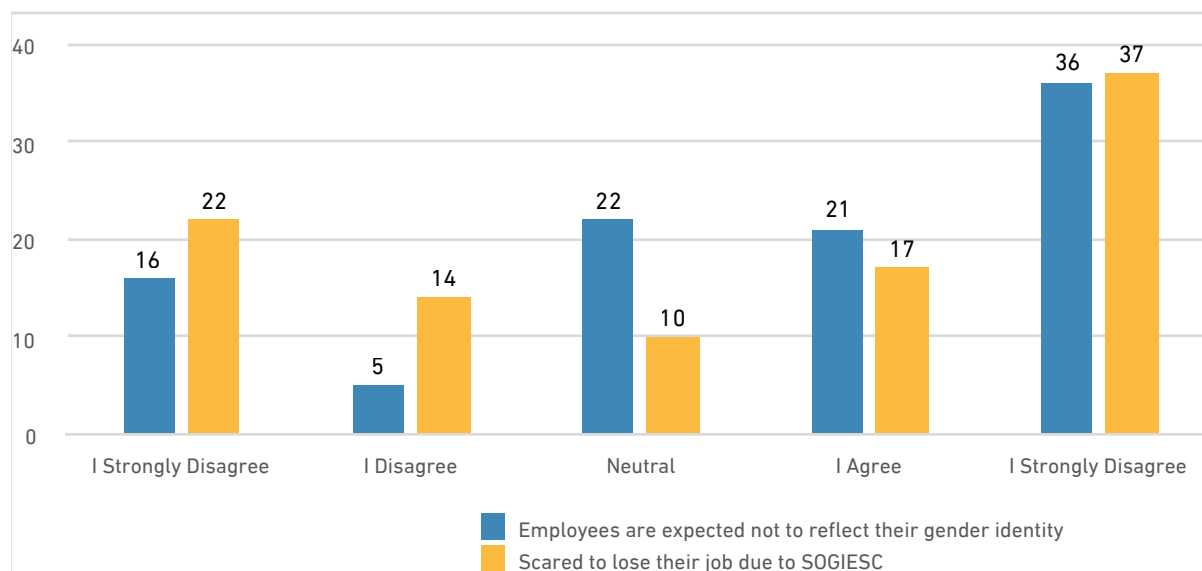
<sup>29</sup> [HELEM, Human Rights Violations Report 2021, July 2022.](#)

physical violence, abuse, sexual harassment and arbitrary dismissal. According to the report, around 254 individuals have reported being victims of physical violence of any type, 8 cases of sexual harassment in the workplace, 11 cases on child abuse based on their sexual orientation and/or gender identity, a total of 7 sex trafficking cases, and 6 cases of arbitrary expulsion. While these statistics are not all necessarily associated with employment in the informal sector, there is a strong indication that lack of oversight and accountability measures contribute to a rise in these violations.

# Conclusion

## What is the Attitude of Employed LGBTQ+ Individuals Towards their Current Employment?

The alarming data found in this report has identified a plethora of reasons for why LGBTQ+ individuals might feel oppressed or discriminated against in the workplace when it comes to their SOGIESC. The lack of legal procedures, internal policies, fair and transparent recruitment practices - as well as the prevalence of toxic and discriminatory work culture, exploitation, and unequal treatment – can all be sufficient reasons for why LGBTQ+ workers have a negative perception towards their workplace, employer, and peers; and why they view employment as a necessary evil and burden they must endure on a daily basis.



**Table 30:** LGBTQ+ Individuals Feel Oppressed

Approximately 3 out of 5 LGBTQ+ individuals who have taken the survey feel that they are expected not to reflect their gender identity and have limits on expressing themselves, and 54% of respondents reported that they have reason to believe they would lose their employment should their SOGIESC be revealed or be used against them for any reason.



There are multiple complicit stakeholders in the worrying state of labor rights and the workplace when it comes to LGBTQ+ individuals. Much work needs to be done to expand and update the Lebanese labor code, as well as other Lebanese bodies of law, to reflect contemporary ideal practices and to allow LGBTQ+ individuals to secure their own economic power. In a nation beset by economic calamities that are worsening by the day, it is folly not to create laws and governmental mechanisms that allow all individuals to contribute to the growth of a society and not to create additional reasons for the exponentially increasing brain drain in Lebanon as young, educated, and skilled employees attempt to flee the country for better opportunities abroad. Companies and organizations in Lebanon must also recognize that their efficiency and productivity as businesses and institutions is directly related to their ability to attract and retain talented employees. Without clear and transparent policies and mechanisms that ensure that employees are not discriminated against based on their identity or any other factor related to their SOGIESC, these companies will not be able to recruit and retain workers from the largest possible pool of applicants and cannot ensure that their employees are happy, healthy and secure in order to perform at their best and consequently benefit the overall company. It is worthy to mention that respecting the rights and dignity of LGBTQ+ people in and outside of the workplace should not be related to how productive they can be but should be purely based on their status as human beings worthy of respect and protection under both national and international law. Respect and adherence to human rights is synonymous with prosperous society, good governance, and smart business.

# Recommendation



## To the Ministry of Labor and the Lebanese Government

1. Amend the labor law so that it aligns with international conventions in regards to regulating minimum wage, arbitrary dismissals, mandated written contracts, and healthcare coverage.
2. Amend the labor law to include protections and anti-discrimination provisions that protect LGBTQ+ individuals from arbitrary dismissal, discrimination, and violence in the workplace.
3. Implement national reporting mechanisms for violations of the amended Lebanese labor law on matters concerning discrimination in recruitment, contracts, and treatment based on SOGIESC and other factors/identities. This should be followed by imposing legal/financial consequences onto the discriminating entities.
4. Amend the labor law to provide better protection against sexual harassment in the workplace, such as not placing the burden on the proof solely on survivors and to allow for a variety of methods to prove that harassment has occurred.
5. Enact a legislation that considers sexual harassment as an independent act, among the list of acts after which an employee can legally terminate their contract and receive indemnity.
6. Amend the new law on Sexual Harassment 205/2020 to increase both financial and prison penalties when pertaining to cases of sexual harassment, so as they (the penalties) act as a more effective deterrent, making it a felony not a misdemeanor.
7. Work with syndicates and private sector unions to implement mechanisms that control, monitor, and scale salaries based on the type of job, working hours, and experience, this while making sure no employees receive salaries below the legal minimum wage and that SOGIESC does not play a role in salary calculation.

8. Expand NSSF policies to be more inclusive of LGBTQ+ needs such as medication and, surgeries related to gender reconfirmation and psychological/psychiatric treatment.
9. Ensure that NSSF employees and those in associated Ministries and other governmental entities are properly educated and sensitized to LGBTQ+ individuals and their needs.
10. Increase the control on registration of labor and consultancy contracts in the NSSF and ensure that the employer provides adequate alternative health insurance when not registered.
11. Impose and monitor validation mechanisms of the internal working regulations of all companies and organizations at the ministry of labor while ensuring inclusive policies for LGBTQ+ communities and protecting their rights to a safe and equitable workplace.
12. Include full mental health treatment in the list of NSSF-covered benefits.
13. Create an emergency unemployment fund that would provide minimal benefits and needs for vulnerable unemployed individuals, prolong the period of their registration, and maintain their benefits from the NSSF.

## **To Syndicates and Unions**

14. Increase efforts to develop and advocate for mechanisms that control, monitor, and scale salaries based on the type of job, working hours, and experience, while making sure employees receive salaries at or above the minimum wage, are not discriminated against in recruitment processes, receive mandatory health coverage, and are not discriminated against in the workplace based on any identities.
15. Monitor and report violations against the labor law, especially with regards to unfair salary scales, absence of working contracts, registration in the NSSF, and/or healthcare coverage.
16. Raise and support all concerns and complaints of union members to the appropriate authorities, whether the employers or the government, especially when their demands are enforced through a legal text.
17. Create and promote templates and examples of inclusive codes of conduct and other policies that ensure diversity and inclusion of LGBTQ+ workers and create a safe space.

## To Employers

18. Adopt recruitment practices that do not discriminate against candidates based on their SOGIESC or any other identity.
19. Set policies that include provisions of anti-discrimination against LGBTQ+ individuals and that offer proper protection and reporting mechanisms against discrimination in salaries, benefits, promotions, and work allocation.
20. Develop and adopt policies and internal regulations that are inclusive to LGBTQ+ individuals such as inclusive communication, non-mandatory and/or gendered dress codes and uniforms, accessible and inclusive infrastructure and fixtures, non-gender-mainstreamed uniforms, and safe spaces.
21. Develop and expand codes of conduct that regulate workplace behavior and ensure a professional and respectful working environment for all employees. Ensure the existence of protective clauses that prohibit any abuse, hate speech, bullying, sexual harassment, or aggression based on SOGIESC.
22. Enact and monitor efficient and professional reporting mechanisms for any violations that take place in the workplace and ensure the prevalence of PSEA, Whistleblowing, and other protective policies.
23. Provide specific training and sensitization workshops and educational material for all employees on LGBTQ+ issues to increase awareness, enhance peer relationships, and promote inclusive working environments.
24. Ensure all employees have access to healthcare, including but not limited to the NSSF.
25. Ensure that in the absence of national healthcare coverage, private health insurance is provided for workers at affordable rates. This insurance ought to include the specific needs of LGBTQ+ employees.

## To Civil Society Organizations

26. Increase efforts to ensure awareness and compliance of organizations in the employment sector on LGBTQ+ issues in the areas of recruitment, human resources, infrastructure, and workplace culture among others.
27. Monitor, collect, and report information on violations and discrimination faced by LGBTQ+ individuals in the workplace.
28. Ensure programs that focus on providing legal assistance to LGBTQ+ individuals who have been victims/survivors of violations in their labor rights or discrimination in the workplace based on their SOGIESC.
29. Lobby the Lebanese government to enact labor rights reforms and to amend its policies and procedures to be inclusive of LGBTQ+ individuals in key agencies such as the NSSF, the Ministry of Labor and the Labor Arbitration Courts, among others.
30. Work with syndicates and unions to increase their advocacy and support for LGBTQ+ workers as well as reforming their bylaws to allow and encourage LGBTQ+ workers to join their ranks and contribute to their mandates.
31. Develop vocational training and supplementary education programs for LGBTQ+ individuals who were unable to continue their education or employment due to discrimination and violence based on the market's needs and work with partners to create sustainable opportunities for them to become financially independent.
32. Ensure the provision of seed funding for LGBTQ+ individuals willing to establish their own businesses.