

UNIONISM IN THE LEBANESE

LABOR LAW OF 1946

(A Case Study Approach)

by

Benjamin T. Hourani

Submitted in partial fulfillment for the requirements
of the degree of Master of Arts in the Department
of Political Studies and Public Administration
of the American University of Beirut

Beirut, Lebanon

1959.

Unionism in the Lebanese
Labor Law of 1946

Hourani

Acknowledgements

My warmest thanks and acknowledgements are due first and foremost to my advisor Professor David E. Shirley of the Department of Political Studies and Public Administration of the American University of Beirut, for his priceless advice and persistent guidance. I am indebted to him particularly for his suggestions as regards the scope and method of work.

I wish also to thank Dr. William S. Flash, Mr. Assad A. Rahhal of the Department of Political Studies and Public Administration, and Professor Charles F. Stewart of the Department of Business Administration for the generous encouragement and valuable suggestions they gave me in the early stages of my work.

I am indebted more than I can say to labor union members, leaders, and the officials of the Ministry of Labor and Social Affairs, with whom I came in contact and whose cooperation cannot be forgotten.

To all my teachers, friends, and colleagues who have helped in any way I must express my gratitude.

Benjamin Hourani.

American University of Beirut

Christmas, 1959.

Abstract

The aim of this study is to evaluate the extent to which the Lebanese labor legislation has contributed to the development of labor unions in Lebanon. Specifically, the writer studied the development of the Lebanese labor legislation and its operation in so far as it affects labor unions administration and growth.

Labor relations in Lebanon are quite an important and recent field of study. Their significance has increased since the promulgation of the Lebanese Labor Code of September 23, 1946 which was enacted by the first elected national parliament after independence. A study of the administration of this legislation after a dozen years of experience is both necessary and interesting.

This study is made up of six chapters. The first three are devoted to a general survey of labor developments prior to the legislation of 1946 and the executive machinery. Included here also is a brief summary of the labor legislation of 1946 plus a highlighting of the significant provisions pertaining to unionism. The rest of the chapters are devoted to the implementation process. Included is a summary statement of organized labor in Lebanon and an anal-

ysis of the formation, administration and dissolution of labor unions in terms of four illustrative and actual case studies. Collective labor management relations, in chapter V, is studied also in these terms. Ten cases of collective bargaining are discussed in this chapter. The last chapter is a concluding statement about the legislation and its operation.

The Lebanese Labor Code of 1946 does not encourage the right to organize; the formation of labor unions is subject to prior authorization by the Minister of Labor and Social Affairs. The Lebanese labor unions are under close government supervision and are subject to dissolution if they are deemed by the government to have exceeded their competence. Unions moreover, are subject to other legal provisions which have actually contributed to uncertainty as to what is legal in the Lebanese practice. Although strikes are common, the right to strike is not touched upon in the **Labor Code**. Collective bargaining is not mentioned nor is there any legal provision for conciliation procedures.

The government in its action under the law has failed to clarify the uncertainty of some other provisions of the law. Minimum wages have not been reconsidered since 1944; the occupational trade categories, on the basis of which unions must be formed in Lebanon, are not as yet prepared; and the problem of dual unionism has not yet been finally

settled. The government has done very little to encourage collective bargaining and has failed to establish the necessary machinery whereby bargaining may proceed. The government has been actually willing to intercede in every case of collective bargaining. Negotiating settlement in favor of labor, the government has tended to assume the role of the union which results in labor looking to government and not to the union for improved conditions.

Finally, it^{was} found that although the Lebanese labor legislation was intended to be a workable means for the improvement of labor conditions in the country, it promoted relatively unrestricted government interference in labor affairs. The rights of labor unions were blurred. The inadequacies or shortcomings of the 1946 Labor Code revealed in this study may be, at least in part, due to the fact that the legislation in question was not formulated in cooperation with labor and management.

TABLE OF CONTENTS

| <u>Chapter</u> | <u>Page</u> |
|---|-------------|
| I. Introduction | 1 |
| II. Labor Conditions Prior to Lebanese Labor Legislation of 1946 | 10 |
| A. Welfare Labor Legislation | 12 |
| B. Legislation of Labor Organization | 21 |
| C. Conclusion | 26 |
| III. The Lebanese Labor Code of 1946 | 30 |
| A. Ministry of Labor and Social Affairs | 30 |
| B. Brief Summary of the Lebanese Labor Code of 1946 | 36 |
| C. Present Legislation; In Perspective | 48 |
| IV. The Lebanese Labor Legislation in Operation. | 53 |
| A. Organized Labor in Lebanon | 53 |
| B. Lebanese Labor Legislation in Operation | 63 |
| 1. Formation of Labor Unions | 63 |
| 2. Administration | 81 |
| 3. Dissolution | 89 |
| V. Collective Labor-Management Relations | 97 |
| A. Cases of Collective Bargaining | 105 |
| 1. Wages, Vacations and Leaves | 105 |
| 2. Work Hours | 117 |
| 3. Miscellaneous Benefits | 120 |
| B. Evaluation of the Lebanese Practice of Collective Bargaining | 130 |
| VI. Conclusion | 142 |
| Appendix | 151 |
| Bibliography | 160 |

LIST OF TABLES

| <u>Number of Table</u> | <u>Page</u> |
|---|-------------|
| I. Comparison of Cost-of-Living Allowances (before 1946) | 20 |
| II. Informal Estimate of the Lebanese Labor Force by Industry | 56 |
| III. Syndicates Organization Federations (Number of memberships) | 59 |

CHAPTER I

Introduction

The purpose of this thesis is to study whether the Lebanese Labor Legislation of 1946 has contributed to the growth of unionism in Lebanon. In other words, an attempt herein is made to evaluate the operation of the Lebanese labor organizations within the framework of the Lebanese Labor Code of 1946.¹

The study of the operations of the Lebanese labor unions under the present legislation involves a close examination of a number of aspects that affect the development of these labor institutions. This entails a study of labor union formation, degree of freedom of association, cultural and legal securities, ability to gain advantage and so forth. The extent to which the government policy has contributed to the growth of labor unions in Lebanon is evaluated in these terms. These factors although taken separately are very much related to one another.

All through the course of this thesis it is assumed that the development of Lebanese labor organization is

1. A summary of this legislation is undertaken in Chapter III of this thesis.

requisite for labor to better its lot. Since the Industrial Revolution, workers in a free-enterprise economy have not been able to bargain individually on equal terms with the employer. In the early periods the workers with the introduction of industrialization became completely dependent on the employer for their livelihood and therefore were forced to accede to the latter's dictates or quit. The diminished bargaining power of labor may be mostly regained by organized collective action. For this major reason workers resort to labor organization.

In order to develop, unions must have a demonstrated role to play, that is, to attract memberships, maintain themselves and strive to improve the lot of workers through collective bargaining. The objectives of unions must be kept intact and remain the raison d'etre of their existence. A labor union "is a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives."¹ Labor unions, hence, do not serve temporary or occasional interests of individuals but exist to serve a permanent interest.

Freedom of association is essential for labor union development and security. To grow and develop into full stature, it is necessary that unions enjoy a considerable

1. Sidney and Beatrice Webb, The History of Trade Unionism (London: Longmans, Green and Co., 1926), p. 1.

degree of freedom. The right to associate and organize, and what goes with it such as the right to strike and the right to a judicature, must not be encroached upon.

The study of the Lebanese labor unionism is herein undertaken to overcome the lack of scholarly written work on the subject. An evaluation of labor unionism at this stage of the country development may be premature, but should be useful as a starting point for further and more comprehensive studies of labor relations in Lebanon. It is a subject of great importance since the role that labor played and still plays in the rise and progress of civilized nations, especially after the inauguration of universal suffrage, is well known. The same is likely to be true in Lebanon: organized labor may have a decisive role to play in determining the social, economic and political conditions. The beginnings of a strong labor movement are just appearing. Labor in Lebanon should participate in the administration of prospective social security programs that may be at the core of state policy. The labor groups may further participate directly in government and therefore are potentially a real political force in the state. In this manner the study of the present labor movement in Lebanon becomes definitely of importance not only to students of labor and economics but to students of government as well.

Definitions:

The problem of definitions has not been particularly difficult. Classification of labor as skilled or unskilled or in terms of occupational specialization has not been attempted since. The problem of classification does not seem to affect the major concern of this study. Although the term "employees" has been used to refer to white-collar and to monthly paid workers, actually this distinction is not held or properly established. Thus, for the purpose of this study, the terms "employee" and "worker" have been used interchangeably. The term "labor" used in contrast to management refers generally to those people who are hired and supervised by public or private employers. Labor, as used herein, therefore refers to those people who hire their labor or services to another person for a living. Labor is also used to refer to organized labor, that is to syndicates' rank-and-file, leadership and combinations. "Employer" refers to that person or corporate body who hires the services and labor of others for determined wages.

Methods of Research:

In carrying out the actual research the author depended largely on documents, personal observation and interviews. All these methods have their advantages and limitations.

Documents refer to both formal and informal recorded data. The formal includes the labor laws, rules and regulations, decisions of the labor courts, and government official reports and documents. The informal include the writings of students of labor. In the case of Lebanon these writings are generally incomprehensive and a few.¹ Another major source or informal documentary material has been the daily newspapers and syndicate publications. The daily papers have been used rather extensively because they furnish the researcher with invaluable data about the actual labor experiences. Cases of strikes could be studied rather exhaustively through a review of the daily issues. The press reports indicate the demands of labor, statements made by both sides and by the government officials concerned. Special circulars distributed by executive councils of syndicates were also obtained.

Personal observation has been the second method on which the author depended to study the informal organization and performance of both the government administration and labor syndicates management. Personal observation as used here refers to the personal contacts, except interviews, which have been used as a definite method of research mainly to assess opinion, attitudes, motivations and actual function-

1. For example cf., Edward W. Jr. Samuel, A Contribution to the Study of Lebanese Labor Syndicates, Memeographed thesis, (Beirut: Library of the American University of Beirut, 1952).

ing of administrators, syndicate leaders and members. Thus, the most informal device used in this method is that promoted by Lord Bryce who said, "the best way in which the tendencies at work in a community can best be discovered and estimated is by moving freely about among all sorts and conditions of men."¹ This method of research was used during a stay at the Ministry of Social Affairs. There the author stayed over two months during which he moved freely between the various offices, talked to the officials, listened to them and observed their performance on the job. Further the author had the chance to attend dispute settlements both at the Ministry of Social Affairs and at the labor court. Here the author came in touch with the disputants who talked freely about their cases. Through the same method the author came in touch with several labor leaders and syndicate members, most of whom became friendly and discussed their problems rather openly.

The personal observation method nevertheless is limited by the fact that the observer sometimes may not interpret correctly the reactions of those observed. The observer's presence may also affect the actual performance of the administrative officials or syndicate leaders. Some labor leaders and administrators attempted to impress the observer

1. As quoted by S.M. Cullip and A.H. Center, Effective Public Relations, (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1952), p. 96.

by behaving, in a responsible manner.

A third tool of research applied in this study has been the personal interviews. Interviews have been used as a means of fact-finding and as a way of ascertaining the truthfulness of certain occurrences. As a fact-finding tool interviews were very useful in digging out new data. The interviewed persons, labor leaders and administrators, were especially helpful in pointing out new sources, important details and new relationships between facts. Interviews were also used to check the truthfulness of certain occurrences and some times accusations and rumours. Some labor leaders, for instance, were interviewed more than twice for the sole purpose of knowing their personal motives once they were involved in a strike or a court proceeding. In every case it should be remembered, however, that information gathered through interviews was not considered as final for several reasons. Partly because the interviewed persons were often biased by their political inclinations and by the fact that they gave subjective personal interpretations. Further interviewed persons sometimes gave exaggerated or even false data. Thus some syndicate leaders attempted to give extremely exaggerated information about the activities and number of syndicate members.

The study of labor relations in Lebanon has a number

of other limitations. Some of these limitations are related to the fact that both the administration and syndicate management have not developed any proper system of recording and filing. Syndicates generally have no records or files of their own except the minutes of the formal meetings of the Executive Councils and the financial accounts. Syndicate leaders seem not to have appreciated as yet the importance of statistical data. The same is true of the Ministry of Labor Social Affairs which up till now has not any reliable statistics about the Lebanese labor supply. Another instance of neglecting the importance of recording and filing has been illustrated in the case of the Beirut labor court. A number of the books of this court have been missing and others were in a very bad condition. In any case, the lack of documented material is a great handicap to a truly scientific and comprehensive study. Other limitations are related to situational and personal factors. Thus due to the political crisis that broke out in May 1958 in the country many employers, workplaces and local offices were not fully accessible. Instead the author depended on the reports of inspectors and other administrative officers who were of help.

Generally the author admits that for a completely scientific and more comprehensive study of the Lebanese labor

relations it seems necessary to employ the concerted effort of more than two persons in field research. Actually a group effort is needed to investigate, classify and coordinate data. This study is limited to the impact of the Lebanese labor law on the development of unionism.

Plan of Study:

This study is presented in six chapters. The first three chapters comprise an introduction, a brief survey of the development of the Lebanese labor legislation and a summary of the Lebanese labor code of 1946 presently in effect. The application of this legislation is undertaken in the next three chapters. Thus chapters IV and V are concerned mainly with government labor relations and that is, with the formation, administration and dissolution of labor unions; and collective labor-management relations. These two chapters contain case studies relating to problems of union organization, administration, dissolution and strikes. Chapter VI is devoted to conclusions.

CHAPTER II

Labor Conditions Prior to the Labor Legislation of 1946

As in any other country of the world, the progress of the Lebanese labor legislation has been almost parallel to industrialization.¹ In the absence of industrial economic activity in the early twentieth century labor policies were meager or non-existent. With the progress of industrialization in the early 1930's, the labor groups in the major Lebanese cities came to suffer the consequences: unhealthy working conditions, long working hours, and excessive and dangerous employment of women and children.² Fuad Abu-Izzuddin and George Hakim writing in 1933 described labor condition and the old workshops as follows:

Wide differences in conditions were found to exist between the older factories and workshops and the newer undertakings. In the former, buildings, lay-out, sanitation, ventilation, cleanliness, etc. were definitely unsatisfactory. The buildings were frequently very dilapidated and the machinery and plant were often worn-out and defective. The work-rooms were congested and lacking in order, raw materials and partly manufactured articles being dumped in any vacant spot. The floors were often unpaved, and dust and dirt usually covered both floors and machinery.... Machinery was invariably unprotected.

-
1. Irene C. Soltan, "Social Responsibility in Lebanon", International Affairs, XXV (1949), p. 309.
 2. Ibid.

In the absence of running water, there was no washing facilities, and latrines were often completely lacking. No provisions was made for workers who ate their meals in the factories, so that meals were taken standing or sitting at the place of work.¹

The work hours ranged from nine to fifteen per day with only a one hour rest period; the work week was six days. Wages were generally low and in many cases below subsistence level.² Workers in this period of transition from a handicraft to an industrial economy suffered from frequent unemployment, a condition which was aggravated by the fact that the transition period included the era of the 1930's and the world-wide recession which took place then.

The situation in Lebanon was intensified by the fact that industrilization "did not grow organically out of local conditions but was imposed from the outside."³ The employment of foreign capital hastened the shift from the traditionally agrarian economy during the two decades prior to 1940, and then the large scale demands of the French and English armies in the early 1940's further hastened the shift.

Industrialization made the growth of occupational and labor groups inevitable.⁴ These groups were not organized

-
1. Fuad Abu-Izziddin and George Hakim, "A Contribution to the Study of Labour Conditions in the Lebanon", Reprinted from the International Labor Review, XXVIII, (Nov., 1933), p. 5.
 2. Ibid.
 3. Raphael Patai, "The Dynamics of Westernization in the Middle East", The Middle East Journal, IX (1955), p. 7.
 4. Ibid., pp. 9-12.

into labor unions until late in the 1930's, although earlier organizations known as Jami'yat existed. These latter groups were extremely weak and there is no evidence that they were instrumental in effecting any legislation. Nevertheless, labor problems did exist and the government made sporadic attempts to solve some of them as shown below.

A. Welfare Labor Legislation:

Welfare legislation prior to the passage of the Labor Code of 1946 was intended to alleviate some of the emerging labor problems. The problems were generally the result of the new production organization and the unstable economic situation. The legislation dealt with dismissals (contract termination), child and female employment, minimum wages and family allowances, workhours and industrial accidents.

1. Dismissal Compensation:

In 1932 the Code of Contracts and Obligations was to be effective October 11, 1934.¹ This Code was drafted by a French Magistrate and was modified to suit the conditions in Lebanon by the Legislative Advisory Committee of the Lebanese Parliament.² This law had no specific regulation

-
1. Lebanon, Ministry of Justice, al-Majmu'at al-Hadithat lil-Qawanin al-Lubnanyyah, (translation of Arabic title, The New Collection of Lebanese Laws)(Beirut: Sader Press, 1954), Code of Contracts and Obligations, March 9, 1932.
 2. Sobhi Mahmassani, al-Awda' at-Tashri'yyat Fi al-Duwal al 'Arabyyat Hadhiraha Wa Madhiha (translation of Arabic title, The Legislative Conditions in the Arab States Past and Present)(Dar el-Ilm lil Malayine, 1957), pp.237-238.

of the employee-employer relationship except that it laid down the general obligations of the employer toward his employee, as it included a chapter on work accidents and contract termination. For work accidents, it made the employer responsible for payment of the expenses of the injured, if it once it was shown that the employee shared in causing the injury (Arts. 647 and 648). With reference to contract termination, Article 652 of the Code provided that a labor contract could be terminated at the request of either party provided he gives a prior notice to the other. In case of wrongful termination of the contract on the part of either party, damages should be paid. (Art. 656)

Compensation for dismissal, however, did not appear in the law until later in 1937. In 1932 an important bank named after its owners, "Keriacus & Zeheir", suddenly closed down and dismissed many employees.¹ Beside the scandals this incident involved, it gave rise to the question of compensation.² Some of those employees were influential in government circles and voiced their demand for compensation. The Law of May 27, 1937, amending the terms for termination of contract (Arts. 652 & 656 of the Code of Contracts and Obligations) was passed.³ Article 652 stipulated

1. an-Nida, March 11, 1932, p. 4, and March 25, 1932, p. 4.

2. Ibid.

3. The amendment is found in the text of the law. cf. footnote No. 1, page 12.

that either of the contracting parties can terminate the contract provided he gives the other a notice of one or two months. The first part of article 656 was amended to mean the following:

Where termination of the contract issues from the employer and it is not founded upon failure to observe the clauses of the contract or the fault of the employee, the latter is entitled to a compensation equal to one month's wages or salary per year, or part year in respect of the first five years and to a half-month's wages or salary per year or part year in respect of any further years....

The compensation would equal the product of the number of years work multiplied by the last month's wage or salary paid to the workers' account.

Child and Women Employment:

In the early thirties, children below 14 years of age were seen working in the match, textile, and tobacco factories. The bulk of workers in other domestic industries consisted of children, adolescent girls, older women and a few older men. Night work for women was generally limited to the domestic industries.¹

The first and the only definite labor legislation enacted before World War II was the law of April 17, 1935,

1. Soltan, op.cit., pp. 309-310.

which regulated child and woman employment.¹ This law came in response to the recommendation of the International Labor Organization which, through the Mandate Commission, tried to stimulate the Lebanese authorities to legislate for the protection of female and child labor. This law listed a number of dangerous and unhealthy industries into which women and children (under 16) should not go. It prohibited night work, set the minimum age of 13 for children and eight hours work-day for women and children. This law provided for maternity and sickness leaves (with no pay) for women. Further it provided that inspection would be carried out by men and women inspectors appointed by the Director General of the Department of Health and Sanitation.

2. Minimum Wages and Family Allowances:

Minimum wages were first provided for by Legislative Decree No. 125/NI of December 15, 1941.² This Legislative Decree added to the basic wages being paid in 1936 a proportional increase as a cost of living allowance. It also set up basic wage groups to which graduated allowances were to be paid. Although the wages were increased by an average

-
1. Lebanon, Ministry of Justice, Official Gazette, (1935), pp. 300-323.
 2. The pieces of legislation referred to on this page and the following are annexed to Labor Code of 1946 and are found in the New Collection of Lebanese Laws, Vol. V. cf., Joseph Donato, "Lebanon and its Labour Legislation", International Labour Review LXV (1952), pp. 64-92.

of 100%, almost all workers were still getting far below the economic needs demanded.¹ This was partly due to the low basic wages of 1936 which were difficult to determine and partly because of the rapidly increasing costs of living. Thus, before long the government issued Legislative Decree No. 204/NI of August 27, 1942, which annulled its precedent and set up higher percentage rates to be added to the new basic wage of 1939 instead of that of 1936. The wages, therefore became much higher than before because of the higher basic wage adopted and the higher percentage increase added by this legislation. This decree, however, like its precedent did not allocate the cost of living rates in terms of the laborer's physical needs such as food, housing and clothing. Thus the increase established did not meet the minimum requirements of the employee and his family obligations. This, again, was due to the sharp rise in the cost of living which rose by 1943 to four times what it was in 1932.² Besides the accelerated increase in the costs of living, problems such as work accidents, work hours, leaves and disputes became more frequent.

Labor problems of all kinds became of interest to the government during the 1940's, but there was not as yet any specific administrative organization that would handle labor

1. Donate, op.cit., 76 ff.

2. Ibid.

questions as such. The government concern, however, was manifested specially after the National Independence in 1943, when a functional agency was created to look after the emergency labor problems. This agency was the Social Affairs Service which was connected to the Ministry of National Economy. It was raised to the status of a Ministry of Social Affairs in 1951.¹ Due to the efforts of this agency, a re-adjustment of wages was effected in 1943 but on a new basis. It set up a minimum wage of L.L. 75.- per month in the capital and its suburbs and L.L. 70.- in the rest of Lebanon.² The Minimum wage was to be paid at a work rate of 48 hours per week. In addition to this minimum wage for men and women doing similar work, this decree provided for a higher percentage increase and for family allowances which were specified money payments to be given in a manner proportionate to the number of dependent children the worker happens to have.³ Again this adjustment did not altogether cope with the rise in the cost of living, a fact which made the government seek price control, and on its part tried to supply the essential food materials to help the worker overcome some of his difficulties. Moreover, a further adjustment

1. G. Grussmuck and Kamal Salibi, A Manual of Lebanese Administration, (Beirut: Public Administration Department, American University of Beirut, Catholic Press), pp. 66-68.

2. Legislative Decree No. 29/ET of May 12, 1943, Article 4.

3. Ibid., Article 8.

was necessitated to raise wages and thus new percentage rates varying between 30 and 12% were added to the last wages paid at the end of 1944.¹

For a summary of these various emergency wage adjustments see Table No.1 below which shows the comparison between the various increases adopted to be effected during a difficult inflationary period. The last adjustment made is still in effect today.

3. Labor Accidents:

Besides the emergency wage policy called for by the rising cost of living, the Social Affairs Service succeeded in the issuance of Legislative Decree No. 25/ET of May 4, 1943 which provided for the payment of indemnity for work accidents. This legislation was adopted from the French Industrial Accidents Law of April 9, 1898, which remained in effect in France until 1946.² The employments covered by this decree, however, were limited to the following: mining and quarrying, building and construction, digging and removal of soils, land and water transport (excluding sea navigation), domestic transportation, electric utilities, excavation, and undertakings into which goes the use of explosives and

1. Law of May 12, 1945, Article 1.

2. Code du Travail et de la Prevoyance Sociale, Petite Collection Dalloz, 14em Edition, (Librairie Dalloz, Paris 1928), p. 154 ff.

mechanical power. Injured persons, in these employments receive an indemnity which is determined with due consideration to the employee's age and degree of injury. Article 4, for example, states that if a work accident causes a total incapacity, the injured worker shall have the right to a compensation equal to the pay of 1800 days if he is below 35 years of age and 1500 days in case he is over 50 years. In case of death, Article 7, provides that the maximum compensation payable to the worker's heirs should not exceed the pay of 1000 days.¹

1. Legislative Decree No. 25/ET of May 4, 1943 came to cover all employments covered by the labor law of 1946. cf., Law of May 27, 1946 in the New Collection of Lebanese Laws, Vol. V, p. 64.

T A B L E I

Comparison of Cost-of-Living Allowances

| Enactment | Legislative Decree No. 125/NI (15 Dec.1941) | Legislative Decree No. 204/NI (27 Aug.1942) | Legislative Decree No. 29/ET (12 May 1943) | Act of 12 May 1945 |
|--|---|---|--|-----------------------|
| Effective Date | 1 Oct. 1941 | 25 June 1941 | 1 Jan. 1943 | 1 May 1944 |
| Date of Basic Wage | 30 Sept. 1936 | 31 Dec. 1939 | 31 Dec. 1939 | 1 Jan. 1944 |
| Wage Group | Percentage Increase | | | |
| (1) | | | | |
| 1 - 10 | 100 | 120 | - | - |
| 11 - 25 | 60 | 100 | 180 | 180 - 30 |
| 26 - 50 | 60 | 70 | 120 | 120 - 25 |
| 51 - 75 | 40 | 50 | 90 | 90 - 22 |
| 76 - 100 | 40 | 40 | 60 | 60 - 20 |
| 101 - 149 | 20 | 20 | 30 | 30 - 15 |
| 150 and Over | 20 | 20 | 30 | 30 - 12 |
| Cost-of-Living Index at Date of Increase | 290 | 380 | 441 | 607 |

Source: Donato, op.cit., p. 80.

B. Legislation of Labor Organization:

1. Industrial Relations and Labor Organization:

Up to the outbreak of World War I the Lebanese society has been generally characterized as patriarchal.¹ The employee-employer relationship was no exception. In the early handicraft industries, the owner was like a father and the shop was a family affair in which the members could join and work under the paternalistic leadership of the owner. The owner did not like to delegate any of his authority to others. The attitude of the employers was generally reminiscent of early feudalism and the handicraft system where employers were masters. Until 1934, when the Code of Contracts and Obligation came into effect, the employee-employer relationship was governed by Turkish laws enforced then and custom.² Wages, workhours and other terms were arbitrarily determined by the employer, not written down, and disputes were informally solved by the notables and religious patriarchs.³ The decisions of these people were enforced by social and moral sanctions. Employers were generally the masters of those hired. Employers were under no obligation to consider the workers' family needs and

-
1. Mustafa an-Nusuli, "Lebanese Heritage from Handicrafts to Industry", Les Conference du Cenacle, VII (1953), pp. 70-89.
 2. Abu-Izziddin and Hakim, op.cit., p. 5.
 3. Ibid.

therefore could dismiss workers at will.

Before 1930, labor organization was insignificant in Lebanon. The first attempt to organize labor, however, was made by the printers in 1912.¹ Another attempt toward organized labor action was made in 1921 by Ensi El-Hani who formed what he called the "Labor Party" which did not survive.² However some other unions such as those of the motor drivers and the printers which were extremely weak, did survive until early in the 1930's. There were other forms of workmen's associations similar to the classical guilds but like them, they had no labor union functions. The lack of organized labor, however, was primarily due to the fact that industrialization was still in its initial stage; added to this was the general ignorance of the laborers and their traditional fatalistic pre-disposition, paternalistic and cultural attitudes.

As in any other underdeveloped country into which new external institutions are imposed, labor tends to be apathetic toward the change it makes.³ New production organization requires new forms of labor relations of which labor unions

1. al-'Amal, April 30, 1950, p. 7, Cols. 1,2 and 3.

2. Ibid.

3. Wilbert E. Moore, Industrialization and Labor, (New York: Cornell University Press, 1951), pp. 137-139.

are an example. These new forms require the recognition on the part of the laborers of their common interests and therefore a new labor discipline. These new forms have not gained the support of the Lebanese workers because of the latter's apathy and lack of appreciation more than because of employers' opposition.

The government policy, moreover, did not encourage all forms of association; it viewed them with suspicion and distrust instead. Under the Ottoman Laws of 1907, labor associations were not encouraged.¹ In order to encourage industrialization and labor organization, the French Mandatory power issued Arrete No. 294 L.R. December 20, 1934.² This arrete provided that membership in a labor associations should be restricted to laborers belonging to the same or similar trades.³ In 1939, with the outbreak of the War, the Lebanese Constitution was suspended and Wartime restrictions were imposed by the French High Commissioner. All forms of labor associations and political parties were dissolved.⁴ Labor

-
1. Lebanon; Majmu'at Qawanin wa Marasim Hukumat al-Jumhurriyyat al-Lubnaniyyat (translation of Arabic title, Collection of Laws and Decrees of the Government of the Lebanese Republic), 1926-1929, (Beirut: Adab Press, 1928), "Law of Associations of August 3, 1325 H", p. 270.
 2. The New Collection of Lebanese Laws, Vol. II.
 3. This piece of Legislation has been adopted in the Labor Code of 1946 without change. infra., p. 44.
 4. Samuel, op.cit., pp. 4-6.

organization ceased until the allied forces of the British and the Free French made their entry into Lebanon in 1941. The replacement of the Vichy French by the Free French had its impacts on labor organization. The Government allowed the laborers more freedom to associate and thus there were formed a number of labor associations such as the Railway Workers and Employees Association.¹ Some of these new associations, then called Jamiyat, were approved by the government and were made subject to the Ministry of Interior.² About ten of these associations united in what was called a Syndicates Union early in 1943 under the leadership of Mustafa el-Aris, a veteran communist.³ Another group affiliated with what they called the labor Front.⁴ Although both groups were weak, their contribution should not be denied. They participated in a number of strikes that were significant in influencing the government and hastening the passage of the Labor Code of 1946.⁵ The present labor organization, however, started after the Labor Code was passed. Since then labor organization in Lebanon has assumed a more important

1. Ibid.

2. Ibid.

3. G.E.K. "Some Aspects of Lebanese Trade Unionism", The World Today, IX, (1953), p. 412.

4. Labor Front was anti-communist group of labor associations. It included employees of commerce, private drivers and bank employees associations.

5. A review of the Daily-papers indicated that during 1946 several strikes were initiated.

role.

2. Strikes and Lockouts.

There has been no special legislation of the freedom to strike except in the Penal Code of 1943.¹ In accordance with the spirit of previous legislation on the freedom of associations, the Penal Code prohibits all sorts of work stoppages, by either the employer or workers, that are intended to bring pressure on the public authorities. It further prohibits strikes planned and put into operation in the public utilities.² In this manner strikes are "banned" among transport, postal, telegraphic and telephonic services and other utilities such as those for the distribution of water and electricity services. Offenders may be imprisoned for a period of not less than three months. These provisions are still in effect since the Labor Code of 1946 makes no mention of strikes.

In spite of these provisions, however, strikes are common in both public and private enterprises. Examples of violation include strikes carried out by the workers and employees of the Electricity and Tramway, April 12 - May 5, 1946;¹ port workers, June 1946; railway workers 1946 and 1952; employees

1. The New Collection of Lebanese Laws, Vol. 4, Legislative Decree No. 340/NI., March 1, 1943 referred to as the Penale Code. cf., Articles 340-342.

2. Ibid.

3. Beirut, April 16, 1946, p. 4, and May 5, 1946, pp. 4 and 5 Citations for other strikes cf. Chapter V on collective labor-management relations. For an example of a lockout cf. an-Nahar, February 8, 1956, pp. 3 and 4.

the
of/Bank of Syria and Lebanon, 1946; Telephone Operators,
April/May, 1952, and Street Scavengers, October, 1956.

C. Conclusion.

Generally the labor developments that took place before the promulgation of the Labor Code of 1946 were the product of interacting factors, economic and social, internal and external. The introduction of mechanization and other aspects of industrialization for instance brought about new labor groups: instead of peasantry and handicraftsmanship Lebanon came to have urban labor and bigger industrial enterprises. The new production organization called for new labor relations to replace the patriarchal characteristics of the early agrarian production organization. Later in the 1940's economic progress coupled with inflation, unemployment and labor disputes, called for state interference through emergency labor legislation in fields such as minimum wages, family allowances and labor accidents.

External influences, on the other hand, provided incentive for the government to initiate labor legislation and for Lebanese labor to organize. The I.L.O. recommendations and the labor developments in the West and the hinterlands were among the factors that hastened legislation. Internal influences which can scarcely be detached from the external influences were often the product of increased literacy, social consciousness and a desire on the part of the govern-

ment authorities to organize labor relations and catch up with other countries which were more developed socially and industrially. Organized labor was until 1946 very weak and insignificant in determining the nature of these pieces of legislation. There is no evidence that this legislation has been the result of conscious and deliberate public opinion; instead it seems to have been imposed from above.¹ Again these pieces of legislation are not based on local "theoritation or public opinion interest in labor problems and solutions."² This is in agreement with A.H. Hourani's observation that "such improvements as have been effected during the past twenty years have been due rather to the action of the Government or to the increased prosperity of the country (Syria and Lebanon) than to the pressure of any considerable body of opinion."³ Government action in the field of labor relations was given further impetus by the desire of the Mandate governments to appear as developed on the platform of the I.L.O. conferences and elsewhere among the industrial and socially advanced nations.⁴

-
1. R.J. Lampman, "The Lebanese Labor Code of 1946", Reprinted from Labour Law Journal, (July 1954), p. 497.
 2. Ibid.
 3. A. H. Hourani, Syria and Lebanon, (London: Oxford University, 1946), p. 82.
 4. Mohd. H. Mrad, Muhadarat Fi Tashriyy' al 'Amal Fi ad-Duwal al-Arabyyat, (translation of Arabic title, Lectures on Labor Legislation in the Arab States)(Cairo: Arab League, Institute of High Graduate Studies, 1956), p. 5.

Moreover these pieces of legislation were adopted from the French labor codes with slight reference to the present conditions of labor which in the 1940's were still lagging.¹ Further these pieces of legislation did not provide for a system of enforcement except in 1943 when the Social Affairs Service was created in the Ministry of National Economy.

These pieces of legislation show craftsmanship but at the same time lack comprehensiveness. Lack of comprehensiveness may be due generally to the sudden, spurt-like industrial developments in Lebanon. They were enacted generally to deal with individual developments, such as women and child labor, regulation of the new employee-employer relationships, minimum wages because of inflation and compensation dismissal and industrial accidents. This legislation again was limited in coverage to a few employments. Agricultural workers, for instance were not protected although they constituted the largest percentage.

Generally, however, even though these pieces of legislation were drawn from Western experience and not so much from local theoritation, they could have been an adequate precedent for the more recent legislation because, anyway, it came to meet certain needs.² Almost all of these labor

1. This may be noted in the Legislation on accidents of 1943 and other legislation concerning child and women employment. These pieces of legislation were to meet the need and cope with the future problems.

2. Lampman, op.cit., pp. 496-497.

enactments were retained in the Labor Code of 1946. The Labor Code which was passed on September 23, 1946, is generally a compilation of this previous legislation except that it established some type of compulsory arbitration and includes further details on contract termination, and regulation of labor union formation.¹

1. See Chapter III of this thesis.

C H A P T E R I I I

The Lebanese Labor Code of 1946

(Brief Summary)

The administration of social affairs in Lebanon was until 1943 the concern of various departments and ministries. On January 26, 1943, Decree No. 203 created the Social Affairs Service under the Ministry of National Economy. Later on, with the expansion of labor problems, Decree No. 4868 of May 9, 1951, raised the Social Affairs Service to the status of an independent Ministry - Ministry of Social Affairs.¹ This Ministry came to replace the Social Affairs Service which was instrumental in the enactment of the afore-mentioned pieces of legislation. The Ministry of Labor and Social Affairs is the main agency responsible for the application of the labor law in Lebanon. It may be necessary therefore to orient the reader with the structure of this ministry before describing the labor legislation it enforces.

A. The Ministry of Labor and Social Affairs:

According to the reorganization of February 4, 1953, this Ministry came to consist of the Directorate General,

1. This agency was later on called the "Ministry of Labor and Social Affairs". cf., The New Collection of Lebanese Laws, Vol. III, Law dated June 5, 1958.

Labor Service, the Statistics and Social Affairs Service, and local branches.¹

1. The Directorate General.

The Directorate General organizes and manages the activities of the whole Ministry. All transactions performed by the Ministry personnel have to pass through the Directorate General. This agency is composed of the following:

a. The Secretariat: This office organizes the administrative and clerical affairs of the Directorate General.

b. The Research Section: This section studies and reports about all incoming recommendations and reports dispatched from and to the United Nations and related international organizations and conferences on social affairs and labor.

c. Employment and Aliens' Labor Control Section: This section grants work permits to foreign labor and supervises the employment of labor in the country. This section is responsible for the Employment Offices to be provided under the Labor Code of 1946.² These Employment Offices have not yet been established.

d. The Public Housing Sections: These sections prepare special studies and projects on the possibility of establishing

1. The New Collection of Lebanese Laws, Vol. 3, Legislative Decree No. 23, February 4, 1953. The description of the Ministry in this chapter is based mostly on this Legislative decree and few personal observations of the writer made during the time of study.

2. Labor Code of 1946, Arts. 110 and 111.

labor and public housing.

2. The Statistics and Social Affairs Service.

The Statistics and Social Affairs Service is the agency responsible for collecting vital statistics and other data to facilitate the prospective plans of social security.¹ In the realm of statistics this agency has very little data. For the first time since its establishment it is embarking on a census of the labor force in Lebanon.² In other social fields, this agency takes care of the poor and underprivileged, promotes the rural conditions, provides vocational guidance to the poor through the various charitable and social educational institutions, and in similar social affair programs. It consists of the following Offices:

- a. The Statistics, Registration and Social Insurance Departments,
- b. The Social Service Section,
- c. The Rural Affairs and Cooperative Office,
- d. The Vocational Guidance Office,
- e. Family Protection Section, and
- f. The Societies and Institutions Office.

-
1. The Ministry of Labor and Social Affairs has been working at various plans that may be introduced to the field of labor relations in Lebanon. Such plans are related to social security that would encompass the greatest possible number of wage-earners and at the same time relieve the employers from the type of social security found in the labor law today. A reading of the Lebanese Labor Code of 1946 will reveal that the burden of this type of social security is placed upon the employer only.
 2. Interview with the Head of the Statistics and Social Affairs Service, May 4, 1958.

3. The Labor Service.

The Labor Service is the major agency responsible for the implementation of the Lebanese labor legislation. It deals with the various labor problems: the employment of women and children, wages, and trade union activities.

The Labor Service is composed of the following subsections:

a. Beirut Labor Inspection Section: It supervises and inspects labor conditions, the application of labor laws and administrative orders, considers labor grievances and disputes, and inspects the work conditions and internal organization of industrial establishments. The section is headed by a Chief Inspector and is composed of fourteen labor inspectors, seven of whom are responsible for the inspection of the Beirut district, one in Sidon, three in Tripoli, one in Zahle, and two in Ba'abda. These inspectors are licensed in law, but generally have very little training in labor relations.¹

b. The Disputes and Arbitration Councils Section: This section is composed of seven employees who investigate and study cases of disputes and grievances resulting from labor-management relations. It arranges for government representation at the Arbitration Councils. The Director General

1. This is a personal observation of the writer.

or his delegate, usually an employee in this section, is appointed to be the government commissioner at the Arbitration Councils. These latter bodies, as will be explained later, are set as labor courts to settle labor disputes. Cases raised to the Arbitration Council, once registered are referred to the Disputes and Arbitration Councils section. An employee of this section investigates these disputes and often tries to settle them. If no solution is made at this Section the case together with the investigation results are sent to the Arbitration Councils for adjudication.¹

c. Health Protection Section: The Health Protection Section is responsible for investigating the causes of "vocational" diseases and industrial labor accidents and for the determination of protective measures. It pays special attention to the employment of minors in industry and it supervises the sanitary conditions of the workplaces thereof. Plans for the establishment of new work-places must be referred to this section for approval and these plans have to meet the sanitary standards of construction. The Health and Protection Section seeks the assistance of the Ministry of Public Health whenever needed. Further it registers all labor accidents reported by the employer and takes note of the diseases that take place among labor.

1. The writer has worked very closely at the Ministry of Social Affairs and has actually attended the investigation of more than ten cases of disputes which were raised to this office.

d. The Syndicate Department: The Syndicate Department handles all issues that are related or that arise among labor unions. It supervises the internal organization and administration of the labor unions and labor federations. As labor unions cannot be formed without prior authorization from the Ministry of Social Affairs, the applications for "licencing" are submitted to this Department. The Department studies carefully these applications with the Ministry of Interior before it decides on refusal or acceptance. The Syndicates Department supervises and controls not only the formation of these labor unions, but also their activities. Among the major functions it performs is the supervision of the elections that take place in all the unions and federations. This Department is composed of three employees only.

4. Local Offices: The Local Offices consist of the Labor and Social Affairs Sections in the Mohafazat. These local bodies are directly responsible to the Directorate General in Beirut. They are vested with the same prerogatives as the central bodies. At the seat of each Mohafazat there is at least one inspector and an Arbitration Council.

The Ministry of Labor and Social Affairs, may for one reason or another be responsible for some of the shortcomings of the administrative process.¹ A study of the

1. Dissatisfaction with the administration do usually appear in the press in the form of protests. cf. for example Beirut, April 12, 1952; Al'awassif, March 18, 1958, Al-Hayat, February 28, 1958; and An-Nahar, October 28, 1958.

organization, management and personnel of this Ministry, however, is outside the scope of this work. The Ministry organization is necessary for the study of the labor legislation which is undertaken in the following pages.

B. A Brief Summary of the Lebanese Labor Code of 1946.¹

The Lebanese Labor Code of 1946 is the major labor legislation enacted since the Independence of Lebanon. It, together with other pieces of labor legislation mentioned in Chapter II, is the only legislation regulating labor relations in Lebanon. The Labor Code of 1946 was passed after a series of labor strikes and during a period of economic instability.

The draft labor law was presented to the Lebanese Parliament in the Spring of 1946 in an effort to solve "all disputes between workers and employers, raise the standard of the worker and insure him and his heirs a decent living."² After a period of three months, during which the various labor provisions were debated and approved, the bill was voted early in September. It was promulgated by the President of the Republic, Bishara Khalil Khoury on September 23, 1946.

1. For an English translation of the Lebanese Labor Code of 1946, cf., Salim K. Azouri, Middle East Law Review, I (1958), pp. 557-584.

2. This quotation is from the motivations of the draft labor law, then read by Premier Sami Solh., cf. Republic of Lebanon, "Parliamentary Debates", Official Gazette. (1945-1946), pp. 644-653.

The Lebanese Labor Code of 1946 is comprised of one hundred and fourteen articles divided into seven parts. This legislation covers the following major topics: Contracts of employment; employment of children and women; wages, work hours and leaves; dismissals and compensation; organization of labor; compulsory arbitration, labor unions, industrial accidents; and employment offices. Further, two appendices are annexed to this legislation: Appendix I enumerates employments where children, adolescents and women are prohibited to work; Appendix II enumerates the employments where adolescents may be employed provided they produce a medical certificate to this effect.¹

The Lebanese Labor legislation covers all workers in Lebanon except agricultural workers, domestic servants, self-employed and family employed, and government employees.² The following pages herein are a summary of the major provisions of the Labor Code of 1946.³

1. Employment Contract.

Parts I and II deal with the relationships between

1. These Appendices are annexed to this Thesis.

2. The Labor Code of 1946 applies to government employees who are hired on contract basis, municipalities employees and other workers who are not covered by any other special legislation. Cf. Ministry of Justice, Judicial Review (1949), Decision No.1, January 7, 1947 of the Council of State, p. 453.

3. Many employees belonging to various trades objected to the passing of the labor law project to parliament without subjecting it to a serious study by the concerned parties. They asked for the withdrawal of the bill from parliament in order to study it. See Beirut, June 5, p.3, and June 22, p.3.

employers and employees and the working conditions. The employee is the person who offers his services and the employer is the person or undertaking into whose service the employee enters. Both the employer and the employee are free to terminate the contract after giving notice to one another by a registered letter. The period of notice is one to two months depending on the prior period of service. Any wrongful termination of the contract in either case is subject to payment of "damages" or compensation for violation.¹

The Social Affairs Service must supply each employee with a booklet containing a copy of the employee's identification card, his skills, record of his medical examinations and the other data concerning his previous employments.² Articles 18-20 provide detailed regulations for apprentices training and specify the stages of training and the payment rates connected with each stage.

2. Women and Children Employment.

Women and children employment is restricted. A child is defined as "any person of either sex who has not reached the age of 13 years".³ Children under eight years of age

1. Labor Code of 1946, article 54.

2. Ibid., article 14.

3. Ibid., article 21.

are denied all rights of employment. Children between the ages of eight and thirteen are prohibited from working in mechanical industries and a large number of other occupations listed in Apendices I and II. These occupations, certainly, involve hard labor and are apt to jeopardize the health of workers. Adolescents (13-16) can after a medical examination engage in occupations enumerated in Appendix II (e.g. glass making, printing, etc...) Neither children nor adolescents can be employed more than 7 hours a day. Further the employer is responsible to ascertain the age of the child or adolescent by requiring him to present his identity card.¹

Employment of women in night work is not allowed and they are prohibited from engaging in certain mechanical, heavy jobs or occupations involving hazards to health (Appendix I). Article 28 provides for maternity leaves (40 days) with ordinary pay. Any breach on the part of the employers, parents or agents of the provisions relating to the employment of women and children or adolescents consitutes a criminal offense and is subject to the penal law.²

3. Work Hours and Leaves.

The Code fixes a work week of 48 hours for adults and

1. Ibid., article 24.

2. Ibid., article 26-30.

provides that work can be extended to twelve hours a day in urgent cases. The latter provision can be applied only with the knowledge of the Social Affairs Service and on condition that time and a half is paid for overtime. The Code further provides for required rest periods, sick leaves, and paid vacations of fifteen days after at least one year of employment.¹

4. Wages.

Minimum wages and salary rates are to be fixed by a special commission on which the government, employers, and workers are represented. These wages are to be revised and adjusted according to the prevailing economic conditions.² Actually nothing has been done to this effect.

Salaries are paid at least by the end of the month and wages at least twice a month (Art. 47).

5. Dismissal and Compensation.

In cases where no contract or agreement for a definite period is concluded, the employer has full discretion to dismiss the employee at any time.³ However, in other cases (i.e. when there is a contract for no definite period of time),

1. Ibid., articles 31-43.

2. Ibid., articles 45-45.

3. Ibid., article 50.

the contract of employment may be terminated by either the employer or the employee upon one or two months' notice depending on the period served (article 54). Normally, if the employee is dismissed by the employer, he is entitled to receive, aside from the wages paid, a dismissal compensation equivalent to one month's wages for every year spent in service. Employees are entitled to similar pay in case they dissolve the contract without notice for reason of age (retirement at 60) or after 25 years of service, marriage (for women only), and if the employee voluntarily quits because of the employer's failure to fulfill his obligations.¹ The employer also can dismiss the employee without any notice and without compensation for a number of reasons specified in the law. Among them is misconduct of the employee, convict of a crime, absence from work for fifteen days without any excuse and so forth.² Nevertheless, it is a rule that if an employee leaves of his own accord, he has no right for compensation. Further the employee is liable to pay damages equivalent to one month's pay if he leaves his job without notice and for no excuse.³

6. Safety and Hygiene.

The Code provides that all occupations and work places

1. Ibid., article 55.

2. Ibid., article 74.

3. Ibid., article 13.

should be clean and adequately lighted, ventilated, and accomodated with fire precautions etc...¹ The Code enables the Administration to prescribe the appropriate health and safety measures (Art. 62). The Code also perpetuates the plan for workers' accident compensation prescribed in 1943 legislation without change. Inspection of the methods taken for safety and sanitation of the work places is made by the Administration. Article 65 strictly prohibits the use of alcoholic beverages in work places.

7. Administrative Organization of Labor.²

All employers having more than fifteen workers are required to establish written work rules and staff regulations which are to be approved by the Social Affairs Service. Further a table of penalties in the form of fines for the violation of any work rule should be attached to the list of work regulations. Fines may not exceed the maximum of five days wages per month. These fines are deducted from the employees wages and are poured into the workers benefit fund. A record is kept showing the amount of the fine the name of the offender, and the date of the offence. These records and funds are subject to the supervision of labor inspectors at any time.

1. Ibid., articles 61-65.

2. Ibid., articles 66-73.

The Code specifies certain serious cases where the employer can terminate the contract without compensation and without notice, i.e. when the employee deliberately or willfully commits a wrong which leads to a serious loss on the part of the employer.¹

8. Arbitration Councils.

In Part III the Code establishes Councils of Arbitration (labour courts) at the seat of each Mohafazah. The Council consists of a senior judicial officer (judge) as president, a representative of the employees and another of the employers as members. The Head of the Social Affairs Service or his representative acts as the government commissioner in the Council proceedings. All the members should be Lebanese citizens over 21 years of age with no criminal record and with five years of experience in their occupations or trades.² The jurisdiction of these Councils covers all disputes arising from the application of the labor legislation in effect. Cases may be raised directly or through the lawyer of the plaintiff according to the ordinary procedures.

All cases raised to these Arbitration Councils are exempt from judicial fees, and costs only are paid by the

1. This is in connection to regulations of work. Art. 74.

2. Labor Code of 1946, article 78.

losing party. These Councils are of the first and final instance.¹

9. Labor Unions.²

Part IV is devoted to the formation, membership and administration of labor unions. All workers and employers exercising the same occupation or engaged in similar occupations or trades are entitled to form special unions for the sole purpose of promoting their occupational interest and work for the progress of their professions from the economic, industrial and commercial view points.³ These labor unions must not "engage in any political activity or participate in any gathering or demonstration of a political character."⁴ The Social Affairs Service is to approve the constitution and the by-laws of each labor union. Further, labor unions do not become lawful until after publication of the order containing the approval in the Official Gazette.

1. Ibid., article 81.

2. Ibid., articles 83-109.

3. Article 83 "In each of the categories of professions each of the employers and servants (workers) is entitled to form a special union which shall possess juristic personality and the right to sue." Article 84: "The object of the union shall be restricted to matters which concern the protection and encouragement of profession, the raising of its standard, the defense of its interests and the work for its progress from the economic, industrial and commercial points of view..."

4. Ibid., article 84, paragraph 2.

Every employer and employee is free to join or not, or to withdraw from the labor union. The conditions for membership are specified in the Labor Code as follows:¹

"A member of labor union must be:

1. Lebanese enjoying his civil rights.
2. Working in the job at the date of the application.
3. More than 18 years of age.
4. Not convicted by court for a crime or misdemeanor."

Foreigners who satisfy these conditions for membership and hold work permits from the Ministry of Social Affairs may become members but they are denied the right to vote or hold office. The Council, the executive organ of the union, consists of four to twelve members. The council is subject to dissolution if it does not fulfil its duties or if it exceeds the scope of its competence.² In such a case a new council has to be elected in three months' time. For the same or similar offences the government may require the replacement of an individual member of the council and prosecute him in the courts.

1. The Lebanese Labor Code of 1946, Art. 91.

2. Ibid., Article 105: "Where the Council of a union disregards the duties imposed upon it or does any act not falling within its competence, the Government shall have power to dissolve such a council, provided that the new council shall be elected within three months from the date of dissolution. If such acts are done by member of the council, the Government may require his replacement and may, where appropriate, proceed against him before the courts."

Labor unions must keep a record of their membership, income and expenditure. The Council of the union "may not contract any loan or accept any gifts exceeding one thousand Lebanese pounds except with the consent of the general assembly and the approval of the Ministry of Labor and Social Affairs." Labor unions may, "for regulating the relations between them", unite in federations provided they are authorized by the Ministry of Social Affairs. The formation of these federations is subject to the same conditions present for union formation.¹

Part V and VI are devoted to penal sanctions to be imposed in case of violation of the rules of this code.

10. Employment Offices:

Part VII of the Code provide for the establishment of employment offices in each district (Mohafazat). These offices shall function under the authority of the municipal councils and the control of the Ministry of Social Affairs. These employment offices shall accept applications for work and to help the unemployed find work....²

The section of this Code contains several minor provisions, the most important of which is Article 113. This article states that "the manner of the application of the

1. Ibid., Article 106.

2. Ibid., Article 110 and 111. Actually these offices do not exist yet.

provisions of this Law shall be regulated by decrees issued by the council of Ministers."¹

After the promulgation of the Labor Code of 1946 no other labor laws were enacted except for a few executive regulatory decrees the most important of these is Decree No. 7993, April 3, 1952.² This Decree is concerned with the organization of the labor unions, their activities and internal administration.³

Decree No. 7993 has set up detailed legal provisions thus regulating almost every aspect in labor unions internal administration. It also sets the procedures for the election of the executive council of the labor union which must be conducted under the direct supervision of the head of the Department of Syndicates or his delegate.⁴ Similarly the ways and procedures of finance are delimited and are subject to close supervision. Further it provides that in case of dissolution of the executive council of the union the head of the Department of Syndicates shall assume the administrative powers of the leader until the election of another executive council within three months. In case^a union is

1. Ibid.

2. Lebanon, Official Gazette, (1952), p. 323.

3. Infra, p. 82.

4. Ibid., Article 5.

rescinded the Department of Syndicates is responsible for the liquidation of its property and closing its headquarters.¹

This decree has been challenged by some union leaders for illegality (exces de pouvoir) before the Council of State.² The administration won the case and the legality of the challenged decree was affirmed.³

C. The Present Labor Legislation: In Perspective.

It is necessary for the purpose of this thesis to highlight some of the major aspects of the present labor legislation that are of primary significance, for the labor unions' development and growth. As it has been assumed that labor organization is desirable for the promotion and protection of labor standards and rights. These aspects of the legislation are herein viewed from the perspective of labor alone.

Freedom of Association:

The right of association is generally limited in Lebanon

-
1. Ibid., Article 14.
 2. The Lebanese Council of State is the main administrative court which controls and reviews the acts of the administration in Lebanon. It is the counter part of the French Conseil d'Etat.
 3. Lebanon, Ministry of Justice, an-Nashrah al-Qadaiyyah al-Lubnaniyyah, 1953, (translation of Arabic title, The Lebanese Judicial Review), (Beirut: 1953), pp. 408-411. Decision No. 14 of the Lebanese Council of State, May 5, 1953. Cf. p. 94 of this thesis.

particularly because the formation of labor unions is subject to prior authorization by the Minister of Social Affairs and there is no way of appeal against the decision of the Minister.¹ This may be due to the traditional attitude of the government that is probably inherited from the Ottoman law of associations of 1905 which viewed collective action with suspicion. Another reason may be due to the fact that labor did not participate in the formulation of this legislation. This attitude of suspicion finds expression also in the detailed legal regulation and the close government supervision to which Lebanese labor unions are subject both in the formation stage and after it.

Every worker is free to join or not to join a union. Such a provision does not encourage union development and does not contribute to the security of unions which is partly a function of the union's command on workers engaged in the same occupation or trade. If non-union members enjoy the same

1. In some countries the decision of the Ministers is subject to judicial process. cf. The Libyan Labour Law of December 5, 1957, translated into English in the Middle East Law Review, Vol. I (1958), op.cit., pp. 360-386. See Article 36 of the Law which reads "A decision refusing the registration of a union may be objected to before the Federal High Court as within sixty days of the date of notification of refusal of registration."

privileges as the members, union organization, then, becomes of a lesser significance. From the view point of a labor union this aspect of the law seems to detain the labor movement's progress.

Further limitations are related to the dissolution of the Executive Council of the union and even of the union as a whole by the government. If a union Executive Council "disregards the duties imposed upon it or does any act not falling within its competence the government shall have the power to dissolve such a Council..."¹ As the grounds of dissolution are not clear and the government Orders in such cases may tend to be discretionary, at least the door is open wide for discrimination. The Labor Code of 1946, in this manner, gives the government a great margin for the control and repression of labor unions in Lebanon (Article 113). The right of association which is essential for union growth and security, is rather limited.² As long

1. Labor Code of 1946, Article 105.

2. For purposes of contrast and reference, note the recommendation of some of International Labor Conference Conventions particularly that dealing with freedom of association (No. 87), 1948, as paraphrased by J.A.Hallsworth: "... workers and employers, with the only exception of the armed forces and police, should without distinction whatever, have the right to form and join organizations of their own choosing without previous authorization to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to form and join federations and confederations..." Workers' and Employers' organizations should not be liable to be suspended or dissolved by administrative authority and, they acquire legal personality, this should not be subject to such conditions as would restrict the application of the forgoing guarantees..." cf. "Freedom of Association and Industrial Relation in the Countries of the Near and Middle East", International Labor Review, (1954), p. 369.

as the Lebanese labor unions are under the mercy of the government and the Minister of Labor and Social Affairs, they may remain weak and legally very insecure.

Another restrictive aspect of the Lebanese labor legislation concerns the social behavior of the labor union. Labor unions cannot engage in any political activity or participate in any demonstration that has a political taint.¹

Further it is stipulated that labor unions should draw their internal regulations. These regulations however, are almost exclusively fixed by Decree No. 7993 of 1952 and such regulations cannot be operative except with the approval of the Minister of Social Affairs. The election meetings of the union are also held under the direct supervision of the head of the Department of Labor Unions at the Ministry of Social Affairs. The account books and registers of the union are subject to examination by the head of the same department.

Collective Bargaining:

The Labor Code of 1946 has no reference to the institution of collective bargaining. Arbitration councils established by the law do not seem to consider collective contracts. Instead, as labor courts, they execute individual contracts

1. See supra, p. 44.

but do not try to write contracts. The present legislation does not set up any system whereby collective disputes can be settled. Strikes moreover, are not dealt with in the Labor Code. The Penal Code of 1934, as has been indicated earlier, prohibits work stoppages intended to influence the public authorities or in protest to a decision or action thereof. It also prohibits strikes in employments labelled as services such as transport, post, telegraph and telephone, water and electricity distribution. Generally as the right to strike is blurred there is little confidence in the outcome of collective agreements. The government, if a strike is initiated, would probably interfere and therefore influence the voluntarility of agreements between labor unions and employers. No doubt it seems rather clear that Lebanese labor union would grow weak in a situation where there is no legal provision for collective bargaining and where the attitude of the government towards strikes remains undefined.¹

1. Unions may have to be sure of the government attitude towards strikes: are they permissible and to what degree, can labor strike with a notice to management and so on. For the sake of contrast see definition of the state labor policy in Libya. The Libyan Labour Law of December 5, 1957, op.cit., Articles 1, 57 and 58.

C H A P T E R I V

Lebanese Labor Law in Operation

In this and the following chapters the writer shall study whether the Lebanese labor legislation in operation contributes to the growth of labor unionism in Lebanon. The purpose of this chapter is to present a brief summary statement of Lebanese organized labor and to study the formation of labor unions, their administration and dissolution.

A. Organized Labor in Lebanon:

The Lebanese labor force is estimated to be around 400,000 persons or about 28% of the whole population which was estimated in 1955 to be a little over 1,400,000.¹ Most of the labor force are engaged in agriculture and trade. Ten percent of the labor force is engaged in industry. Of the whole labor force about 150,000 persons only are covered by the provisions of the Labor Code of 1946.² Generally those not covered consist of agricultural workers, govern-

1. For sources on labor statistics see TABLE II p.56, TABLE III p.59, and for total population of Lebanon cf., Appendix No. III.

2. Samwell, op.cit., p. 5.

mental and municipal employees and workers, domestic servants, family employed and self-employed and home workers. Of the total labor population 25,000 persons are estimated to be unemployed.

Organized labor in Lebanon is estimated to be approximately about 28,000 or about 17 to 18% of the occupational and industrial labor groups that are covered by the labor legislation. Most of these laborers are organized in five federations, in Arabic Ittihadat 'Ummalieh. Four of these federations, are legally recognized and licensed by the government, and the fifth is a communist-led federation that is illegal. The latter is called Kutlet-El-Niqabat or the Conglomerate Syndicates Federation. It consists of the Communist led unions which together with other unions were known before 1946 as Ittihad-El-Niqabat or the General Union of Syndicates. This communist led organization is composed of seven labor unions with a total membership of 3,600 workers.

The legally-organized federations, however, are made up of 47 labor unions with a total membership of 21,215 workers. The government encourages these federations and often subsidizes them from state funds.¹ These federations have developed since the promulgation of the Labor Code of

1. Cf. Appendix IV annexed to this thesis.

1946; the first federation was formed in 1946 and was called Jam'iat-El-Niqabat or League of Syndicates. In 1952 the League of Syndicates broke down into two factions when a number of the important unions separated themselves and formed what is called Niqabat-El-Mutahidat or the United Syndicates of Employees and Workers. The United Syndicates is made up of eight labor unions with a total membership of 9,550 employees and workers.¹

A second dissension from the League of Syndicates was made in 1953 when seven other unions, led by the Mechanics Union leader, withdrew. The withdrawal was made when, Abd El-Majid Mehio, Mechanics union leader, and a former president of the League of Syndicates, missed the presidency of the League in the elections of that year.² The seven unions formed what is called, Ittihad-Al-Niqabat Al-Mustaqelet or the Union of Independent Syndicates. This federation was licensed late in 1954. In 1955 three of the seven unions reaffiliated with the League of Syndicates. The Independent Syndicates are now made up again of seven unions with a total membership of 3740 workers.

The affiliated unions of the League of Syndicates in Tripoli in 1954 declared their withdrawal from the League.

1. I.C.A. Office of Labor Affairs, Summary of the Labor Situation in Lebanon, (U.S. Dept. of Labor, Bureau of Labor Statistics, 1956), Sect. III.

2. Ibid., p. 5.

T A B L E II

Informal Estimate of the Lebanese Labor
Force by Industry

| <u>Industry</u> | <u>No. of Workers</u> |
|---|-----------------------|
| 1. <u>Agriculture</u> | |
| Agricultural workers and share croppers | 160,000 |
| 2. <u>Commerce</u> | |
| Store Clerks | 100,000 |
| Merchants | 30,000 |
| 3. <u>Manufacturing</u> | 34,000 |
| 4. <u>Mining and Quarrying</u> | 800 |
| 5. <u>Construction (Building)</u> | 5,000 |
| 6. <u>Transport and Communication</u> | 19,700 |
| 7. <u>Services</u> | 16,700 |
| 8. <u>Petroleum</u> | 6,500 |
| 9. <u>Ports and Shipping</u> | 2,000 |
| 10. Unemployed | 25,000 |

Sources: Data on agriculture and commerce are from Joseph Donato, "Lebanon and Its Labor Legislation", International Labor Review, I.L.O., (January 1952), pp. 64-90; data on Manufacturing and Mining and Quarrying are from the Industrial Census of Lebanon, 1955, (Economic Research Institute A.U.B. Beirut, 1958), p. 6; data on construction, Petroleum, Ports and Shipping and Unemployment are from Summary of Labor Situation in Lebanon, (U.S. Dept. of Labor, Bureau of Labor Statistics), p. 3; and data on Transport and Communication, and services are from Albert Badre, "The National Income of Lebanon", Middle East Economic Paper 1956 (Economic Research Institute, A.U.B.), pp. 1-37. These data relate to the period falling between 1950 and 1955. These data do not include handicraftsmen and government personnel. Figures on unemployment are not final as there are other sources who estimate unemployment to be over 35,000 persons; Cf. Middle East Economic Papers 1955, pp. 1-13.

In the same year they were licensed by the government to form the Federation of the Syndicates of Employees and Workers of North Lebanon. This Federation, called the Federation of the North, is now composed of 15 labor unions with an estimated total membership of 3,825 persons.

The League of Syndicates which before 1952 had about 38 affiliated unions is now left with 18 affiliates with a total membership of 4,100 workers. This federation, more than any other, is favoured by the government and is considered an "official" organization.¹ Generally, moreover, all these legal federations cited above cooperate with the government and are more often than not subsidized by it to meet their administrative expenses.²

The Lebanese Labor Federations apparently are not very keen to affiliate with international labor federations. Only the League and the Communist-led Federation are affiliates of International Federations. The League is an affiliate of the International Confederation of Free Trade Unions (I.C.F.T.U.). The Kutlat al Niqabat, on the other hand, is an affiliate of the World Federation of Trade Unions (W.F.T.U.), Russia's instrument of dominating the labor forces of other countries, however unsuccessful.³

1. G.E.K., op.cit., p. 409.

2. cf. Appendix IV.

3. Thomas B. Stauffer, "Labor Unions in the Arab States", Middle East Journal, VI, (1954), pp. 83-84, cf. Footnotes 3 and 5 of this Article.

* In addition to the labor unions of wage earners there is what is called "Employers Unions". These bodies are employers organizations that are formed among the producers and other employers in the same way as labor unions are formed. They are voluntarily established to face labor demands collectively, solve labor disputes through negotiations and to be of weight in determining the status and the economic prospects of their concessions and interests. There are about 93 of these organizations with a total membership of 7,272 employers.¹ The study of these organizations is touched upon only slightly and in so far as they affect the development of the Lebanese labor.

The Lebanese labor syndicates, besides their role in bargaining for advantage, have engaged in welfare activities on their own. This is specially true of the wealthy syndicates which have already set up mutual assistance and similar benefit programs whereby they serve their members and attract new membership.² Such welfare activities contribute to the syndicates' security and its ability to attract new members.

The Lebanese labor syndicate federations have recently

-
1. I.L.O., Report of the Committee on Freedom of Employers' and Workers' Organization, Appendix II (Supplement), Geneva, (G.B. 131st session, 1956), p. 279.
 2. Cf. for an example, Railway Workers Syndicate in Lebanon, The Code of the Saving Plan Fund, Booklet, (Beirut, 1957).

T A B L E III

Syndicates Organization Federations

1. League of Syndicates
(Affiliate of the ICFTU)

| <u>Name of Syndicate</u> | <u>Nos. of members</u> |
|--|------------------------|
| 1. Bakery Workers | 400 |
| 2. Barber's Shop Workers | 450 |
| 3. Book Binding and Printing Workers . . | 400 |
| 4. Cinema and Stage actors | 100 |
| 5. Cinema Employees and Workers | 130 |
| 6. Cinema and Films Co. employees | 65 |
| 7. Commercial Enterprise Workers | 500 |
| 8. Film Projectionists | 175 |
| 9. Furniture Upholstry Workers | 125 |
| 10. Groseery Workers | 100 |
| 11. Pharmacy Assistants | 160 |
| 12. Private Car Drivers | 425 |
| 13. Socony Vacuum Co. Workers | 160 |
| 14. Shell Co. Workers | 165 |
| 15. Tailoring Shops Workers +. | 440 |
| 16. Transport and Tourism Agency Workers . | 300 |
| 17. Vegetable Shop Workers and Employees . | 250 |
| | <hr/> |
| Total ... | 4100 |
| | <hr/> |

2. Independent Syndicates Federation
(Affiliate of the Arab Labor Conferation)

| <u>Name of Syndicate</u> | <u>Nos. of members</u> |
|---|------------------------|
| 1. Drug Storage and Imports Workers . . | 90 |
| 2. Jewelry Workers | 150 |
| 3. Horse Busting Boys | 500 |
| 4. Kerosene Vendors | 150 |
| 5. Mechanics Workers | 1250 |
| 6. Seamen and Stewedores of Beirut Port | 1000 |
| 7. Tannery Workers | <u>600</u> |
| Total . . | 3740 |

3. United Syndicates (Federation)

| | |
|---|-------------|
| 1. Bank Employees | 850 |
| 2. Beirut Electric Co. Workers and Employees . . | 1237 |
| 3. Beirut Port Co. Workers and Employees | 780 |
| 4. Esso Co. Employees | 60 |
| 5. Railway Workers | 1550 |
| 6. Shell Co. Employees | 140 |
| 7. Textile Workers and Employees . . . | 4000 |
| 8. Tobacco Co. Employees and Workers . | <u>1028</u> |
| Total .. | 9550 |

4. The Federation of the North

| <u>Name of Syndicate</u> | <u>Nos. of members</u> |
|--|------------------------|
| 1. Bakery Workers | 400 |
| 2. Barbers Shop Workers | 100 |
| 3. Carpentry Workers | 250 |
| 4. Cinema and Stage Workers and Employees | 75 |
| 5. Commercial Firms Workers and Employees | 500 |
| 6. Construction Workers | 400 |
| 7. Employees of Hotels, Restaurants, Coffee Shops and Candy Shops | 90 |
| 8. Dadisha Electric Co. Workers and Employees | 200 |
| 9. Mechanics Workers | 600 |
| 10. Printing and Book Binding Workers . . | 100 |
| 11. Radio and Electricity Workers | 185 |
| 12. Saw Mills Workers | 125 |
| 13. Shoes Workers | 500 |
| 14. Tailoring Shop Workers | 180 |
| 15. Tricot Workers | 125 |
| | <hr/> |
| Total . . . | 3825 |

5. Kutlat Al Niqabat +
(Affiliate of WFTU)

| <u>Name of Syndicate</u> | <u>Nos. of members</u> |
|--|------------------------|
| 1. Beirut Carpentry Workers | 300 |
| 2. Construction Workers | 400 |
| 3. Cookery Workers | 500 |
| 4. Duko and Lustro Workers | 200 |
| 5. Hotels, Restaurants and Coffee House Workers | 1300 |
| 6. Printing Press Workers | 300 |
| 7. Shoe makers | 200 |
| | <hr/> |
| | Total . 3600 |
| Other unaffiliated Syndicates | 3000 |
| | <hr/> |
| | Grand Total 27815 |

Note: Figures on membership are obtained from several sources some of which are confidential, others are based on interviews with syndicate leaders and members. These estimates are based on payment of subscription fees. Syndicate leaders tended to give exaggerated figures which could not be accepted as reliable; to check the correctness of the figures, the writer resorted to certain confidential sources for help.

+ Communist Dominated.

been licenced to form what has been referred to as the General Labor Congress.¹ This labor organization may be the beginning of a new era of cooperation and activity in Lebanese labor relations as it may help in reinforcing the security of labor.

B. The Lebanese Labor Legislation in Operation:

1. Formation of Syndicates:

The labor syndicates in Lebanon as else where are very much affected by political, economic and social developments but above all by the state's attitude towards unionism. Labor unions as a developed institution, almost everywhere in the Western world, gain their security and strength from the solidarity they acquire and the legal position they enjoy. The solidarity of labor unions, most often is enhanced by the unions' membership labor supply, geographic distribution of labor, state of industrialization, literacy and the recognition by labor force of their common interests.²

The legal position of syndicates, which is the major concern of this study, is determined by the government conception of and attitude towards labor unionism and the right of free association. The position of any country falls

-
1. al-Hayat, March 12, 1959, p. 5. The General Labor Congress has not yet been in operation.
 2. Alfred Kuhn, Labor Institutions and Economics, (Rinehart and Co., Inc. New York: 1956), pp. 112-116.

somewhere between the voluntarility of labor association and official unionism, free labor unions and controlled.¹ Thus in democratic countries unions are essentially voluntary labor organizations of working people in one occupation or kindred occupations associated to safeguard their common interests and improve their lot, relatively independent of state authority.² In totalitarian countries labor unions, if at all present, are the creatures of the state and they are of the types known as "official unions". It is generally held, however, that the practice of freedom of association is very important for the development of a strong labor movement that can improve and better the lot of labor.³

In Lebanon freedom of association is guaranteed in Article 13 of the National Constitution of 1926.⁴ This formal provision is not, however explicative of the actual position which indicates that this right is rather limited. This is especially evident in the basic labor laws and provisions concerning the right of labor organization, formation, supervision and dissolution, and the practice thereof.

-
1. J.H. Richardson, An Introduction to the Study of Industrial Relations, (George Allen and Unwin Ltd., Ruskin House, 1954), pp. 137-142.
 2. Ibid.
 3. Cf., Footnote No. 2, page 50 in this thesis.
 4. Helen Miller Davis, Constitutions, Electoral Laws, Treaties of States in the Near and Middle East, (Durham, N.C.: Duke University Press, 1953), pp. 291-305.

Even though freedom of association is guaranteed by a formal provision in the Lebanese National Constitution, the Labor Code of 1946 requires prior authorization for the formation of labor unions in Lebanon. Also agricultural workers, government and municipal employees and workers, domestic workers, family and self-employed workers and home workers are not covered by the Labor Code and therefore do not form unions; only workers belonging to the same or kindred occupations may form unions.

The applications for union formation are made in triplicate to which is clipped the internal and basic rules of the proposed syndicate, and a copy of the Public Records of the founding members.¹ The first copy of the application is referred to the Ministry of Interior for investigating the 'truthfulness' of the intentions of those applying to organize. Thus the Ministry of Labor and Social Affairs consults the Ministry of Interior before deciding whether or not to licence the formation of the syndicate concerned.² After consideration of the application, however, it is up to the Ministry of Labor and Social Affairs to authorize the formation or not.³ In case of denial to form a syndicate, there

1. Labor Code of 1946, Art. 88.

2. Ibid., Art. 87.

3. Head of the Department of Syndicates, Interview, April 23, 1958.

is no provision for appeal against the Ministry's decision. If the Ministry decides to approve, it stamps the second copy of the application, clips to it a copy of the Ministerial decision in which the license is granted, and sends it back to the founding members. The copy of the application is left in the Ministry files for further reference. The syndicate is not legal, however, until the Ministerial decision is published in the Official Gazette.¹

At this stage and before proceeding any further, the right to organize is limited by the fact that unions cannot exist without prior authorization by the Minister of Labor and Social Affairs, who may or may not grant his approval. In the case of non-authorization there has not been any limited period whereupon if no decision is taken the application could mean approved or not. The Ministry concerned takes very long time to consider the application partly because the transaction has to pass through the Ministry of Interior. Beside retardment, the Ministry of Labor and Social Affairs may for some reason or another neglect the application or refuse it as well.

As the law has made clear the qualifications of the applicants but did not limit state discretion or provide for

1. Decree No.7993, April 9, 1952, op.cit., Article 14.

appeals, what happens if applicants are refused? That is, there are cases of qualified men, Lebanese, having good Public Records and representing one trade who could not get authorization. Stone crushers and seamen in Tripoli could not during the last two years get a license to form a syndicate of their own.¹ These people have not been answered, and if once they were, they were told that their application is at the Ministry of Interior. All two years passed without answer, and the applicants became disappointed. If they were refused they could not do anything about it although theoretically they can challenge the decision of the Ministry before the Council of State. But they don't.

A more recent case is that of the new syndicate for the "Horse Busting Boys" which is an affiliate of the Independent Syndicates Federation. This syndicate was formed early in 1956 and has operated since then without any legal authorization. The application of this syndicate is said to have been left in the drawers of the Ministry of Interior which has not yet acted on it.²

Abd El-Mejid Mehio, the secretary of the Independent Syndicates Federation and informal organizer of the Horse

-
1. Head of the Department of Syndicate, Interview, August 8, 1958.
 2. A. Mehio the Secretary of the Independent Syndicates Federation who organized and found the new Syndicate. Interview, April 30, 1958.

Busting Boys Syndicate drawing on his experience in labor relations, whispered to the "Boys" to declare a strike on April 27, 1958, in the Racing Club, if they were not officially licensed immediately.¹ The strike was strategically timed to be effected on Sunday, the day King Paul of Greece, then visiting Lebanon, was invited by the President to attend the contest at the Horse Racing Club. The news of this strike drew the attention of the authorities and contacts were made to dispense with the strike. Mr. A. Mehio was immediately called to the office of the Director General of the Ministry of Interior who convinced him to withhold the strike and promised him that the license would be considered soon.²

This is one case where the syndicate founders may have been refused a license simply because the authorities concerned refused to consider the application. Whatever the reasons for the behavior of the administration, it may not be tolerated by a determined labor group who may appeal to their most practical weapon, the strike. The decision to strike may have been a wise step to take by the labor group concerned but by no means does it contribute to healthy labor-government relations. Hence it may be necessary to set a

1. As-Siassi, April 26, 1958, p. 8. Col. 1.

2. Interview with Mr. A. Mehio, April 30, 1958.

time limit for the consideration of applications to organize with the expiration of which, if the application is not considered, it means implicit refusal so that the party concerned may make the necessary appeals.

A serious problem arises in the process of authorizing the formation of new syndicates. It is provided that in each of the categories of occupations or trades employers and employees may form special syndicates of their own. No one syndicate may have persons belonging to different occupations; members must be engaged in one or kindred occupations.¹ In practice these legislative provisions have given rise to the problem of categorization or occupations, the possibility of having two syndicates in the same occupation and so forth.

The occupation or trade categories which the Labor Code promised that the Minister of Labor and Social Affairs, will define and classify, actually, are not as yet defined or classified at all.² The lack of a clear definition of these industrial or trade categories has in practice led to some serious jurisdictional disputes between syndicates. In the letter of the law it seems that the legislation implicitly

1. Labor Code of 1946, Arts. 83 and 85.

2. Ibid., Art. 85, paragraph 2.

permits the formation of more than one syndicate in a trade category. By custom, however, the administration, since the promulgation of the Labor Code and even before, did not allow the formation of two syndicates in the same trade category. Early in 1958, however, the Department of the Syndicate licensed the formation of a second syndicate in the Hotels, Restaurants and Coffee Houses industry.¹ The license to the new syndicate is said to have been granted after a lot of political interferences on the part of the labor office of a foreign embassy.² The name of the new syndicate was changed only slightly so that it could be licensed; it is the Syndicate of the Employees and Workers of Hotels, Restaurants and Club Houses in the Lebanese Republic. The communist-led syndicate immediately raised a case before the Council of State challenging the administrative decision authorising the formation of the new syndicate and seeking its annulment. In this case they depended mostly on articles 83 and 85 of the Labor Code, which the communist-led syndicate interpreted to mean that in one trade category no more than one syndicate may be formed.³

-
1. Official Gazette, (March 19, 1958), Decision No.86 of March 11, 1958, p. 289.
 2. This claim has been reiterated in a series of household bulletins and circulars distributed by the communist-led syndicate cf. circular entitled "Tear Down the Veils of Treason from over the Faces of the Conspirators" (50x35 cms), Beirut, January 25, 1958.
 3. Registers of the Lebanese Council of State, Case No. 1783 March 29, 1958.

The case of the syndicate of Hotels, Restaurants, and Coffee house Workers is the first of its kind in the Lebanese labor-relations experience. As a precedent this case calls for serious thought on the part of the Lebanese administration, industrialists and labor as it definitely concerns the future status of the labor population and the freedom of syndicate formation in Lebanon. Should one syndicate only be formed in every trade or occupational category, it means that syndicates would be secure against competition and dissension. This type of competition unlike any other type breaks down the syndicate in a trade category into two antagonist organizations. Thus a syndicate protected against this sort of dissension, on the other hand, may be in a position to dictate its terms to management more forcibly than if there were two syndicates in the same trade category.

This case is of great concern to employers who often wish to break down union security and strength. It is of great interest to labor because it affects them socially, economically and even politically. Responsible labor leaders, at present, have naturally tended to disapprove of the formation of two syndicates in the same trade category. At present they think that Lebanese industry does not allow the formation of more than one syndicate in the same occupational category because this might lead to chaos in labor organization. The question is very delicate in respect to the

Lebanese society structure. The problem of sectarianism and local politics may easily go into syndicate formation and add to the dissension of the labor groups and therefore may be detrimental to unionism in Lebanon.¹

The state is particularly interested in this question as it claims to be the chief organizer of the labor force in Lebanon. The state, in principle may consider the formation of more than one syndicate in the same trade or occupational category a legal right. This is because the right and the freedom to organize a labor syndicate in a certain trade implies the right and freedom to withdraw from that syndicate. In principle and if there is no law providing for other wise, this means, that to form another syndicate in the same trade is a legal right. In accordance with this principle, the Department of Syndicates and to the first time, authorized the formation of more than one syndicate in the same occupational or trade category. The Department of Syndicates again depended in its actions on article 113 of the Labor Code of 1946 which gave the Executive the right to execute the law and Decision No.13 of May 5, 1953, issued by the Lebanese Council of State which proclaimed the state as the chief

1. These arguments were summary of four Interviews with four labor leaders: 1. Mr. A. Kara't, a member of the Executive Council of the United Syndicates; 2. Mr. Elias Habre leader of the Hotels, Restaurants and Coffee House Workers Syndicate; 3. Mr. T. Saloum, Textile Workers Syndicate; 4. Mr. A.Mehio, Secretary of the Independent Syndicate, April, 1958.

organizer of labor syndicates and affairs.¹

The case of the communist-led syndicate of Hotels, Restaurants and Coffee Houses is the first example where the Department of Syndicates uses its legal rights. This is an example in which the administration is put in a position where it has either to use its legal rights to the letter or has to condition itself to the immediate socio-economic needs. In other words, here is a case where the administrator, using the words of Louis Brownlaw, "ought to know enough about the difference between loyalty and sabotage to recognize that sometimes loyalty to the letter is sabotage to the intent."² Legally the case awaits a judicial decision by the Council of State. For the economic organization of Lebanon it may or may not be useful to form more than one syndicate in the same trade category.³

In the case of the Hotels, Restaurants, Coffee House Workers Syndicate, led by the communist activist, Elias Habre, it is a syndicate that claims jurisdiction over the workers in the same trade in the "Lebanese Republic."⁴ Is

1. Cf. Decision No.14, May 5, 1953, cited in footnote No.3 page 48 in this Thesis.

2. Felix A. Nigro, Public Administration Reading and Documents, New York:(Rinehart & Co., Inc., 1951)Chapter II, Sect.3.

3. Internationally the problem is decided in various ways depending on the country's outlook and the degree of freedom it allows the citizens. Freedom of unionism was also recommended by the I.L.O. cf. footnote No.2 page 50 of this Thesis.

4. It is registered as the "Syndicate of Hotels, Restaurants and Coffee House Workers in the Lebanese Republic."

this claim justifiable, only because it was licensed under this name? Is work in Hotels, Restaurants, and Coffee Houses a general industry or is it an occupational or trade category within a large industry? How does the geographical scatter of workers affect the claim? Answering those and similar questions may be of interest to labor, management, and the state. If the work in Hotels, Restaurants, Coffee Houses is considered by the administrator as an industry, it then means that every trade of which this industry is composed, may form syndicates of their own. The administrator may see, to it therefore, that those applying for authorization to form a syndicate of their own, do represent a certain trade in the industry, otherwise refuse the application on the basis that there is already in existence a legal syndicate in the same trade.¹

Another basis for consideration may sometime be that of geography. Thus if these applying for a syndicate formation wish to form a syndicate representing the same trade, but, this time, in Tripoli, in the North of Lebanon, the geographical basis may exceptionally be of consideration inspite of the fact that the law did not provide for it. In practise

1. As mentioned before the name of the new syndicate, "The Syndicate of Employees and Workers of Hotels, Restaurants and Club Houses in the Lebanese Republic" is changed only literally. Michael Romanos one of the new syndicate founders only once said that white-callor employees are not obliged to join the same syndicate as the waiters. Interview, May 5, 1958.

the geographical basis has been exceptionally considered, and perhaps for political reasons, in the case of the Taxi-Drivers Syndicates in the Lebanon. There are four of these syndicates in Beirut, Bika'a, Mt. Lebanon, and the North each operating independent from the other. Except in very few cases the geographical basis has not been considered by the administration, because the choice seems to have been already made by the legislator who provided, rather clearly, for the formation of syndicates on the basis of trade or occupational categorization.

The choice of an alternative again depends on the state policy of economic organization and the Lebanese economy. The increase of specialization may well bring about new trades that have the right to organize syndicates of their own, in accordance with the law.

The motives leading for the licensing of another syndicate in the case of the Hotels, Restaurants and Coffee Houses occupational category may be due to the two major factors. Firstly, this syndicate is one of the strongest and best organized labor organizations in the Lebanon. Secondly, this syndicate has been led by communist-dominated Executive Council.

The strength of this syndicate put it in a position to dictate its terms very effectively because it dominated one of the most important industries in the Lebanon. Thus once

it makes a strike it may paralyze entirely the activities of almost all important hotels, restaurants and coffee houses in Lebanon which affect not only the management, but tourism in general, the source from which the state draws a portion of its National Income.¹ The employers are put in a very irksome position during a strike since they cannot offer their services to their customers who are often foreigners. As a result, the Employers Association is subject to local and foreign press criticism and pressure which affects their prestige. Again the government may put similar pressures on the employers to settle the strike soon. This position makes these employers, who are often influential capitalists, very anxious to break the syndicate security by all means available. One of these means has been to convince some of the syndicate members not to obey their leadership and by calling them to form another syndicate, which the employer would favor and promise to uphold and assist financially. The last attempt made by the employers was pioneered by Gerorge Reiss, the General Manager of the Bristol Hotel, one of the biggest in Lebanon. Mr. Reiss is claimed to have convinced Michael Romanos and ^a few others employed at the Capitol, Beirut Palace, Riviera and Commodor Hotels to form a syndicate and promised to help them get a license from the

1. Albert Y. Badre, "The National Income of Lebanon", Middle East Economic Papers, 1956, (Beirut, Economic Research Institute), pp. 1-37.

Ministry of Social Affairs. After a lot of interference on the part of employers and probably other elements, Michael Romanos and his friends were licensed, March 11, 1958.¹

The second reason is related to political considerations. The syndicate of Hotels, Restaurants and Coffee Houses' Workers is led largely by veteran communist activist. This fact, together with the various pressures imposed by the employers and other elements, made the state authorize the formation of another syndicate in the same trade. Ahmad Muniemneh, the head of the Department of Syndicates, claimed that there is no provision in the labor law that limits its power to authorize the formation of another syndicate in the same trade or occupational category.² But where are these categories?

In practice, the principle of licensing the formations of more than one syndicate in the same trade category has not been favoured by almost all syndicate leaders and caused a lot of controversy among the top administrators. The controversy was started in 1953 when Emile Nedda applied for the formation of the Syndicate of Taxi Drivers and Owners on

1. Lebanon, Official Gazette, (1958), "Decree No. 86, March 11, 1958", p. 289.

2. Interview with the Head of the Department of Syndicates, July 23, 1958.

June 24, 1953. Top administrator at the Ministry of Interior objected to the formation of a new syndicate in this trade category on the grounds that there was already one syndicate in the same trade, and because the interests of the two syndicates might very well conflict leading to violent jurisdictional disputes that are not to the advantage of labor.¹

The fear of labor leaders may be justified because the authorization of two syndicates in the same trade affects the bargaining power of their own labor organizations. Two syndicates in the same trade category may of course mean that in one factory the workers of the same trade may give their loyalty to two different and even antagonist leaderships. This type of disunity in the same work place threatens the security of both syndicate leaderships and may therefore curtail the effectiveness of the strikes, their best weapon. More often than not the presence of two syndicates in the same factory leads to jurisdictional disputes. These disputes it may be recalled affect the efficiency of the labor force employed in the same workplace. Conflicts between the workers of the same trade may lead to inadequate industrial relations, the results of which manifest themselves in the last analysis

1. This is clearly stated in two confidential letters communicated between top administrators of the Ministry of Interior. The first letter was sent by "Surete General" Inspectors, Abd El-Mejid Salam and Mohd. Issa to the Commissioner General, August 19, 1953, The second by Farid Shehab to the Minister of Interior, Sept. 11, 1953.

in the product of the enterprise.

The government's failure to determine these trade categories seems to result in a harmful state of uncertainty. The classification of these categories is by no means final and therefore the state may have to re-define and re-classify these categories when ever the socio-economic development calls for it. This is because with the advancement of specialization and as more occupational and trade categories emerge, more syndicates may be formed according to the law. This policy allows the syndicates, in the various trade categories, to establish themselves because it gives them a longer interval during which they are protected against jurisdictional disputes and disorganization.

Further it may be necessary to call the unions themselves or any representative body labor choose to work out a solution. Perhaps it may be possible for the unions to participate in the process of authorization of new syndicates and in determining the limits of the occupational categories proposed in the law. The newly established Congress of Labor may assume a consultative role in deciding such issues that affect labor. Labor in this manner may reduce the impact of the government's discretionary decision-making, and safeguard labor unionism against encroachments meant to weaken it.

Further reference to freedom of association may indicate that the Labor Code of 1946 and the supplementary decrees thereunder have no provision against employers' discrimination against union members. Employers' discrimination against union members is definitely harmful to union growth and development. Such discrimination has been specially true in cement brick works and similar employments where labor is easy to substitute. However in bigger establishments the dismissal of employees on the grounds that they are affiliated with one syndicate or another has been rather difficult. In the absence of a clear provision for the reinstatement of dismissed workers, labor tend to be sympathetic and look for their own methods for re-employment.

In a case of dismissal such as that of the Secretary of the Esso Workers Syndicate, organized labor can be expected to join to enforce the re-employment of an active member. Mr. Y.J. Yacub, the Secretary of the Esso Workers Syndicate, early in December 1957 was dismissed by Esso Company because he was for raising the wages of the employees so as to equal wages paid in other Oil companies.¹ The case was reported to the United Syndicate Federation which called for a general labor conference (on 31st of January, 1958) at the Federation

1. The whole story is well told in an-Nahar, January 27, 1958, p. 3.

headquarters to debate the issue. Representatives of about 40 syndicates attended the Conference in which they considered the dismissal of Mr. Y.J. Yacub and the employment of an alien in his place, is a "discriminatory measure" and henceforth decided to declare a general strike if the employee dismissed is not returned to his office. They also sent petitions repudiating the incident to the President of the Republic, Prime Minister, Minister of Social Affairs and to the Headquarters of the Company in France. The Ministry of Social Affairs has immediately used its influence and after some time the employee dismissed was returned to the same job however, in a different section of the Company. This case illustrates how syndicates may react to the dismissal of an influential syndicate member and the need for specific legislation to cover such cases.

2. Administration of Syndicates.

The strict supervision of labor organization in Lebanon together with legal details to which they are subject, may definitely affect the growth of the labor movement. Beside the arbitrary actions of the administration that may occur at certain stages in the course of supervision, the unions are subjected to a detailed legal framework which may not be necessarily adaptable at this stage of labor development.

In this manner these restrictions may deter the progress of unions in Lebanon. This may be noted in the election procedures and other regulations governing the performance of unions.

As soon as the founding members of a syndicate receive the approval and once it is published in the Official Gazette, they call for a general meeting of the members to elect the representative assembly of the Syndicate. The time and place for the elections is communicated to the Department of Syndicates, at least 15 days before the time of elections. Nomination for candidacy is closed three days before the elections. At the date of the election, the head of the Department of Syndicate or his delegate, attends the elections and is responsible to supervise the whole process. He thus has to verify the identity of each member who can vote and has to check their names against the syndicates registers to ensure that every member has paid his dues and enjoys his full rights. Further at this first session of the rank-and-file, the head of the Department of Syndicate or his delegate, appoints a committee to supervise the elections.¹ Candidates to the representative assembly appoint, on their behalf, observers to watch the process of polling. The number of the observers, however, do not exceed six persons. The voting takes place

1. Decree No. 7993, April 3, 1952, Arts. 3,4 and 5, p. 323.

by secret ballot.

At the end of the elections the committee prepares a report including the minutes of the session and the results of the elections. The results are declared immediately but are not made final unless the Department of Syndicates ratifies them or endorses the report of the committee.¹

Beside the detailed legal procedures involved in the syndicate organization, the state is left with a great margin for discretion which may lead in practice to abuse of power. This is because the state may, if the results of the elections are not desirable, disapprove of the results and therefore try to find fault in the election procedures in a way to justify re-election. How this power of the state may be used in actual experience is described in the case of the Tailors Syndicate elections.²

Before or after the elections, the founding members must prepare the constitution or by-laws according to which the executive would operate. The syndicate constitution is voted upon by at least ^{two thirds} / of the members of the syndicate.³ The bylaws include the name and the head-quarters of the

1. Ibid., Art. 7.

2. Infra., p. 87.

3. Labor Code of 1946, Art. 89.

syndicate, its objectives, admission procedures, resignation and expulsion of members, number of the members of the executive body, and the power and responsibilities of each (the president, secretary, and treasurer), source of income, the rules for accounting, and the name of the bank where the syndicate funds are deposited, etc...¹ It also includes a statement of how the funds shall be spent in case the syndicate is dissolved as it is forbidden to distribute them between the members.² It further includes a provision of how amendments may be effected. Excessive control by the state is again evident in the operation of the executive body of the Syndicate as it shall be noted.

The elected representative body of the syndicate, in almost all Lebanese Labor organizations is itself the Executive Council. The Executive Council is made up of the president, secretary, treasurer, and other specialized officers and advisors who are elected by the Council itself from among its members. The members of the Council as in practice is the case, should not be more than twelve persons nor less than four persons.³ These members constitute in practice what is called the Executive Council of the syndicate. A

1. Decree No. 7993, April 3, 1952, Art. 1.

2. Ibid., Art. 1., Sect. 13.

3. Labor Code of 1946, Art. 99.

syndicate can also elect another representative body directly from the rank-and-file to control the Executive Council such as in the Railways Workers Syndicate.¹ The Executive Council is held responsible before the second representative body and to the rank-and-file.

The members of the Executive Council are elected for a period of two years. At the end of the first year half of the members get out by lot and the second year by seniority. Thus each year half of the members of the Executive Council are elected by the rank-and-file of the syndicate.² Activity and interest in syndicate affairs has generally been shown only at the time of elections.

The leadership of the syndicate is vested in its Executive Council which is presumed to govern all the activities of the syndicate and does its best to procure the highest benefits it can secure for the interest of its members. It defends the rights of the employees and workers against employers exploitation and arbitrary action. The president of the Council is the representative of the syndicate in all legal and formal actions such as in its relation with courts, government, employers and other syndicates. The president of the syndicate is vested with the power to execute the

1. The Railways Workers Syndicate, The By-Laws, (April 8, 1947), Arts. 29 and 30.

2. Labor Code of 1946, Art. 100.

decisions of the Council, and is on the other hand directly responsible before it. The Executive Council is collectively and individually required to abide with its defined functions and jurisdiction. In case the Council deviates or exceeds its jurisdiction, it is amenable to dissolution by the government.

In practice the provisions on the organization of syndicates have generally meant a wide margin for government discretion in the administrative process. It may be the desire of the Ministry of Labor and Social Affairs as it may be the general policy of the state, as apparent in Decree No. 7993 to regulate the organization of the labor force.¹ In this manner freedom of association is not entirely acquired. Syndicate organization, therefore, as noted above, are subject to strict supervision and direct interference by the State.

An evident characteristic of syndicate organization in the Lebanon may be shown in the detailed legal frame works devised to control syndicate objectives, admission procedures, sources of income and other activities performed by the syndicate. Such labor organizations are therefore artificially

1. The restrictive policy of the State may be manifested in the detailed legal framework provided in Decree No. 7993 of April 3, 1952.

set up in these legal frameworks to which they should adapt themselves in order to survive. These various legal details and boundaries to which the labor syndicates are subject show the limitations under which "freedom of association" is practiced. Moreover these legal details may indicate the state hostile and suspicious attitude towards organized labor. In practice these limitations have weakened the strength of labor syndicates and has often put them in an irksome position in their labor-management relations. If syndicates were allowed to organize themselves with more discretion they would take various shapes and perhaps would have been more adequately adapted to the Lebanese socio-economic structure. Under the present legal limitations, the syndicate organization is generally hindered and even discouraged. Instead of all these restrictions for syndicate organization, why should not the state be satisfied by prior authorization provided for in the law? If syndicates were given a larger margin of freedom, in actual practice, it may be more probable that these syndicates will prosper.

The government role and degree of interference, however, may be well illustrated in the case of the Tailors elections.¹ The Tailors syndicate is an affiliate Syndicate of the Jamiat

1. It is said by some syndicate leaders at the Jamiat, that the Council of the Tailors Syndicate is accused of being communist, which may be the major reason for the dissolution of the council. Kerim Abu Rejeili who again won the elections is a communist activist, very well trained in labor affairs.

and has a total membership of over 440 workers. The last Executive Council, this syndicate has had was dissolved by Decree No. 17233 of September 19, 1957, because it was accused of neglect in its books and registers and that it exceeded its competence.¹ The date for re-election was set by the Department of Syndicates on the 11 of November 1957. All subscription fees were paid and the registers were supervised by a delegate from the Department of Syndicates and so was the whole process of elections. The new Council elected did not, however, appeal to the Ministry of Social Affairs and therefore did not ratify or approve of the results as final; instead it called for a second election on March 10, 1958. This time many of those who elected the alleged-communist members of the Council boycotted the elections. Hence the candidates who failed in the first election came to the syndicate's leadership as the elections results were approved and recognized by the Department of Syndicates. This case exemplifies the extent to which the decisions of the Department of syndicates may be discretionary and arbitrary. The alleged-communist council however, did not agree to the last election and has actually challenged the validity of the second election before the Council of State.² This case, has

1. Official Gazette, No. 42, (1957), p. 879.

2. The case is registered in the name of Kerim Abu Rejeili under No. 1732 in the Registers of the Council of State, (March 19, 1958).

not yet been decided by the Council of State.

The case of the Tailors Syndicate elections show how in practice the Department of Syndicates may interfere in the elections, It shows how the government agency in combating communist or other elements which it feels to be undesirable, may abuse its legal powers and therefore encroach on the proper application of the labor laws. State interference, in this case, formalizes conflict and disunity between the two parties in the same syndicate. In a way and perhaps unintentionally the state exposes the security of the syndicate and its bargaining power to serious danger. Disunity among the rank-and-file may render the syndicate unable to proceed in effective bargaining for its rights and labor objectives.

3. Dissolution of Syndicates.

The Executive Council of a syndicate is subject to dissolution by the Department of Syndicates at the Ministry of Labor and Social Affairs, if it neglects the duties imposed upon it or exceeds its competence - provided a new Council is elected within a period of three months from the date of dissolution. The whole union may also be dissolved on the same grounds. If unions commit any offence such as working in politics or participating "in meetings and demonstration of a political character", the government shall have the

power to dissolve them.¹

The easy manner in which syndicates' councils and the whole syndicate may be dissolved together with the strict government supervision to which unions are subject are necessarily not to the advantage of unionism in Lebanon. Labor unions are very difficult to grow in an atmosphere full of suspicion and insecurity. Each labor union seems to be always not sure of what would the government policy be towards it, if it disregards the policy of those persons on the top.² The following is a description of a case of dissolution. Beside the insecurity of unions under the present legislation, it attempts to illustrate, it points to the influence of local politicians that may often be involved in the forming and dissolution of Lebanese Labor Syndicates.

The Taxi Drivers and Owners Syndicate referred to earlier is a "labor" union composed of taxi-drivers and owners. It is led by Emile Nedda a close patron of Abdullah Yafi, an Ex-Prime Minister. It is another syndicate in the same trade; there has been already a syndicate under the same name but under the leadership of Ibrahim Hajjal an old unionist. The syndicate led by Emile Nedda was licensed by Decision No. 45, April 7, 1954 (signed by Rashid Karami,

1. Labor Code of 1946, Article 84, paragraph 2.

2. Dissolution of unions takes place only after a court process. Cf., Libyan Law of December 5, 1957, op.cit., Article 42.

then Minister of Social Affairs).¹

The licence was granted after a lot of interference and pressure exerted by Abdullah Yafi, then Prime Minister and Minister of Interior. Mr. Yafi gave Emile Nedda letters of recommendation to the Minister of Social Affairs and other top administrator at the Ministry of Interior to facilitate licensing.² In spite of the fact that the Director of Sûrete General hesitated to recommend authorization on the grounds that there is already a syndicate in the same district (Beirut) and in the same name, Emile Nedda and his friends were authorized to form a syndicate under the same name and in the same trade.³ In this manner the license was granted under political influences on the part of those who were interested in the support of popular bodies such as labor syndicates.

The authorization of two syndicates in the same trade seems to have led to terrific jurisdictional disputes. The syndicate led by Mr. Hajjal in collaboration with the League of Syndicate could convince other Drivers' Syndicate leaders (5 of them) to write a letter to the Ministry of Interior claiming that Mr. Nedda is a leftist instigator, who has not

-
1. The Lebanese Official Gazette, 1954, Decision No. 45, p. 272.
 2. Interview with Mr. Emile Nedda, August 6, 1958.
 3. See footnote No. 1 p.78 of this thesis.

been working for the interest of labor and the syndicates' cause.¹ This petition has been sent after the popular elections of 1957 in which Emile Nedda is said to have 'mobilized' all his efforts so that the list of the Opposition would win.²

After investigation and probably inspired by higher political authorities, the Directorate of Surete General sent a letter to the Ministry of Social Affairs asking it to dissolve the syndicate. The letter described Mr. Nedda as an extreme leftist, instigator of strikes, collaborated with the Opposition in the last general elections, a patron of Abdullah Yafi, etc... The syndicate, it added, has been licensed during certain political circumstances and to destroy another syndicate in the same trade.³ Accordingly and for reasons related to the security of the state and on the grounds that it has been participating in activities of political nature, the Department of Syndicates dissolved the syndicate by Decision No. 44, February 8, 1958.

In this manner the political interferences that led to the formation of this syndicate has been counter-acted to by similar interferences of the government headed by Premier Sami Solh. The victim has been the labor syndicate itself.

1. This information is mentioned in a confidential letter sent by the Directorate of Surete General, September 20, 1957.

2. Ibid.

3. Ibid.

Further this case has brought up a difficult problem to labor organization in the Lebanon: Are syndicates continuous labor institutions that have an inherent right for survival or not? This question may perhaps be easily decided by the law but not so easy in practice because the labor groups should participate in deciding their legal status either through affecting legislation or through hard-hitting strikes. The principle of syndicate dissolution as a precedent, in the case reviewed, touches on the future of unionism in Lebanon. Syndicates in a free democratic country may have sometimes to side with the Opposition in times of election and that may be for reasons related entirely to the labor cause which may often be intrinsically related to policy. Should these labor organizations be subject to dissolution in the manner shown above, may be detrimental to unionism. The dissolution described above has again been repudiated by the various labor leaders.¹ It is an issue that concerns their security and future and for which they might one day look to fight for.

The Taxi-Drivers and owners Syndicate led by Mr. Nedda have raised a case before the Council of State, challenging the validity of dissolution Decision issued by the Ministry of Labor and Social Affairs on the grounds that the administration exceeded its powers. He made use of Arts. 108 and

1. Supra., p. 72.

109 of the Penal Code which he contended make the dissolution of syndicates and other legal entities subject to prior judicial process.¹ The Lebanese administration like the French, however, is vested with administrative responsibility and therefore all of its administrative actions are subject to administrative courts unless the law provides otherwise.

As noted earlier the Lebanese Council of State has the power to annul administrative acts for exces de pouvoir.² This administrative court hears cases raised against the government, determines the validity of administrative acts and awards damages where necessary. The Lebanese labor syndicates have made use of this channel and right. Two unions, for instance have challenged separately the validity of Decree No. 7993 of April 9, 1952 through which unions were organized. The first case was raised by the Syndicate of the Hotels, Restaurant and Coffee House Workers and the second by the Railway Workers.³ Government supervision of the executive Council election, approval and disapproval of the election results, dissolution of the syndicate and its liquidation by the head of the Department of Syndicates and

is

1. This information/mentioned in the case raised by E. Nedda.
2. The Ministry of Justice, The New Collection of Lebanese Laws, V, Legislative Decree No. 14 of January 9, 1953, Articles 7-13.
3. See footnote No. 3 page 48 in this thesis and also F. Risk and K. Tannous, Majallat al-Mohami, 1953, (translation of Arabic title, The Lawyer's Magazine), (Beirut: Majallat al-Mohami Press, 1953), pp. 139-142. Decision No. 13 of the Council of State, May 5, 1953.

other points related to prior authorization and the approval and disapproval of the syndicates by-laws or statutes were among the points on the basis of which the cases were raised. The cases were heard and the validity of the challenged decree was affirmed. These decisions, however made it clear that the Lebanese syndicates are of the "official" type especially as they may be authorized only by an administrative action. The right of the Minister of Labor and Social Affairs to authorize the formation or not of a union is given in the Law. The Council of State distinguished labor unions from associations and made it clear that union by laws and statutes must be approved by the government before a union becomes official.

Regarding the election of the executive council of a union and its direct supervision by the head of the Department of Syndicates, it is explained that the act of approval or disapproval of the results is subject to judicial review. Hence unions such as the case of the Tailors Syndicate, may guard against discretion by challenging act of disapproval before the Council of State. The awards depend on the substantive proof of discretion offered.

The power to dissolve or rather to abolish a syndicate also has been confirmed by the case law of the Council of State because the Labor Code has given wide powers to the government particularly under article 113. The Lebanese

Council of State based its confirmation of the administrations' power to dissolve syndicates on the principle of: "He who establishes has the right to dissolve."¹ Thus if a syndicate is established by a Ministerial Decision it may in the same way be dissolved.

Generally, therefore, it seems that the provisions concerned with the formation, administration and dissolution of labor unions in Lebanon do not actually encourage strong labor organization. The law has failed to define the state attitude towards dual unionism. It has also left the government unchecked. Labor unions, hence, are not guarded against government discretion. The government, too, has in actual practice failed to classify and categorize trades and occupations as provided in the Law. The lack of these trade categories in addition to the ambiguity of the law in connection to certain issues seems to have resulted in uncertainty. Unions in this manner are exposed to a great deal of interferences by the administration.

1. The quotation has been referred to in Decision No. 14 of May 5, 1953 of the Council of the State; cited in footnote No.3, p. 48 in this Thesis. It was also repeated by the Head of the Department of Syndicates in a verbal answer to the author.

CHAPTER V

Collective Labor Management Relations

The purpose of this chapter is to study that aspect of Lebanese labor relations which relates to what is generally referred to as a collective labor management relations. Collective labor management relations refer just to one side of the coin. The other side refers to individual labor management relations. The latter involves those relations, between the employer and his employee which are governed by individual contracts. In this type of employee-employer relationship the individual worker bargains with the employer without reference to his fellow workers. Issues of such bargaining, such as a wage raise or modification of the terms of a contract, are raised by the worker alone, on his initiative, and directly with the employer. In collective labor management relations, the syndicate bargains with the employer or a group of employers for the interest of all workers of the firm or firms. The employer instead of dealing with workers individually, this time, has to deal with their spokesmen or representatives. In this manner collective labor management relations entails what has been referred to as collective bargaining.

Like individual bargaining, collective bargaining involves the total welfare of both sides but on a larger scale. The same old conflict between labor and management arises, management seeks to promote its welfare through keeping its labor costs to the minimum, and labor syndicates seeking to improve the lot and welfare of their members mostly at the expense of management. Each side tries to improve its welfare through increasing its bargaining power. The bargaining power of either party generally depends on its ability to gain advantages over the other.¹ The ability to gain advantages in the case of both sides depends on the extent to which each is in need of the other. Generally employees depend on the employer for their income, usually in terms of money. The employer, on the other hand, needs the labor of his employees. The bargaining power of the employer, that is his power to gain advantage over the workers, is already affirmed in his position as the source of their income, and in his power to change his labor force.²

The ability of either party moreover may depend on the tactics either can use to defend itself. The employer, for instance can dismiss his employees or declare a lockout, that is close his business for some time in order that employees will acquiesce to his own terms. The workers usually

1. Kuhn, op.cit., pp. 127-140.

2. Ibid., p. 128.

have been able to use a similar malicious weapon in its struggle for advantages and that is to initiate a strike. Strikes are used as a method in the collective bargaining process and as such it is done in the hope to gain advantage. Workers on strike do not quit the work-place or stop doing business with the employer. Workers have the right to work and the employer cannot dismiss the workers because they went on a strike declared by their syndicate.¹ Strikes and lockouts, however, are usually the last measures to which workers and employers resort in bringing about a settlement. Both strikes and lockouts generally entail great losses for both parties. Other methods such as negotiations, mediation and arbitration are commonly used before effecting a work stoppage. These peaceful means of dispute settlement have come to be generally accepted in almost all western countries where collective bargaining has grown into a fully established labor institution. Although mediation and arbitration have been especially successful in bringing about settlements, labor unions in these countries generally have not given up this right as the last alternative at their disposal.

Collective bargaining has generally been promoted by almost all democratic states. In principle, the right to

1. The Lebanese Judicial Review, 1952, Decision of the French Court of Cassation, March 27, 1952, p. 61.

organize and bargain collectively is considered very necessary for the betterment of labor standards. This belief has been shared by the delegates of Egypt, Iran, Iraq, Syria and Lebanon at the I.L.O. Regional Meeting for Near and Middle East held in Istanbul, November, 1947.¹ The resolutions of this conference declared, among other things, that all practical measures should be taken to assure to labor unions (in the Near and Middle East) the right to conclude collective agreements with employers' organizations; employers' and workers' organizations should be encouraged to avoid disputes, and if disputes arise, these should be settled fairly by means of conciliation. It recommended also that the respective countries should rapidly create the necessary specialized machinery for the settlement of labor disputes. Both parties, labor and employers' representatives, should be associated in the operation of the machinery in equal numbers and on equal terms.

The emphasis given by the I.L.O. Conventions to conciliation is very important in dispute settlement procedures. Conciliation specially by neutral bodies rather than government contributes to both freedom of collective agreements and to

1. I.L.O. "Resolution Concerning Freedom of Association and Protection of the Right to Organize and Bargain Collectively, Adopted Unanimously by the 30th Session of International Labor Conference, Geneva, on 11 July, 1947", The International Labor Code of 1951, Vol. II, pp. 859-875.

peaceful settlement of labor disputes. It provides the impartial machinery whereby labor and management can come together and voluntarily agree to a fair settlement of the disputed issues.

The right and ability of workers to strike and for employers to declare a lockout seem nevertheless to be an important adjunct to voluntary collective agreements as well as to freedom of association. Even though these means involve losses to both parties, they seem to be an expression of freedom of association and not an abuse of this right.¹ In bargaining it is natural that the two parties concerned disagree to an extent that either may withdraw its labor or declare a lockout. A strike initiated by labor on an issue such as wages is in a sense an extension of the workers freedom into the social and economic fields. In other words labor unions, while initiating a strike that is meant to strengthen their bargaining power, are limiting the arbitrary power of the employer. Even if at the expense of the employer, labor unions should strive for the improvement of the lot of labor by all effective means at their disposal. "That others should suffer in some respects during strikes is to be expected" says V.L. Allen, "for it is impossible

1. V.L. Allen, Power in Trade Unions, (London: Longmans, Green and Co., 1954), pp. 12-13.

to struggle to extend the liberties of the underprivileged without detracting in some way from the liberties of the privileged."¹

Even if conciliation and voluntary arbitration become well established institutions, it seems unwise to deny labor unions the right to strike.² To set up compulsory arbitration is definitely to rule out voluntary agreements and ultimately to dispense with labor unions.³ The same is true if strikes are prohibited. In the latter case the legislator may have to assume the complete removal of the causes of strikes which is rather impossible.

In Lebanon, collective bargaining is quite a recent labor institution. The late growth of this institution is partially explained by the excessive government interference and the restrictions on freedom of organization. The right to strike for instance was restricted in the Penal Code of 1943. This Code, presently in effect, prohibits work stoppages intended to coerce the public authorities in a protest against a state decision or action.

1. Allen, op.cit., p. 14.

2. K.G.J.C. Knowles, Strikes- A Study in Industrial Conflict, (Oxford: Basil Blackwell, 1952), p. 5. Knowles notes that the right to strike "has been insisted on, and won, as the main weapon of the worker to redress the balance of inequality implicit in his relationship with the employer." Ibid.

3. Cf., footnote No. 1, p. 132 of this thesis.

Strikes in public utilities such as in the Telephonic, Postal, Telegraphic, Transport, and Electric services are strictly prohibited.

The Labor Code of 1946 makes no mention of strikes or the right of workers to withdraw their labor collectively. The legislation refers to collective bargaining only once and rather casually.¹ As mentioned earlier, there is established a type of compulsory arbitration by means of the arbitration councils found at the seat of each Mohafazat.² In practice, however, these tripartite bodies are found to operate as labor courts; they execute individual contracts but do not write them. In this manner these labor courts in practice do not deal with collective labor disputes.

There has been in Lebanon several attempts of collective bargaining carried out by labor. Most of the collective bargaining attempts, however, in the absence of a definite specialized machinery, have been characterized by excessive government interference. Thus, the restrictions on the right to organize and strike, together with the excessive government interference may hinder the natural development of labor institutions in Lebanon.

1. Labor Code of 1946, Art. 2.

2. Supra, p. 43.

In the following pages the writer shall study and evaluate how collective bargaining operates and how it affects union growth in Lebanon. It is worth studying because through such an institution labor has been, in practice, participating in enforcing the various issues covered by the Labor Code of 1946 which the Ministry of Labor and Social Affairs has not been able to enforce in the same way. These issues are often the same as those involved in individual bargaining. They are related to wages, hours of work, leaves, work accidents, labor conditions, and compensation. Collective bargaining is studied because there has not been any other set of criteria whereby fairness may be maintained without affecting the basic freedoms. In Lebanon, as elsewhere, collective bargaining has been the usual system whereby labor and management may voluntarily come to agree to a settlement concerning any disputed issue. How fair is the settlement is rather a relative issue and is not the concern of this thesis.

Collective bargaining in Lebanon has not as yet had any well structured channels within which negotiations could be effectively conducted. The government has generally been a third party in the negotiations that take place in the hope of reaching a settlement. It has often participated in the enforcement of the agreements that are reached. How

effective has been the role of government mediation in collective bargaining may be indicated not so much in its ability to bring about peaceful settlements, as it is in how far does it affect positively union growth and development.

X A. Cases of Collective Bargaining.

A number of cases of strikes are reviewed in an attempt to show rather clearly how collective bargaining operates in Lebanon. It may be noted at the outset that in spite of the fact that strikes are prohibited in the letter of the law, they are quite common. These cases are the more significant attempts of collective bargaining during the period of 1950 to 1956. Actually the author has reviewed all cases of strikes that took place after the promulgation of the labor law. The following cases, however, were chosen to illustrate what seemed to be characteristic of the Lebanese practice.

. 1. Wages, Vacations and Leaves.

Disputes on wages and paid leaves and vacations have been of great concern to organized labor. Several issues related to wages have been settled by collective bargaining and mostly through hard-hitting strikes. Labor demands for a wage increase and advantages have taken several different

forms. Labor may ask for a month's bonus every year or every other year, Labor may demand the application of the Labor Code provisions with respect to paid vacations and leaves, the payment of wages at a certain day and not beyond it and so on and so forth.

The idea of the thirteenth month principle was heralded by the Railway Workers Syndicate in November 1948.¹ The Syndicate leadership informed the Minister of National Economy, then, of its intention to strike if the Railway Company (foreign concession) does not pay them one month's wage at the end of every year. The Company was not able to grant the Syndicate its demands and refused to discuss the issue with them. On the sixth of January, 1949, the Syndicate Members went on a strike that lasted six days at the end of which the Minister of National Economy intervened. A settlement was reached on the basis that the Company will pay half a month's bonus every year. A similar move was made by this Syndicate in December 1950. This time, the threat of a strike declared by the Syndicate was not effected because the Minister intervened immediately and solved the dispute by making the Company pay only half a month's bonus also.²

-
1. The 13th month principle is actually a wage increase in the form of a yearly bonus which is equal to one month's pay.
 2. Samwel, op.cit., p. 32. Cf., Nida' al-Wattan, December 7, 1950, p. 2.

Through strikes some labor syndicates enforced the payment of salaries at the end of the month and with no delay in accordance with the labor law. The Railway Workers Syndicate often suffered from the incapacity of management to pay salaries in due time.¹ Thus in January 1952, the Railway Workers Syndicate sent a memorandum to management declaring its determination to strike any time if the payment of salaries and wages was delayed. The second time the Company was late the Minister of Finance intervened and promised that Parliament would debate the issue on the 25th of March 1952. The Parliament approved new allocations to pay for the deficit in the Company's budget, but salaries were not paid on time for the month of April. This time the syndicate called a strike on May 3, 1952.² Several syndicates declared their support and sympathy with the Railway Workers. Among the supporters were the Barbers Syndicate, Printing Press Workers Syndicate and the Engineers Syndicate.³

The Railway Workers Syndicate has been mainly against the non-payment of salaries and wages on time and against Parliament's approval or disapproval of new allocations.

1. The Railway Company is a French Concession in which the State participates in its finance. Early in the 1950's it was suffering a deficit.

2. Al 'Amal, May 3, 1952, p. 2.

3. Al 'Amal, May 4, 1952, p. 2.

The strikers contended in a Press Conference at the Normandy Hotel that their wages should be paid regardless of any other considerations connected with the Company's profits or deficit.¹ The Syndicate Council also had to affirm the labor interest involved in the strike and repudiated all allegations that it has been instigated by certain politicians.

The progress of the strike was very well planned by the syndicate members who cut all telephonic communications with the Company while they stayed in their posts.² A committee of the strikers visited all Railway Stations to see that no work was done and to watch strikers. Many merchants having their goods loaded after May 2, 1952, and not carried to their destination (Iraq), sent protests to the Company wishing a settlement to be reached soon.³ Even school girls and boys went on sympathy strike in support of the Railway Workers demands (in Zahle). In the first ten days of the strike the losses of the company were estimated to be about L.L. 300,000.⁴

The settlement of the dispute was reached through the

-
1. Al 'Amal, May 15, 1952, p. 1 and 4.
 2. Interview, with Mr. A. Kar'at an ex-secretary of the Railways Syndicate, April 29, 1958.
 3. Al 'Amal, May 3, 1952, p. 2.
 4. Al 'Amal, May 4, 1952, p. 2.

informal mediation of Charles Hilu, a Parliament deputy, and the efforts of the Minister of Finance. The strike was suspended May 21, 1953, after the government had promised that labor's demands would be met in full. The strike was suspended in order to give the government a chance to carry out all its promises and on condition that the wages for the eighteen-days strike would be paid and all measures taken against the strikers revoked.¹

The last case referred to above shows how labor in public utilities have come to bargain with the employer. There has been little place for negotiations. It is a case of a very costly strike where interruption of internal and international transport resulted. This case as the following, points to the role of political personalities in mediation and the whole collective bargaining process. As the present labor legislation prohibits the participation of labor in any activity of political character, the Railway Workers syndicates had to repudiate all allegations meant to weaken the bargaining power; such as the idea that the strike is for a political cause and so forth. The case of Railway workers syndicate reflects also on the labor unions tactics that are used effectively to advantage in collective bargaining but not so in individual bargaining.

1. Al 'Amal, May 21 and 23, 1952.

A more interesting strike was carried out by the telephone operators in 1952. The Telephone Service employees and workers were generally employed as 'temporary' workers and therefore did not enjoy the benefits enjoyed by government personnel. This case is like that of the Railway Workers' in that both are cases of strikes initiated in employment where collective workstoppages are prohibited and are subject to the Penal Code of 1943. Late in April 1952, these workers (telephone operators mostly girls) gave a notice to the Minister of Information calling on him to revise their contracts, give them wage increases and make them "permanent" employees. The workers received no answer. On May 2, the telephone operators planned a "sit-down-strike", received no calls and answered none.¹ The Minister issued an arrete warning to the workers, go back to work or be dismissed immediately. The same day orders were given to the police to drive out the telephone operators from their premises by force.² The girls refused to go out and engaged in a violent fight with the police and several girls were injured and many other workers were arrested. Two Military trucks ~~of~~ army technicians arrived. Those technicians operated the Telephone Service.³ The second day a number of the striking

1. Al 'Amal, May 3, 1952, pp. 1 and 2.

2. Ibid.

3. Ibid.

workers were dismissed and some 165 others were threatened with dismissal.¹ On the third day of the strike some workers returned to work after the Minister had been asked by the Prime Minister to consider their demands.² The strike had large repercussions in Beirut and the press. Further a memorandum was sent to the International Labor Office and was discussed by the Committee on Freedom of Association at its Seventh Session (November 1952). The government was accused of violating the rights of a labor organization.³ The government maintained that the allegations were not true and the strike was essentially not lawful. The strike was broken but most of the employees who were dismissed were reinstated.⁴

This case may be different from the above told because there was no place for negotiations with the government at all. The break down of the strike by force has definitely not been the most effective to get a labor dispute settled. Again the spokesmen of the telephone operators were not recognized at all by the government. The resort of labor to international platforms such as the I.L.O. is a reminder

-
1. Al 'Amal, May 4, 1952, p. 1.
 2. Al 'Amal, May 8, 1952, p. 1 and 4.
 3. I.L.O., Report of Committee on Freedom of Employers' and Workers' Organization, Appendix II, op.cit., p. 287.
 4. Al 'Amal, May 14, 1952, p. 4.

of the importance of international affiliation and in the same time a sign of the potential power of labor.

A more fruitful strike was enforced by the Tannery Workers Syndicates on the 3rd of October 1956.¹ The most important demands were those concerning wage increases and paid vacations. The syndicates gave notice to the Ministry of Social Affairs and without any further action on their part they went on a strike. Workers in Mashghara Tannery Shops did not go into their work-places and did not allow their fellow workers to work.² Tannery Shops in Beirut did not have a complete strike as many non-syndicate members did not cooperate. Meanwhile Mr. N. Khair head of the Labor Service tried to mediate between the two parties. No settlement was possible until ten days had passed and then both parties agreed to submit their dispute to arbitration, and to abide by the decision. An ad hoc arbitration board was formed of representatives from the Ministry of Social Affairs, Industrialists Association, Independent Syndicates Federation, Tannery Shop Owners, and the Tannery Syndicates.³ This arbitration board decided finally on the following terms:-

-
1. As-Siasi, October 3, 1956, p. 4.
 2. Abd Mejid Mehic, Interview May 3, 1958.
 3. The Decision of Agreement, October 13, 1956, (mimeographed, Independent Syndicate Office).

1. Employers must pay the wages for the Independence Day, Labor Day (1st of May), Bayram Day, and the New Years Days all of which are officially recognized holidays in Lebanon.
2. A ten per cent wage increase would be effected on condition that production would increase at the rate of 2.5 per cent per annum and,
3. Employers must pay the wages for the ten days of strike.¹

This case has been one of the very few where collective agreement was reached by an ad hoc board of arbitration. Moreover two major themes project themselves in this case of Lebanese collective bargaining. First the workers went on a strike before completing the process of peaceful negotiations. This is probably to reinforce their bargaining power which would have been rather weak without a strike. In relation to mature western labor experiences, negotiations, mediations and arbitration usually proceed the resort to strike, the last weapon. In this case of the Tannery Workers, collective bargaining was initiated by a strike and ended in arbitration. The second theme is that strikers were paid for the days they stopped working. This last aspect of Lebanese collective bargaining is common in Lebanon, but is

1. Ibid.

rather unique elsewhere. Beside the benefits they get from enforcing a strike, the strikers are paid for the whole attempt.

The following is a case of collective bargaining carried out by the scavengers (street sweepers) at Beirut Municipality. These municipal workers are not covered by the labor law. They are an unsyndicated work group of daily paid workers. In October 1956 these scavengers demanded a wage raise from three to six Lebanese pounds a day, paid annual vacation and sick leaves.¹ The Municipality did not pay attention to their case. Immediately they called for a strike. The strike was effected when over 1400 scavengers stopped work and swarmed near the Municipality. A Communique was issued (October 22, 1956), by the President of the Municipal Council in which he granted a L.L. 1.00 a wage increase and threatened strikers with dismissal if they do not go back to work.² The scavengers refused to go back to work as they were given support by the municipal truck drivers who went on sympathy strike. Adnan Hakim, a political personage leader of the Najadet Party adopted their case and organized several conferences with the scavengers at the Najadet Headquarters.³ Mr. Hakim instigated them not to work unless their demands

1. An-Nahar, October 21, 1956, p. 3.

2. An-Nahar, October 23, 1956, p. 1.

3. Ibid., p. 3.

are granted.

In the course of the strike the Municipality, hired about 3000 porters to clean the streets under the protection of the police. Those new workers were paid five Lebanese pounds per day. The scavengers in reaction started to make some sort of picket-lines and tried to prevent the new workers by force from doing any cleaning. A number of strikers were arrested. An extremely negative tactic was used as the strikers sent infant children to throw dirt and rubbish all over the main streets. A notice of arrest was communicated to Mr. Hakim because he was regarded as the organizer of the strike and the picketing carried out by the scavengers. The notice of arrest was disregarded as Mr. Hakim together with a committee of the strikers visited the Prime Minister, Mr. A. Yafi who agreed to the workers' demands and helped in bringing about a settlement.¹

The settlement was reached in a meeting between a delegate of the Municipality, a representative committee of the scavengers, and Adnan el-Hakim. The terms of the settlement announced on the 26th of October 1956 at the Najadet Headquarters were viewed as bountiful.² The terms of settlement included a wage raise from L.L. 3.00 to L.L.

1. An Nahar, October 25, 1952, p. 3 and 6.

2. An Nahar, October 26, 1952, p. 3.

4.25; 15 days vacation every year; 15 days sick leave, the enjoyment of Legislative Decree No. 25 of 1943 in relation to accidents, a promise to set up a special cadre for them at the Municipality, and finally the release of all arrests.¹ On the basis of these terms the strike was called off.

The scavengers case is an instance of a work stoppage referred to as a "public-emergency-strike" in that it affects the public directly. Like the strike of the telephone operators, it involved the immediate services performed by public and private concerns. The question has often been should those employed in the utilities be permitted to go on strike. If strikes should be prohibited as provided for by the Penal Code of 1943, then, there should be a system whereby the grievances of those working in services may be heard and effectively settled. In Lebanon such a system has not yet been established or fully appreciated. Again the case of the scavengers calls upon the administration to organize labor in a manner so that labor groups are not taken advantage of by local politicians. Organized labor should have their own spokesmen and leaders. The need for a spokesman was evidenced in this case when the scavengers tried to affiliate with the leadership of Mr. A. Hakim.

1. Ibid.

The lack of a definite system of disputes settlement and the fact that syndicates' spokesmen are not recognized and generally do not make direct negotiations with management, give the chance for politicians or others interested to interfere. The strikers of the Railway Workers had to repudiate all rumours and allegations that they were affiliated with politicians or local political parties. This was necessary to keep the interest and the cause of the strike intact and accepted before the state, management, and the rank-and-file. The same is true of the Electricity Company Workers and Employees who were accused of being instigated by a certain political party (the Phalangist) to go on a strike.¹ Similar accusations were directed against almost all cases of strikes encountered in this study. These accusations corrupt the cause of the strike and put the syndicate leaders in an embarrassing situation. These accusations are usually repudiated by the Syndicates Executive Council through press statements, otherwise management and the state may have excuses to break down the strike.

II. Work Hours.

Some syndicates have come to control work-hours and obtain other benefits through collective bargaining. Thus

1. An Nahar, June 10, 1955, p. 2.

in November 1950 the Barber's Shop Workers Syndicate decided to reduce work hours from over 65 hours per week to 48 hours a week. The Syndicate Workers wanted to work for ten hours a day on condition that they are given holidays on Sundays and Mondays after-noons. Employers agreed to the ten hours day but wished to open their shops on Sunday and Monday afternoons and leave it up to workers to come to work or not. The Syndicate did not agree and threatened to strike on March 22, 1951.¹ Due to the efforts of the Minister of National Economy the strike was postponed and an agreement to the terms of the syndicate was reached on April 4, 1951.² This agreement, among other things, provided for the execution of the terms therein by imposing a fine on violators.

A similar attempt was carried out by the Bakery Workers Syndicate in Tripoli late in May 1951. The Bakery workers before this strike worked for over fourteen hours a day. The Syndicate initiated its strike in May 29, 1951, protesting the long work-hours and requested the Ministry of Social Affairs to consider their case and apply the 48 hour work week. On the third day of the strike the Mohafiz tried to mediate between the two parties in the hope to reach a settle-

1. An Nahar, March 20, 1951, p. 5.

2. Nida El Wattan, April 4, 1951, p. 3.

ment. The employers proposed that workers do an amount of dough every day as in piece work with no regard to work-hours. The workers refused. The strikers were given courage by the Bakery Syndicate in Beirut and the Jam'iat which provided them with food and support during the strike. The Mohafiz together with the Director General of the Ministry of Social Affairs could influence the employers and bring a settlement in the interest of the workers. The strike was called off June 2, 1951.¹

The Barbers Shop Workers Syndicate and the Bakery Workers Syndicate were among the earliest attempts of collective bargaining. In both cases labor could impose its terms on the employer regardless of the permission employers may have had from the administration to work more than 48 hours a week.² As will be noted below Bank Employees came to reduce work hours to 42 per week. The ability of labor to dictate its terms in the above two cases may have been partly due to the nature of these employments where specialized labor only can do the job. Specialized labor is generally difficult to substitute easily in the Lebanon. Again settlements drawn as may be due to the government participation in the collective bargaining process.

1. Nida El Wattan, June 2, 1951, p. 3.

2. Cf. Labor Code of 1946, Art. 31-33.

A number of strikes were carried out by the Communist led of Syndicate Hotels, Restaurants and Coffee House Workers. The most important of those strikes were to increase benefits. Thus the syndicate in the following two cases has come to "share" the employers' profits, and to limit the sovereignty of the employers by affecting their recruitment policies. These cases affirm the advantages of collective bargain carried out by organized labor but they also point out again that labor and employers have not been given the necessary mechanism whereby they can bargain peacefully.

III. Miscellaneous Benefits.

The first case is that of a dispute between the workers and employers occurring because of minimum wages, vacations and the 10% (service) added to the bills of customers. The Syndicate in January 1951, asked for the enforcement of the legal minimum wage and the weekly and annual vacations provided for in the law; and most important was the distribution of the tips (10% service) entirely among the workers. At this time the employers took forty percent of the tips. On the 27th of June, 1951, the general assembly of the Hotels, Restaurants, and Coffee House Workers Syndicates voted to strike if their demands were not granted immediately. The date of the strike was strategically set at the beginning of summer, the time many tourist and foreigners come to

Lebanon. A general strike by the workers in this industry affect the profits of the employers (the owners of Restaurants, Hotels and Coffee Houses), but furthermore it affects tourism and summering and the national income thereof. The Ministers of Social Affairs and National Economy and the Head of the Department of Tourism and Summering were directly involved and actually acted as intermediaries between the employers association and the executive council of the workers syndicate.¹ Due to the efforts of those people the strike was postponed till August 15, 1951. Meanwhile an agreement was reached whereby employers would pay all tips to the workers who were in contact with the customers directly; six percent instead of eight percent was charged for breakage; and workers would have their meals at the Restaurants without cost.² The Executive Council refused the informal agreement reached and proposed that the terms of the agreement should be issued in an administrative decree to secure its legality and uniform application. The terms of the 'collective contract' were actually issued in a Presidential Decree, August 21, 1951.

The second case is of a partial strike carried out by the Syndicate of Hotels, Restaurants and Coffee House Workers in 1956. The strike was initiated by the workers of Bristol

-
1. Interview with Elias El Habre, Leader of the Hotels, Restaurants and Coffee House Workers Syndicate, April 9, 1958.
 2. Al-Hadef, August 16, 1951, p. 4.

Hotel early in February, 1956, because the employers refused to consider the syndicate demands. These demands were the following:-

1. Twelve percent wage increase;
2. a per capita tax of fifty percent on foreign employees;
3. ten hours of work in the kitchen including one hour and a half for rest, eleven hours outside it; and
4. classification and grading of position and workers.¹

The Employers Association refused to consider these demands because they added very heavily to their costs. The employers threatened to declare a lockout if the Ministry of Social Affairs agreed or gave support to the demands of the workers syndicate. On the third day of the strike, the Minister of Social Affairs and the head of the Department of Tourism and Summering met with both parties and studied the case but with no results. The case was aggravated by the threat of the Workers Syndicate to go on a general strike if the Bristol Workers were not immediately awarded. In a meeting held at the President's Palace attended by the Minister of Social Affairs, the head of Tourism and Summering and the Prime Minister, a settlement in favor of the workers syndicate

1. An-Nahar, February 7, 1956, p. 2.

was concluded.¹ The settlement was reached through the government officials agreement but not so much by collective bargaining.

George Reiss, chief employer in the Industry of Hotels, Restaurants and Coffee Houses, cabled to the Prime Minister and those concerned, declaring his refusal to consider the settlement and asserting his intention to close down his restaurants.² He also threatened to close down the Restaurant of the Beirut International Airport. George Reiss had already closed down the Bristol Hotel and the strikers were not admitted to work as a notice to this effect was posted on the front door.³ On the 9th of February, a committee from the Employers Association visited the President of the Republic and discussed with him the issue and the losses that the settlement reached would cause them.⁴ At this level, however, the employers agreed to the terms of the settlement without change. The six days strike was called off on the 9th of February, 1956.⁵

The Hotel, Restaurant and Coffee House Workers Syndicate as noted earlier in this study has always enjoyed a strong

-
1. An-Nahar, February 8, 1956, p. 2.
 2. Ibid.
 3. Ibid.
 4. An-Nahar, February 10, 1956, p. 3.
 5. Ibid.,

bargaining position. As noted in the second case above, it could declare a partial strike at one Hotel and could initiate a general strike if the demands at the one Hotel were not granted. In this manner it has used a tactic unprecedented in the Lebanon. The syndicate seems to deal with employers singly. A labor victory at one workplace paves the way for other victories at other workplaces. Once wages become higher at one workplace, workers at other workplaces are justified in asking for a wage raise.

Unlike other syndicates, the Hotel, Restaurant and Coffee House Workers enjoy a strong and disciplined membership. The Leaders have been trained and are capable in eliciting the cooperation of all members. The Leaders call on the rank-and-file to debate some of the issues such as strikes and make them vote for it. At the work places, the syndicate members have been able to arouse other workers to cooperate. Furthermore, this is almost the only syndicate which has 'shop stewards' at the workplace. These shop stewards are the representatives of the syndicate government. The stewards are sometimes elected at the workplace from among the syndicate members and sometimes are appointed by the Executive Council of the Syndicate. These stewards enjoy an envied status among the syndicate members. The role of these stewards is particularly significant in contributing to the success of the strike, and they play a significant part in persuading

new workers to join the syndicate.

It is important to note that the Hotel, Restaurant and Coffee House Workers Syndicate has been the only syndicate which, on its own initiative, has taken measures against the employment of aliens. This syndicate has set up effective measures, per-capita-tax, to restrict foreign labor competition through collective bargaining.¹ Other attempts of collective bargaining carried out by this syndicate manifest the serious efforts of the leaders to bring about new benefits. Job classification and grading of the workers asked for, show the interest of the leaders in organizing the work place and its employment in an orderly pattern benefiting both labor and management.

These cases refer to the potential strength of labor unions in Lebanon. If the syndicates spokesmen are recognized by the employer and if there were a provision to this effect, labor and management would have had the chance to sit in a face-to-face conference to discuss and negotiate an equal terms. In practice, the government has been reaching settlements at the expense of voluntary agreements by both sides.

The final case to be described here is that of the Bank

1. Other syndicates have asked the Ministry of Social Affairs to restrict foreign labor competition but it did not try to restrict it directly at the workplace. Cf. Al-Awassif, April 1, 1958, p. 1.

Employees Strike of 1955. The significance of this case lies not only in the tactics and procedures followed, but as in the preceding cases, in the nature of the demands which the workers presented and which could be won mostly through collective bargaining.

This case refers to the various threats to which the government may actually resort in the absence of legislation protecting the right to strike. It also indicates that the participation of the government as a third party in collective bargaining seems to have made labor rely to a great extent on government interference rather than on their own power. The government ^{has} been made directly responsible to bring about a fair settlement. Although state intervention has generally been abhorred in the West, in Lebanese practice it seems to be desired.

The Bank Employees Syndicate on the 7th of June, 1955, declared its intention to go on a strike if the government did not bring a settlement to their dispute with the employers immediately.¹ Mr. Rashid Karami, then Minister of Social Affairs, intervened and postponed the strike twenty-four hours, meanwhile no settlement was possible. On the 8th of June the syndicate issued its "Order to Strike."² The Minister of Finance Mehie Eddine Nusuli called upon the Central

1. An-Nahar, June 8, 1955, p. 1

2. The Order was in French and included the support of Railway Workers, Port Workers, Electricity Service Workers and the Tobacco Co. Workers; all amounting to 7000 workers.

Bank to deposit six million Lebanese Pounds to be used by the various banks in case of emergency. This amount was estimated to last for 48 hours. Experts warned the Minister that if the strike lasted longer the country would be subject to a financial crisis.¹ On the 9th, the Minister of Finance intervened in order to call off the strike, but his attempt failed. The Minister of Finance was then authorized by the Council of Ministers to take the necessary measures to break the strike even by force.²

The strikers from the Bank were given a lot of support by the League of Syndicates, the Hotel, Restaurant and Coffee House Workers, Commercial Employers' Syndicate and others. On Saturday June 11, 1955, the United Syhdicates Federation cabled the Council of Ministers declaring its intention to call for a sympathy strike if no fair settlement of the dispute was reached by Monday (June 13, 1955).³

During this time, the government was busy preparing for the welcome of Jalal Bayar, the President of the Turkish Republic who was to come on a formal visit to Lebanon on June 16, 1955. The authorities were anxious to have the

1. An-Nahar, June 9, 1958, p. 3. Ibid.

2. Some administrators believed that the strike has been inspired by certain political direction. Ibid.

3. An-Nahar, June 11, 1955, p1.

case of the Bank employee settled before his arrival. Thus, on the 10th and 11th of June 1955 several political personalities intervened to bring about a settlement. Mr. Adel Usseiran, the Chairman of the Lebanese Parliament, advised the Executive Council of the Syndicate "not to resort to such destructive means" (referring to the strike)¹ The Prime Minister, Mr. Sami Solh, together with the Minister of Finance tried to establish a tripartite arbitration committee to study and decide the case in a period of twenty days. The employers agreed but the Syndicate Council did not. Instead the syndicate proposed that the case be decided by a committee of three eminent judges, the decisions of which the government would promise to enforce. The Prime Minister refused to agree to the last condition.² Thus at this point the second stage of the negotiations was ended.

The Prime Minister and the Minister of Finance issued a number of press statements explaining the role of government and the paternal attitude it had assumed and called on the employees to go back to work. Similar statements on behalf of the syndicate were also communicated to the press. These statements pointed to the breakdown of the negotiations and to the fact that both employers and the government did not

1. Ibid., p. 2.

2. Ibid.,

show readiness to execute the decisions of arbitration. The syndicate further called on the employees to proceed in the strike.¹

In fact the strike was continued on Monday (June 13, 1958). On this same day the United Syndicates Federation effected its sympathy strike, announced the previous Saturday. The workers of about five syndicates went for a one hour strike (from 11:00 a.m. to 12:00 o'clock). The Tramway workers and drivers stopped for twenty minutes. The sympathy strike created real public concern and had a great impact on the government which anticipated that the situation might lead to a series of strikes interfering with the visit of the Turkish President.² Meanwhile negotiations were continued on Monday for the whole day. A settlement was reached when the government could not wait any longer. The terms of agreement were the following. The strikers would obtain,

1. 42 hours / per week
2. 14 months pay / per year
3. the maintenance of women employees in the service in case they get married.
4. insurance of employees on special missions to the amount of L.L.100,000.-

1. An-Nahar, June 12, 1955, pp. 1 and 2.

2. The government has taken several measures to maintain order and security during the visit of Mr. Bayar. The Communists for instance were put under strict supervision. Cf. An-Nahar, June 12, 1952, p. 3.

5. a disciplinary committee where labor would be represented to look into cases of dismissals;
6. Medical care;
7. a death compensation of L.L.1000.-;
8. payment of dismissal compensation without regard to years of service;
9. equal rates of family allowances;
10. annulment of all measures taken against the strikers;
11. payment of wages for the days of strike;
12. employees would process all transactions accumulated during the strike.¹

The agreement on these terms was reached at 11:45 p.m. Beirut Radio delayed its program to announce the end of the strike. The Syndicate Council at 1:30 a.m. June 14, 1955, issued its orders to the workers to go back to work.²

B. Evaluation of the Lebanese Practice of Collective Bargaining

Collective bargaining is generally believed to bring about to labor benefits in excess of what could be attained through individual bargaining. This is mostly because individual workers however excellent are their qualifications cannot impose themselves on the employer. In collective bargaining where an aggregate of organized effort is exerted labor

1. An-Nahar, June 14, 1955, pp. 1 and 2.

2. Ibid.

is believed to be in a stronger position to gain advantage. Labor unions do believe in collective bargaining although sometimes the wage increase awarded may be very little. The pride that labor unions take in declaring their victory together with the tactics they use in collective bargaining add to the belief that labor unions are instrumental in obtaining benefits. Collective bargaining and the role of labor unions therein seems to be necessary for unions growth and development. The benefits achieved by collective bargaining heightens the power of the labor union and contribute to the development of this institution.

In Lebanon as noted above collective bargaining has not been an uncommon practice inspite of the limited freedom under which syndicates operate. In practice strikes have come to be a common practice among labor unions. The legal provisions prohibiting or limiting the right to strike are not generally enforced.¹ These provisions seem to have served the government to be prepared to interfere in the collective bargaining process. The provisions of the Penal Code of 1943 have been actually invoked in some cases, but rather selectively. In the case of Telephone Operators Strike of 1952 these provisions were applied to break the

1. Knowles, op.cit., p. 100.

strike while they were not applied in the case of Railway Workers Strike of May 1952 which caused a serious interruption to internal and international transportation, and similarly the Seavengers Strike of 1956.

In this manner the government seems to use the provisions of the law with discretion to maintain public services and some times to penalize and discipline the strikers. The non-application of the provisions of the Penal Code in similar cases may be due to the strength of labor which may be difficult to counteract by force. It may also be due to the flexibility of the administration and its desire to resort to peaceful methods. Thus to break the strike by force may antagonize labor which may then resort to sabotage or violent picketing. In the case of the Scavengers strike of 1956, the workers resorted to an extremely undesirable reaction and some of the strikers were arrested by the Police for civil actions. Further, the non-application of the Penal Code provisions may also reflect on the impracticality of the prohibition of strikes. The prohibition of strikers in services has been a controversial issue in the various democratic countries of the West.¹ Formal provisions denying

1. Robert A. Dahl and Charles E. Lindblom, Politics, Economics, and Welfare, (New York: Harper & Brothers, 1953) pp. 484-491. The authors argue that the strikes may eventually be reduced as the threat of the strike alone may induce collective bargaining. They continue to say that this stage is not yet arrived at. They add that "the withering away of the strike may proceed about as slowly as the withering away of the State." Ibid., p. 487.

the right to strike in services have been adopted in some of the countries almost the same as in Lebanon.¹ In the administrative process, however, these restrictive provisions are rarely invoked because labor in public services is often bound morally not to interrupt the work.

Collective bargaining in Lebanon has not any definite structured channels within which the negotiations can be conducted. The ten cases of strikes told above are actually typical illustrations of the operation of collective bargaining in Lebanon. Labor syndicates, in fact, rarely negotiate directly with the employer. The major channel has been the government's top administrators who have often been called upon to settle the dispute. Thus, syndicates may initiate a strike first and then ask the government to do something about it. Two examples of this are the Tannery Workers Strike of 1956 and the Bank Employers Strike of 1955. In both cases syndicates went on a strike before making direct negotiations with the employer and without giving enough time for the government or any other third party to intervene or act as a mediator. The Minister of Social Affairs and other Ministers who may be concerned have usually been responsible for settling the dispute and bringing an end to the strike. The Prime Minister, the Cabinet and President of the Republic have

1. Cf. English practice, Richardson, op.cit., p. 211.

often interfered to settle collective labor disputes. Parliament Deputies and Ministers, for instance, interfered to settle the Bank Employees Strike of 1955 and the Railway Workers Strike of 1952 through informal contacts with both parties. Using his influence, the President of the Republic could suspend and settle some of these collective labor disputes.¹ In this manner and in the absence of specialized conciliation boards, almost all cases of disputes have been entertained by authorities in the highest echelons.

The need for an independent third party to act as a mediator has been particularly striking in the case of conflicts arising from collective bargaining. The provision for mediation may be generally necessary because labor syndicates are relatively very weak and cannot as yet provide, on their own, a system whereby conflicts could be settled. The significance of a third party to mediate between the workers and their managers is very important, especially when labor groups are not organized or their spokesmen not fully recognized. Employers often do not wish to discuss the disputed issues directly with the syndicate leaders. Some of the chief employers in the hotel, restaurant

1. Cf. the case of the Iraqi Petroleum Co., Workers strike told in an-Nahar, October 18, 1956, p. 1.

and coffee house industry do not wish to meet with the leaders of the workers syndicate; instead they have been involved in bitter fights. Generally the lack of specialized conciliators or mediators and the failure to enter into direct negotiations with the employer may be responsible for labor's direct resort to strikes and direct negotiations with the government rather than employers. The lack of specialized mediation leaves the door open for politicians and interest parties to interfere. Here lies the danger; labor may fall the victim of political interference which may misdirect the cause of labor at this early stage of the Lebanese labor relations experience.

The government itself has actually assumed the role of a third party. The Director general and often the Minister of Social Affairs have usually assumed the role of intermediaries. On their part they have encouraged the setting up of tri-partite or ad hoc arbitration committees to decide the awards. These committees were instrumental in the Tannery Workers strike of 1956.

The government's role in collective bargaining usually, however, has been characterized by informality. The government's representative, who is often the Minister of Social Affairs, tries to propose settlements to which both parties are asked to accede. The interference of the government as a third party may be resented by the employers who are asked

to agree to the settlement which is favorable to labor. The voluntarility of agreements reached through government interference may affect awards is discussed below.

The excessive government interference in collective bargaining as noted in the ten cases of strikes already described seems to affect the outcome, that is the awards. The labor syndicates have depended on the government to use its influence and bring them favourable settlements. Reliance on the government has been often indicated in the study of almost all the cases of strikes. The strikes have actually been collective withdrawals from work, or work stoppages made in protest against the employers' refusal to grant the labor demands or against the government inaction. In the case of the Hotel, Restaurant and Coffee House Workers Strike of 1956, the government approved the demands of the workers and on its own solicited with the employers. The same is true of the Bank Employees Strike, a settlement which would have been extremely difficult without government interference. Even in the case of the Esso Company employee who was dismissed, because he was collaborating with his syndicate to ask for a wage raise, the government used its influence to reinstate the employee.¹ It is alleged that

1. Certain labor laws such as the Libyan Labor Law of December 5, 1957, gives the courts the power to reinstate a worker, arbitrarily dismissed, in his work. Op.cit., Article 12.

the government threatened to withdraw the license of the Concession if the dismissed employee was not returned to the position he filled before dismissal.¹

Actually, therefore, the government has acted as an interested third party in almost every collective bargaining attempt initiated by a strike. Government interference in this manner, is partly due to the fact that strikes have often had their repercussions on every day transactions. The work of the Bank employees for instance, effects the whole country in that banks closing paralyze the financial transactions of the business and industrial circles. The strike of Hotel, Restaurant and Coffee House Workers effects similarly summering and tourism. Collective bargaining carried mainly through strikes requires prompt action and is apt^{to}/arouse the interest of the government to interfere.

Moreover there has been indications that the government is suspicious of collective action. Thus in several cases of strikes, the strikers were accused of being instigated by political interests. The government fears that a strike not quickly settled may lead to a series of other strikes for political rather than labor reasons. In the strike carried out by the Bank Employees for instance, strikers were accused

1. Abd Mejid Mehio, Interview, April 29, 1958.

by the government of being a part of a political move against the visit of the Turkish President. The members of the Executive Council of the Railway Workers Syndicate, in their strike of 1952, were accused of being communists.¹

The government's suspicious attitude towards collective action seems to make the top officials anxious to interfere. This has been indicated in the case of Hotels, Restaurants and Coffee Houses Syndicate Strike of February 1956 as well as other cases. The workers demands were awarded at a meeting held at the President's Palace attended by government officials but non of the representatives of either labor and management.

A supplementary effect of excessive government interference and influence on the outcome of collective bargaining has been dramatically shown in the payment of wages for the days of strike. The influence of government has been adding very favourably to the labor syndicates bargaining power and reducing that of employers. Labor syndicates have been able to gain beside their primary demands the wages for the days of the strike and a provision to this effect has been included almost in every agreement arrived at after a strike.

1. A. Kar'at, Interview, April, 24, 1958.

Strikers in this manner have been paid for the days they did not contribute to production but caused losses. Strikers therefore are extremely expensive to the employers because the cost thereof add to their unforeseen liabilities. Almost no where in the world are strikers paid for this type of work stoppages except in Lebanon. In the United States, for instance, employers do not pay the wages for the days of the strike. Ironically, strikes in Lebanon seem to be financed not so much by the labor syndicate itself but by management. Paid strikes in this manner seem to be a violation of ordinary collective bargaining practices.

Generally, moreover, the government interference has assumed a paternalistic role in dealing with both labor and management.¹ Although the various agreements are often reached under government influence, these agreements are referred to as 'voluntary settlements'. The government through its influence tries to elicit the agreement and cooperation of both parties. If employers do not enforce the terms of the agreement the government is called upon to interfere and therefore to participate in its application. The paternal role of the government has been also affirmed in its relation to syndicate organization. As noted earlier

1. Arthur E. Mills, "Economic Change In Lebanon," Middle East Economic Papers, 1956 (Economic Research Inst., American University of Beirut), pp. 75 - 97.

in this study, labor syndicates in Lebanon rely very much on the government for their security and finance.¹ These syndicates may be disciplined by the government by the dissolution of their Executive Council or prosecuting individual councillors. Paternalism lies in the nature of these relationships; while the government supports labor unions it may also repress them easily.

The most recurrent feature of collective labor relations in Lebanon has been therefore the unrestricted government interference. As there has been no legal definition of collective bargaining in the present labor legislation and as there has been no delimitation of the role of government in labor relations, public authorities have in practice assumed too extensive a role in collective bargaining. Government excessive interference seems, in the analysis, to hinder the growth and development of unionism in Lebanon.² Beside the encroachment on the voluntarility of collective labor-management agreement, government interference seems to overshadow the role of the labor unions and hence jeopardize the raison d'être of these organizations. Whereas these labor organizations should announce with pride their victory

1. See Appendix No.IV annexed to this thesis.

2. Viewed generally, the restrictive nature of the Lebanese Labor Code of 1946 in addition to the burden of indemnity that is born by the employer, keep unions and private enterprise small and weak. Cf., Mills, Private Enterprise In Lebanon, (American University of Beirut, 1949) pp. 130-133.

in bringing about better benefits, actually they can^{not} do that. Labor unions cannot prove their usefulness to the rank-and-file and the unionized workers because the government interference has been towering over their own role. As any organization, whenever labor unions fail to maintain the purpose or interest that called the workers into association, they are apt to grow weak.

Another feature has been related to the progress of bargaining in the absence of neutral and specialized machinery. The failure of the legislation to provide for such a machinery seems to be to the disadvantage of Lebanese Labor relations. There has been no provision for the recognition of the workers spokesmen in the legislation. Where employers shall sit to discuss in an amicable manner the issues on stake with the labor representatives, on equal terms, employers often refuse. The failure to bring labor and employers to negotiate and discuss their problems on equal terms may partly explain the excessive interference of the public authorities.

CHAPTER VI

CONCLUSION

The Lebanese labor legislation of 1946 does not seem to encourage the growth of a strong ^{labor} movement in Lebanon. This has been affirmed in the text of the legislation as well as in its actual implementation. This conclusion was arrived at in the course of studying the following main aspects: What the legislation states, what it fails to state, and the action or lack of action taken by the government in the administrative process. The last aspect was studied in the light of the actual administration and mostly through illustrative cases.

What the legislation states:

The Lebanese labor legislation has been formulated in a manner that keeps the labor unions small and weak. This is because it has been restrictive of the basic freedom and right of labor to organize or to strike. The formation of labor unions in Lebanon is subject to prior authorization from the Ministry of Labor and Social Affairs which may or may not grant a license. The restrictive nature of the legislation may also be evidenced in its limited coverage.

Organized labor in Lebanon has been estimated to be approximately 28000 strong or about seven per cent (7%) of the total labor force. This is partly because agricultural labor, domestic servants, self-employed and family employed, and government employees and workers are not covered. Those types of workers do not enjoy the same benefits provided in the law and do not form labor unions.

The Lebanese labor unions are subject to close government supervision. The by-laws of the labor unions have to be approved by the Minister of Labor and Social Affairs. Their internal structures, elections procedures and financial administration are governed by a large body of legal details which they can hardly live up to. The elections of the executive council of the union are held under the direct supervision of the Department of Syndicates which may or may not approve the results. The case of the Tailors Syndicate Elections of 1957 illustrated the type of problems that government discretion may give rise to in this administrative process. The legal framework in which unions are supposed to operate assumes fully disciplined organizations and the fact that there is little protection against arbitrary enforcement affects the labor unions survival. This becomes of serious importance once it is remembered that organized collective action has been viewed rather enviously and that unions are subject to dissolution by an administrative act.

The executive councils of the unions may be dissolved if they are deemed by the government to have exceeded their competence. Union leaders, individually and collectively are responsible for any violation of the law or acts of negligence. Labor unions may not participate in any activity of a political character. The case of the Taxi Drivers and Owners Syndicate may refer to the elasticity of this provision. The same case may indicate that labor unions in Lebanon are not permanent, continuous organizations; as the whole union may be dissolved too.

What the legislation fails to state:

The Lebanese labor legislation fails to include protective provisions against employers discrimination against union members in the recruitment of labor or on the job. It does not provide for the recognition by employers of the labor leaders or spokesmen.

More important, however, is the fact that there has been no mention of collective bargaining. Arbitration Councils provided to settle labor disputes are found to operate as tripartite labor courts competent to deal mainly with individual labor disputes and not collective labor disputes. As such the legislation does not establish any competent machinery vested with authority to help in conducting collective bargaining. In the text of the law no mention is made

of conciliation or any formal channels through which collective bargaining can proceed.

Similarly strikes, which have generally been very essential to collective bargaining, are not mentioned in the Lebanese labor legislation. Instead they are subject to the Penal Code of 1943 which specifically prohibited work stoppages in employments referred to as utilities. Actually, however, strikes are common even in utilities.

Actions or lack of action of the administration:

All through the past eleven or twelve years there has been very little amendment or changes in the labor law except that it was supplemented by Decree No.7993 of April 3, 1952 which defined the organization of labor unions in a rather detailed manner. The second major change was the raising of the Department of Social Affairs which was under the Minister of National Economy to the Status of a ministry in 1951. This agency was later known as the Ministry of Labor and Social Affairs. This ministry has been studying various types of social security projects and reform bills but has done a little for the encouragement of unionism or the

improvement of collective bargaining system.¹

The present legislation left a number of matters unresolved and has actually given rise to difficult problems. These problems, however, are mostly due to actions or lack of actions taken by the government under the law. Minimum wages and the determination of the trades and occupational categories, for instance, were left for government action in the administration process. Minimum wages have not been changed since 1944. The government has not yet defined or classified the trades and occupational categories and has not taken any action to this effect. As no single union may have persons belonging to different occupations, in the absence of a classification of these trade categories and their limits, the problem of authorizing new labor organizations becomes very difficult. The lack of defined trade categories has actually left the authorities and the concerned parties rather uncertain of the various trade limits. This has been aggravated by a more subtle problem connected with prior authorization, and that is, whether authorization

1..The government has been studying a draft labor law which will replace the Labor Code of 1946. This draft law was submitted to Parliament but was later withdrawn. In its draft shape, the bill does not seem to mention strikes or establish a system of collective bargaining. It however, establishes tripartite arbitration councils. The decisions of which may be appealed before the labor courts already established. The bill is again a compilation of previous legislation. It does not tackle the problem of dismissal compensation which has been a great burden to employers. See al-Hayat, Aug. 30, 1958, p. 5.

of two unions in one trade is legitimate?

The wisdom of permitting the formation of two unions in one trade is debatable and is a problem to be handled by serious legislators. The failure of the government in Lebanon to define the limits of the various trade categories and the lack of a resolution as to whether dual unionism is permissible, have actually resulted in uncertainty. This factor of uncertainty seems to affect the progress of a strong labor movement especially because it gives rise to problems such as that encountered in the case of dissension in the Syndicate of Hotels, Restaurants and Coffee house Workers. Dual unionism in Lebanon may break down under the influence of flagrant confessionalism. Confessional dissension together with an intensification of the traditional jurisdictional disputes among labor may definitely be detrimental to labor unionism in Lebanon.

In collective labor management relations, moreover, the government has, in practice, acted as an interested party in almost all cases of collective bargaining. As there has been no mention of collective bargaining in the labor law, this system has had no structured channels for negotiations between labor and employers. Labor and management in Lebanon do not seem to have learned to negotiate directly with each other and on equal grounds. The government, too, has failed to set up the necessary machinery

wherewith labor may resort to conciliation and arbitration instead of direct resort to strikes. The situation has ultimately resulted in excessive government interference in the bargaining process, however, mostly after the initiation of strikes.

Conclusion:

Beyond providing for the legal existence of unions in some occupations, the law itself does not contain any provisions to encourage unionism, but does contain some provisions that restrict unions and others which have created uncertainty as to what is legal. These provisions refer to the question of original formation of unions; labor covered by the law; close supervision of unions' structure, elections and finance; and the dissolution of unions. Beside the wide powers that the government has been granted, the labor provisions has no mention of the right of labor to strike and has not any formal channels through which collective bargaining may be carried out.

In its actions under the law, the government has done little to encourage unionism and has failed to clarify the uncertainty present in the legislation by administrative rulings or decrees. The classification of the trade categories has not been prepared nor the problem of dual unionism resolved. No amends have been made to rectify the system of

collective bargaining or to clarify the right to strike. Uncertainty still persists. The government, instead of establishing a specialized, independent system of conciliation, has on its own been willing to intercede once a strike has been called. It has played an active role in the actual settlement of strikes, generally negotiating settlements in favor of labor. But this interference encroaches on the voluntarility of agreements that have been traditionally desired in collective bargaining. Moreover it results in labor looking to government and not to the union for improved conditions. Such a thing was evidenced in the study of the various cases of strikes where labor tended to resort directly to strike in an effort to compell government interference. The labor leaders have generally relied on the government to make the "victories" for them.

In this manner the present labor legislation, although it may be intended to bring labor improvements into Lebanon, seems to have promoted unrestricted government interference. Actually the present legislation has been imposed from above, that is, through the government top officials and not so much through interested public opinion. It was also based on Western experience and in this sense only it may not fit the Lebanese labor way of life and socio-economic progress at the date of its enactment.¹ As the legislation has generally

1. Supra., pp. 22 and 28 of chapter II in this Thesis.

been formulated apart from labor and management participation the present government role may hardly have been otherwise.

APPENDIX I

The employment of children, young persons and women in the following industries and works is prohibited under the provisions of articles 22, 23 and 27:-

1. Underground work in mines and quarries and every work for the extraction of stone;
2. Work in furnaces for smelting, refining and roasting of mineral products;
3. Silvering of mirrors by mercury process;
4. Manufacture and handling of explosives;
5. Melting and annealing of glass;
6. Autogenous welding;
7. Manufacture of alcohols and of all alcoholic drinks;
8. Spray painting by "Duco";
9. Handling, treatment or reduction of residues containing lead, and desilverising of lead;
10. Manufacture of solder or alloys containing more than 10 per cent of lead;
11. Manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, carbonate or silicate of lead;
12. Mixing and pasting processes in the manufacture or repair of electric accumulators;
13. Cleaning of factories where the works specified under Nos.9, 10, 11 and 12 are carried on;
14. Running of large power machinery;
15. Repair or cleaning of power machinery in motion;
16. Manufacture of asphalt;
17. Tanning operations;
18. Work in depots of fertilizers extracted from human and animal excrement, bones or blood;

19. Skinning of animals.

The admission of young persons to factories or workplaces for the purpose of apprenticeship or technical preparation shall not be deemed to be employment, provided that the proprietor of the factory or workplace has for that purpose the authority of the Ministry of Public Health.

APPENDIX II

INDUSTRIES IN WHICH EMPLOYMENT OF YOUNG PERSONS IS SUBJECT TO PRODUCTION OF A MEDICAL CERTIFICATE

The employment of children is prohibited in the following industries and works and the employment of young persons is subject to the provisions of articles 22 and 23:-

1. Blood - boiling;
2. Bone - boiling;
3. Soap - boiling;
4. Melting of tallow;
5. Manufacture of fertilizers;
6. Every process connected with the preparation of leather;
7. Glue manufacture;
8. Cement manufacture;
9. Cotton gining (work in places where the cotton gins and machines are installed);
10. Glass manufacture;
11. Sugar manufacture;
12. Cotton baling;
13. Printing;
14. Handling and grinding of rags;
15. Preparation of hemp, flax and wool;
16. Sculpturing and cutting of marble and other stones;
17. Copper work;
18. Handling of tobacco;
19. Spinning, weaving and knitting of silk, cotton and flax by machinery.
20. Constructional works, except constructions in rural areas the maximum height of which does not exceed eight meters;

21. Manufacture of paint and varnish;
22. Ironworks;
23. Transport of passengers or goods by road, rail or river, as well as the transport of goods in warehouses and stores, and on jetties and wharves.

A summary of the Lebanese industry is shown in Appendixes No. III & V. Both reflect on the nature of the Lebanese industrial situation, labor, number of establishment and geographical distribution:-

APPENDIX III

Net National Product, Capital Investment, Price Indices And Population in Lebanon, 1948 - 1954.

| (a) <u>Net National Product</u> (in Millions of L.L.) | 1948 | 1949 | 1950 | 1951 | 1952 | 1953 | 1954 |
|--|------------|------------|-------------|-------------|-------------|-------------|-------------|
| Trade | 21 | 278 | 300 | 337 | 333 | 334 | 350 |
| Agriculture | 169 | 176 | 206 | 211 | 216 | 221 | 226 |
| Industry | 134 | 173 | 133 | 137 | 137 | 139 | 141 |
| Ownership of Buildings | 91 | 93 | 96 | 97 | 98 | 101 | 104 |
| Services | 91 | 93 | 100 | 103 | 106 | 109 | 113 |
| Building and Contracting | 35 | 32 | 43 | 35 | 40 | 40 | 41 |
| Government | 63 | 65 | 72 | 64 | 64 | 71 | 73 |
| Transport and Communication | 40 | 41 | 44 | 46 | 50 | 62 | 63 |
| Finance and Insurance | 35 | 35 | 40 | 43 | 46 | 50 | 56 |
| Total | 919 | 950 | 1034 | 1071 | 1090 | 1137 | 1167 |
| (b) <u>Capital Investment</u> (in Millions of L.L.) | | | | | | | |
| Public | 25 | 24 | 30 | 18 | 22 | 23 | 25 |
| Private Buildings and Contracting | 56 | 48 | 74 | 56 | 69 | 69 | 71 |
| Industry | 15 | 14 | 23 | 15 | 15 | 15 | 15 |
| Agriculture | 6 | 8 | 12 | 14 | 15 | 17 | 20 |
| Service, Finance and Trade | 13 | 13 | 13 | 14 | 14 | 15 | 16 |
| Transportation | 7 | 8 | 8 | 14 | 15 | 16 | 18 |
| Total | 122 | 115 | 160 | 131 | 150 | 155 | 165 |

| (c) Price Indices (1948-100) | 1948 | 1949 | 1950 | 1951 | 1952 | 1953 | 1954 |
|------------------------------|------|------|------|------|------|------|------|
| Whole Sale Prices | 100 | 82 | 76 | 95 | 86 | 78 | 72 |
| Cost of Living | 100 | 94 | 87 | 94 | 94 | 88 | 83 |
| Total | 200 | 176 | 163 | 189 | 180 | 166 | 156 |

| | | | | | | | |
|-------------------------------------|------|------|------|------|------|------|------|
| (d) <u>Population</u> (millions) | 1229 | 1247 | 1268 | 1304 | 1338 | 1417 | 1445 |
|-------------------------------------|------|------|------|------|------|------|------|

SOURCE: International Bank for Reconstruction and Development, The Current Economic Position and Prospects of Lebanon (Ministry of Public Works, Beirut), p.3.

APPENDIX IV

Grants-In-Aid To Labor Syndicates, 1955

| <u>Syndicate or Federations</u> | <u>Amount of Aid</u> L.L. |
|--|------------------------------|
| League of Syndicates | 13500 |
| Federation of the North | 9500 |
| Independent Syndicates (Federation) | 3000 |
| United Syndicates (Federation) | 5000 |
| Taxi Drivers and Owner Syndicate in:- | |
| Bika'a | 1000 |
| North | 1600 |
| Mount Lebanon | 1000 |
| Beirut (2 Syndicates with the same name) | 800 |
| | 1400 |
| Hotels, Restaurants and Coffee House Workers | 1000 |
| Mashgara Tanery Workers | 600 |
| Commercial Enterprise Workers (Sidan) | 500 |
| Fishermen (Syndicate) in Sidon | 800 |
| Jewelry Workers | 500 |
| Transport and Travel Agency Workers | 500 |
| Printing Press Workers | 500 |
| Carpentry Workers in Beirut | 500 |
| Cooks | 500 |
| Iraq Petroleum Co. Employees | 600 |
| Movies and Stage Workers and Employees | 600 |
| | Total <u>43400</u> (1) |
| Fisherman in Tyre | 800 |
| Bakery Workers in Beirut | 400+ |
| Tailor shop Workers in North Lebanon | 200+ |
| Printing and Book Binding Workers | 200 |
| | Total <u>1600</u> (2) |

1. This table shows how grants-in-aid of the Ministry of Social Affairs were allocated. The sum of 43400 L.L. was allocated by the Ministry when Rashid Karami was the Minister. See Decree No.9456, June 7, 1955, Official Gazette (1955) p.684.

2. The sum of L.L.1600 was allocated by the Ministry when Kazem Khalil was the Minister. See Decree No.11076, December '30, 1955, Official Gazette (1955) p.1210.

+ Affiliates of Federations.

APPENDIX V

SUMMARY OF LEBANESE INDUSTRY¹

| | All Districts | Beirut | Mount Lebanon | North Lebanon | South Lebanon | Beka'a |
|--|------------------|--------|------------------|------------------|------------------|--------|
| TOTAL NUMBER OF ESTABLISHMENTS ⁺ | 1861 | 995 | 480 | 241 | 57 | 88 |
| Establishments in which the following Number of Persons are Engaged: | | | | | | |
| 5 - 9 Persons | 1031 | 531 | 250 | 152 | 39 | 59 |
| 10 - 24 " | 581 | 341 | 131 | 72 | 15 | 22 |
| 25 - 49 " | 149 | 94 | 43 | 5 | 2 | 5 |
| 50 - 99 " | 60 | 24 | 31 | 5 | | |
| 100 & Over | 40 | 5 | 25 | 7 | 1 | 2 |
| TOTAL NUMBER OF PERSONS ENGAGED | 35013 | 15294 | 12835 | 5173 | 780 | 931 |
| Aged 18 Years and Over | 31132 | 12982 | 11999 | 4725 | 672 | 754 |
| Aged Under 18 Years | 3881 | 2312 | 836 | 448 | 108 | 177 |

1. Economic Research Institute, Industrial Census of Lebanon 1955, (A.U.B., March, 1958), p. 7.

+ An industrial establishment in this context is used to define "an organization in a single location, under a single management, and usually keeping its own records, in which materials or components are transformed into products for the use of others."

APPENDIX VI

LABOR CASES THAT WERE PROCESSED OR IN PROCESS

AT BEIRUT ARBITRATION COUNCIL ¹

(in the last three years)

| Year | Total No. | Dismissal Compensation | Industrial Accidents | Termination of contract and vacations | Family Allowances and wages | Others ⁺ |
|------|-----------|------------------------|----------------------|---------------------------------------|-----------------------------|---------------------|
| 1955 | 1856 | 1560 | 60 | 53 | 52 | 131 |
| 1956 | 1914 | 1632 | 41 | 39 | 43 | 159 |
| 1957 | 2144 | 1790 | 24 | 21 | 31 | 279 |

SOURCE: Compiled by the author from Beirut Labor Arbitration Council Files.

1. These cases were registered under various headings with no classification. The cases were sorted and classified by the writer for convenience. It was difficult to sort cases of contract termination from cases of vacations, that is, they were left as they appear in the table.

+ Others: stands for a variety of labor cases, mostly Recours En Opposition, work hours, and other cases related to the continuation of employment.

Bibliography

Books

1. Allen, V.L. Power In Trade Unions. London: Longmans, Green and Co., 1954.
2. Cutlip, S.M. and Center, A.H. Effective Public Relations. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1952.
3. Dahl, A.R., and Lindblom, C.E. Politics, Economics, and Welfare. New York: Harper and Brothers, 1953.
4. Grussmuck, George and Salibi, Kamal. A Manual of Lebanese Administration. Beirut: Catholic Press, 1955.
5. Heron, A.R. Reasonable Goal In Industrial Relations. Stanford: Stanford University Press, 1953.
6. Hourani, A.H. Syria And Lebanon. London: Oxford University Press, 1946.
7. Knowles, K.G.J.C. Strikes - A Study In Industrial Conflict. Oxford: Basil Blackwell, 1952.
8. Kuhn, Alfred. Labor Institutions And Economics. New York: Rinehart and Co., Inc., 1956.
9. محمصاني، صبحي • الاوضاع التشريعية في الدول العربية ماضيها وحاضرها
بيروت: دار العلم للملايين ١٩٥٧
Mahmassani, Sobhi. The Legislative Conditions In The Arab States Past and Present. Beirut: Dar el-ilm lil-Malayine, 1957.
10. Mills, Arthur E. Private Enterprise In Lebanon. American University of Beirut, 1959.
11. Moore, Wilbert E. Industrialization And Labor. New York: Cornell University Press, 1951.
12. مراد، محمد حلمي • محاضرات في تشريع العمل في الدول العربية
القاهرة: جامعة الدول العربية • ١٩٥٦
Mrad, Hilmi M. Lectures on Labor Legislation in the Arab States. Cairo: Arab League, 1956.

13. Nigro, Felix A. Public Administration Reading And Documents. New York: Rinehart and Co., Inc., 1951.
14. Richardson, J.H. An Introduction To The Study of Industrial Relations. Ruskin House: George Allen and Unwin Ltd., 1954.
15. Webb, Sidney and Beatrice. The History of Trade Unionism. London: Longmans, Green and Co., 1926.

Public Document and Reports

1. Davis, Helem Miller, Constitutions, Electoral Laws, Treaties of States in the Near and Middle East. Durham, N.C.: Duke University Press, 1953.
2. I.L.O., Report of the Commission on Freedom of Employers' and Workers' Organizations, Appendix II. Geneva: G.B. 31st Session, 1956.
3. I.L.O., The International Labor Code of 1951. Vol II (1951) Geneva.
4. International Bank for Reconstruction and Development. The Current Economic Position and Prospects of Lebanon. Beirut: Ministry of Public Works, 1955.
5. لبنان، وزارة العدلية • المجموعة الحديثة للقوانين اللبنانية • بيروت :
• مطبعة صادر ١٩٥٤-١٩٥٨
Lebanon, New Collection of Lebanese Laws:
Beirut: Sader Press, 1954-1958.
6. لبنان، وزارة العدلية • الجريدة الرسمية • بيروت : ١٩٥٨-١٩٢٦
Lebanon, Ministry of Justice. Official Gazette. Beirut 1926-1958.

7. لبنان * وزارة العدلية * النشرة القضائية اللبنانية .
بيروت : ١٩٥٨ - ١٩٥٠ .
Lebanon, Ministry of Justice. Lebanese Judicial Review. Vols. 1950-1958.
8. لبنان * وزارة الشؤون الاجتماعية * تقرير المدير العام لوزارة الشؤون الاجتماعية في لبنان . بيروت : ١٩٥٥ .
Lebanon, Ministry of Social Affairs. Report by the Director General of Ministry of Social Affairs in Lebanon, 1955. Beirut, 1955.
9. Lebanon, Ministry of National Economy. Industrial Census of Lebanon, 1955. American University of Beirut, 1957.
10. لبنان * مجموعة قوانين ومراسيم حكومة الجمهورية اللبنانية .
بيروت مطبعة الاداب . ١٩٢٩ - ١٩٢٦ .
Lebanon, Collection of Laws and Decrees of the Government of the Lebanese Republic. 1926-1929. Beirut: Arab Press.
11. Code du Travail et de la Prevoyance Sociale. Petite Collection Dalloz. Paris: Librairie Dalloz, 1928.
12. Lebanon, Ministry of Finance. The Budget for 1957. Beirut: al-Bayyan Press, 1957.
13. رزق غولاد، وطنوس، خليل * مجلة المحامي * بيروت :
مطبعة مجلة المحامي ، ١٩٥٢ .
Risk, F. and Tannous, K. The Lawyer's Magazine. Beirut: Majallat al-Mohami Press, 1953.
14. U.S. Department of Labor, Bureau of Labor Statistics. Summary of the Labor Situation in Lebanon. I.C.A. Office of Labor Affairs, 1956.

Articles

1. Abu Izzidin, F., and Hakim, G. "A Contribution To The Study of Labor Conditions In Lebanon," Reprinted from International Labor Review, XXVIII (November 1933)
2. Ayoub, Antoine, "Le Mouvement Syndical au Liban," Action XVII (1955), 83-84.
3. Badre, A.Y. "The National Income of Lebanon," Middle East Economic Papers, (1956), 1-37.
4. Donato, Joseph, "Lebanon And Its Labor Legislation," International Labor Review, LXV (1952), 64-92.
5. Halsworth, J.A. "Freedom of Association And Industrial Relations In The Countries of the Near And Middle East," International Labor Review, LXX (1954)
6. Jarlot, Georges. "Le Code Libanais Du Travail En Terre D'Islam," Revue Du Monde Musulman, XXII (1947), 116-127.
7. K., G.E. "Some Aspects of Lebanese Trade Unionism," The World Today, IX (1953), 409-413.
8. Lampman, R.J. "The Lebanese Labor Code of 1946," Labor Law Journal, (1954), 491-503.
9. Laqueur, W.Z. "The Appeal of Communism In The Middle East," Middle East Journal, IX (1955), 17-28.
10. Mills, A.E. "Economic Change In Lebanon," Middle East Economic Papers, (1956), 75-97.
11. النصولي ، مصطفى ، " التراث اللبناني من الحرفة الى الصناعة ،"
الندوة اللبنانية المجلد السابع (١٩٥٣) ، ٧٠-٨٩
An-Nusuli, Mustafa. "Lebanese Heritage From Handicrafts to Industry," Les Conferences Du Cenacle, VII (1953), 70-89.
12. Patai, Raphael. "The Dynamics of Westernization In The Middle East," Middle East Journal, IX (1955), 1-17.

13. Saltan, Irene C. "Social Responsibility In Lebanon," International Affairs, XXV (1949), 307-317.
14. Stanffer, Thomas B. "Labor Unions In The Arab States," Middle East Journal, VI (1952), 86-88.
15. طعمه جورج • "العمال والتشريع الاجتماعي اللبناني"، الاقتصاد اللبناني والحرب، عدد ٤٦ (١٩٥٦)، ٢٥-٣٢.
Tomah, George, "The Workers In The Lebanese Social Legislation," L'Economie Libanaise Et Arabe No.46 (1956), 25-32.

News Papers

1. Beirut (Beirut), 1946 - 1952. • ١٩٥٢-١٩٤٦ بيروت
2. al-Hayat (Beirut), 1956 - 1958. • ١٩٥٨-١٩٥٦ الحياة
3. al-Hadaf (Beirut, Weekly), 1951 and 1956. • ١٩٥٦ و ١٩٥١ الهدف
4. al-Amal (Beirut), 1950 - 1958. • ١٩٥٨-١٩٥٠ العمل
5. al-Awasif (Beirut, Weekly), 1958. • ١٩٥٨ العواصف
6. an-Nahar (Beirut), 1950 - 1958. • ١٩٥٨-١٩٥٠ النهار
7. an-Nida (Beirut), 1932. • ١٩٣٢ التداء
8. Nida al-Wattan (Beirut), 1950 - 1951 • ١٩٥١-١٩٥٠ نداء الوطن
9. Sada Lubnan (Beirut), 1958. • ١٩٥٨ صدي لبنان
10. as-Syassi (Beirut), 1958. • ١٩٥٨ السياسة
11. Sut-al-Amil (Beirut, Weekly), 1958. • ١٩٥٨ صوت العامل
12. al-Waqit (Beirut, Weekly) 1958. • ١٩٥٨ الوقت

Unpublished Materials

1. Ghattas, J.Y. The Lebanese Worker. (Typewritten B.B.A. Thesis), Beirut: American University of Beirut, 1955.
2. Khalaf, S.G. Human Relation In Lebanese Industry. (Typewritten M.A. Thesis) Beirut: American University of Beirut, 1957.
3. Mills, A.E. Lectures On Labor Legislation In The Middle East. (Typewritten), Beirut: Department of Business Administration, A.U.B. 1957.
4. Sanbar, K.H. The Lebanese Economy. (Typewritten M.A. Thesis), Beirut: American University of Beirut, 1957.
5. Samuel Jr., E.W. A Contribution to The Study of Lebanese Syndicates. (Memeographed M.A. Thesis), Beirut: American University of Beirut, 1952.
6. Sayigh, Y.A. Economic Development of Lebanon: Its Prospects and Problems. (Memeographed Doctorate Thesis), Baltimore, MD.: Johns Hopkins University, 1955.
7. لبنان مجلس الشورى • سجل مجلس الشورى • بيروت، ١٩٥٨.
Lebanon, Council of State. Registers. Beirut 1958.
8. Lebanon. Beirut Labor Court. Labor Court Files (1955-1957), Beirut.
9. Verbal interview with various labor leaders, judges and administrators at the Ministry of Labor and Social Affairs, 1958.