

# A Look into the South

The status of Migrant  
Workers in the South of  
Jordan



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## **Acknowledgment:**

Tamkeen Fields for Aid is a Jordanian non-governmental organisation that works on promoting the principles of human rights, combatting human trafficking; as well as protecting the rights of the most vulnerable groups in society, particularly Migrant Workers and Refugees.

Tamkeen conducted this study with the aim of shedding the light on Migrant workers in the South of Jordan, as part of its continuous efforts to promote their rights in the Kingdom.

We hope that this study provides a cornerstone for further attention to be given to workers in general and particularly Migrant Workers in this region.

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## Summary:

- The number of non-Jordanians in the Kingdom is 2,291,000.<sup>1</sup>The number of those aged 15 years and older is about 1,925,983. The percentage of males is 60.7% compared with 39.3% for females.
- The percentage of the non-Jordanian population in the southern region of Jordan is 16.0% of the total population of about 119,571.
- There are 857,938<sup>2</sup> migrants working in the different governorates of Jordan. Of these, 50.689 thousand migrants are working in the South of Jordan; most of them work in unskilled or simple skills jobs in occupations such as construction, agriculture, retail and wholesale, domestic work, and building guards for buildings.
- Most of the migrant workers in the southern region are in the governorates of Aqaba and Karak. The percentage of workers in Aqaba is 47.1% of the total number of migrant workers in the southern region, while 36.3% of them are in Karak. The remaining migrants live in the other southern governorates, with 11% in Maan, and the lowest in Tafailah with 5.9%.
- In 2016, the number of migrant workers with work permits in Jordan was about 318,883<sup>3</sup>; while the number of irregular migrant workers was estimated at 542,893, most of them are Egyptians.
- The number of regular migrant workers in the southern region is about 21,310. The number of irregulars is estimated at 35,133.
- According to the interviews conducted during the study, many workers in the South face human rights and labor violations. The results indicate that 15.3% of these workers suffer from delayed payment of wages; 25.7% of them receive low wages that are less than the minimum wage and range between 140-200 JD; 45.4%of them are working without a contract or with a contract that they did not read; and 23.1% of them do not have work permits or have permits but are either expired or do not match the sector they work in.
- 57.4% of the interviewed workers bear the cost of obtaining work and residence permits or part of these costs. 31.7% of the workers are forced to work overtime for long hours, 82.5% of whom do not receive wages for overtime.
- According to the field survey, the income of 41.3% of the workers range between 251 – 350 JD, equivalent to 353-493 USD per month while the minimum wage for migrant workers is 150 JD per month, equivalent to 211 USD.

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<sup>1</sup> The Department of Statistics

<sup>2</sup> Source: Department of Statistics - the Census 2015.

<sup>3</sup> Source: Ministry of Labour- Annual Report 2016

- Around 69.4% of migrants work for more than 10 hours a day, though some of them also might work more than 14 hours. Some workers do not have a break or a day off. Others workers, especially those working as domestic workers, building guards for buildings or agriculture who are prohibited from leaving the house or workplace, since the nature of their work requires that they are available to work on demand 24 hours.
- 37.7% of the workers interviewed do not receive weekly days off; while 44.9% do not receive annual leave; and 74.5% do not receive sick leave. Results also show that 50.9% of them get deductions from their wages in case they do not work due to taking an annual or a sick leave; 87.3% of them do not get a day off during public holidays; 74.8% of them do not have days off during religious holidays (Eid al-Fitr and Eid al-Adha), and that 82.5% work extra hours and on public and religious holidays without being paid for that extra time.
- Interviews also indicated that 21.8% of interviewed workers are not covered under the umbrella of Social Security, especially those working in the agriculture sector and domestic workers, as both sectors are still excluded from the Social Security law. Also, 22.9% of the workers who are covered by Social Security have to bear the full deduction of 21.0% of their total wages, and that only 1% of migrants have health insurance.
- Some migrant workers are subjected to physical assaults such as beatings; as well as other forms of psychological and verbal abuse including insults, yelling and sworn at, as 12.2% of the workers interviewed reported that they were exposed such abuse. Most of them work in as building guards for buildings, hotel and restaurant workers or domestic workers. However, there were no reports of any case of sexual harassment or abuse of the workers interviewed. 36.6% of them though reported that they have been blackmailed or threatened by the employer when they requested to transfer to another employer.
- Exploited or abused workers often want to change their jobs and move to other employers, but their passports are confiscated on arrival by their original employer, even though this practice is prohibited in national legislation and some employers even require money for their consent to move to other employers.
- There is great concern among migrant workers to lodge complaints with the competent authorities regarding the violations that they are subjected to by the employers.
- 23.1% of the interviewed workers report that there are restrictions on their movements or place of sleep. 43.1% said that their passports have been confiscated. 47.3% said that they have been prevented from moving to another employer. 29.9% have been financially exploited through intermediaries or brokers.
- Officials in the concerned authorities (the Ministry of Labor and Building guards Services) in the governorates of Aqaba and Karak say that they cannot handle any case involving a violation that the migrant is subjected so unless the workers themselves come and lodge a complaint on the employers. Workers on the other hand say that they have fears about

filing such complaints as they want to avoid trouble and the worsening of the situation and relationship with the employer.

- Jordanian legislation includes articles that govern the rights of workers, protections provided for them in cases of violations; and their relationship with employers. These articles includes all Jordanian and non- Jordanians as well (with some exceptions). Furthermore, the Jordanian Penal Code provides for criminal penalties for perpetrators of various types of violations and abuses; while the provisions of the Labor Code impose fines on those who commit violations against workers that include issues related to forced labor; physical, verbal and sexual abuse; seizure of personal documents including passports; violations related to wage and leaves and overtime allowance, among others.
- Chapter 9 of the Labor Code is dedicated on Occupational Safety and Health. It provides for the legal protection of workers in their working environment by obliging the employer to provide the necessary precautions and measures to protect workers from any direct or indirect side effects to their work. Although most of the migrants who were interviewed work are employed in professions requiring personal and protective equipment, as well as the provision of first aid kits, 70.1% of them say that they are not provided with such equipment. Moreover, 74.3% of them say that while they are exposed to fire and noise hazards, there are no guidance boards in their workplaces. Also, 19.5% of them do not have temperature protection system, whether high or cold, nor they have sufficient lighting especially those working in the construction and agriculture sectors, despite these workers being exposed to the scorching sun in the summer and to the extreme cold in winter.



## **Background:**

The Jordanian Labour Market is currently facing a series of challenges that includes: the decline in the wages and minimum wage; high unemployment rates; lack of regulation in regards to migrant workers; successive waves of asylum; weak economic participation; the lack of compatibility between the outputs of the educational system, whether academically or vocationally, and the needs of the labour market; among other conditions that have resulted in creating a great challenge for workers in addition to the difficult economic conditions and high costs of living.

Despite all the achievements that have been accomplished and the efforts made to improve the legislative and conditions of work in Jordan, there are still many indicators that show that large segments of workers suffer from difficult working conditions, in terms of both the declining rates of wage and its minimum standard. Other difficulties include the spread of the phenomenon of poor employment; high unemployment rates, especially among young people; and the lack of job building guards, as well as the spread of the culture of violations on their labor and human rights even though these rights are guaranteed for in the Jordanian and international labor legislations.

Although multiple studies and reports have been conducted dealing with the Jordanian labor market and the conditions of its workers in general, there are no specialized study focused on the conditions of migrant workers in the southern governorates, as well as the status of migrant workers in the Aqaba Special Economic Zone. This absence of a focused study on these workers creates a gap due to the special conditions they are in as a result of the huge distance between them and Amman; being governed and included under a special system for workers in the governorate of Aqaba, different from the regulations applied in the rest of the Kingdom. Additionally, there are workers who are present in the governorate of Aqaba but work outside the Special Economic Zone who are exposed to difficult working conditions.

In terms Migrant workers in the other southern governorates of Karak, Ma'an and Tafilah, they are also vulnerable to difficult working conditions and lack of a decent work environment, with these conditions contributing to an increase in the number of violations they may face.

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In general, although migrant workers in the South are covered by the labor law, they still suffer from lack of legal protection. Many of them work for long hours ranging from 10-16 hours under the hot sun. Their work environment also lacks the existence of

occupational safety and health conditions. They earn very low salaries, as many of them earn 150 JD per month. In addition, the majority of them are neither registered under the Social Security Umbrella nor have access to health insurance.

According to reports issued by the Ministry of Labor in 2016, there are (21,395)<sup>4</sup> migrant workers in the southern governorates of the Kingdom. However, it should be noted that their actual numbers could be more than double the stated figure as a large portion of them work there without having a work permit.

### *The importance of the study:*

The study is quite important due to the nature of the subject it is addressing and the methodology implemented in the study. Furthermore, the study examines the working conditions of migrant workers in the southern governorates, an area previously not addressed in studies about this topic. It also takes on practical importance by analyzing the working environment and the rights of migrant workers and whether rights are actually protected on the ground.

### *Objectives:*

The study aims at identifying the legal framework which deals with labor in Jordan, and to identify the social and economic framework for migrant workers in the southern region, as well as shedding light on the conditions of work of migrant workers in all sectors in light of the scarcity of studies and statistics on this particular group.

### *Study Methodology:*

In order to achieve the objectives of the study, it employed the descriptive analytical approach, through the application of a set of research tools, both quantitatively and qualitatively as follows:

1. A review of previous studies, the international conventions and national legislation relevant to the topic of the study.
2. Conducting a series of interviews with a number of specialists, as well as migrant workers in several sectors in the south governorates; as well as government entities including the Ministry of Labor, and the authority of the governorate of Aqaba and trade unions.
3. Analyzing the interviews, identifying their individual characteristics, and the conditions of work of each worker.

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<sup>4</sup> This number does not include migrant workers registered with the Aqaba Economic Zone

*Target Group:*

Migrant workers in the southern governorates, in particular those working in the sectors of: Spinning and Textile, industry, retail, construction, building guards, beauty salons, and services.

## First Chapter: The Legal Framework of Labor in Jordan

This chapter will shed light on the legal characterization of migrant workers in Jordan. First, the definition of Migrants will be fleshed out prior to overviews of the international treaties and conventions that were ratified by Jordan in this regard. The chapter will also look at the conditions and special procedures the government has created for the recruitment and hiring of migrants in Jordan and in the Aqaba Special Economic Zone in particular. Finally, the most prominent legislation on Migrants approved by the Jordanian legislature will be identified; its current gaps and the extent that they are applied on the ground.

### *First: The Definition of Migrant Workers:*

The Jordanian Constitution addressed the issue of labor legislation and the protection of workers in Article (23), as it stated the principles that should be included in labor legislation; particularly those related to wages, working hours, holidays and vacations, compensations, the work of females and juveniles, safety and health regulations and organizing unions.

Thus, the Jordanian Labor Law and its amendments No (8) of 1996 was issued, defining workers as: "Every person whether male or female who performs wage-earning work, hired by an employer including trainees under the age of 18, or those under probation or training." <sup>5</sup>

Migrant workers on the other hand were defined within the Instructions on the Conditions and Procedures for the Recruitment of non-Jordanian workers of 2012 as follows:

- The Employed Worker: The non-Jordanian worker currently residing in the kingdom."<sup>6</sup>
- The Brought Worker: The Non-Jordanian worker who entered the Kingdom by virtue of a work contract".

Internationally, the United Nations Convention on the Protection of the Rights of Migrant Workers and Members of Their Families defines migrant worker as a "person who shall

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<sup>5</sup> The Jordanian Labor Law and its amendments No. (8) of 1996.

<sup>6</sup> The Instructions, Conditions and Procedures for the Recruitment of non-Jordanian workers of 2012.

engage, or already engages in or continue to engage in a paid activity in a State of which he is not a national".

Through the previous definitions, we can define the migrant worker as: "Every foreign person who enters the Hashemite Kingdom of Jordan through its border, in a systematic or irregular manner for the purposes of employment, or any foreign person who is present on the territory of the Kingdom, whether working for his own account or with an employer, regardless of race, nationality or religion."

This concept is consistent with the definition of the United Nations Convention above mentioned that migrant workers are all individuals who live in countries other than their original place of birth.

In Jordan, migrant workers are divided into two parts, namely:

1. **Migrants who are unrestricted with residency regulations:** this category includes: Egyptian, Syrians well as Palestinian nationals from the Gaza Strip and the sons of Jordanian women of all nationalities (holders of temporary residence cards).
2. **Migrant with restricted conditions of residency:** this category includes all other Arab nationalities including the Iraqis, and Sudanese, in addition to other Arab and non-Arab African nationalities and other foreign ones as well. Of those, Asian nationals constitute about 32.8% of the total immigrant labor originating from: India, Pakistan, the Philippines, Bangladeshi, among others; while workers from Egypt and Syria constitute about 53.3% and 10.5% respectively. It is also noted that the majority of migrants is composed of males 75.7% while 24.3% are female.<sup>7</sup>

### *Second: The International Conventions and Treaties related to Migrants <sup>8</sup>*

Jordan has acceded to a number of international conventions, covenants, instruments and protocols that directly or indirectly contain provisions related to migrant workers. A number of which eventually were reflected in the drafting of national laws, as they constitute a comprehensive and legally binding system for the promotion and protection of human rights and the fight against human trafficking including: the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966. It is noted that Jordan ratified these two international covenants in 1975 following its ratification of the International Convention on the Elimination of All

<sup>7</sup> Ministry of Labor - Annual Report 2016.

<sup>8</sup> Tamkeen Fields for Aid, "An Analytical Review of Jordanian Legislations Related to Anti- Trafficking", 2015

Forms of Racial Discrimination in 1965; though it has not yet ratified the two optional protocols of the ICCPR.

Similarly, Jordan has not ratified a number of other conventions relevant to migrants and refugees, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, which entered into force on 1 July 2003; even though it includes a number of fundamental legal provisions in the field of human rights protection for migrant workers and members of their families. Moreover, the country has not ratified the Convention on the Status of Refugees and its Protocol of 1967; the Convention relating to the Status of Stateless Persons of 1954 or the Convention on the Reduction of Statelessness of 1961.

However, Jordan signed a memorandum of understanding with the Office of the United Nations High Commissioner for Refugees setting out the terms of cooperation in the issue of refugees and asylum-seekers in 2008 and 2014.

### **The International Labor Organization Conventions:<sup>9</sup>**

Since its accession to the International Labor Organization (ILO) in 1956, Jordan has ratified 26 international labor conventions of the 189 conventions that deal with various aspects of labor adopted by the International Labor Conferences. The ratified conventions include 7 of the 8 basic conventions including: The Freedom of Association and the Right to Collective Bargaining, the Elimination of All Forms of Forced or Compulsory Labour, the Abolition of Child Labour, and the Elimination of Discrimination in Employment and Occupation. Jordan is also bound to the Declaration of Principles as a member of the ILO.

Yet, Jordan has not ratified a number of important international labour conventions in the field of migrant workers' protection, namely; Convention number 87 on the Freedom of Association and Protection of the Right to Organize of 1948; Convention number 129 on Labour Inspection (Agriculture) of 1969; Convention 181 on Private Employment Agencies; and Convention 97 on Migration for Employment. Additionally, Jordan did not join Convention 189 on Decent Work for Domestic Workers passed in 2011.

### ***Review Jordan's international commitments:***

As seen above, Jordan has ratified a number of conventions related to migrants throughout the years. Yet, when looking at their implementation a number of questions arise about their actual impact on the lives of migrants in the Kingdom. Thus, it has become necessary to conduct a review aimed at first examining the treaties that were ratified on one hand and those that were not. Also, it would be beneficial to study the

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<sup>9</sup> Tamkeen Fields for Aid, "An Analytical Review of Jordanian Legislations Related to Anti- Trafficking", 2015

possibility of whether the unratified conventions could be ratified in the future, the importance of such a step and what could be gained legislatively and procedurally from doing so.

Additionally, it is important to exam the extent to which the provisions of these conventions and treaties have been reflected on national laws, their effective application at the policy level and the mechanisms that were adopted and procedures for their implementation. Such a review will also have to determine the required developments that need to occur in order for national legislations to become in line with the principles stated in the conventions, as well as the efforts needed to raise awareness of these principles among all parties involved.

### *Third: The Conditions and Procedures for the Recruitment of Migrants in Jordan*

The terms of employment of migrant workers are subject to several conditions and procedures. These conditions concern both the employer and the migrant worker and have been determined by the provisions of the conditions and procedures for the employment and recruitment of non-Jordanian workers for the year 2012 as follows:

#### **(A): Conditions of Recruitment and Employment related to the employer:**

1. Article 4 (2) of the above-mentioned instructions stipulates that the employer "shall present a valid vocational license of the establishment with a copy attached, or submitting a public works license and a land registration deed with an attached copy in case the employed worker is a cleaner in a building or villa, or submitting a recommendation from the concerned directorate of agriculture if he/she is an agricultural worker."
2. The recruitment and employment of a migrant worker must be for the achievement of an urgent need of the employer and the employer must have followed all the restrictions imposed in regards to the proportion of Jordanian workers compared to the total number of employees working for the employer; and that the profession occupied by the Migrant shall not be one of sectors included within the list of Closed Professions. These conditions are mentioned in Article 10 (a): "Bringing, employing or renewing the employment permits of the non- Jordanian workers is carried out according to the needs of the work market sectors, taking into consideration the list of closed professions, providing that the Ministry will define the percentage of the non- Jordanian labour in any of the economic sectors in order to serve the policy of the gradual replacement of the non- Jordanian labour with the Jordanian."
3. The employer shall bear the fees for the issuance of the work permit and any other additional fees including renewing or changing the profession of the migrant worker and the consequent fines, in accordance with Article 12, paragraphs (1&2) of the Labor Law, with paragraph (1) providing that "the Ministry shall collect from the

employer a fee for work permits issued for each non-Jordanian worker or its renewal. The fee shall be considered revenue for the Treasury and shall be determined by virtue of a regulation." Paragraph (2) stipulates that "the Ministry shall collect from the employer in accordance with the regulations issued on the matter additional fees on any additional work permits issued or renewed by the Ministry, with that fee allocated to the Employment, Vocational and Technical Education and Training Fund. Article 9 (b) of the Employment and Recruitment Regulations stipulates that "the Ministry shall receive 10 JDs from the employer for each worker for the application of recruitment and employment or for the renewal of the employment permit needed for the approved worker."

4. Article 4 (4) of the Instructions stipulates that "Every employer who wishes to recruit or employ a non-Jordanian worker shall be obliged to bring a statement from the Social Security Corporation confirming the institution's inclusion under the SSC." However, this condition does not apply to either agricultural workers or domestic workers because they are not yet covered by the Social Security Law.
5. The employer is obliged to provide a bank or legal guarantee which the Minister of Labor has the right to dispose of in the event of a breach by the employer of his obligations to guarantee the preservation of the Migrant workers' rights and any incurred expenses in case of the detaining and deporting any worker in violation of the law as stated in Article 5 of the instructions. These expenses shall be at a total amount of not less than (300) dinars for the benefit of the Treasury for each worker to be deported and shall be deducted from the value of the guarantee. The Minister also may refer back the employer for this amount even in cases where the infringed workers have left their position under him/her and the employer did not notify the Ministry of that during the validity period of the work permit, as follows:
  - a. Collateral for every workers with restricted conditions of residency that shall be employed or recruited of 300 JD
  - b. Collateral for every worker with a non-restricted residency in the value of:
    - (500) Dinars in the case of recruitment or employment of between (3-10) worker.
    - (1,000) Dinars in the case of recruitment or employment of between (11-20) worker.
    - (2,500) Dinars in the case of recruitment or employment of between (21-50) worker.
    - (5,000) Dinars in the case of recruitment or employment of between (51-100) workers.
    - (10,000) Dinars in the case of recruitment or employment of between (101-200) workers.
    - (15,000) Dinars in the case of recruitment or employment of between (201-300) workers.



(20,000) Dinars in the case of recruitment or employment of between (more than 300 workers".

## **(B): Conditions of recruitment and employment related to the worker**

The Jordanian legislator introduced two conditions for the entry and employment of a non-Jordanian worker in Jordan:

### **1. Work Permit**

Article (12) Paragraph (a) of the Jordanian Labor Law and its amendments No (8) of 1996 stipulates that "No worker other than Jordanian shall be employed except with the consent of the Minister or his delegate, provided that the work requires expertise and efficiency that the Jordanian workers do not have or that the number of them available does not meet the need. Also, the Minister may issue any instructions he deems necessary to regulate the use and recruitment of non-Jordanian workers for the purposes of this article."

Furthermore, paragraph (e) stipulates that "the employer or director of the institution shall be punished an amount not less than (200) dinars and not more than (500) dinars for every non-Jordanian employee used in violation of the provisions of these instructions. It also states that the penalty shall be doubled in the event of repetition and that it may not be reduced in any case or for any reason."

Paragraph (f) of Article (12) also states that "the use of a non-Jordanian worker in any of the following cases shall be deemed to be contrary to the provisions of this law:

Employed without obtaining a work permit.

Employed by an employer who is not authorized to work for, unless the employer has obtained the permission of the competent authority in the Ministry of Labor.

Employed in a profession other than the profession authorized to work in it.

### **2. Entry to the country in a legitimate manner:**

In addition to the worker obtaining a work permit, the other regulation is that Migrants should enter the Kingdom in a lawful manner and in accordance with the stipulated Residency laws and regulations, after having obtained the approval of entry into the country by the competent authorities.

The Jordanian legislature touched upon this particular condition in several laws as can be seen below:

The Law No. 24 on Residence and Foreigners' Affairs of 1973 addressed this matter in several articles:

Article 4 (a) states that "A foreigner shall be authorized to enter or leave the Kingdom provided either that he holds a valid passport or travel document issued by his country, recognized by the Government of the Kingdom and bearing an entrance or exit visa, or that he holds a travel document issued by the Government of the Kingdom on account of his residence in Jordan, without having a passport or a travel document issued by a Government".

Article (26) of the same law states the conditions that must be met to obtain a residency permit including:

- (a) A person holding an employment contract with a company or registered business or with an employer established in the Kingdom, provided that his activities are not in competition with those of Jordanians and that a certificate to that effect is issued by the Ministry of Labor and Social Affairs or by another competent authority;
- (b) A person who, throughout his residence has a secure and lawful source of income, either domestic or from abroad, which shall be established by means of a certified official document;
- (c) A person who has come to the Kingdom to invest capital in commercial or industrial ventures approved by the Ministry for the National Economy;
- (d) A person possessing scientific or vocational skills to which there is no equivalent in the Kingdom, provided that such skills are established by means of written official certificates issued by recognized authorities, subject to the approval of the competent Jordanian authorities;
- (e) An official or employee of a diplomatic or consular mission in the Kingdom, subject to reciprocity;
- (f) A disabled person or a minor child whose only provider resides in the Kingdom; or
- (g) A student admitted to a Jordanian educational establishment.

While article 37 stipulates that "The Minister may, on a proposal of the Director, expel a foreigner; he may also order the temporary suspension of expulsion procedures in respect of a foreigner whose expulsion has been decided. A foreigner who has been expelled shall be authorized to return to the territory of the Kingdom only by special permission of the Minister."

Other conditions related to the work of Migrants are those that are included within the provisions of the Conditions and Procedures for the Employment and Recruitment of non-Jordanian workers for 2012, which were issued under the Labor Law. These

requirements also include the necessity of Migrants to a duly authenticated certificate of non-conviction issued by the competent authorities of the worker's country as stated in Article 4 paragraph (4/c) of these conditions.

Article (12) of the Labor Law stipulates that "The Minister shall issue a decision for deporting the Employee who is violating the provisions of this article outside the Kingdom at the expense of the Employer or Establishments Manager. Such decision shall be executed by the competent authorities. This non-Jordanian Employee who is deported from Jordan is not permitted to return back to it unless three years is passed from the date of executing the decision of deportation."

As can be seen from the above, it is under the jurisdiction and specialty of the Residency and Borders Department to determine and approve of Migrants' entry into the country through the issuance of entry visas; and ensuring those who enter it have not been sentenced with any charges of felony or crime in their country of origin prior to their coming to Jordan.

#### ***Fourth: Migrant Workers in the Aqaba Special Economic Zone:***

The Regulation of Labor and Migrant Workers in the Aqaba Special Economic Zone No. 169 of 2017 defined Migrant worker as "every male or female worker who performs a work for wages and is subordinate to the employer and under his authority as stipulated by the contract authorized by the Directorate."

Regarding the number of migrants working in it is about 14,850<sup>10</sup>, while the number of informal migrant workers is estimated at more than (4,200) worker.<sup>11</sup>

The Board of Commissioners of the Aqaba Special Economic Zone Authority (ASEZA) regulates legislative practices in the Aqaba Special Economic Zone (ASEZ). The Aqaba Special Economic Zone Law no (32) for the Year 2000 and its amendments No. 32 of 2000 gives the Authority the power in Article 10 paragraph (b9) over work and employees affairs as it states that "Notwithstanding the contents of any other legislation, the Authority shall assume within the Zone boundaries and in accordance with this Law, the responsibilities and authorities in relation to work and employees". Article 15 paragraph M (5) also stipulates that "The Board shall assume the following functions and authorities: Issue that are relevant to the activities and procedures of the Authority and determine the fees, which the Authority collects in return for services rendered to any pertinent body to the Authority's activities.

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<sup>10</sup> Aqaba Economic Zone.

<sup>11</sup> Aqaba Economic Zone -Estimate the market observers in Aqaba authority.

The conditions relating to the entry and residence in the Zone are defined in Article (48) of the law where it stipulates that

"The Council of Ministers shall, upon the recommendation of the Board, issue special Regulations determining the basis, conditions and procedures for the entry of non-Jordanians into the Zone, residency and work therein, particularly the following:

- a. Entry visas for non-Jordanians into the Zone, including temporary entry visas, which are issued directly at the crossing points.
- b. Residency permits within the Zone.
- c. The basis for bringing foreign labor and employing such in the Zone, work permits for non-Jordanians and their percentage to the total workers in Registered Enterprises. The fees collected by the Authority for issuing entry visas, residency permits and work permits according to such Regulations.

This law and its provisions have resulted in a set of regulations and instructions regarding the Zone, such as "Regulation No. (90) for the year 2000 on the visa system, employment and residency in Aqaba Special Economic Zone" and " the Instructions for Visa for Entry, Work and Residence in Aqaba Special Economic Zone No. 28 of 2002" and "Instructions for the Regulation of Labor and Migrant Workers in Aqaba Special Economic Zone No. 169 of 2017" which included a set of conditions and procedures which must be achieved to grant migrant workers a permit to work therein:

**(A): The terms of Recruitment and Employment relating to the Employer in the Aqaba Economic Authority:**

1. The employer must have an actual establishment. Article (4) of the Regulation of Labor and Migrant Workers in the Aqaba Special Economic Zone states that the commercial register of the institution shall be attached to the transaction for issuing a work permit for migrant workers. The law also stipulates that "all contracts signed between the worker and the employer in the Zone shall be ratified and documented by the Labor Relations Department in accordance with the conditions and attached to the Commercial Register of the Corporation."; with this condition complying with the provisions of Article (4) the provisions of the conditions and procedures for the employment and recruitment of non-Jordanian workers for the year 2012.
2. The recruitment and employment of a migrant worker must be for the achievement of an urgent need of the employer and the employer must have followed all the restrictions imposed in regards to the proportion of Jordanian workers compared to the total number of employees working for the employer as article (15) of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone No. (90) for the year 2000 as follows:

- a. All sectors of work in the Zone shall be of those open to non-Jordanian in accordance with the instructions issued by the Council provided that priority is given to Jordanian workers when employment opportunities are available
  - b. In no case shall the number of Jordanian workers be in any registered enterprise or any project in the area where there are more than 5 workers employed be less than:
    - Three workers if workers in the project do not exceed 18.
    - 30% of the total number of workers if it exceeds 18.
  - c. The Council may reduce the percentage of Jordanian labor or exempt the employer from hiring any if it is proved that there is insufficient number of Jordanian workers or they are unqualified to work in the registered institution or the related project in accordance with the instructions issued by the Council mentioned in paragraph (a) of this Article.
3. The employer shall bear the fees for the issuance of the work permit and any other additional fees including renewing or changing the profession of the migrant worker in accordance with Article (25) of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone No. (90) for the year 2000 as follows:
- A. The Authority shall issue a fee of 65 JD for every three months of the period of the visa or permit.
  - B. If the period of the visa or the permit is increased by three months, the fee shall be paid once at a rate of 65 JD for every three months for each period. Article 36 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone and Article (11) of the Instructions for the Regulation of Labor and Migrant Workers in the Aqaba Special Economic Zone both clarify the extra fees incurred by migrants in the Zone as article (36) stipulates that "the Directorate shall receive the following service allowances: 15 JD for each issue, renewal or issuance of a damaged or lost residency or work permits; while article (11) states that "the authority shall be met through the Directorate the reimbursement for the following service:
    1. (5) JD for each authentication allowance and documenting of a work contract, or the authentication of documents related to holiday allowances outside the borders of the Kingdom, or the issuance of an alternative document, or for an alternative of documenting the waiver and release of the worker to a new employer.
    2. (2) JD for each reported Absence; replacement of a lost document or authentication of a document and any vacation request outside the Zone.

**(B): The recruitment and employment conditions of the worker in the Aqaba economic authority:**

There are two conditions for the entry and employment of Migrant worker in the Aqaba Special Economic Zone, namely:

**The entry of the economic area of Aqaba in a legitimate manner:**

The worker shall have entered the Aqaba Special Economic Zone in a lawful manner in accordance with the stipulated residence laws and regulations, and have obtained his visa allowing him to enter the Kingdom or the Special Economic Zone. Article 7 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) No (90) states this as it stipulates that "a non-Jordanian who holds a visa to visit the Kingdom or a residence permit may enter the zone without obtaining a visa to enter." Article (3) paragraph (a) adds that "subject to the provisions of Article 7 of these Regulations, a non-Jordanian who has the nationality of a restricted State and wishes to enter the zone shall obtain the prior consent of the Authority to grant him a visa before coming to the zone, unless he is already there."

Furthermore, Article (22) of the same law stipulates that "If the Authority finds that an alien residing in the Area is not a resident of the Aqaba Special Economic Zone, or that his presence therein constitutes a danger to the public interest, it may take the necessary measures to cancel the visa and residence permit granted to him and to deport him outside the Kingdom in accordance with the established procedures."

**A holiday or a statement of work:**

Article (3) Paragraph (5 + 6 / a) of Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone states that "the Authority shall issue to the non-Jordanian under instructions issued by the Council a visa and a work permit."

Article 13 of the same law stipulates that "a non-Jordanian may work in the zone only if he has a work visa or a work permit as either allows the holder to work with the employer, who has applied for the visa or permit." While paragraph (b) of the article stipulates that "the employer shall notify the Directorate in the event that the non-Jordanian worker who is employed by him is absent from work for more than 48 hours without a legitimate reason, or if any of the reasons for the expiration of the work visa mentioned in points (2), (3) and (4) of paragraph (a) of this Article, within a period not exceeding three working days from the date of becoming aware of it."

### *Fifth: Migrant labor provisions and issues in labor legislation:*

Based on the foregoing, all provisions of the Jordanian Labor Law apply to both Jordanian and migrant workers in the same way except in four subjects as set in the following articles of the Labour Law:

1. The Jordanian legislator set special conditions for the employment and recruitment of non-Jordanian workers, provided that Jordanian workers are not available either in terms of numbers or the necessary expertise and competence that is required. Article 12 (a) of the Labour Law states "It is not permissible to engage any none Jordanian Employee except with the approval of the Minister or whoever delegated by him provided that the work requires experience and capability which are not available with Jordanian Employees or if the available number therefore does not meet the need. Priority shall be given to Arab experts, technicians and the Employees."
2. Jordanian legislators set the following conditions related to establishing Trade Unions:
  - a. The founder of any labor union or employers' union has to be Jordanian according to Article (98).
  - b. While the legislators did not prevent the joining of non-Jordanian workers to trade unions, it also left the General Union of Trade Unions the power to set the conditions and procedures for the association of workers to trade unions and to run for their elections as set in Article (97) Paragraph (a) " The Employees in any profession may establish a labor Union for themselves according to the provisions of this law. The Employee in such a profession shall have the right of affiliation thereto if he fulfills the conditions of membership."
  - c. Article (98) also states that the Founder of any Trade Union must be at least 21 years, and not be convicted of a misdemeanor or a felony related to honor, theft or another crime.

Further examining this particular point shows that there are currently 17 trade unions in Jordan, the majority of them headquartered in Amman. The exceptions include the General Union of Railroad Workers, which has its headquarters in Ma'an; the General Union of Workers in Maritime Ports and Clearance in Aqaba, and the General Union of Petroleum and Chemical Workers, headquartered in Zarqa.

Article 99 of the Labor Law stipulates the activities and protections that the Union could provide workers with. These services are provided to all those who work in the Union's sector, whether they are unionized or non-affiliated employees and Jordanians or non-Jordanians. Article 42 of the law also states that Collective labor agreements entered

into by the union shall include all workers in the establishment even if they are not members of the union.

Most unions form their own committees in the organizations working in the professional sector of the union. These committees are tasked with carrying out their trade union activities at the level of the institution and communicate with the management of the institution in matters related to their workers and their issues in direct coordination with the parent union.

Although the labor law abolished the requirement of Jordanian nationality to join trade unions in the amendments made in the provisional law No (26) for the year 2010, giving that right to non-Jordanian workers as well; the number of non-Jordanian workers members in unions remain relatively low in most of the trade unions, with the exception of the union of the Spinning and Textile Union, with the majority of workers in that sector affiliated in the union through arrangements it conducts with the factories they work in. This high percentage of non-Jordanian members has also reflected on the union's committees as nearly two-thirds of the members of each committee's 52 members are migrants. Consequently, these members have contributed to more effective follow-up of the affairs of the workers and, in particular migrants; as well as address their problems through communication with the institutions themselves, and official Ministries concerned like the Ministry of Labor and the Ministry of the Interior. However, it should be noted that actual figures are not available regarding the number of cases that are currently being followed by these committees or any updates about their status.

Despite these improvements, two sectors remain un-unionized; namely: domestic workers and agricultural workers; as these workers still do not have their own trade union. Furthermore, other sectors which employ large numbers of migrant workers, and are represented by trade unions like sectors of construction, manufacturing and services industries, still have very limited representation and enrollment of migrants in them.

Returning to the differences between Jordanian and Non- Jordanian workers, two of these remain, namely:

3. The exception of non-Jordanian workers from the minimum wage decision that raised the minimum wage for Jordanians starting from 1/3/2017 to 220 JD. That was also the case in the previous minimum wage decision that raised it for Jordanians to 190 JD. This means that the minimum wage that was decided in 2009 of 150 JD <sup>12</sup> is the one still applicable on Migrant workers currently, as they were not excluded from it though it did exclude domestic workers and those in the garment industry, which

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<sup>12</sup> The decision of the Tripartite Committee for Labor in force as of 1/2/2012, published in the Official Gazette No. 5134 date of 31/12/2011



means that their minimum wage remains at 110 JD as decided in 2006<sup>13</sup>. This exclusion constitutes a clear distinction and violation of labor law, which did not contain any provisions permitting the exclusion of non-Jordanian workers in decisions related to minimum wage as the text clearly states that the minimum wage is either generally set based on the level of the Kingdom or based on a particular region or a profession or specific age category according to article 52, paragraph (a) adding that this decision should take into account the cost-of-living indices issued by the competent authorities, and that the decisions of the Committee are published in the Official Gazette.

Furthermore, the instructions issued under the provisions of the Labor Law as well as those issued by the Minister of Labor either in the form of exceptions or decisions regarding the implementation of these provisions were somewhat biased to the side of the employers, at the expense of non-Jordanian workers. Thus, and despite the provisions of Article (29) stating that the Minister has the right to close any institution for the period s/he deems appropriate in the event of attacks by the employer or his representative on the workers by beating or any other form of physical abuse, as well as giving the worker the right to leave work without notice, the decision of the Minister of Labor as set in letter No. (1/1/17840) on 12/9/2017 was actually contrary to the article and its paragraphs (A / 6) and (b), as the letter said in its first item of the decision that "If a migrant worker with a work permit does not want to continue with the employer before the end of the work permit, his permit shall be revoked in the concerned directorate, and his permit shall not be renewed with another employer. The migrant worker then shall be deported in coordination with the employer and the Directorate of Residence and Borders." As an effect of this text, employers gained further power over their employees as they are now able to possibly force migrant workers to continue working for them in spite of whatever conditions they might be under or the worker shall be released at any time and then deported, for example in the case of attempting or actually filing a complaint against them.

Moreover, another decision was issued preventing a migrant worker from transferring to another employer and forbade them from traveling without getting the consent of the original employer to do so. Such a decision could lead to increased cases of exploitation and abuse of workers by some employers; as well as lead migrants to fall in difficult positions in cases where the employer or his representative for example attacked the migrant, and the migrant left his work without notice as a result of that. In such cases and pursuant to Article 29 of the law, the migrant cannot start working for another employer without first obtaining the consent of the original employer, even if that employer is the aggressor. Additionally, the worker cannot travel outside of the country

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<sup>13</sup> The decision of the Commission on the minimum wage in force as of 1/1/2009, published in the Official Gazette No. 4937 dated 16/ 11/2008

prior to returning to the employer to obtain a Disclosure from him releasing him even if the work permit is terminated and the worker does not wish to work for the employer anymore.

### *Issues related to the work of Migrants*

#### **Forced labor:**

Article 77 of the Labor Law addresses the subject of forced labor and the imposition of a fine between 500 and 1000 JD on any employer who has employed a worker under coercion, threats, fraud or duress including the seizure of his travel document.

Paragraph (b) of the same article provides that "In addition to any penalty provided for in the legislation, the employer shall be punished for any offense committed by him or her that includes the use of threat, fraud, including the confiscation of travel documents with a fine not less than 500 JD and not more than 1,000 JD, with this punishment also extending to any partner and instigator involved in this treatment of the worker".

Despite this reference to forced labor in the Labor law, the law did not include a clear definition of the crime, nor its indicators; making it difficult for labor inspectors to identify and help workers in such situations. Furthermore, current practices of many employers on the ground constitute Forced Labor; yet, these cases are rarely prosecuted due to difficulties related to proving the crime. Additionally, workers' fear of filing complaints against the employers in order to avoid any resulting problems or aggravation to the situation between them has further exuberated the situation. Thus, the majority of the workers usually wait for the end of their work permit, so they could move on to another employer.

Another factor that has increased workers' apprehension is the decision made by the Minister of Labor as set in letter No (1/1/17840) on 12/9/2017 which said in its second paragraph of the decision that "If the work permit is terminated and both parties do not wish to renew it, then the work permit shall not be renewed with another employee; and the migrant worker then shall be deported in coordination with the employer and the Directorate of Residence and Borders."

A particular issue that needs to be highlighted is the prevalence of Forced Labor among agricultural workers as they are subjected to an array of violations including long working hours in return of very low wages; violations related to days off, annual and sick leaves in addition to health care among other matters. These difficult conditions have resulted in pushing the workers in this sector to leave and start working in others, sometimes in an irregular status.

As for fees related to work permits, the law requires that the employer bears these expenses as stipulated in Article 12, which states that "the Ministry shall collect from the employer a fee for each work permit issued or renewed for non-Jordanian workers..." Meanwhile, Article 10 of the Conditions and Procedures for the Employment and Recruitment of non-Jordanian workers for the year 2012 states that "in the event that the employer fails to renew the work permit for any worker who holds restricted or unregistered nationalities in relation to their annual residency, the Ministry will collect a fee from the employer for each day the worker had no valid permit starting from the date of expiry of the previous permit". Despite these clear articles, facts on the ground indicate that it is the worker who often bears all of these expenses as well as any additional amounts, or costs like the retroactive fees for previous periods of work under an expired work permit, as employers force them to do so even though it is illegal.

Moreover, if the migrant worker wants to make a final clearance with the intention of leaving the country without return and wishes to withdraw his entitlements from the Social Security Corporation, he can only do so if he pays all the retroactive fees that the employer was supposed to bear during the employment of the worker.

Finally, it should be noted that Article (34) of the Residence and Foreigners' Law No. 24 of 1973 imposes a fine on every foreigner who entered the Kingdom legally and did not obtain temporary residency permit or has exceeded the period of residency granted to him or did not renew his annual residency permit. This fine amounts to 1.5 JD for each day he spent in the country following the expiry of the permit. Article 35 of the same law also incurs a fine on every company or employer employing a migrant worker without having a valid residency permit or is not allowed to work in the Kingdom between 50-75 JD for each one.

It is clear that fining the worker under Article 34 for violating the conditions of residency, is not compatible with Article 12 of the Labor Law, which considers that the responsibility for issuing a work permit rests on the employer and not the worker. Furthermore, the law indicates that the failure to issue a work permit for any reason for the worker would automatically prevent the worker from obtaining the residence permit, since the work permit is a basic condition for obtaining the worker's residence permit, in addition to other consequences related to not issuing it including threats of arrest and deportation.

### **Work Contracts:**

It is noted that the vast majority of non-Jordanian workers do not receive a copy of their contract. Another thing to note is that labor contracts attached to Recruitment requests

are not usually signed by workers and only signed by the employer or a delegate. This indicates that the worker in these cases does not see the terms of the work contract. Further aggravating this situation are the instructions issued by the Ministry of Labor, which do not require the worker to attend the relevant labor directorates when renewing or issuing a work permit; in comparison with the Aqaba Economic Zone's instructions which do. It also should be noted that in cases where a non-Arab worker signs the employment contract, s/he is often not aware of what s/he signs as these contracts are in Arabic, resulting in the worker not able to know the terms and conditions of the contract.

### **Working hours holidays and leaves:**

The Jordanian legislator addressed various aspects of workers' rights including their holidays, overtime, and the number of days during which workers may be employed for additional hours in cases of annual inventory in the institution and in the case of preparation of the budget and final accounts or in cases of emergencies in order to avoid loss or damage to goods; though it also specified that the worker needs to be paid for working in these cases.

The Labor Law in article (59) paragraph (a) stipulates that the worker may be employed for overtime hours with his consent: "The worker may be employed with his consent more than the daily or weekly working hours, provided that the worker receives an additional wage of not less than 125%; while paragraph (b) stipulates that the worker may be employed "on his weekly holiday, religious holidays or public holidays, but then he shall receive an additional wage of at least 150% of his original wage.

Although the law requires that workers shall not be employed for overtime without their consent except for the special cases stipulated above, many employers oblige workers to work overtime and throughout the year, using various methods to do so. In other cases, workers are always forced to work during their weekly holidays or public days off. Others are also prevented from taking their annual leaves they are entitled to on the grounds that such leave may impede the progress of the work, resulting in many of them staying in the Kingdom for several years without the ability to go back to their original countries. Other forms of violations include the employer not paying workers for the unused days off, especially in cases when the worker moves to another employer; as the employer forces them to waive these sums in addition to any other receivables in return to the release form.

As for sick leave for workers, the legislator granted the worker the right to receive this leave with full pay for 14 days of the year, which may be extended for additional 14 days

if the worker was hospitalized or received a medical report that was then approved by the institution. However, some employers deduct these leaves from the monthly wages of migrant workers, and especially when it comes to day workers. Unfortunately, such violations can only be determined if complaints are lodged by the workers in these cases, which seldom happens due to their fear of termination or dismissal.

Due to this, a comprehensive review of the regulations and instructions on migrant labor is required and in accordance with international labor law and standards. This review should address the current gaps; ensuring that any irregularities are dealt with in order to reduce violations, and improve inspection mechanisms. Additionally, a review should be conducted on work contracts on the same basis, prior to developing a new form that ensures that past problems are addressed and those workers' rights are guaranteed including the establishment of special conditions and rules for overtime and its payment.

Other points that need to be addressed include the current discrimination in the minimum wage between Jordanian and non-Jordanian workers; the need to develop a clear mechanism for complaints and follow-up; activate the accountability of employers in cases of non-renewal of work permits and residency for their workers.

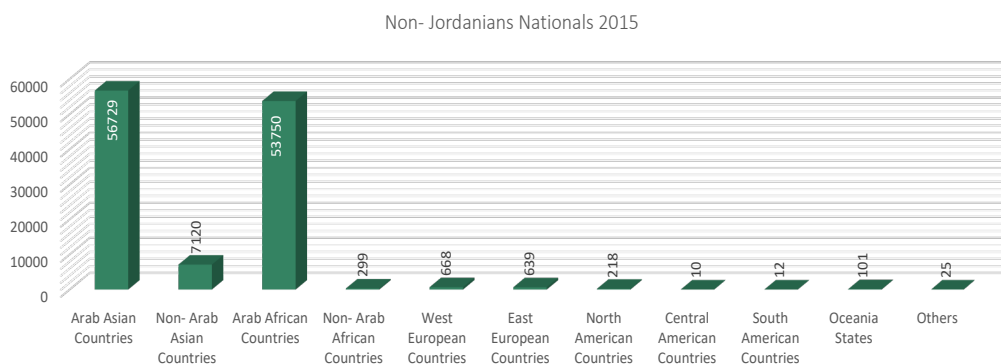
In terms of further protections of workers, it is necessary to ensure that workers are not find any sums in cases related to their work or residency permit as it is connected with the employer, and that they are protected from any action that could be taken against them like arrest or deportation in such cases; ensure that workers have the freedom to move from one employer to another, and to cancel the requirement of obtaining the employer's consent to leave the country.

Also, it is necessary to work on including the provisions of the international conventions and treaties into practice whether within policies or at the level of mechanisms and procedures adopted, including judicial proceedings, which would entail the addition of these international provisions into the national laws and regulations, and increase the efforts to raise awareness of these principles to all relevant stakeholders involved in their application.

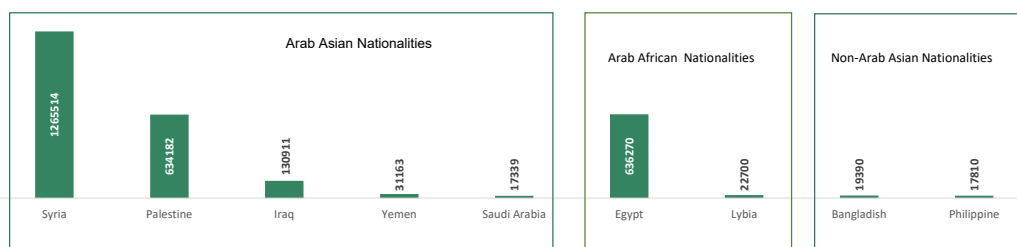
## Second Chapter: The Social and Economic Framework for Migrant workers in the provinces of south Jordan.

### *First: The Southern Governorates of Jordan: <sup>14</sup>*

In 2015; 745,162 people lived in the Southern governorates of Jordan; of which 117,791 are non-Jordanians (about 16.0%) with the proportion of males (66.6%) and females (33.4%). Of these non- Jordanians, the percentage of Asian and Arab African nationals was the highest with 47.4% and 45.0% respectively, while the percentage of other nationalities are shown in the graph below:



In terms of nationality, the highest percentage was for Arab nationals, especially Syrian, Egyptian and Palestinian. The total of these nationalities was 68.9% of the total number of foreigners living in the region, as shown in the following figure:



<sup>14</sup> Department of Statistics - the General Population Census of 2015.

The proportion of the foreign population aged 15 years and above in the region was 21.8% of the total population in the region in the same age demography, 72.5% of whom are males and 27.5% are females.

The governorates of Karak and Aqaba are the most densely populated areas in the Kingdom with 68.3% of total population in the south residing in these two governorates. The highest percentage of them reside in Karak (42.7%), followed by Aqaba (25.6%). As for foreign population in the Southern governorates, the highest percentage was in Aqaba (46.2%) of the total foreign population in the region, while in Karak, Ma'an and Tafila it was (36.1%), (12.3%) and (5.4%) respectively.

### *Second: Migrant Workers*

The influx of Migrants coming to the Kingdom began in the 1980s, at a time when a high number of workers joined the Jordanian labor market during its peak of economic development. These workers were characterized by being unskilled and concentrated in the services, cleaning, construction, agriculture, and other sectors that require physical strength and do not require knowledge or prior experience.

Currently, there are about 857,938 migrant workers in the Kingdom distributed across the different regions of Jordan. Of these migrants; 113,026 are unemployed while about 924,660 migrants are not economically active. In terms of percentage, this translates to 45.2% of them being employed; 6.0% are unemployed; and those who are economically in-active constitute 48.7% of the population.

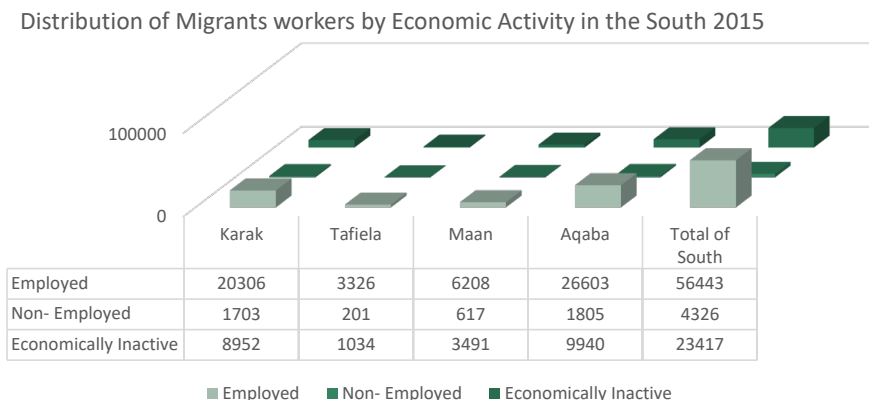
The highest percentage of migrant workers is concentrated in three governorates: the capital Amman, Zarqa, and Irbid, with migrants in these governorates alone constituting 81.6% of all working migrants in the Kingdom. In terms of each governorate, the highest percentage of migrant workers was recorded in the capital with 59.9%, followed by Zarqa and Irbid governorates with 12.6% and 9.1%, respectively. On the other hand, the lowest percentage of migrants was registered in the governorates of Tafileh, Ajloun with (0.4%), (0.5%) and (0.7%), respectively.

Males represent 88.9% of the total migrant workers in the Kingdom, while 11.1% are females. The percentage of unemployed among males is 73.2% of total migrant workers compared to 12.5% for females.

In terms of participation in the labor force, there were 924,660 migrants who did not have a job and were not looking for any, 67.4% of whom were females. Meanwhile, 111,537 migrants were working in irregular, intermittent, casual or daily jobs, 97.6% of whom were males. 250,957 and 30,943 respectively were either working temporarily or seasonally; and finally, 464,681 of them had permanent jobs, 85.4% of which were males.

### *Migrant Labor in Southern Governorates: <sup>15</sup>*

According to the available numbers, 56,443 migrant workers reside in the Southern governorates of the Kingdom, with 4,326 of them unemployed and looking for work, while 23,417 are economically active, of these 21,395 hold work permits<sup>16</sup>.



The majority of Migrant workers are distributed in the governorates of Karak and Aqaba, with the highest percentage of them in Aqaba, as 47.1% of migrants in the Southern region are living in it. In terms of the remaining governorates, 36% reside in Karak, 11% in Maan, while Tafelah has the lowest number of migrant workers with 5%.

It should be noted that there are about 4,326 Migrants in the South who are actively looking for work, with the highest percentage of unemployment among Migrants in Aqaba and Tafila with (41.7%) and (39.4%), respectively. Meanwhile, 23,417 migrants are not economically active, i.e., are of working age but are not looking or do not want to work, with the highest percentage recorded in the governorates of Aqaba and Karak with (42.4%) and (38.2%), respectively.

Male migrant workers in the southern region constitute the highest percentage of workers with 92.1%, compared with only 7.9% of female workers.

In terms of participation in the labor force, there were 23,414 Migrants who did not have a job and were not looking for work, of which 73.6% were females. 7,567 who are engaged in irregular, intermittent, 98.4% were males. And those who were working temporarily or seasonally were 20,803 and 2,617 respectively, and 25,456 of them have permanent work in the region, 87.3% were males.

<sup>15</sup> Department of Statistics - the General Population Census of 2015.

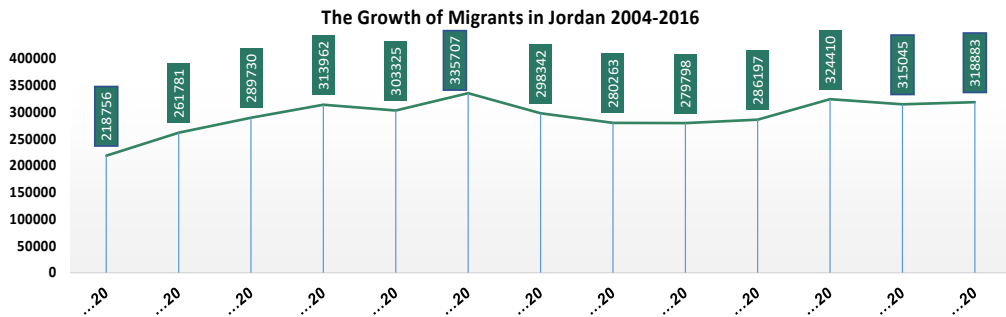
<sup>16</sup> The Ministry of Labour Annual Report 2016



### Third: Regular Migrant Workers

Data from the Ministry of Labor in 2016 showed that the number of foreign workers with work permits in the Kingdom reached about 318,883 migrants. The largest increase of these numbers occurred in the last decade<sup>17</sup>, and especially in 2009. The growth rate of regular migrants in the period between 2004 and 2015 reached 3.32%, before increasing again in 2016 by 1.2%.

Regarding the Aqaba Special Economic Zone (ASEZ), the number of migrants working in it is about 14,850<sup>18</sup>, while the number of informal migrant workers is estimated at more than (4,200) worker.<sup>19</sup>



In terms of Arab nationalities, the highest percentage among them is Egyptians with 53.33%; while Syrian workers constitute 10.5%, and Yemeni and Iraqis are (09%) and (0,3%) respectively. In terms of non-Arab Asian regions, the highest percentage is of Bangladeshi, accounting for 15.86% of the total migrant workers, while workers from Philippines constitute 5.48%, Sri Lanka 3.9%, Indian 3.92%, Pakistani 1.01% and Indonesian 0.22%<sup>20</sup>.

It is worth noting that the increase in the number of Syrian workers occurred in 2016 as they reached 33,485 workers<sup>21</sup>, accounting for 10.5% of the total migrant regular labor force.

<sup>17</sup> The Ministry of Labor Annual Report of 2016.

<sup>18</sup> Aqaba Economic Zone.

<sup>19</sup> Aqaba Economic Zone -Estimate the market observers in Aqaba authority.

<sup>20</sup> The Ministry of Labor Annual Report of 2016

<sup>21</sup> The Ministry of Labor Annual Report of of 2016.

The majority of regular migrant workers in the Kingdom are concentrated in the capital Governorate, with 44.4% of the total migrant workers with work permits in it; followed by Irbid governorate (16.1%), Balqa (8.8%) and Zarqa (10.7%). In contrast, the lowest percentage of migrant workers is in the governorates of Ajloun, Tafila, Aqaba, and Jerash with 0.5%, 0.7%, 0.8% and 0.9%, respectively<sup>22</sup>.

Another characteristic of Migrant workers in the Kingdom is their concentration in particular sectors. These sectors could be ranked as follows in terms with having the highest percentage of regular migrants: agriculture, forestry and fishing (28.7%), manufacturing (26%), domestic workers or building guards (20.0%), wholesale and retail trade, repair of motor vehicles and motorcycles (7.7%), construction (6.1%), accommodation and food services (5.5%), and only (6%) who work in other sectors.

#### ***Fourth: Irregular Migrant Workers***

The results of the General Population and Housing Census of 2015 indicate that there are about 857,938 migrants working in all regions of the Kingdom<sup>23</sup>; while data from the Ministry of Labor for the same year indicate that there are about 315,045 migrants in the country who have a work permit. Therefore, The Kingdom has about 542,893 irregular workers; most of whom are Egyptians.

The data indicate that 96.6% of total irregular migrants are males compared to 3.4% are females. These irregular migrants are concentrated in the Capital with 67.4% of the total irregular migrants living in it; followed by Zarqa (13.7%) and Irbid (6.6%).

As for the southern governorates, the number of irregular migrant workers is about 35,133; of which about 4,200 are in the Aqaba Special Economic Zone. The proportion of non-formal migrants in the Aqaba Governorate was 4.4% of the total irregular migrant workers in the Kingdom and in Karak Governorate 1.4%.

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<sup>22</sup> The Ministry of Labor Annual Report of 2016

<sup>23</sup> Department of Statistics - the General Population Census of 2015.

## **Third Chapter: Working Conditions of Migrant Workers in the Southern Region of Jordan**

The study was based on descriptive research as well as analytical field research. In terms of descriptive research, a desk analysis was carried out by studying and analyzing census data and statistical field surveys. Also, legislations issued by the official bodies were analysed in order to crystallize the basis of the framework. Regarding the analytical aspect of the study, surveys were carried out, with the answers subsequently analyzed using statistical methods to answer the study questions.

This Chapter of the study will highlight the working conditions and labor rights of migrant workers in the provinces of Karak and Aqaba in targeted sectors. It will also identify the extent to which these rights, which were guaranteed to these workers by Jordanian legislators, are recognized by the employers. Furthermore, it will highlight the importance of these rights to workers; and the quality of the rights they are provided with, as well the those that are ignored or exceeded. The chapter will also include excerpts from the interviews carried out with workers overiewing their status in the work place including the violations that they are facing.

### ***The Study Group:***

The study community consists of all male and female migrant workers in the governorates of Karak and Aqaba numbered (47, 000).<sup>24</sup>

### ***The Study Sample:***

The sample was designed in accordance with the objective of the survey, with a representative sample distributed in the governorates of Karak and Aqaba. The sample included migrant workers in these governorates from the targeted 8 economic sectors.

In order to represent all migrant workers in the targeted areas, population tables for the year 2015 were used; with the data of migrant workers then utilized in the governorates of Aqaba and Karak to determine the sample size. Accordingly, the sample was divided into two sections: the first class focused on workers in Karak governorate, while the second in Aqaba. Then, it was decided that random sample units from each section

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<sup>24</sup> Department of Statistics - the General Population Census of 2015

should be randomly selected to conduct the survey in the form of Focus Group Discussions for each of the target sectors according to the following table:

<b>Sample Size (385)</b>			
<b>The Sector</b>	<b>Karak</b>	<b>Aqaba</b>	<b>The total</b>
<b>Agriculture and fisheries</b>	17	22	<b>39</b>
<b>Spinning and Textile</b>	17	22	<b>39</b>
<b>Construction</b>	25	32	<b>57</b>
<b>Cosmetics Haircutting</b>	17	22	<b>39</b>
<b>The sale of retail and wholesale except vehicles</b>	33	43	<b>76</b>
<b>Accommodation and food services</b>	25	32	<b>57</b>
<b>Domestic Workers</b>	17	22	<b>39</b>
<b>Building guards work in Houses</b>	17	22	<b>39</b>
<b>The total</b>	<b>168</b>	<b>217</b>	<b>385</b>

### *The Study Tools:*

A questionnaire was designed to answer the study questions. It consisted of (34) main questions in addition to several sub-questions covering all the basic aspects and variables that have to do with the question of the study. These questions were the open answer type as they could lead to further discussions and could result in more sub-questions. They were designed as such to give the researcher the opportunity to delve deeper into the topic and obtain detailed information and data on the subject matter. The study tool included the following variables:

- **Identification data for the sample group, including personal and economic information:** including residence, nationality, scientific qualification, age, work sector and wages.
- **Labor and Human rights of migrant workers:** including permits (labor contracts, work permits, residence), working hours and wages (official working hours, overtime, vacations, wages and deductions), forms of slavery, restrictions on freedom of movement, threats on workers, physical or sexual assault, and the

systems of prevention, protection and privileges granted that are available to workers.

### *Data Collection:*

- a) Researchers specialized in the field of: sociology and labor inspection were identified for each governorate.
- b) A field survey with migrant workers was conducted according to the specific framework and through direct collective interviews, where researchers visited migrant workers' communities and their workplaces in the provinces.
- c) Focus Group Discussions with migrant workers were held; researchers moderated the dialogue through forums prepared for each FGD. The data of these discussions were recorded.

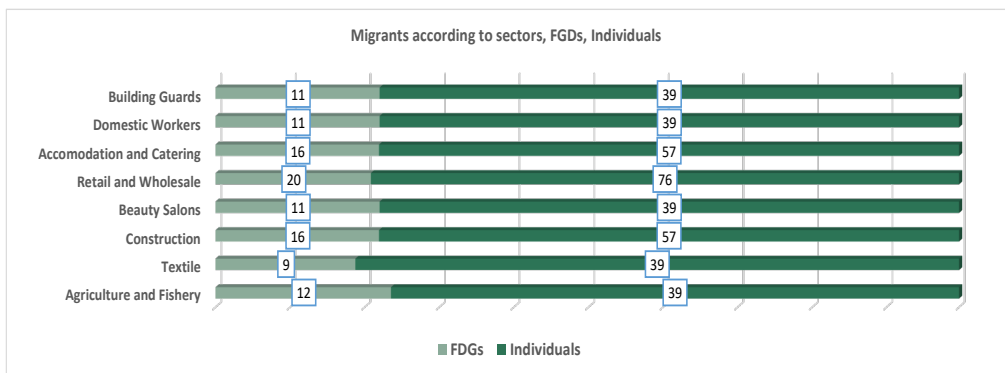
### *The Challenges:*

- The similarity in work conditions for most workers in some sectors, especially workers in the sectors of building guards, domestic workers, construction, and agriculture; which is reflected on the results of the working conditions either positively or negatively.
- At the beginning of the interviews, workers were afraid to provide the full truth about the nature of labor abuse they were facing. This resulted in the spending of considerable time trying to convince them of the purpose and objective of these interviews.
- The lack of detailed data and information provided by official authorities on labor violations in general.
- Lack of data on migrant labor in the Aqaba Special Economic Zone as data or reports done on the zone are published through a dedicated website.
- Poor coordination between official entities concerned with migrant labor issues is a major impediment to the access to adequate and accurate information and answers for the questions raised by researchers in the field.

## Results of the Study:

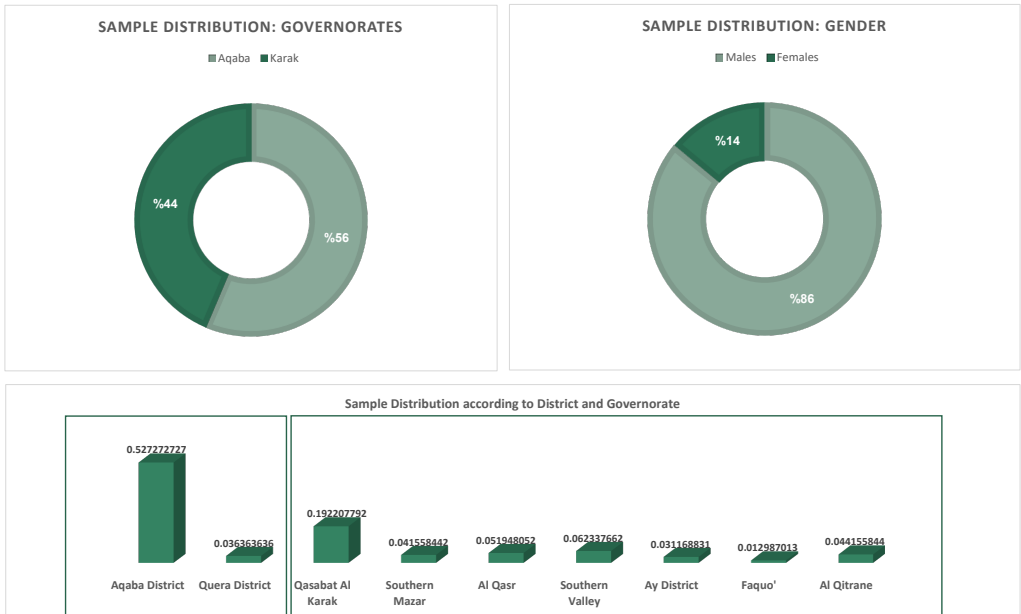
### Characteristics of the Study Sample:

#### a. Group personal information:

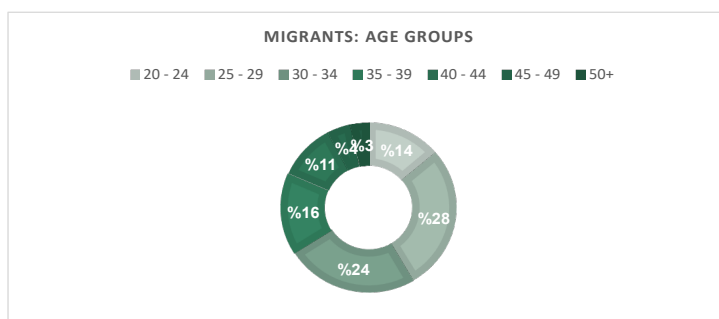
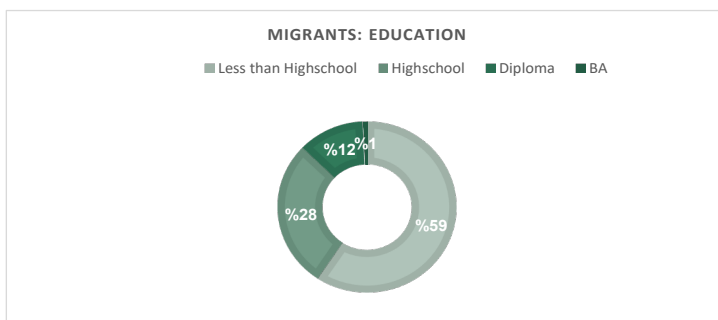


Focus Group Discussions were divided into (106) groups for the (385) participants. These groups were then distributed according to target sectors and participating individuals in accordance with the form above. There were (58) groups in Aqaba Governorate that included (217) individual, whereas 48 groups were in Karak for (168) worker.

In terms of percentage of migrant workers from each governorate, (56.0%) were in Aqaba compared to (44.0%) in Karak. The highest percentage of migrant workers was in the Aqaba District (52.7%), followed by the Kasbah Brigade (19.2%). In terms of gender, the percentage of male workers was 86.0% compared to 14.0% for females. The percentage of males in the province of Aqaba (87.1%) of the total employees in the province, while (84.5%) in the province of Karak



The percentage of Egyptian migrant workers was 66.8% of total migrant workers interviewed, followed by migrant workers of non-Arab Asian nationality (15.1%), while the percentage of Syrian workers was (11.9%). The percentage of Egyptian male workers was 66.8% of the total migrant workers in the FDGs, while the Syrian male constituted 10.9% and the Asian nationalities were 4.7%. Meanwhile, the percentage of female non-Arab Asians was 10.4% of the total group.



The majority of workers were either high school graduates or had a lower educational qualification (87%); and in terms of age, (52%) were between (25-34) years old.

**b. The labor rights of migrant workers:**

Jordan has made efforts to improve practices related to migrant workers. These efforts included awareness raising campaigns on workers 'rights, measures to combat human trafficking, and the issuance of several legislations and resolutions that contribute to the protection of workers' and human rights.

While these steps are commendable, there is a question about the adequacy of these practices on one hand and their implementation on the ground on the other hand. Other questions also circulate about whether these efforts are having an actual impact on workers, especially in the provinces that are far from the capital of Amman, which are considered to be much poorer and lack a lot of services available in the capital or in cities near it.

From this standpoint, the study included a field survey in the governorates of Karak and Aqaba to assess the situation of migrant workers. These two governorates were chosen



as migrants working in them constitute about 5.5% of the total migrant workers in the Kingdom. Furthermore, they constitute about 83.1% of the migrants in the southern region. Most of these migrants work in unskilled or simple skills jobs in a number of sectors. They include: construction, retail and wholesale, domestic work, building guards, agriculture and fishing, beauty salons, accommodation and food, textile and weaving.

The study has identified various types of abuse and exploitation that migrants are facing at the hands of some employers in these two governorates; as well as a number of obstacles standing in their way of fair access to justice.

### *First: Forms of slavery and discrimination:*

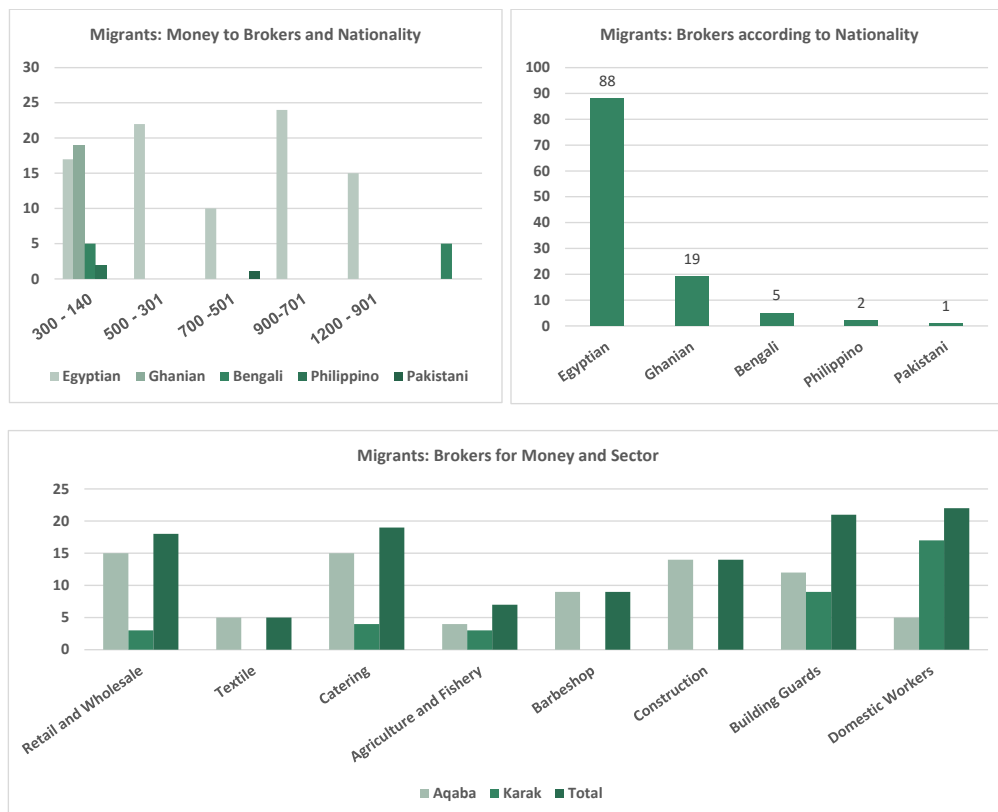
The suffering of many migrant workers begins when poverty and financial need forces them to seek better paid jobs abroad. Thus, they resort to recruitment offices or agencies to provide them with employment opportunities abroad, or resort to an intermediary to enable them to travel and work in other countries. Through interviews with migrant workers in the governorates of Karak and Aqaba, the subject of these mediators was approached, with some saying that their practices can be classified in some cases as slavery-like practices. Article 3 of the Anti-Human Trafficking Law in Jordan actually agrees with this opinion as it covers mediators, and slavery-like practices it recognizes as forms of Human Trafficking.

Sheltering or receiving them for the purpose of exploiting them, or by giving or receiving payments or benefits to obtain the consent of a person who has control over such persons, is a crime of human trafficking. The article defines Human Trafficking as:

- i. For the purposes of this Law “Human Trafficking Crimes” shall mean:
  - a) Transporting, moving, lodging, or receiving of people for the purpose of abusing them, whether through using or threatening of use of force, or through any form of coercion, abduction, fraud, deceit, abuse of power, abuse of vulnerability, or through giving or receiving financial gifts or any other privileges to secure the consent of a person who has control over those people; or
  - b) Transporting, moving, lodging, or receiving of people who are under the age of 18 for the purpose of abusing them, whether through using or threatening of use of force, or through any of the means stated in item (1) of this paragraph.

The results of the survey showed that 29.9% of the total number of workers interviewed had been exposed to such cases of exploitation in relation to mediators. They show that 68.7% of workers in Aqaba paid money to recruitment offices or brokers to obtain

employment in Jordan, while 31.3% of the workers in Karak did the same. The highest percentage of workers who paid worked as building guards (19.1%), domestic workers (18.3%), food and beverages (16.5%) and retail (15.7%).



The interviews revealed that the amounts paid by the workers ranged between (140 - 1,200) JD. The percentage of Egyptians who paid between (300 - 500) JD was (33.9%) of the total workers who paid mediators. The percentage of workers who paid (501-700) JD was (8.7%). (20.9%) of them paid between (701-900) JD and (13.0%) for those who paid between (901 - 1200) JD.

In terms of Asian and African nationalities from Philippine, Bangladesh, and Ghana, the amount that they paid ranged between (140 - 300) JD, and they accounted for (23.5%) of the total workers who paid intermediaries. Pakistani workers paid (600) JD and they represented (0.9%) of the total workers who paid to mediators.

Some Egyptian workers indicated that the sums they paid to the brokers were divided into two parts: the first was paid back in Egypt while the second was paid after arriving in Jordan. A worker in the construction sector in Aqaba said:

"I had to pay a mediator in Egypt to come to Jordan to work. First, I had to pay (300) JD at a Recruitment Office in order to obtain a contract. Then after coming to Jordan for the first time I had to pay 500 JD to a sponsor for the issuance of a work permit, in addition to paying for the fees to actually issue the permit. Before leaving Jordan, I have to pay money for my employer so he would give me a Clearance to be able to travel to Egypt for a visit and then return back."

Another worker in the beauty salons sector in Karak Governorate said:

"When I came to Jordan I worked in the agricultural sector because it was much easier to get a permit in it and had lower fees. I stayed a full year working for the same employer. When my permit expired, I asked him to renew it but he refused. So, I had to leave and began working in a barber shop irregularly as I used to work in this sector back in Egypt. My permit remained unrenewed for a full year, and then when my new employer tried to issue a work permit, the Labor Directorate asked for a Clearance from my old sponsor as a prerequisite for obtaining a work permit. When I contacted him for it, he asked for (500) JD in return for giving me the clearance. I eventually ended up paying despite knowing that he is exploiting me because I had to get the paper to issue my work permit."

The interviews and FGDs also revealed that while some workers came through mediators to Jordan, there are others who did not. The majority of these are Syrians and some Sudanese as well as they came as refugees and did not have to pay intermediaries for work permits. Others said that they came to Jordan using a Visitation visa and then corrected their situation through their employers, as there were no restrictions on them travelling to Jordan. Another group said that they had come to work through relatives in Jordan.

A Sudanese working in the wholesale and retail sector in Karak Governorate said:

"I came from the Sudan to Jordan without there being any intermediary as I came with my father, who was working in Jordan and then I issued a work permit with the help of my sponsor whom I work with now."

Two working in the wholesale and retail sale sector in Karak Governorate said:

"We came from Sudan to Jordan in the same day. At that period, there were no conditions or restrictions on travel to Jordan. After our arrival, we met the owner

of the facility where we are currently working and he issued the work permits for us. We did not use a mediator and did not have to pay any money to anyone."

Other Egyptian workers said that they came to Jordan through the same employer as the employer himself traveled to Egypt to meet and then hired them, without the intervention of any mediator. Others said that arrived through the entity that they work in, as some of these entities have offices in countries where they recruit workers from which interviews potential workers, and sign their work contracts before they travel to Jordan.

Workers from Sri Lanka who work the textile sector in Aqaba Governorate said:

"We saw on television an advertisement by one of the governmental institutions in our country, so went there and applied for work. We were then interviewed by a Liaison Office to the institute where we would work, then we signed the contract and came to Jordan."

Through the interviews, it was clear that most of the workers from Asian nationalities have been recruited either through licensed employment offices or through intermediaries for sums of money.

**Conclusion:** There are some migrant workers who were subject to exploitation by brokers in the Aqaba and Karak governorates. As a result of their urgent need to work and their ignorance about laws including and the consequences of their interaction with the brokers, these workers were reluctant to file complaints. The reluctance was the result of the pressures exerted on them by brokers, and the absence of deterrent laws and procedures that would offer them sufficient protection from these practices. There are also shortcomings regarding the official authorities and civil society organizations, trade unions and human rights organizations in addressing these practices, as it is noted that there is no formal or non-formal institution directly concerned with combating Brokerage even though it is considered one of the most important issues faced by migrant workers in Jordan.

This has resulted in very few workers actually resorting to the relevant stakeholders to lodge complaint and for brokers to continue with these practices over the years, and further develop them for the purpose of subduing the workers and exploit them.

As for discrimination in employment Jordan ratified in 1974 the "International Convention on the Elimination of All Forms of Racial Discrimination of 1965" and ratified in 1992 of the Convention on the Elimination of All Forms of Discrimination against Women in 1976, and ratified in 1963 the International

As for discrimination in the workplace, Jordan ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1965 and in 1992 it ratified the Convention on the Elimination of All Forms of Discrimination against Women of 1976. Furthermore, in 1963, it ratified the International Labor Convention No. 111 on Discrimination in Respect of Employment and Occupation which provided for the establishment and application of a national policy aimed at promoting equal opportunities and equal treatment in employment and occupation, with a view to eliminating any discrimination in employment.

The results showed that the vast majority of workers interviewed reported that they had not been subjected to any form of discrimination in their workplaces, whether in relation to their sex, race, religion or otherwise.

This was confirmed by groups of workers in the beauty salons and construction sectors in Karak governorate; as well as in the textile and wholesale and retail sector in Aqaba Governorate who said:

"We have been living in Jordan for a long time and we have never been subjected to any kind of discrimination during our work, either based on sex, race or religion, and we practice all our rituals freely"

Another group of workers employed in the wholesale and retail sale in Karak Governorate said:

"We have never experienced any kind of discrimination in terms of race, religion, sex or any otherwise. We have been living in Jordan for years now and through that time we have lived side by side with the local community and they have not treated in any discriminatory way."

However, two of the interviewed workers said that they have been discriminated against through a situation that occurred with them. One of them works in the construction sector in Karak, recalled his experience:

"I remember that when I came to Jordan, I was subjected to fraud by a Jordanian citizen from the Jordan Valley who borrowed money from me with the presence of witnesses. When I asked for my money back later on, he denied this. So, I lodged a complaint against him in the Police Station. However, the station did not take any action regarding this matter as I am an Egyptian. Furthermore, the man was walking around easily in front of me and the police. Later on, I found through investigating that he has a close relative working with the police so I decided to tell my employer and ask for his help. Later, my employer and I filed a complaint against the officer. The defendant was then arrested, and returned the money to me."

The other person worked as a Building Guard in Karak Governorate:

"I came from Egypt to Jordan and began working as a guard for a building. One of the building residents had negative attitudes toward foreign workers, as he kept criticizing our presence in Jordan continuously. He also kept talking negatively around me and addressing me with hurtful words and phrases ".

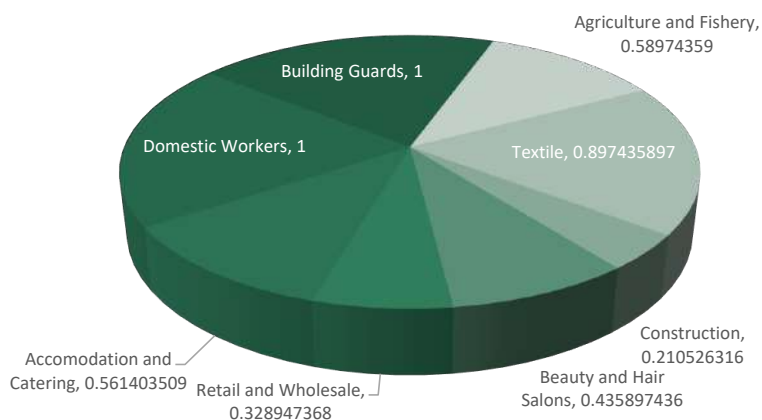
#### **Conclusion:**

Discrimination based on religion or sex or nationality is almost nonexistent when it comes to the treatment of non-Jordanian workers as there was not any recorded cases of discrimination on this basis. Generally, non-discrimination of workers in Jordan does not seem a worrying problem for them or something they have witnessed except in rare cases.

With regard to the detention of workers' freedom through compulsory housing, the results showed that there is no establishment or employer that compels the workers to stay in a specific dwelling or obliges them to pay him a heavy fee for the accommodation or for the food provided to them. Some employers provide housing for the workers inside the establishment or in the accommodation they choose, and they have full freedom to stay there or to choose accommodation at their own discretion, provided that the rent is paid by them in this case. Workers whose housing is provided by the owner accounted for (52.5%) of the total number of workers interviewed with (57.4%) of them in Aqaba compared to (42.6%) in Karak.

It is noted that building guards and domestic workers are provided with housing in the same buildings or houses where they work. As for the other sectors, it is noted that (89.7%) of workers in the Spinning and Textile sector were provided housing by the employer and (59.0%) of those working in the agriculture sector.

**% of Workers with provided Accommodation/ Sector**



**Conclusion:** The phenomenon of forcing workers to stay in specified housing in exchange of paying huge sums is not that common, as rare cases were recorded in which workers were forced to stay in specific accommodation. However, it should be noted that in these cases that they did not pay expensive rents.

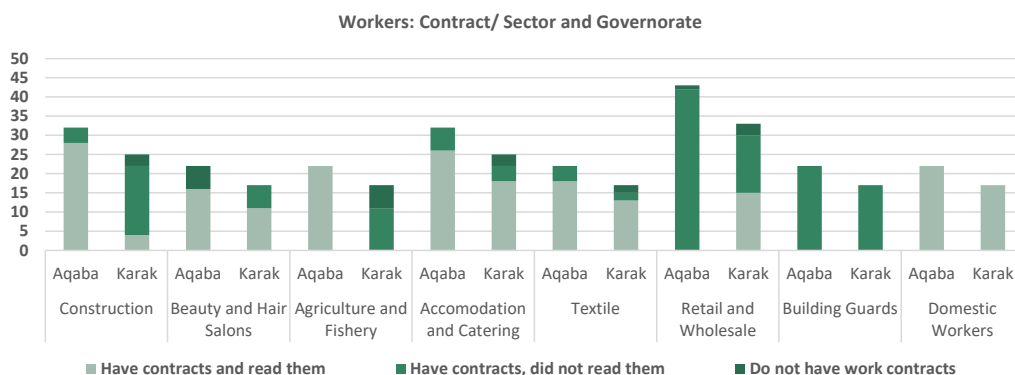
The nature of the work of domestic workers and guard of building necessitates overnight stays for these workers in the workplace as a precondition for employment, which in some cases constitutes a restriction of their liberty, especially with domestic workers.

## Second: Permissions and Residency:

A large proportion of migrant workers in Jordan are exposed to clear forms of violation by some employers in terms of contracts and work permits. According to the laws in Jordan, employers should ensure that migrant workers are provided with yearly residency permits based on their work contracts that usually extend for that same period as well. Upon the expiration of the work and residency permits, the worker must leave the country within a period of nine days regardless of how many years spent in the Kingdom. If the worker is arrested, the employer must pay the costs related to their trip back to their country of origin; and the amount is deducted from the guarantee provided by the employer when issuing work permits for the worker.

Paragraph (b) of Article (12) of the Jordanian Labor Law regulates the relationship between the worker and employer regarding the work permit, stating that a non-Jordanian worker must obtain a work permit before the worker can start his job. Paragraph (c) of the same article states that fees for the work permit and any additional amounts shall be covered by the employer; while paragraph (a) stipulates that two copies of the contract must be written, one in Arabic and another written using the language of the migrant worker. Each of the parties shall retain their copy thereof; and the worker may prove his/her rights by all means of legal proof in cases where there is no written contract.

The results of the field survey conducted in Aqaba and Karak showed that (6.2%) of the interviewed workers were employed without having either work contracts or work permits, compared to (93.8%) who have contracts and work permits. The results also indicated that (41.8%) of workers who have contracts and work permits did not have a chance to look or read these contracts; as these contracts are viewed as a formality signed in the labor directorates only for the issuance of the work permit. Others said that they did not even sign the contracts, as the employer himself did the signing on behalf of both parties.





A group of Egyptians working in the construction sector in the Karak governorate said in this regard:

"We came from Egypt to work in the construction sector. We had valid working permits under the name of a concrete worker. We worked under the same job title in the workplace. Although we had work permits, we did not have work contracts. The ones we signed when we issued the work permits are written by the sponsor for the purpose of issuing the permits as he is responsible for issuing them to us and he does not give us a copy of the work contract".

Another group of Syrian workers in the Cosmetics and Hair Salons sector in Aqaba Governorate said:

"We entered to Jordan illegally from Syria. As refugees, we were given a special identity card issued by the Ministry of Interior at the police station as we did not have any passports or any identification cards."

Moreover, the results showed that 71.5% of workers who do have work contracts do not have copies of these contracts. 58.2% of the workers interviewed in Aqaba and 41.8% in Karak said that they had work contracts and permits and a copy of their contract. Meanwhile, 29.2% of workers interviewed in Aqaba reported that they do not have copies of their contracts or permits, compared with 70.8% in Karak.

Regarding sectors, (25.0%) of workers in the agriculture and fishing sector, and beauty and hair salons sectors said that they do not have copies of their contracts and work permits. The percentage in the other sectors ranged from (16.7%) in retail and wholesale; (12.5%) in the sectors of construction and food and drink services; (8.3%) in textiles; while domestic workers and building guards said that they have work permits and contracts.



A group of workers in the accommodation and food services sector in Aqaba said on this regard:

"Yes, we all have work contracts that are signed and renewed regularly each year, though we do not have copies of them as we sign one copy each time which is taken with the form to issue our work permits."

In terms of contracts, 83.8% of the non-Arabic speakers who were interviewed said that they had contracts in English. Aggregated by numbers, 39 domestic workers; 14 workers in Textiles and only 4 in the services sector said they had English contracts.

In an interview conducted in one of the restaurants in Aqaba, which included (3) Egyptian workers and an Indian worker; the Indian said

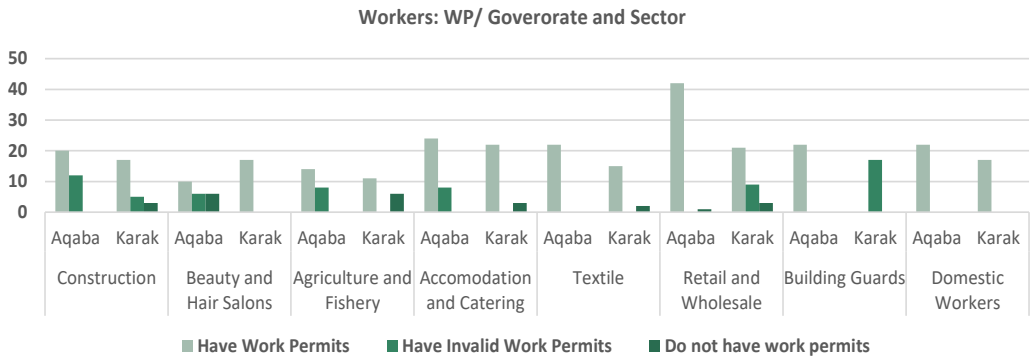
"Yes, I have a permit; a regular work contract and my copy of the contract. However, my contract is in Arabic and I do not have an English copy of it. So, I do not understand the terms of the contract and its contents".

In an interview with groups of domestic workers in Aqaba they said regarding this:

"We signed two contracts when we came to work in Jordan. We signed the first contract at the recruitment agency office through our embassy and the contract was in our language, and we were given a copy of it. We signed the second contract with the employer and that one is only available in English and Arabic and we did not receive a copy of it. Also, the employer has us sign a contract for each time the permit is renewed."

Furthermore, (76,9%) of total workers who have permits work legally according to the job title and profession listed in the permit, and with their original employer. Meanwhile (23,1%) of the workers said that they are working in violation of their permit either in terms of sector or because they work with a different employer.

These results indicate that most of the workers who have work permits yet work in other sectors have agricultural work permits, while the rest are divided between construction (52,4%) and (47,6%) of them in other sectors including: accomodation and food services, cosmetics and hair salons; and retail and wholesale sectors.



A group of workers employed in the accomodation and food services in Aqaba said:

"We are all working in this cafe illegally. Although we have work permits and contracts, they are in fact illegal,"

One of them explained in this regard:

"I do have a work permit but it was issued by another company. I currently work in this cafe in the morning and then work in the night shift at the company. Although I have a work permit and contract, I do not have a copy of my contract. Also, the café owner knows I work at another place and we have a prior agreement about my work at the café during the morning so that it would not conflict with my evening shift at the company.

Another group of workers employed in the wholesale and retail sale in Karak said:

"We all work in retail sector illegally. We also all have work permits and contracts. We read these contracts before signing them prior to issuing the work permits as having a contract is prerequisite for issuing it."

One of them went further by explaining:

"I have a work permit as an agricultural worker with another sponsor. However, I work at the store as a cash registered as well as helping with the loading and unloading of the goods when the employer asks me to. The employer is not obliged to what is stated in the work contracts in terms of the nature of the work and the hours of work, nor about the rights and duties stipulated in these contracts."

The worker's statement is in fact false as the Jordanian legislator addressed this issue in the Labor Law in article 17, which stipulates that "The worker shall not be obligated to perform a job which is clearly different from the nature of work agreed upon in the work contract unless necessity calls for such an action in order to prevent the occurrence of an accident or rectify the results therefore, or in the event of a Force Majeure as well as in the other cases provided for in the law provided that such is within the extent of his capability and within the extent of the conditions which necessitated such an action."

Article 18 also states that " a worker shall not be obligated to work in a place other than the one assigned for his work if such action results in changing his place of residence unless an express provision has been provided in the work contract which permits same."

However, while these texts seemingly address the issue, there are actually multiple interpretations of them that could lead to employers exploiting the workers. The phrase "if necessary" for example has been interpreted by many employers as an excuse to exploit the workers by making them work in professions not specified in their contracts.

Even though paragraph (c) of Article (12) says that "The Ministry shall charge the employer a fee for the issue or renewal of the work permit for every non-Jordanian employee; the results showed that only 36.4% of the workers had these fees completely covered by the employer. While Employers are lawfully bound to cover all expenses related to issuing the work permit including the medical tests and any other expenses, (28.3%) of the workers said that they contributed a percentage of the costs of issuing work permits and these additional amounts. Some of these workers even reported contributing half of the requested sums; while others contributed up to a third and others contribute a quarter of these expenses.

The results also show that 6.2% of the workers do not have work permits due to the refusal of employers to issue them permits, while 29.1% of them have issued their permits on their own expense, covering all the costs and any additional other fees. Also, a percentage of this group said that they had to pay money to the employers in return for being sponsored, with these payments reaching up to (1,200) JD.

A group of workers in the construction sector in Aqaba said:

"The employer renews our work permits annually, covering all the expenses related to renewing the permits without taking any money from us in return. Thus, we are comfortable and know we are not being exploited in this aspect"

While another group of workers in the same sector and city said:

"Our employers exploits us in this regard. Because while we have work permits, we are actually sponsored by another person whom we do not work with. Therefore, we renew our work permits ourselves and on our own expense as our current employer refuses to issue us work permits on his sponsorship. Each year, we have to go back to our original sponsor once our permit expires in order to renew it. Although we bear all the costs of issuing the permit in full, our sponsor asks us for a sum of money to remain as such. Thus, the process of renewing the work permit may reach up to (1200) JD as we pay (340) JD for the issuance of an agricultural permit in addition to (500) JD to the sponsor, and an additional (400) that we also have to pay for our Social Security, our medical checkups and other expenses."

**Conclusion:** Migrant workers face an array of issues related to their work permits and contracts in all the governorates of the Kingdom including in Aqaba and Karak. It is noted that some employers do not comply with the issuance of work permits for their employees nor their contracts; even though it is required by the law to do so. Other employers do have contracts but sign them unilaterally for the purposes of issuing work permits without having the worker look at them or sign them, considering this only a formality.

Some employers also charge workers all the costs of issuing a work permit and any related expenses while others have to contribute in paying these fees; though others abide by the law and bear all costs without obligating workers to cover anything.

The issue of issuing a work permit and determining the place of residence for migrant workers is the basis for granting them residency in the Kingdom. Therefore, workers who do not have work permits suffer from issues regarding their residency and are subject to deportation if they are seized by the competent authorities.

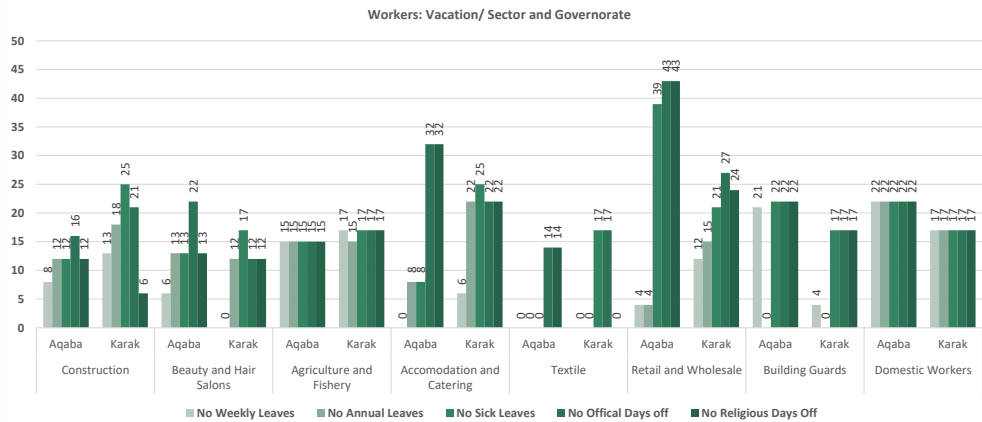
Legal provisions oblige employers to issue permits to workers and to bear all the costs involved; and include a fine on employers ranging from (200-500) JD if they do not. Yet, violation in this regard still exists especially since the law did not specify any fines for employers who force workers to pay him the costs of their permits.

Also, it should be highlighted that the fines imposed by the law on the employers are not deterrent since their value is less than the value of the current work permit fee of (520) JD. Thus, the value of these fines needs to be increased and strengthened by other penalties. In addition, procedures and inspection campaigns need to be strengthened, as well as the effort to raise the awareness and activate the process of receiving complaints

### Third: Wages, Working Hours and Holidays:

One of the most prominent complaints made by workers to researchers in the field relates to a large percentage of them being subjected to violations by employers regarding the number of working hours. The workers describe their working hours as very long, particularly when comparing it to the wages they receive for it. They also do not receive any overtime wages, even though it is stated upon in the provisions of Labor Law. Some also mentioned that employers fail to pay their full wages on time, as these wages are sometimes delayed for periods of more than 30 days.

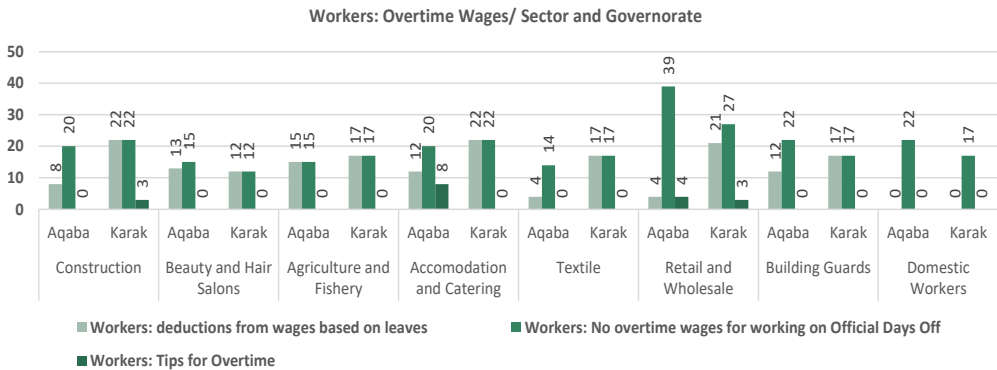
In terms of leaves, a large proportion of employers refrain from granting employees their annual, sick or even weekly leaves; as stipulated in the Labor Law, as well as depriving them of official and religious holidays; and refrain from paying them for their overtime work during these days, while others give them lower wages for working these days than what is stipulated in the Labor Law.



A group of workers highlighted some of the violations they are exposed to by employers in relation to their social protections. The workers said that a significant proportion of them do not have health insurance, resulting in them having to pay extremely expensive costs for treatment when they get sick. Others said that they are not included under the umbrella of Social Security; whereas some said that while they are included under

Social Security, they have to bear the deduction rate in full as their employers do not contribute the prescribed percentages according to the laws and instructions.

All these violations constitute some of the fundamental reasons for workers to leave their workplace and begin working irregularly in the labor market; which in turn further exacerbates their problems.



Denying workers of their wages and depriving them of their leaves that the Jordanian legislator included in the laws; in addition to not giving them overtime wages, nor including them within Social Security or covering their stipulated percentage; all of these are in fact clear violations of social security and labor laws and thus the perpetrators should be penalized because of them.

Article 77 (a) of the Labor Code provides that "The Employer of establishments Manager shall be penalized for every violation of any of the provisions of this chapter, any regulation or discussion issued pursuant thereto by a minimum fine of one hundred Dinars and not exceeding five hundred Dinars. The penalty shall be doubled in the case of repetition. The penalty may not be reduced below its minimum limit due to the extenuating discretionary circumstances."

Furthermore, article (55) of the same law focused on governing the relationship between the parties as it provided for the establishment of an internal system for any institution with more than 10 employees as it says, "Every Employer who engages ten Employees and more should draft an internal regulation for organizing the work in his Establishment wherein he should outline them working hours, daily and weekly rest period, work violations, penalties and measures taken in respect thereof including the discharge from work, method of its implementation and other details required by the



nature of work. The Establishments internal regulation shall be subject to the Ministers ratification and be put into operation as of the date of its ratification.”

In this regard, the results of the field survey showed that among the interviewed workers, only 71 worked in establishments with more than 10 workers and that these institutions do have internal systems. Out of the 71 workers, 53 of them are familiar with the internal regulations of their institutions though they do not have a copy of these internal regulations. Also, the results indicated that about (25.4%) of them have no knowledge of what is stated in the rules of procedure in their institution and do not know anything about them. This ignorance of such important procedures is actually becoming quite common in most institutions and has resulted in becoming one of the major causes for the violations that are occurring on workers in their institutions.

A group of workers in the construction sector, who work in a large contracting company in Karak governorate talked about this topic:

“Yes, there is an internal system in the company that we work for but we did not have the chance to read it or know its contents”. Adding that they are taking things as they come, while one said that he never received a copy of the system and knows nothing regarding the List of Penalties or if he ever violated it.

Another group working at a restaurant inside a hotel in Aqaba said:

“Yes, there is an internal system in the hotel and we were informed of it during the signing of the contracts. We also confirmed when we signed that we had read the rules of procedure. We also can at any time get it from the administration to see it.” One worker confirmed this adding that she has requested from the administration on multiple occasions to read the rules of procedure, and she did not face any objection at any of these times.

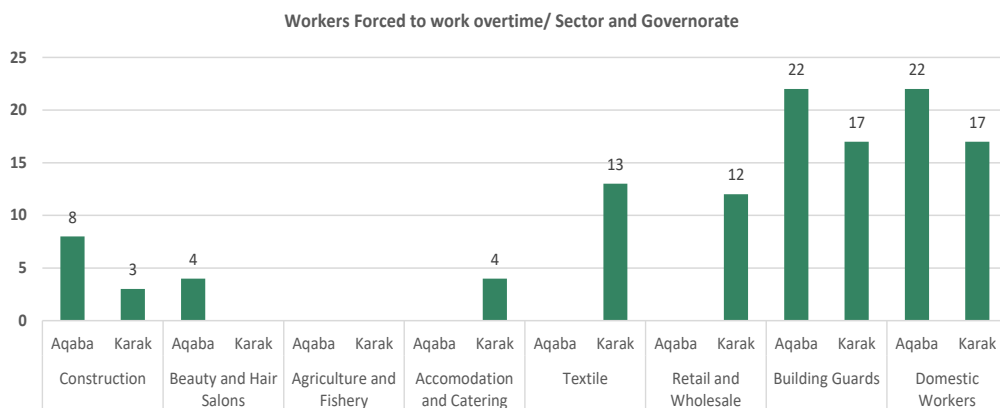
Moreover, the results showed that the highest percentage of workers who are not familiar with the internal system nor have any knowledge of it are working in the Textile sector, where about 56.3% of them did not know about the internal regulations or about their rights in these institutions. One reason for such a high percentage is due to the fact that the internal regulations of companies are usually written in Arabic only, and no copies of them are available in English or in other languages spoken by the workers.

For example, four Sri Lankan female workers were interviewed at a newly established factory to import, manufacture and export clothes to America. The factory only began working in Jordan not more than three months and is still undergoing its licensing procedures. The workers indicated that they had not read the internal system of the factory and they are not knowledgeable about its rules of procedures or about the laws

and regulation in Jordan either. Afterwards, an interview with the employer was done for clarification where he said that while the factory does have a draft of an internal regulation and that they submitted it to the Ministry of Labor, the Ministry has not yet approved it. The administration added that they plan to talk to all employees about the system once it has been approved; though they added that it is only available in Arabic and there are no copies in English.

Further results showed that employers exploit the employees in another way by forcing them to work more than the stipulated working hours in Article (56) of the Labor Law: "The ordinary working hours shall be eight hours per day provided that the total working hours do not exceed forty-eight hours per week over a maximum of six days whereby the time allocated for meals and rest shall not be calculated."

However, the results of the survey indicated that 69.4% of the workers work more than 10 hours per day and that 82.5% of them do not receive any wages for this work. In addition, 38.9% of the total number of workers who work overtime are forced to work more than the hours stipulated in the Labor Law, and they do not receive any wages for it either.



A group of workers in the agricultural sector in Karak:

"We work in the agriculture sector. Our day of work begins at 6 a.m. and ends at 5:00 p.m.; meaning that we work for 11 hours per day. Additionally, since we live in the farm we are also responsible for guarding it and thus our working hours actually extend to 24 hours."

Another group of workers in the same city but work at a restaurant also said:

"We work in the restaurant for 12 hours daily from 8am to 8pm. Our salary is calculated without referring back to the number of hours we worked. We are also forced to work overtime and we do not receive any wages for them."

Another group of workers in one of the cafes in the Aqaba Governorate said:

"We are working in the cafe each day for 8 - 12 hours depending on the pressure of work. There is no specific system that sets the work hours for the employees, and we do not receive any overtime wages even if work more than 8 hours a day based on a prior agreement with the café owner who told us that our wages are set and will not be increased even if we worked extra time.

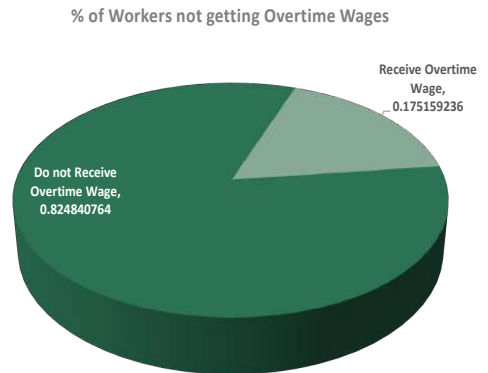
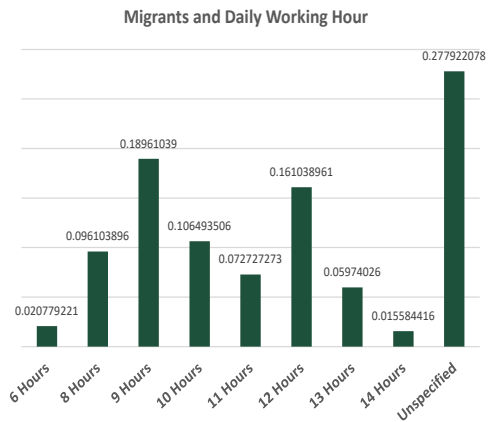
Thus, we are forced to work this way and we have no other choice."

Meanwhile, workers in the textile sector in Aqaba said:

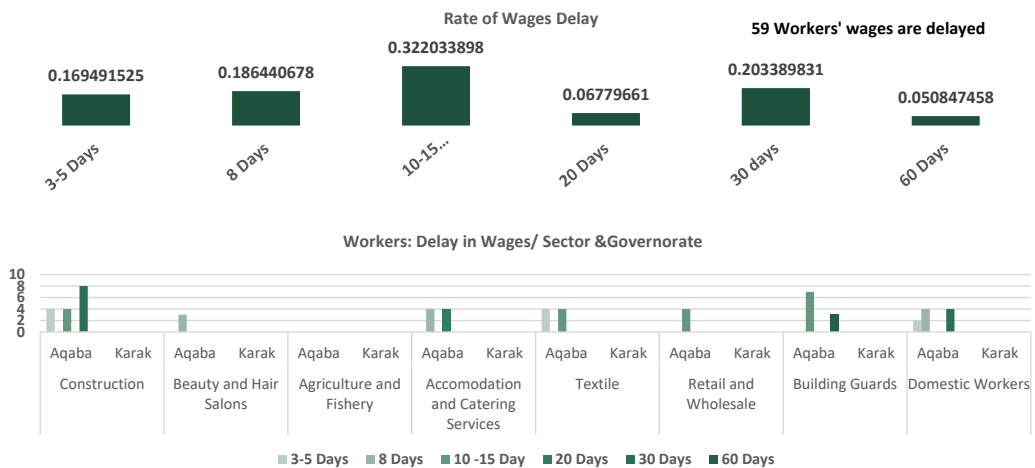
"We work daily for 11 hours, though we have an internal system in the facility that sets working hours to 8 hours only. We are given an hour break daily for lunch, but the rest of the hours are not calculated as overtime and we are forced to work in them by the employer."

Other workers in the retail and wholesale sector in Karak said:

" We work for 12 hours a day at least which sometimes even might exceed that. The working hours at the establishment are not set and are changeable depending on work conditions and customers. The only constant thing is that we have to work for 12 hours daily and that we neither receive any wages for it nor any compensation for working on holidays or days off. We also do not have a specific day off though we do get one day off each week. Workers can take leaves but these leaves are deducted from their salaries. We are forced to work overtime because the employer considers that since we have been recruited to work, we should be available each time we are summoned or when there is more demand for products without considering what the Labor laws says about overtime and so on."



These above-mentioned violations are of course added to other types of violations that workers encounter related to the delays in them receiving their wages, as results showed that around 15.3% of the workers interviewed have been subjected and continuously to this particular violation.



After consulting with the competent Police Stations as well as the General Prosecution Department in the courts of both the governorates of Karak and Aqaba in order to obtain the data related to complaints lodged by employees on their employers, officials indicated that detailed data are not available due to the large number of cases

registered in the police stations. They also pointed out that it is very difficult to sort out these cases according to the nationality of the complainant or defendant; or disaggregate them based on their subject matter as they could vary from relating to rights and labor violations or security issues or others.

However, they also added that most of the cases in which a migrant worker lodged a complaint against the employer were related to wage delay complaints, some of which were overtime. The other complaints were about the employer confiscating the documents of the worker. Another point they made was that most of the migrant workers filing complaints were working in the construction sector, and that the number of complaints filed by migrant workers is actually very small and that such cases are rare.

It should be noted that labor directorates in all governorates allocate offices to receive complaints by workers, including migrant workers. The results of the field work showed that in 2016, the Aqaba Labor Directorate received only 8 complaints from migrant workers and that they only received 6 complaints in 2017. Meanwhile, the Directorate of Karak received 10 complaints in 2017, including complaints that were referred to them by the Egyptian Embassy. These complaints mostly focused around financial entitlements for the workers; or about the confiscation of their personal documents; with employers in these directorates saying that they have dealt with all of the received complaints according to legal procedures, and the Labor Law.

In relation to the Aqaba Special Economic Zone Authority (ASEZA), it was indicated that it does not have offices to receive complaints from migrant workers. They added that there is an agreement between the Ministry of Labor and the Authority whereby the Authority provides procedures for granting migrant workers residency and work permits, while the MoL carries out inspection campaigns at the extent of which the employers and workers are compliant with the relevant conditions in their area of work. Furthermore, the MoL conducts inspections on the rights of workers, their conditions of work; and receives any relevant complaints. However, it became evident through talks with the MoL and the Authority that there is in fact no coordination between the two sides and that each one of them is responsible for its part separately in accordance with the laws and provisions of the memorandum of understanding.

### **The Wage Authority:**

The Ministry of Labor established the Wage Authority under article (54), with the jurisdiction of considering disputes relating to wages and overtime work. Paragraph (a) of the article provides that:

“The Council of Ministers may, upon the recommendation of the Minister, appoint an authority from those experienced and competent in labor affairs that shall be called (Wages Authority) composed of one person or more to hear the lawsuits relating to wages in specific area including the shortage in the paid wage, illegal deductions therefrom, delaying its payment or wages of overtime hours provided that it is summarily finalized.

It shall be a pre-requisite for the acceptance of the lawsuit that the Employee be in service or no more than six months have elapsed on the termination of his work.

Paragraph (d) of the same article states that:

“The Wage Authority may request the Employer, within a period set by it, to pay to the Employee the illegally deducted wages or the unpaid or payable wages which he failed to pay within a period set for this purpose. It may add compensation, estimated by it provided that the amount of compensation does not exceed the deducted or unpaid amount for the period on which wages are claimed. It is a pre-requisite that the Employer shall not be obliged to pay compensation for the short or defaulted wages if the Authority is convinced that the default was due to a fault in good faith, or in cases where is a dispute on the amount to be paid; the occurrence of a contingent situation, or if the employees request to claim the wages or accepting it was late.”

Through these texts, it is clear that the Jordanian legislator has created means for workers whose rights are violated due to delaying of wages or deductions from their wages, or the non- payment of them or for their overtime wages, to ask for these rights through a competent authority.

However, it was noted that in reality that the Wage Authority only works in the capital of Amman as it does not have any offices in the other governorates. To this end, article 137 gave the Magistrates Courts the authority to consider wage issues in areas where there is no Wage Authority. The article also requires the Wages Authority and the Magistrates Courts to hear labor cases in an urgent manner.

While this decision is commended, it is not feasible in practice as such cases are usually remain in courts for a prolonged period of time, which in turn negatively reflect on the desire of workers to lodge these cases. Also, there is fear among workers to go to either police stations or even competent courts, especially in the cases of irregular workers.

Thus, it was not surprising that the findings of the survey showed that 100% of the workers interviewed have not filed complaints against the employers. When asked why

they did not file a complaint to obtain their rights, some of them said that they feared abuse by their employers; while others said that they are trying as much as possible to keep their jobs and that they are not knowledgeable enough about their rights or about the laws and regulations anyway.

It was also noted that the complaints regarding wages and the confiscation of documents for workers registered within the labor directorates are actually very few as they do not exceed 10 complaints annually.

This is despite the availability of labor inspectors, who have wide authority in relation to workers' complaints; as they can receive complaints from the worker either personally at the Labor Directorate or on the phone through the hotline where the complaint is recorded and coded in the office. The inspector then visits the facility to investigate and verify the complaint and if needed issue and record any violations that are found.

As for the role of trade unions' role in receiving labor complaints, the representative of the Domestic Helpers Recruitment Agencies Association in Aqaba said that the Association's branch in Aqaba is only concerned with the governorate of Aqaba and that the association does not have any offices in any other city in the south, with their only offices being in Amman and Aqaba. He added that the Aqaba Special Economic Zone Authority does not coordinate with the Association with respect to the affairs of domestic workers either in terms of procedures and basis followed or in their implementation in terms of actual cases relating to workers' complaints or incidents of violations. The representative went on to say that while the Association is seeking to find alternatives to deal with these issues through coordination with the Directorate of Labor, this coordination does not cover the bulk of the domestic labor affairs that fall within the jurisdiction of Aqaba Authority.

A note worthy of mentioning is that while there are 9 licensed recruitment offices in Aqaba, there are no such offices in any other Southern governorate of the Kingdom, as the offices in Amman are usually responsible for the recruitment and bringing of domestic workers to these governorates.

Finally, it should be said that there is coordination between the Association and the Ministry of Labor and its directorates in the governorates in matters related to the recruitment and employment of domestic workers. They also coordinate in issues related to complaints submitted by workers or home owners and the procedures followed in dealing with them as there is a joint committee in the Ministry of Labor to examine such complaints and to solve these issues.

The committee includes representatives from the association, as well as the Ministry of Labor, and other relevant stakeholders and other governmental entities. Also, the association and through an internal committee of its own consisting of its members work

on addressing workers' issues and dealing with them in cooperation with the Ministry of Labor and other official bodies as well as the embassies of the workers to achieve this goal.

**Conclusion:**

One of the most common violations workers are subjected to by employers is violating their weekly, annual and sick leaves and forcing them to work even on public holidays, anniversaries and religious occasions. During the field work, many such cases were encountered in addition to other cases where employers refused to give employees' wages for their overtime work, or where they did not include the workers under the umbrella of Social Security or provide them with health insurance.

Violations related to Social Security also include workers being included under the umbrella but being forced to cover all the deductions, including those that the employer is obliged to pay according to the law; while workers who are not covered by health insurance have to incur excessive costs of treatment as a result of being uninsured.

There is a severe weakness in workers' awareness of their rights and obligations as they did not have the chance to go through the internal regulations of the institutions they work in, which in turn causes conflicts between employers and employees. Other reasons include the weakness of formal procedures and the ineffective coordination between official bodies to address the issues faced by migrants at the workplace; in addition to their fears of lodging complaints with the authorities and Labor directorates, especially in the case of irregular workers.

Furthermore, the distribution of tasks between the official authorities, especially in the Aqaba Economic Zone between the Authority itself as it is responsible for issuing work and residency permits, while the Ministry of Labor is responsible for other tasks including inspections created obstacles between the Aqaba Directorate of Labor and Migrant Workers, especially since the Authority does not have a complaints receiving mechanism though it is at the exact same time is in charge of issuing their permits. This division has created confusion among workers and a lack of clarity in the nature of the powers of each party; which consequently reflected negatively on the quality of services provided by both parties to workers and employers.

In terms of Karak, the low number of complaints registered with the Directorate of Labor was also remarkable. The researchers explained these results based on the fact that Karak is a tribal area. Therefore, the workers there prefer to resort to people in order to solve their problems instead of going to the competent authorities, particularly as courts tend to take a much longer time in restoring their rights.



More results shown by the surveys indicate that 82,3% of the workers interviewed had never been subjected to any disciplinary action as they have never participated or did any behavior that would require it. They also never quarreled or fought with their employer, and even if such thing has happened they would not lodge a complaint against the employer as that would jeopardize their states or result in them getting fired. Such fears by the workers were further exuberated following the decision of the Minister of Labor in his letter No. T/1/1/17840 Date 12/9/2017 which provided for "If a migrant worker with a work permit does not want to continue with the employer before the end of the work permit, his permit shall be revoked in the concerned directorate, and his permit shall not be renewed with another employer. The migrant worker then shall be deported in coordination with the employer and the Directorate of Residence and Borders." This decision has granted employers' additional powers which they could use against workers as it allows them to deport the worker at any time, especially if the worker filed a complaint against him.

One worker in the construction sector in Karak said:

"A dispute occurred between me and my previous employer when I asked him for an increase in my salary, as well as asking to be paid for my overtime work. When he did not respond to my request, I had to file a complaint in the office of Deir Ala because my sponsor confiscated my passport following this dispute. I was able to get my passport back, but the other complaint regarding my overtime wages was overlooked. Following this incident, the employer began mistreating me which caused me to "run away". During the following Grace Period I was able to start working for another employer without having to get the consent of my previous employer.

Other workers in the same governorate working in the agricultural sector said:

"Throughout our work with our employer, we have never been subjected to any disciplinary action. We are very experienced in our work, and our relationship with the employer is built on mutual respect. Thus, we never had to file a complaint against him. In case a dispute occurs, we will resolve it between us unless things got heated and we have no other way then we will go to the competent authorities to file a complaint. If it ever reaches this stage, no one will be able to prevent us though we hope that the relationship between us and the employer remain as it is now."

Article (48) of paragraph (a) of the Labor Code provides that:

The Employer may not take any disciplinary action or impose a fine on the Employee of a violation not provided for in the penalties list which is approved by the Minister, with due observance to the following:

- a) Not to impose a fine on the Employee in excess of three days wage per month or to suspend him from work without pay for a period exceeding three days per month as well as be given the opportunity of his defense statement to be listened to prior to imposing the penalty against him. The Employee should have the right to object to the penalty imposed against him before the labor inspector within one week of his notification thereof.

In terms of workers who were subjected to disciplinary action by employers, the results show that that 17.7% among those interviewed were disciplined, with the highest percentage recorded in the textile sector (59%), accommodation and food services (36.8%), and the construction sector (21.1%). When asked about approaching the concerned authorities to object on the disciplinary measures taken against them by the employers, a group of workers in the construction sector in Aqaba said:

"Disciplinary action was taken against us in accordance with our institution's internal system. At the beginning, we were questioned when we committed the first offense. In most cases, the violations in the institution are related to working hours, leaves and delays in arriving to work. Afterwards, a disciplinary action was taken against us and kept in our files."

Another group of workers in the wholesale and retail sale sector in Karak said:

"The disciplinary measures they were taken against us were due to our absence from work. The type of disciplinary action most common in the institution is the deduction from the salary the pay of the day's absence."

One more group of workers working in a cafe in Aqaba said:

"Disciplinary action is taken against any employee who violates the rules, though such actions are usually based on the mood of the boss. Such actions could begin first by notifying the employee and end in firing him. We never went to the competent authorities for fear of the consequences that would have on our relationship with the owner of the cafe as a result of that."

Article (47) of the Labor Code states that:

"No amount may be deducted from the Employees wage except in the following cases:

- a) Employers recovery of advances made to the Employee whereby each installment recovered from the advance may not exceed (10%) of the wage.
- b) Recovering any amount paid to the Employee in excess of his entitlement.

c) Subscriptions of the Social Security, installment thereof which are payable by the Employee and deductions to be made pursuant to the other laws.”

Meanwhile, Article (48) Paragraph (c) states that "The fines imposed should be recorded in a special register wherein the name of Employee, amount of his wage, reasons for imposing the fine against him should be stated. These fines should be allocated for the realization of social services to the Employees as decided by the Minister.”

However, none of the workers who were interviewed stated that their institution has a special register for the fines; with the workers who have been disciplined saying that all deductions taken from their salaries go to the benefit of the employer, and that there has never been any payment made to the worker on special occasions or cultural events nor were they offered any recreational and entertainment services or any of the other items referred to in resolution number 4568, which was published in the Official Gazette in 2002.

A group of workers in the construction sector in Aqaba said:

"This institution does not have a special register for fines, as these fines go to the employer if one of the employees violates the rules of procedure. However, one worker said that during the holy month of Ramadan, the company does hold a collective Iftar for the workers and that it distributes food items to them."

Another group of workers in the activities of the accommodation and food services in the Karak governorate said:

"There is no fine register in our institution and so we never benefited from it. Sometimes though, the employer graciously hosts collective Iftars in Ramadan or during public and religious holidays, where all workers are invited; and on some other occasions he gives us extra money ranging from 20-50 JD."

As for weekly, annual, sick leave and overtime during official and religious holidays, the Jordanian legislator addressed these issues through several articles in the Labor Code.

Thus, article 60 states that:

- a) Friday of every week shall be the Employees weekly holiday unless the nature of work requires otherwise.
- b) The Employee may, with the Employers approval, combine the days of his weekly holiday and obtain same within a maximum period of one month.
- c) The Employees weekly holiday shall be with full pay unless he is working on a daily or weekly basis whereby he shall be entitled, in both cases, to the weekly

holiday pay if he works six successive days prior to the day fixed for the holiday. He shall be entitled, out of this wage, to a proportion of the days he worked during the week if they were three days or more.

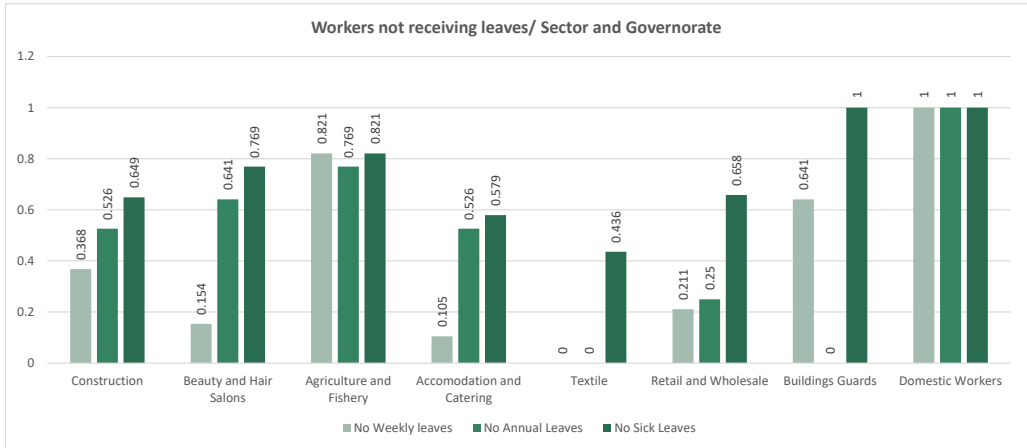
Article 61 paragraph (a) stipulates that “Every Employee shall be entitled to a fourteen day annual leave with full pay for every year of service unless it has been agreed on greater number thereof provided that the period of the annual leave shall become twenty one days if he remains in the service of the same Employer for more than five successive years. The official holidays, religious feasts and weekly holidays shall not be calculated of the annual leave.”

While article 63 provides that “If the Employees service is terminated for any reason prior to utilizing his annual leave, he shall be entitled to the wage for the unutilized days of such leave; and article (64) adds that “Any agreement stipulated the Employees weaver of his annual leave or of any part thereof shall be considered void.”

As for sick leaves, article 65 provides that “Every Employee shall be entitled to a-fourteen-day-sick leave with full pay per year based on a report from the physician approved by the establishment. It may be renewed for a further fourteen days with full pay if he is hospitalized in one of the hospitals and with one half pay if it is based on a report of a medical committee approved by the establishment and was not hospitalized in any hospital.”

Notwithstanding the provisions in these above-mentioned texts, there are numerous and clear violations by employers regarding the weekly, annual and sick leave of employees as they force them to work during their days off or public holidays and religious holidays; and without being paid for their overtime work. Others have been forced to work on days given to them as off by the law, as the results showed that 37.7% of the interviewed workers were forced to work in their days off, and 44.9% were prevented from taking their annual leaves; with most of them working in the agriculture and fishery sector or as domestic workers.

The results also showed that about 74.5% of employees are not granted sick leaves by the employers, particularly those working as domestic worker, building guards, and in the cosmetic and agriculture sector.



Around 50.9% of the workers interviewed said that employers do not mind granting them annual or sick leave, but these leaves are deducted from their monthly salaries. The majority of workers facing that are in the agriculture, fishing sector, as well as those working as building guards. In terms of sectors, the percentage of workers whose sick or annual leave is deducted from their wages as follow:

- Construction sector: (52.6%)
- Cosmetics and Hair Salons (64.1%)
- Agriculture and fishing (82.1%)
- Accommodation and food services (59.6%)
- Textile Sector (53.8%)
- Wholesale and retail (32.9%)
- Building guards (74.4%)
- Domestic Workers (0%)

Furthermore, it was also shown that 87.3% of workers are not granted days off on public holidays like Labor Day, Independence or others; while 74.8% of them are not given days off on the occasion of religious holidays such as Eid Al Fitr or Al-Adha. More results show that about 82.5% of workers do not receive overtime wages when they work on public holidays or during their weekly day off, though 4.7% of them do receive bonuses by employers ranging from (20) -50) JD for their work during these days.

A group of workers in the construction sector in Aqaba Governorate said:

"There is no vacation system in the institution where we work. Thus, any day we take off we do not get paid for it and its wage is deducted from our paycheck"

Other workers working in the same sector and governorate said:

"We have one day off a week on Friday. We do not have an annual leave though, so when we are absent from work, that day's wage is deducted from our salary. Also, we are not allowed to take sick leaves and so they are deducted from our salary too. Generally speaking, the employer does not prevent us from taking days off, but he only charges us for the actual days we work and any absence for any reason is at our expenses except of Friday"

Another group of agricultural workers in Kara said

"There are no specific holidays, whether weekly, monthly, daily or for sickness. However, in the event of an emergency or if one gets sick, the employer does not mind giving him leave in exchange for the other two workers to cover the shortage in work as much as possible. If one of us travels to his country to see his family, for example, his vacation is at his own expense and not at the expense of the employer."

In terms of public holidays, a group of agricultural workers in Karak said:

"We take these days off. As we live in the farm though, if the employer found it necessary to continue with our work, he asks us to do it without any overtime wage, but that has rarely happened."

Other workers in a cafe in Aqaba said:

"No employee is allowed to have a day off during public or religious holidays as this is the peak time for customers to come to the cafe. Thus, we are forced to work these days and overtime as well. No excuses are accepted whatsoever during these periods and we are threatened by the owner that we would be fired if we take these days off. Also, there is no overtime wage for working these days, though we are sometimes given tips of no more than 5 JD during peak times of work."

As for salaries, the decision to raise the minimum wage excluded non-Jordanian workers from it. The new decision which entered into effect on the 1<sup>st</sup>/3/ 2017 raised the minimum wage to 220 JD for Jordanians<sup>25</sup>. However, it kept it to 150 for non-Jordanians based on the 2009 decision, which at the time did not exclude non-Jordanians, though it excluded workers in the household and textile sectors. The exclusion of these sectors means that they are still governed by the 2006 decision setting their minimum wage at

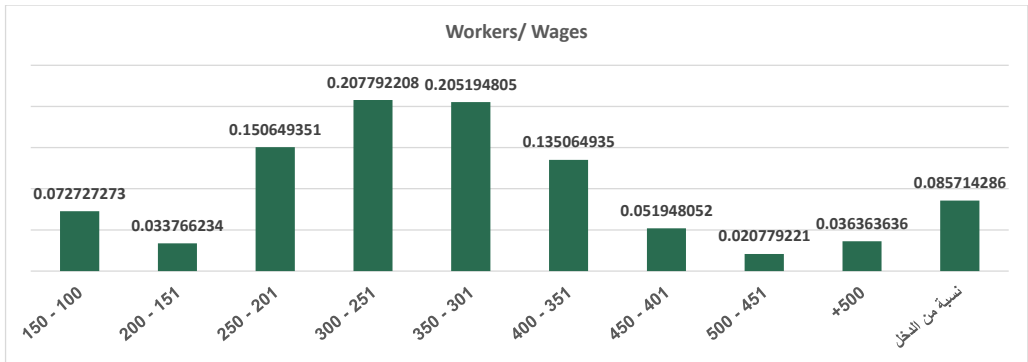
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<sup>25</sup> The decision of the Council of Ministers and published in the Official Gazette No. offered 5442 boxes on 12-2 - 2017

110 JD<sup>26</sup>. Such exclusion constitutes a clear violation of the Labor Code, which did not include any provisions that allow non-Jordanian workers to be exempted from the minimum wage; as it clearly stated that the minimum wage was generally determined at the level of the Kingdom, a specific region, a specific occupation or a particular age group.

Despite this, the results showed that no workers earned less than the minimum wage except for domestic workers in the Karak governorate. Interviews with 17 workers in this sector showed that 70.6% of them were paid 140 JD, while the rest of the workers receive wages ranging from (150-220) JD. As for the rest of the workers in other sectors, their wages range between 150 to more than 500 JD, with this difference due to the nature of work and the sector in which they work in.

The results also showed that all employees interviewed received wages according to prior agreement with the employers, and that they were not subjected to any kind of deception by the employers in terms of their wages. Furthermore, they had full discretion in their wages and in a way that suited their family circumstances. None of them has ever been bargained by employers to reduce their wage or to be paid in commodity instead of receiving cash.



Upon inquiry as to the mechanism for receiving their salaries, most workers said they receive their salaries directly by hand from the employer, and (92.7%) of them added that they are not given a salary form that details their salaries and the deductions made on them.

<sup>26</sup> The decision of the Commission on the minimum wage in force as of 1/1/2009, published in the Official Gazette No. 4937 dated 16/ 11/2008

Some workers in the construction sector in Karak said:

"We have never been given a salary form or any anything like it, nor did we hear about it to begin with. Anyway, these things do not mean much to us as we have a good relationship with our employer and we never had any disputes with him about our wages, unless in cases when one of us had to take a loan from him for an emergency."

Other workers in the wholesale and retail in the same governorate said:

"We are not provided with a salary form at all. Our salary is 400 JD per month."

One worker in the group recalled an incident with his employer

"I once asked the employer for a salary form but he refused, asking me what I wanted with it as I already know my salary details. However, I think he refused out of fear that I would lodge a complaint against him as he did not include us under the umbrella of Social Security and that I would use the form as a proof of that."

Other workers in building guards in Aqaba said

"We are not given a salary form, as we receive our salaries by hand and we never asked our employer for a form as we do not need it."

As for domestic workers in Karak, a group of them said:

"We are not given a salary form. Instead, we get a bank slip confirming that our salary has been deposited in the bank by our employers."

With regard to loans and advances, as stipulated in Article (47) of paragraph (a): "No amount may be deducted from the Employees wage except in the following cases including the Employers recovery of advances made to the Employee whereby each installment recovered from the advance may not exceed (10%) of the wage."

The results indicated in this regard that 56.4% of workers who were interviewed had resorted to the employers to get an advance to be deducted from their salary in sections, and that the employers did not object to doing that. The remaining 43.6% of the workers said they did not get the opportunity to ask for advances on their salaries as they are not sure of the extent of their cooperation in this matter.

All workers though said that all the advances and loans that they received from their employers were upon their request and that these sums were never used as means by employers to pressure workers not to leave work.



A group of workers in the construction sector in the Karak governorate said:

"If we needed a loan, our employer does not mind giving us one as it will be deducted from our wages for the next four months. Our employer is always responsive in this matter because we do not ask for them except in emergencies and we have never been pressured by our employer to stay at our work when we take the loans.

Other workers in a cafe in Aqaba said:

"The café owner could give us an advance if we asked for it though its value cannot exceed 50 JD. The employer retrieves the advance within 10 days of us receiving the salary. He has never pressured us to stay at our work through these advances."

### **Conclusion:**

The predominant feature of the penalties imposed on employees is the deduction of their wages for their absence from work. There is no commitment by employers to the decision on fines No. 4568, published in the Official Gazette in 2002 that aimed at spending the fine money on workers through providing them with activities and social services.

Most of the employees interviewed do not receive a salary form and have no knowledge of their wages or the amount of deductions.

As for the minimum wage, most workers are paid at least the minimum wage, with the exception of domestic workers.

Many violations have been observed for not granting employees their weekly, annual and sick leave, as well as forcing them to work on public holidays and religious celebrations.

Finally, workers avoid filing complaints on their employers for fear of being harassed or dismissed from work.

#### *Fourth: Social Protection for Workers:*

Paragraph (a) of article (4) of the Social Security law states:

“The following categories, who are not under 16 years of age are subject to the provisions of this law without discrimination as to nationality, and regardless of the duration or form of contract, the nature and amount of wage, and whether the work is performed mainly inside or outside the Kingdom, provided that the wages based on which contributions are calculated be no less than the minimum wage specified by the valid in the Labor Law, without prejudice to the provisions of international agreements regulating the rules of dual insurance coverage:

1. .All workers governed by the applicable Labor Law.
2. Workers who are not covered by pension under the provisions of the Civil Pension Law or the Military Retirement laws.
3. .Jordanian employees of regional and international missions, Arab and foreign political or military missions operating in the Kingdom, and attaches and their affiliated educational and cultural centers.
4. Self-employed individuals, employers, and general partners working in their own organizations, as of 1/1/2015; provided that by laws issued pursuant to this law.

Article (6) of the law stipulates that

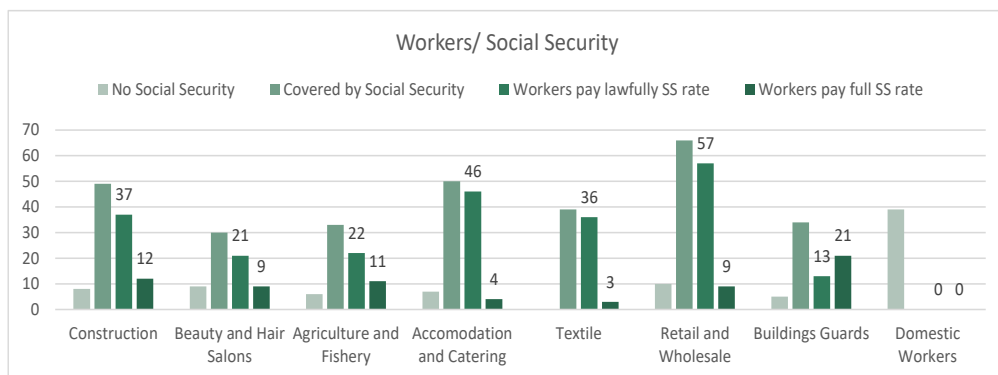
- A. Subject as otherwise provided in the provisions of paragraph (c) of this article, signing up for the corporation’s insurance is mandatory for all categories mentioned in paragraph (A) of article 4 hereof.
- B. The insured shall not be liable to any insurance expenses except that which are specified herein or stipulated in the bylaws by the virtue of this law.
- C. If the legal possessors of the firm are subject to the provisions of a mandatory retirement insurance scheme, his/her insurance with the Corporation shall be voluntary in accordance with the provisions of Article (7) hereof.

Meanwhile, Paragraph (a) of article (22) states that: the institution must pay the Corporation the contributions deducted from the wages of its insured laborers and that which it pays on their behalves to the Corporation during the first 15 days of succeeding month after they fall due. In case of default, the firm shall pay a default interest of 1% per month on any overdue contribution.”

In spite of the Social Security law obligating all institutions to subject their workers to Social Security within the first 15 days of the following month of them joining the

institution, results showed that 21.8% of the workers are not subject to Social Security, with the majority working as building guards, domestic workers, or in beauty and hair salons, or the wholesale and retail sectors. Furthermore, the results showed that 22.9% of workers subject to Social Security bear the full rate of their deductions and that the employer does not bear any percentage of these sums.

As for health insurance, the results showed that only 1% of the interviewed workers have health insurance and that they work in the accommodation and food services sector; while the other 99% are not insured except domestic workers who have life insurance, as well as being treated when they get sick at the expense of the employer through an insurance policy.



A group of construction workers in Aqaba said:

"We all work in the construction sector, and we were not included in Social Security by the employer because we are working with him on a daily basis. So, we asked him to include us and he agreed but with the condition that the entire subscription will be deducted from our own salary. We agreed to his condition in the hope that we will benefit from this sum of money when we return to Egypt. As for health insurance, we are not insured and we receive treatments on our own expense."

Other workers in the same sector in Karak said:

"All of us have been included under Social Security for years now. One of them said that his subscriptions have exceeded 10 years while the others ranged

between 9 and 7 years. All workers said that they pay one third of the deduction while the remaining two thirds are covered by their employer as was agreed between them. However, they do not have health insurance and get treated on their own expense.

A group of Syrians in the same sector and governorate said:

"None of us is included under Social Security, nor have health insurance. However, we have health services provided to us through UNHCR."

Another group in the textile sector in Aqaba said:

"Our salaries are subject to the Social Security law. Thus, we have to pay one third of the deduction, while the employers bear the remaining two thirds. In terms of health insurance, the company is responsible for treating all of the workers without exception on its expense.

One worker added:

"One of us suddenly became ill in the evening so we called the accommodation supervisor who transferred her immediately to a private hospital and she was treated without having to pay anything."

**Conclusion:**

Not including workers under the umbrella of Social Security constitute one of the most common violations, in addition to not being covered by health insurance.

In cases where employees do include the workers in social security, some employers make the employees bear all the deduction, in the absence of any deterrent measures against them. Also workers sometimes have to pay expensive fees when they get sick as they do not have health insurance.

However, the results of the survey showed that large establishments do have medical clinics that treat their employees unlike small enterprises, especially in the construction and agriculture sector, even though workers are exposed to hot sun and severe cold, which has a significant impact on their health.

### *Fifth: Violations on Workers, Restricting their Freedom of Movement and Confiscation of Documents:*

Some migrant workers face physical and psychological trauma as a result of threat and blackmail by some employers or by some of the members of the community. Such bad treatment is most common on those working in domestic work, agriculture and construction. These violations have been identified through the field survey, where some of the workers reported that they had been subjected to beatings and verbal abuse. Others were subjected to threats, extortion and imprisonment of liberty; while some were subjected to the confiscation of their identity papers to remain under the control of the employer. Others were exposed to physical and psychological attacks by some members of society due to the nature of their work that requires contact with them, such as building guards, working in beauty salons or men's salons, selling, etc.

The Jordanian Penal Code has criminalized offenses related to assaults, violations, acts of intimidation and extortion. In the Penal Code, a number of articles are mentioned that set the punishments for the perpetrators for such crime, including: torture in article 208, abduction in article 291, rape in article 292, premeditated murders in article 326, defamation in Article (306), fatal beatings in articles 330 and 334, incitement to commit suicide in article 339, manslaughter or involuntary injuries in articles 343 and 334, deprivation of liberty in article 346, and the threat of a felony punishable by death in article 350.

On the other hand, **the Penal Code did not criminalize a number of acts that should be criminalized, like Forced Labor**, which was not mentioned in the Penal Code in terms of either definition or penalty; despite the fact that the Jordanian Constitution expressly prohibited in it article 13. Instead, it just repeated what was stipulated in article 77 of the Labor Code, which dealt with the matter as a labor violation and not as a crime. It also stipulated punishments for any employer who employs workers under duress, threats, fraud or coercion, including the confiscation of their personal documents, to a fine of not less than 500 JD and not more than 1,000 JD. These punishments are not compatible with the gravity of these crimes and do not even include imprisonment. Thus, it is necessary that this act be criminalized in the Penal Code and that a penalty be imposed for it as a crime rather than a labor violation. The same thing also should be done to slavery-like practices and the confiscation of papers, a practice that is still occurring on the ground despite being criminalized in the Passport Law.

There are also still issues regarding the definition of the crime of Human Trafficking included in Article 3 of the Anti- Human Trafficking Law No. 9 of 2009, which included some concepts that are not defined nor explained in the law itself such as Forced Labor, Slavery and, servitude. Another major issue related to the law is that the forms of

exploitation mentioned in the law have been limited to what is included in the law and not mentioned as examples that could be further added upon like the international protocol, which makes it hard to actually apply the law to cases that could be trailed as human trafficking in accordance with international standards in this regard but are not recognized as such in the national law.

Going back to confiscation of passports, this matter was specifically addressed in the Jordanian Passport Law No. (5) of 2003 and its amendments, which stipulated in Article (24) that the perpetrator shall be punished with imprisonment between 6 months - 3 years or a fine of between 500 JD and 1,000 JD or both penalties whomever was found in possession of a passport or personal document that is not lawfully theirs. However, this law does not explicitly address the confiscation of passport or travel documents for the purpose in exploitation in any way. Furthermore, practices on the ground show that repeated violations of this provision are occurring by various employers to compel workers to remain at their jobs. These employers justify doing so by maintaining that these practices help them protect their rights, especially in the face of workers leaving their employment.

Through the field survey, numerous violations on the rights of workers were discovered, that included: threat and blackmail, being beaten and insulted, restrictions of freedoms and the confiscation of documents. The survey revealed that 36.6% of the workers were threatened and blackmailed by employers, the majority of whom are domestic workers, workers in textiles, and construction.

One of the most startling findings of the survey is that 100% of domestic workers are threatened by their employers if they want to move to another employer or if they ask for some freedoms such as going out of the house or visiting their friends. Additional results showed that the percentage in other sectors is disaggregated as followed:

- 53.8% of textile workers
- 52.6% of construction workers
- 46.2% of the agricultural workers
- 42.1% in the Accommodation and Food services
- 23.1% of Building guards

The results also showed that 47.3% of workers are prevented by employers from transferring to another employer. Furthermore, 46.3% of workers who did transfer were forced to pay employers between 250-1200 JD, which sometimes included the fees for the work permit in order to transfer. Of these workers, 78.7% worked in Aqaba and 21.3% in Karak. Further results indicate that 48.4% of those who wanted to transfer to other employers were threatened with deportations. And 15.6% said that they were

forced to renew their permit with the same employer when it expired after being threatened that otherwise they would be handed over to the authorities for deportation.

A group of workers in the construction sector in Aqaba Governorate said:

"We cannot leave the employer, as he keeps telling us that whoever wants to leave, will be deported. Thus, we cannot tell him that we want to transfer to another sponsor. As for traveling or leaving to go back to our countries, the cost of issuing the work permit would be deducted from our wages."

Other workers in the construction sector in the Karak governorate said:

"We never attempted to transfer to another employer as our status is currently irregular and so we are afraid that we will be caught by the authorities. So, we try as much as possible to not have any disputes with our employer or any other person to avoid being arrested."

Other groups of workers in the agricultural sector in Aqaba said:

"Our employer never stopped us from travelling or prevented us from transferring to another employer. However, if we do decide to do such a thing, our sponsor would force us to pay a sum of money. One worker said that he was asked to pay 250 JD in order for his employer to allow him to transfer while others said that they were asked a sum ranging between 150 – 250 JD."

Other workers in the same sector in Karak said:

"We never attempted to transfer to another sponsor. In case, we wanted to travel our employer will not object though we have to tell him a month before so he could arrange matters. If we do not tell him or have to travel for an emergency then we are not allowed to go."

One worker recalled a story that happened with one of his co-workers who the employer refused to let him travel even though there was an emergency concerning the illness of his daughter. Despite these circumstances, the worker could not travel as they were mid-season and had to pick the crops. Thus, the worker could not leave until a month has passed and the season was over."

Other workers in the textile sector in Aqaba said:

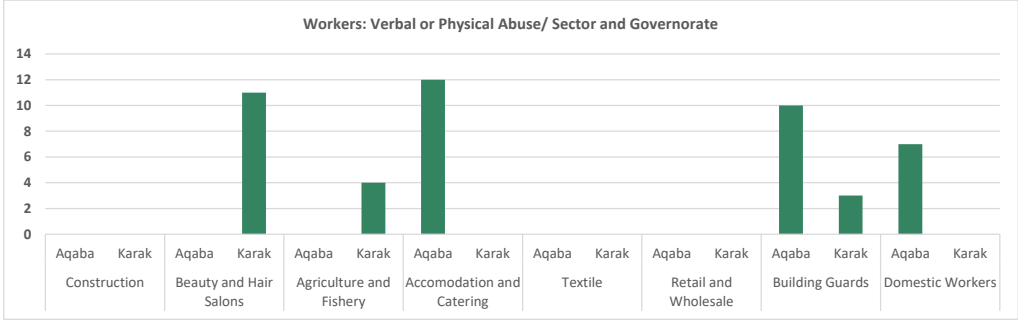
"No worker is allowed to move to another employer under any circumstances. We do not have the freedom to move to work in another factory and we are prevented from doing so as the owner of the factory threatens to deport us if we request it."

The group mentioned an example where a worker in the factory met a girl from Bangladesh working in another factory. The man wanted to move to that factory to get closer to the girl but the factory owner did not allow him and he was later deported according to the factory’s policy.”

As for the phenomena of workers getting beaten or insults, the results showed that 12.2% of workers are subjected to such abuse sometimes. A number of these workers indicated that this may be either done by the employer or sometimes customers. The highest percentage of workers facing such violations worked as building guards (33.3%), followed by workers in the beauty and hair salons by (28.2%), though the majority of them pointed out that these abuses are by the customers and not employers. These two sectors were followed by the sectors of: accommodation and food services by (21.1%); domestic workers (17.9%), and finally agriculture sector (10.3%); while workers in the rest of the sectors indicated that they are not exposed to such behavior.

It should be noted that all workers interviewed in the targeted sectors said that they had never been subjected to sexual assault or harassment. They added though that they are subjected to other forms of abuse, whether verbal or physical that include beatings and insults as indicated above.

The results also showed that all workers who were threatened, blackmailed and assaulted verbally or physically did not submit a complaint to the competent authorities, except for a very small percentage that does not exceed (5.7%) of those who were subjected to such violations.



A group of workers at a cafe in Aqaba said:

"The owner of the café threatens us and blackmail us if we ever wanted to leave our wok. Without notice, a month's salary is deducted from us, and we are always being insulted by the employer and some customers. However, none of us filed a complaint in this regard because we are irregulars and are afraid of being deported. This kind of treatment has affected us in terms of our productivity



or our interaction with our colleagues, so we became more stressed and had some verbal disputes.”

Another one who worked at another café which he refused to disclose his name said that he was threatened by the owner of that café that if he ever filed a complaint against him, he would file a complaint of his own accusing him of stealing money from the register. Thus, the worker has been forced to submit to these threats and not file any complaints.

Workers in the textile sector in Aqaba said:

"Generally, we have not faced any threats from our employer. However, if we tell him that we want to transfer to another factory, we would be threatened with deportation to our country and with the termination of our contracts. We bore witness as one of our colleagues was deported which as a result had a negative impact on our productivity for a while before returning to normal. Another colleague of ours requested to move to another employer but the factory owner rejected and was threatened that his permit will not be renewed once it is expired, and that he would notify the authorities so he would get deported. As a result, the worker was forced to leave the country after his work permit expired.”

Another group working in a small shop in the textile sector in the Karak said:

"We have been subjected to numerous violations and harassment by the customers but we have to stay silent at such occasions and we have never filed any complaint against anybody because we avoid getting into trouble".

A building guard in Karak said:

"Each day I get verbally abused by some of the building occupants that I work in due to my status as a refugee in Jordan but I have never taken any action against anybody to avoid falling into trouble."

Two Domestic Workers in Aqaba said:

"When we first asked to move to another sponsor at the recruitment office we were beaten and threatened. Then after we talked to our sponsor and he understood why we did not want to work anymore, he returned us to the recruitment office and we were neither beaten nor threatened anymore."

Another Domestic worker had a different experience in the same city:

"I was verbally and physically abused by the owner of the recruitment office because I refused to work at my employer's house."

Other workers in Aqaba further added:

"We have occasionally been verbally abused by our sponsor in cases where he thinks that we have not done our work properly though he has never beaten us."

One Worker in the construction sector in Aqaba said:

"I was threatened by my sponsor that if I do not pay him 400 JD, he would report me to the authorities to be deported which forced me to pay it to him in order to renew my work permit."

A group of hair salon workers in Karak said:

"Our employer does not physically or verbally abuse us. Sometimes though, we do encounter some minor issues with customers who come to the salon drunk and refuse to pay. However, we have developed enough experience to deal with such situations and we avoid lodging any complaints against them as we do not want to cause any trouble and thus we seek to always solves these incidents ourselves."

Workers in a cafe in Aqaba said:

"We have occasionally been verbally abused by customers, though the employer usually interferes and threatens these customers that he would call the police, which usually leads to the customer leaving the cafe."

Building guards in Aqaba said:

"We have never been physically abused or threatened though we sometimes receive some verbal insults from the building tenants themselves but it has never reached any physical abuse".

With regard to the restriction of freedoms and confiscation of documents, Article (77) of the Labor Code stipulates:

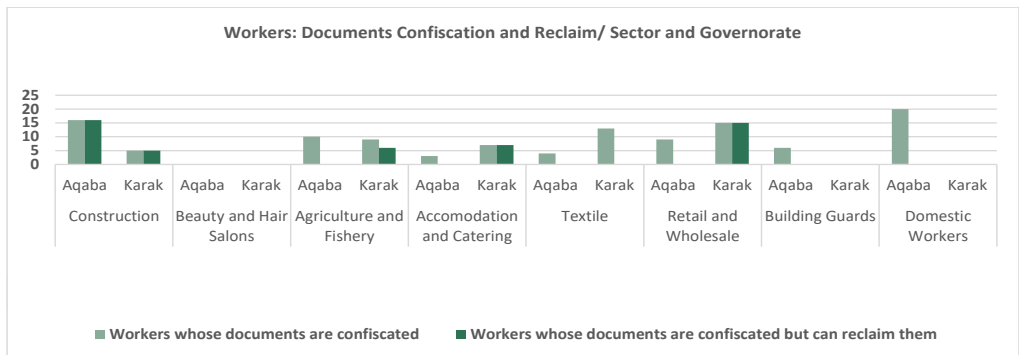
"Any employer or manager of an establishment who violates any provisions of this chapter or any regulations or decisions adopted thereunder, by forcibly employing a worker using the means of threats, coercion or fraud including the withholding of personal documents shall be fined a minimum fine of 500 JD and not exceeding 1.000 JD

However, the results have shown that 30,4%workers had their personal documentation including their passports confiscated; and that 41,9% of those whose passports are confiscated can get their passports back upon request from the employer if needed for some reason; while the other 58,1% of them said that they will only get their passports

back once their contracts are finished and they are ready to leave the country. Some even said that they will get their passports back once they are in the airport.

The highest percentage of workers whose passports are held by their employers work as domestic workers (51,3%), followed by workers in the agriculture sector (48,7%), textile (43,6%), then construction by (36,8%), and the retail and wholesale sector (31,6%). Meanwhile, the lowest percentage was in the accommodation and food services sector with (17,5%), and building guards (15,4%). It should be noted that all workers in beauty and hair salons said that their passports have not been confiscated and that they all possess all of their documents with them.

In terms of workers possibly getting their passports back from the employer, the results showed that 100% of all employees whose passports are confiscated and cannot retrieve them except when traveling based on the sectors were in the textile, domestic workers or building guards. The percentage in other sectors varied between 68.4% in the agriculture and fishing sector, 37.5% in the wholesale and retail sector, 30.0% in the accommodation and food services sector; while workers in construction said that all workers in this sector can simply ask for their passports and that the employer would give it back to them.



A group of workers in the construction sector in Aqaba said:

"The employer would confiscate our passport as long as we are in Jordan. We can take it back though in case we need it and we always have our work permit with us."

Another group in the same sector and governorate said:

"Our passports are with the employer. We signed a document when we started working that the passports would remain in his possession as long as we work for him. Although we can ask for our passports back at any time, we have to provide our employer with a persuasive reason for him to give it us."

Another group of workers in the textile sector in Aqaba said:

"Our passports are confiscated by our employer. He will keep them with him throughout our stay in Jordan and only give them back once we are in the airport to leave the country. If we asked to have them back, the employer refuses of fear that we will escape and start working somewhere else. Also, we know nothing about the procedures regarding obtaining work and residency permit as our employer handles all of these matters."

Other workers in the same sector in Karak said:

"All our passports remain with the factory administration for safekeeping since we would not be using them until we leave the country."

Another group of workers in the wholesale and retail sale sector in Aqaba said:

"The employer confiscated our passports and we cannot get them back unless one of us has to visit the consulate or return to their country or transfer to another employer."

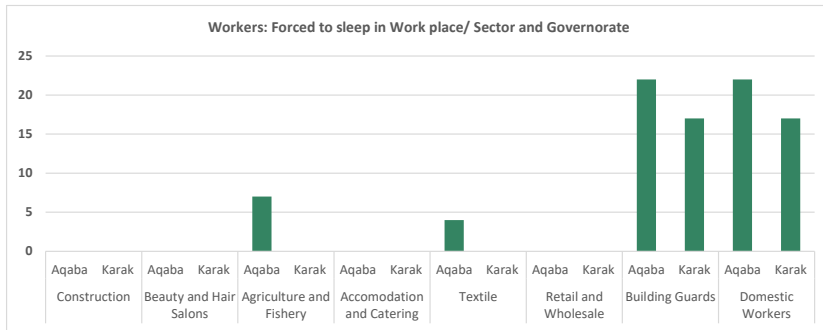
A group of domestic workers in Aqaba said:

"All of our personal documents including our passports are withheld by the sponsor and we cannot get them back unless we want to return to our countries".

As for the detention of workers, or forcing them to sleep in the workplace, the results showed that 23.1% of workers are forced to sleep in the workplace. Other obstacles to freedom include not allowing workers to leave the work place, prohibiting their means of communication closing the doors, or having barbed wire, or guards among others.

Most of the workers work who have to sleep at their workplace are domestic workers and building guards as the nature of their work requires this as explained by the workers themselves. As for workers in the agricultural sector, 17.9% of them stated that they were forced to sleep in the farm and are held there permanently on harvest days.

Other results indicated that 10.3% of workers in the textile sector are forced to sleep in the workplace; while 35.9% of them are allowed to leave the workplace according to the available data. For other sectors, no worker is forced to sleep in the workplace.



A group of agricultural workers in Aqaba said:

"We are forced to stay and sleep in the farm. We are always detained in it and we cannot leave as the employers also stays there especially during harvest and planting of seeds periods. However, there are no restrictions on means of communication."

Other workers in the same sector in Karak said

" We live in the farm for free. We stay there at our free will and without any threats or coercion by our employer who allows us to move and live somewhere else if we wanted but then we have to bear the expenses ourselves."

Workers in the textile sector in Aqaba said:

"We are not allowed to leave our work place during working hours, nor to leave the accommodation on weekdays either. We have one day off on Friday when we can go out to the market, but on other days it is restricted to leave the factory or the accommodation."

The field researchers noted when they visited the factory where the workers in the above quote worked, that there were high walls around the factory as well as a group of guards around it. These guards do not allow any body to enter or leave the factory except through the main door. As for means of communication, the researchers noticed the existence of mobile phones with all workers and that there are no restrictions for workers to use them while working.

Other workers in the textile sector in Aqaba said:

"We are not forced to sleep in the factory nor are we detained in our workplace. In fact, the factory is not equipped for people to sleep in it. We are allowed to leave during work hours, however since the factory is located far away from the city and there is no transportation except the factory bus to take us there, then we do not usually leave during working hours. Also, we are strictly forbidden from using our phones inside the factory".

A group of building guards in both Aqaba and Karak said:

"We have to sleep in the workplace as our work requires us to do so. It is not about coercion or threat but rather that the nature of our work is to guard these buildings and thus we have to sleep there too". Some of them noted though that if they had the choice to sleep somewhere else, then they would.

Another group of domestic workers in both governorates said:

"We are forced to sleep in the workplace, due to the nature of our work and in accordance to the contract between us and the sponsor. We do not have the choice in regards to leaving our workplace or the house where we work, except in cases when the members of the family themselves go out then we accompany them or if we were asked to go and buy groceries for the house."

**Conclusion:**

A number of cases of verbal or physical abuse; restriction of freedoms; or confiscation of documents have been noted. These cases have varied in nature and sector, though it was noted that some forms are quite common in particular sector like domestic work, building guards and in a lesser degree with workers in the agriculture and textile sectors.

Many workers are threatened and blackmailed if they request to move to another sponsor; while others have been forced to pay sums of money for them to be allowed to do so.

Clearly, there is a lack of legislative limitations and deterrent punishments in cases of forced labor, abuse, forcing workers to stay in their workplaces or restricting their freedoms. There are also some concepts that have no clear interpretation in the national legislation, like forced labor, slavery and servitude.

### *Sixth: Prevention and Protection of Workers and the privileges provided to them at work*

The Inspection Directorate of the Ministry of Labor has two types of inspectors. The first is labor inspectors whose task is to look for violations of labor laws, including whether workers are paid, forced to work excessive hours, or have work and residence permits. The other types of inspectors are occupational safety and health inspectors whose jurisdiction include violations related to occupational safety and health regulations. These inspectors target specific practices or occupations in which the risk of work injuries is high.

The Labor Code contains a set of articles under Chapter 9 concerning occupational safety and health. Article (78) of paragraph (a) of this law states that "the employer must:

- 1 .Provide the necessary precautions and measures to protect the Employees from the hazards and diseases that may result from the work as well as from machines used therein.
- 2 .Provide Employees with personal protection and prevention means from the hazards of work and occupational diseases such as clothes, eye glasses, gloves, shoes and the likes as well as instructing them on the method of its use, maintenance and cleaning.
- 3 .Inform the Employee prior to engagement of the risks of his occupation and methods of methods of protection to be taken by him. Instructions and directives showing the occupational risks and methods of protection there from according to the regulations and decisions issued in this respect should be placed in a conspicuous place.
- 4 .Provide medical emergency facilities and equipment to Employees in the Establishment according to the levels determined by a decision of the Minister subsequent to seeking the opinions of the competent official authorities.
  - b) The Employees may not absorb any expenses resulting from the implementation of or providing what is stated under paragraph (a) of this article.

Article (79) states:

"The Minister shall determine, subsequent to seeking the opinion of the competent official authorities under instructions issued by him, the following:

- b) The precautions and measures, to be taken or provided in all Establishments or in any of them for the protection of Employees and establishments from the risks of work and occupational diseases.

c) The equipment and facilities to be provided in the establishments from the risks of work and occupational diseases.

d) The basis and standards that have to be available in the industrial establishments to ensure all forms of pollution free environment, protection against noise, vibrations and everything prejudicial to the Employees health within the approved international standards as well as determining the special methods of testing and examining for controlling such standards.”

While Article 80 says that " The Employer should take the precautions necessary for the protection of the establishment and its Employees from the hazards of fire and explosions or storage, transporting or handling the inflammable dangerous materials and provide sufficient technical facilities and equipment according to the instructions of the competent official authorities.”; while article 82 stipulates that “Employees in any establishment should comply with the provisions, instructions and decisions pertaining to prevention precautions, safety, occupational health, use and maintenance of equipment relating thereof, refraining c. from any act, which would obstruct the execution of such provisions, decisions and instructions as well as refrain from tampering or causing damage or destruction thereto under being subjected to the disciplinary penalties provided for in the establishments internal regulations”.

Article 84 also states:

“If the Employer violates any of the provisions of this chapter, the Minister may close down the establishment or place of work in wholly or partially or stop any machine therein if such violation would expose the Employees, establishment or machines to hazard until the Employers removal of the violation.

b) It is a pre-requisite that the Minister may not issue his decision provided for under paragraph (a) of this article prior to serving warning upon the Employer for the removal of the violation within the period he sets for him in the warning and that is according to the seriousness and gravity of violation.

c) Due observance should be made in the case of closing down the establishment, place of work or stoppage of machines therein whereby the Employees right to receive their wages in full for the period of closing down or stoppage is not breached.

d) The Minister may refer the violator to the competent Court and shall be penalized in such case by a minimum fine of one hundred Dinars and not exceeding five hundred Dinars. This fine shall be doubled in case of repetition. The adjudged fine may not be reduced below its minimum for any reason whatsoever.”



The field survey results showed that only 29.9% of the total staff interviewed are provided with means of personal protection and first aid by their employers. 29.9% of them said that their institutions are equipped with fire and explosion protection system including fire extinguishers, alarm systems, smoke detectors, and emergency exits; or have guidance boards at their work sites. The majority of these workers also said that they have not been trained on how to handle emergency situations like if a fire occurs, how to use an extinguisher or evacuation procedures. However, 79.5% of them did say that they have a suitable work environment in the workplace in terms of their protection from high and low temperatures, and that they have sufficient lighting at work.

As for the privileges provided by the establishments to the workers in their workplaces, such as the provision of special rooms for the employees to rest in, change, eat, or provided with wardrobes or any such other privilege, the results showed that 39% are provided with such spaces, with the majority of these working as domestic workers or building guards. They are also provided for 73.7% of workers in accommodation and food services; 46.2% for textile workers and 21.1% for construction workers; while not available for any of the workers in other sectors.

Moreover, 52.5% of the workers said that employers provide them with food and filtered water for drinking, and some even added that they are provided with housing at the expense of the employer as well. Most of the workers who enjoy this feature work as domestic workers, building guards, accommodation and food services, as well as those working in the sectors of textile or retail and wholesale; while they are not available to workers in other sectors or are available but to a limited number of them.

A group of workers at a café in Aqaba say:

“The cafe has a first aid kit and a fire extinguishing system too and there are guidance boards in the bathrooms and the family hall. However, we have not been trained to use the fire extinguishers or regarding evacuation in the event of a fire or accidents. There is an air conditioning in the summer and winter, and we are provided with a small staff room where we can rest, eat or change our clothes. We all received health checkups to ensure that we do not have any diseases and we have uniforms and hair covers as well. The employer has provided us with a nearby accommodation and we are provided with both food and drinks too.”

Other workers in the same city said:

“The factory has general safety equipment for all workers. The factory is responsible for the provision of public safety devices; as it provides the workers with mouth covers, gloves, uniform, sterile liquid soap for washing and disinfecting the hands, a mini clinic, as well as a condition that offers cool and

warm air depending on the semester, and dry and wet paper towels. In addition, the factory provides all kinds of safety systems and guidance boards in all the workers' languages that are hung on the exit door in Hindi, Sri Lankan, and Bengali. In each section of the factory, a specific number of workers have been trained to use these means in case of emergency. There is also a system of smoke detectors, a fire system, fire hoses and an emergency exit gate too. There are stores for each type of product and guidance boards on how to store each one. The factory also has central air conditioning in summer and winter and it is located far from the residential and commercial areas and there is no noise in the factory. There are special rooms for changing clothes; a special lounge for the workers, which consists of a large table and a set of chairs and two bathrooms for each sex. There are no lockers designated for workers and no one working in the kitchen as the factory brings the food to the factory through an approved restaurant that is responsible for preparing the dining hall before and after the break. There is a uniform for all workers in the factory, and the employer provides all workers with their needs from food, drinks and transportation. The accommodation is also good and there are it is cleaned by a special crew, while the food is supervised by the factory management."

A group of retail and wholesale workers in both Aqaba and Karak said:

"There are personal protective equipment or systems available in the shops. There are no fire protection systems, first aid kits, guidance boards or any such precaution, but there are air conditioners in winter and summer. The shops do not even have a bathroom so we use the public baths. The employer does not provide accommodation and provides us with one meal a day only. "

### **Conclusion:**

There is a general lack of concern among establishments regarding occupational safety and health; accompanied by another lack of supervision and accountability from the official authorities concerned. Also, another lack is present about awareness campaigns focused on the need for institutions to comply with occupational safety and health conditions, especially in the construction sector and in textile factories in these governorates.

## Results:

1. Legislatively, it is noted that the Jordanian legislator is moving towards having policies that would reduce and prevent violations of workers' rights through the Penal Code and the Anti- Human Trafficking Law. It is also working on establishing a legislative framework that regulates the relationship between migrants and employers in an array of laws including: labor law, residency law, among other laws. However, despite these improvements, some of these laws still contain gaps that overlook important issues such as the exploitation of migrant workers, brokering, the need to criminalize forced labor, slavery, as well as beatings and blatant insult to workers. Legislators also did not establish effective and efficient measures to address abuses against workers.
2. The lack of a licensed recruitment offices for workers, except in the case of recruitment offices for domestic workers, helped the increase in cases of exploitation of workers through brokers in Jordan and in the sending countries as well as by some employers.
3. There is a clear failure in the implementation of the laws, the supervision and follow up over its actual implementation, and control over its compliance by the relevant stakeholders, as well as taking deterrent measures against violators. Another failure is related to the weakness of coordination between the competent authorities, and the weakness in the roles of trade unions, human rights organizations and civil society organizations in addressing abuses against workers, which weakened the position of workers themselves and made them more vulnerable to abuses and the deprivation of their rights.
4. The exclusion of migrant workers from the raising of the minimum wages decision constitute an outright discrimination against them.
5. The full system of laws and regulations governing the process of recruitment and employment of migrant workers, in addition to the actual practices on the ground of regarding their treatment and relationship between them and the employer constitute an explicit application of the Sponsor's System and in particular restrict the worker's freedom to move from one employer to another or to depart the country, as well as other various practices that violates their rights.
6. The supervision on the obligation to issue work permits and residency permits is of great importance for the competent official authorities. However, these authorities do not take into account that the issuance of these documents is a duty of the employers and not the worker. They also tend to overlook the fact that the worker is often the victim of the employer's negligence in this respect and thus treat the worker as the one at fault and consider him//her in an irregular situation which then leads to deportation.

7. The Work contract is the basis of the relationship between the workers and employers. However, these contracts are generally authorized by the employer and in many cases are viewed as a formality as they are a requirement for the issuance of the work permit. Thus, parties have been known to overlook the content of these contracts and in many cases the workers do not even read or know about their contents nor they keep a copy of it.
8. The length and complexity of judicial proceedings are the main reasons why workers do not seek their rights through courts.
9. Many employers do not comply with the legal conditions to penalize workers for their violations in accordance with the rules and procedure of the institution's internal system and the Sanctions list, as well as the decision of the Minister of Labor No. 4568, which requires that the money generated from the fines imposed on workers used for the implementation of social activities and services for workers.
10. Lack of health insurance for workers leaves them with heavy financial burdens as they need to pay for treatment. This is the result of the absence of legislation requiring employers to include them in health insurance and the non-activation of the health insurance provisions in the Social Security Law which linked its activation to a decision issued by the Council of Ministers for this purpose, which as of yet has not happened either for Jordanians or non-Jordanians.
11. The inability of inspection and relevant entities concerned with occupational safety and health in the government to include inspections to all of the private sector's establishments and work site; as well as its continuous struggles with shortages of staff whether in quantity or quality.
12. The weakness of awareness raising programs targeting workers about their rights as prescribed by the laws and procedures related to their work and residence in the Kingdom has reflected negatively on their ability to defend their rights and ask for them. It has also increased the likelihood of their exploitation, which is in fact further exuberated by their lack of knowledge about the internal regulations of the establishments they work in.
13. The absence of databases and information concerning migrant workers and their complaints to the competent authorities, especially in the courts, building guards centers and Aqaba Special Economic Zone Authority. In addition, these authorities are very reserved in publishing the data that is available to them in this regard.
14. In terms of the Aqaba Special Economic Zone, there are currently two parties concerned with migrant workers' affairs and is responsible for the procedures and regulations of their labor and residency; namely: The Directorate of the

Ministry of Labor in Aqaba and the Aqaba Special Economic Zone Authority. The sharing of powers by these two parties has led to confusion among the workers as it led to a lack of clarity as to which side is the one concerned with the issue they are facing. As it stands, workers now obtain their work and residency permits from the Authority, but they cannot resort to them in the event of disagreement with the employer or if a violation of their rights occur. Meanwhile, the Directorate of Labor is supposed to carry out the inspection of their rights only without being concerned with their work permits and employers' obligations. This division of tasks led to limiting the effectiveness of the supervisory role of the two agencies; in addition to weak coordination between them and resulted in the widespread of violations of all kinds. It also led to the increase of number of workers without permits or carrying work permits in the name of an employer whom they do not work with, and whose role is only to renew the work permit for a cash amount paid annually by the worker.

15. Statistically, it is difficult to procure accurate information in regards to the numbers of Migrant Workers whether in Jordan generally or in the Aqaba Economic Zone. This is due to difficulties getting the most recently updated information from the Ministry of Labour while the Department of Statistics does not provide information about the numbers of Non- Jordanians.

## Recommendations:

### *Legislatively:*

- ✓ Establishment of specialized offices for the recruitment and employment of migrant workers, which are approved and licensed by a special unit to be established in the Ministry of Labor, and under a special system that will regulate these recruitment and employment offices.
- ✓ Eliminate the exclusion of migrant workers from Minimum Wage decisions.
- ✓ The necessity to issue the system for the regulation of agricultural workers in accordance with the requirements of Article 4 of the Labor Code. Furthermore, the provisions of the system of domestic workers, issued under the same article, should be activated. The system should also be modified to include protective measures for workers, such as fixed working hours; weekly, annual and sick leave; termination of contract rights; wages and overtime allowance, that would address the most prevalent practices on workers in these sectors.
- ✓ The inclusion of domestic workers in the Social Security Law by a decision issued by the Council of Ministers in accordance with article 4 (c) of the Social Security Law. Also, the Social Security Corporation needs to review its intention not to include agricultural workers under the umbrella of Social Security as there is no legal provision that allows for such exclusion.
- ✓ Amend Labor Law to include further develop the labor rights in it and would entail them getting their due vacations, whether annual, sick or for public holidays, as well as guaranteeing their right to receive a monetary allowance for the unused annual vacations. The law should also increase the value of compensation for arbitrary dismissal; ensure that all wages and compensations received by the workers are deposited in their bank accounts. Also, the guarantees provided by employers when they recruit migrants should be activated and used to provide migrants with all of their rights through facilitated and expedited procedures.
- ✓ Seek to set provisions that would prevent employers from making workers in the construction, agriculture sectors, among other during extreme weather conditions such as extreme high or low temperatures; as well as strengthening the inspection campaigns to oblige employers to do so.
- ✓ Build the capacity and performance of the Inspection Unit in the Ministry of Labor, which is responsible for following up the affairs of domestic workers and their working conditions. The Unit is also responsible for communicating with employers and workers periodically during the year, in various ways whether via telephone or through visits to the Ministry's offices, or through the use of the

hotline, or the applications that have been developed for this purpose, while ensuring that qualified staff are available who speak the languages of the workers.

- ✓ Ratify relevant international labor conventions relating to migrant workers, in particular Convention No. 189 of 2011 on Decent Work for Domestic Workers, Convention No. 97 of 1949 on Migrant Workers, Convention No. 143 of 1975 on Migrant Workers, and convention No. 181 of 1997 on Employment Agencies.
- ✓ Preparation of a standardized and comprehensive form of work contract that will be available in the languages of migrant workers. The contract should include provisions guaranteeing the workers' legal rights in accordance with the Labor Code, such as: setting the number of working hours and shifts if available; annual and sick leaves; wages including overtime; the right of worker to freely move from one employer to another, the freedom of movement within the country, choice of place of residency and the freedom to leave the country. The form should take into account the specificity of the protections required for workers in certain sectors such as domestic workers, building guards and agricultural workers, in order to ensure that their rights are protected and implemented like other workers and in conformity with international treaties.

### *Awareness Raising*

- ✓ Raise the awareness of both workers and employers of both parties' legal rights and obligations as set by the law. Also, a website should be established that will contain the rights of workers and their obligations as well as those of the employers. The website should also offer the possibility of filing complaints, as well as introducing the competent authorities and their communication details in cases of violations. Furthermore, the hotline in the Ministry of Labor needs to be activated.
- ✓ Preparation of brochures and leaflets to be distributed to migrant workers when they arrive to the country in multiple languages that will include the essential information regarding their lives and work in Jordan. The leaflets shall include information about the mechanism for applying for a work visa, the duties and rights of workers, how to report violations, the relevant authorities in Jordan including their numbers. These efforts and leaflets shall be done in coordination among the relevant official authorities to ensure that they are available in the languages of the workers and that there are competent staff who are ready to answer any questions posed by workers in these languages.

### *Inspection and Follow Ups*

- ✓ Activate the Ministry of Labor's supervision on the Fines Funds that employers should have and inspect the extent in which employers are following the legal instructions set in regard to these funds as well as the conditions relating to fining workers, the mechanism followed and the way the fine money is spent.
- ✓ Improve the ability of labor inspectors to address violations of the labor law and occupational safety and health laws. Also, increase:
  - a. the number of occupational safety and health inspectors and the penalties for violations.
  - b. The number of periodic inspections of sites to ensure that employers are following the laws, particularly the private sector's compliance with labor laws and occupational safety and health standards.
- ✓ Build the capacity of government employees including their legal knowledge on relevant national and international laws and standards to ensure that issues related to migrants or violations on their rights are properly investigated, and followed-up
- ✓ Widely disseminate information about the types of practices that violate Law No. 9 of 2009 of Anti- Human Trafficking, as well as information about the crime itself, its elements and forms.
- ✓ Take more decisive measures and procedures to identify and investigate and punish irregular brokers and recruitment offices, who impose high illegal fees on migrants, or those who are involved in other illegal activities.

### *Relationship with Sending Countries and their Embassies*

- ✓ The exchange of information between sending countries and their embassies should be strengthened regarding registered recruitment offices in the receiving countries that actually have the legal right to recruit and employ workers. Also, both parties need to exchange information on any side that has violated any of the laws or procedures related to this process to ensure the protection of potential victims from exploitation and trafficking.
- ✓ Conclude agreements with labor-sending countries' embassies that would enable workers to authorize their embassies if they are forced to leave Jordan prior to the resolution of a labor dispute or case to continue representing these workers on behalves and collect any judgement or reparation that the court has given them.



- ✓ Coordinate between representatives of foreign embassies, consulates, lawyers and civil society organizations should be established to provide aid to workers whether in the form of helping them lodge complaints, provide them with translation services, legal aid during trials or negotiating with employers or explaining the procedures relevant to their work and residency, among other things.

### *General Recommendations:*

- ✓ Tighten the supervision of employers to oblige them to establish internal regulations that would help organize the work and provide these regulations to workers in their languages to look at and have their own copies.
- ✓ Impose severe fines on employers who violate labor laws in relation to delaying wages, exploiting workers by making them cover the costs of issuing or renewing work permits, residency or Social Security or any part of these expenses; or not paying them overtime wages, among others
- ✓ The abolition of the Sponsorship System or any similar practices; thus, allowing migrant workers to change their employer without the consent of the previous in the case of the termination of the work contract; also, the MoL needs to ensure that migrants receive all of their due rights prior to the transition and that migrants shall have a legal period of residence in Jordan for an adequate period during which they can transfer to their new work and employer.
- ✓ Ensure prompt and comprehensive investigation and prosecution of employers and employment offices of domestic workers who commit criminal violations.
- ✓ Establish a referral mechanism for cases consisting of the Ministry of Labor, Directorate of Public Building guards, Directorate of Residence and Borders in the Ministry of the Interior and the Prosecutor Office focused on cases of possible criminal violations in labor disputes and violations of the Anti- Human Trafficking law and the Penal Code.
- ✓ Coordination between NGOs, foreign embassies and the Jordanian Bar Association to ensure free legal assistance are provided for migrant workers in need to be represented. Also, ensure that the government appoints lawyers at its own expense for such cases, and that workers in the public sector inform migrant workers of their rights to access legal representation from the very first moment they submit their complaints.
- ✓ The Prosecutor Office needs to have the power to convict individuals and institutions that transfer, recruit or use a person for the purpose of exploitation or force workers to work in slavery-like conditions. The Prosecutors should also criminalize labor violations such as the withholding of wages or documents, etc. and ensure that brokers and intermediaries as well as employers who are

proven to have exploited workers are included in a black list with the Ministry of Labor and the Prosecutor Office, and to tighten penalties for violators such as imposing heavy fines or imprisonment for a period of three to six months without the possibility of being released on bail.

- ✓ Addressing the conflict of powers between the Aqaba Special Economic Zone Authority and the Labor Department of the Ministry of Labor to ensure that only one of them is responsible for all matters related to workers from the procedures for granting work permits to the supervision of workers and employers on the terms and conditions of work conditions and related procedures; as well as other matters that covers the related procedures to labor complaints, whether related to work permits and residence, or related to labor rights of all types, or those connected to living and working conditions; as well as being in charge of inspection and supervision of the extent of application and implementation of Labor Laws.

## References:

- The Jordanian Constitution
- The United Nations Convention on the Protection of the Rights of Migrant Workers and Members of Their Families of 1990.
- The Jordanian Labor Law No. (8) of 1996
- Residency and Foreigners Affairs Law No. (24) of 1973 and its amendments.
- The Social Security Law No. (1) for the year 2014.
- The Aqaba Special Economic Zone Act No. 32 of 2000, and its amendments.
- The Penal Code No. 16 (1960), and its amendments.
- Anti- Human Trafficking Law No. 9 of 2009.
- The System No. (90) for the year 2000, on Entry Visa, Employment and Residency in the Aqaba Special Economic Zone.
- The instructions regarding the Conditions and Procedures for Recruitment and Employment of non-Jordanian workers Act of 2012.
- The instructions on Regulating the work of Migrant Workers in the Aqaba Special Economic Zone No. (169) of 2017, issued by the provisions of article 10(b) (9) The provisions of article 15(M/5) of the law on the Aqaba Economic Zone No. (32) of 2000, and its amendments.
- Instructions on Visa, Employment and Residency in the Aqaba Special Economic Zone No. (28) of 2002.
- The decision of the Minister of Labor in document No. P-1/1544 issued on 22/2/2012.
- The decision of the Minister of Labor in document No T1/ 16052 issued on 16/12/2016.
- The decision of the Minister of Labor in document No T/1/1/17840 issued on 12/9/2017.
- The decision of the Council of Ministers number 5442, published in the official gazette on the 12/2/2017  
The decision of the Tripartite Committee for Labor Affairs effective from 1/2/2012 and published in the Official Gazette No. 5134 dated 31/12/2011.
- The decision of the Minimum Wage Committee effective from 1/1/2009 and published in Official Gazette No. 4937 dated 16/11/2008
- The Department of Statistics, the Population Census 2015.
- The Department of Statistics, the Population Estimates 1961 - 2016.
- The Ministry of Labor, the Annual Report 2016.
- The Analysis of the Reality of Human Trafficking in Jordan- Hamada Abu Nejma, 2017.

## The Electronic Sites:

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[http://moi.gov.jo/EchoBusV3.0/SystemAssets/PDFs/AR/%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1%20%D8%A7%D9%84%D8%A7%D8%B1%D8%AF%D9%86%D9%8A%20%D9%88%D8%AA%D8%B9%D8%AF%D9%8A%D9%84%D8%A7%D8%AA%D9%87\\_0.pdf](http://moi.gov.jo/EchoBusV3.0/SystemAssets/PDFs/AR/%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1%20%D8%A7%D9%84%D8%A7%D8%B1%D8%AF%D9%86%D9%8A%20%D9%88%D8%AA%D8%B9%D8%AF%D9%8A%D9%84%D8%A7%D8%AA%D9%87_0.pdf)

[http://www.oic-iphrc.org/ar/data/docs/legal\\_instruments/international/CMW%20-%20AV.pdf](http://www.oic-iphrc.org/ar/data/docs/legal_instruments/international/CMW%20-%20AV.pdf)

<http://www.aseza.jo/Pages/viewpage.aspx?pageID=112>

<http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<http://labour.weebly.com/uploads/6/1/4/9/6149309/trafic.pdf>

[http://labour.weebly.com/uploads/6/1/4/9/6149309/\\_.pdf](http://labour.weebly.com/uploads/6/1/4/9/6149309/_.pdf)

	Article	Ministry of Labour	Aqaba Economic Zone
1	The Employer having a valid vocational license of the establishment and its public works license	Article 4 (2/B) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that "The employment application should be enclosed with the following documents: Presentation of a valid vocational license of the establishment with a copy attached, or submitting a public works license and a land registration deed with an attached copy in case the employed worker is a cleaner in a building or villa, or submitting a recommendation from the concerned directorate of agriculture if he/she is an agricultural worker.	Article (4) of the Regulation of Labour and Migrant Workers in the Aqaba Special Economic Zone stipulates that "all contracts signed between the worker and the employer in the zone shall be ratified and documented by the Labour Relations Department in accordance with the following conditions: Attach the Commercial Register of the institution."
2	Attendance of the employer and filling out the required form to issue permits for non- Jordanians	Article 4 (A) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that "Any employer who wants to bring or employ a non-Jordanian worker should do the following: A- Fill in the used form of bringing and employment, including the	Article 16 (A) of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that "The application for a work visa or a work permit shall be submitted to the Directorate of Labour, Visas and Residency in the Authority on the form prepared for this purpose , completing all the required information and annexing

		<p>following:</p> <ol style="list-style-type: none"> <li>1. The name of the establishment, name of its owner or in charge director, its address, work nature and branches, if any.</li> <li>2. The name of the worker as in his/her passport, his/her nationality and the profession that he/she will practice.</li> </ol>	<p>the documents "</p> <p>Article (4) of the Regulation of Labour and Migrant Workers in the Aqaba Special Economic Zone stipulates that ""All contracts signed between the worker and the employer in the region shall be authenticated and documented by the Labour Relations Department in accordance with the following conditions: Attendance of the worker, the employer or his authorized representative, and filling out the form prepared for this purpose, completing all the required information and annexing the necessary documents "</p>
<p><b>3</b></p>	<p>The possibility of the Employer using a representative to act in his behalf during the process</p>	<p>Decision A/1/109 on the 15/1/2014 pursuant to the provisions of Article (6) of Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 that were issued under the provisions of paragraph (a) of Article (12) of the Labour Law "for a delegate to be authorised to pursue an application or continue with the process, the delegation needs to have the following</p>	<p>Article (4) of the Regulation of Labour and Migrant Workers in the Aqaba Special Economic Zone stipulates that ""All contracts signed between the worker and the employer in the region shall be authenticated and documented by the Labour Relations Department in accordance with the following conditions: Attendance of the worker, the employer or his authorized representative</p>

4	Adhering to the restrictions related to the recruitment and employment of migrant workers for the urgent need of the employer in accordance with the prescribed percentage and closed professions.	<p>information to be authorised:</p> <ul style="list-style-type: none"> <li>▪ The name of Delegate and their National Number</li> <li>▪ The delegate needs to be an employee for the employer and included under the umbrella of Social Security</li> <li>▪ Specification of the Delegate purpose</li> <li>▪ The signature of the Employer and verification by the bank</li> <li>▪ The delegation would be valid for three months from the date of issue</li> <li>▪ A copy of the delegation is kept at the Directorate after the competent official has reviewed the original copy</li> </ul>	
		<p>Article 10 (A) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that “Bringing, employing or renewing the employment permits of the non- Jordanian workers is carried out according to the needs of the work market sectors, taking into</p>	<p>Article 15 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that:</p> <ul style="list-style-type: none"> <li>▪ All sectors of work in the Zone shall be of those open to non-Jordanian in accordance with the instructions issued by the Council provided that priority is given to</li> </ul>

		<p>consideration the list of closed professions, providing that the Ministry will define the percentage of the non-Jordanian labour in any of the economic sectors in order to serve the policy of the gradual replacement of the non-Jordanian labour with the Jordanian.</p>	<p>Jordanian workers when employment opportunities are available</p> <ul style="list-style-type: none"> <li>▪ In no case shall the number of Jordanian workers be in any registered enterprise or any project in the area where there are more than 5 workers employed be less than: <ul style="list-style-type: none"> <li>▪ Three workers if workers in the project do not exceed 18.</li> <li>▪ 30% of the total number of workers if it exceeds 18.</li> </ul> </li> </ul>
5	<p>Proof and verification of the tenders and projects undertaken by the employer.</p>	<p>Article 4 (b/5) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that “The employment application should be enclosed with the following documents: A copy of the projects and tenders undertaken by the employer, if any, indicating the entity referring these tenders to the employer.</p>	<p>There are no instructions on this matter</p>



6	Ensuring the establishment and its workers under the umbrella of social protection / under the umbrella of the General Social Security Corporation	<p>Article 4 (b/4) of the instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that “The employment application should be enclosed with the following documents: A list issued by the General Social Security Corporation, indicating that all the employer's workers are subscribed in the social security and that all the subscriptions are paid by the date of submitting the application</p>	There are no instructions on this matter
7	The employer's obligation to provide bank or legal guarantee.	<p>Article 5 of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that “The employer shall submit a judicial or bank guarantee according to the wording that is endorsed by the Ministry. The guarantee shall be used according to a decision of the competent court, if the employer violates any of the obligations arising from the law, the regulations that were issued accordingly, or these instructions,</p>	There are no instructions on this matter

8	The enclosing of a copy of the worker's valid passport	Article 4 (b/3) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that "The employment application should be enclosed with the following documents: A copy of the worker's passport provided that it shall be valid.	Article 5 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that: "Any person applying for a visa, work permit or residence permit or renewal thereof must be a holder of an approved passport in the Kingdom valid for at least three months or a recognized travel document in the Kingdom and valid for at least six months"
9	The employer's commitment to attach two copies of the worker's contract signed by both parties.	Article 4 (b/1) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that "The employment application should be enclosed with the following documents: Two copies of the work contract.	Article 16 (A) of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that: The application for a work visa or work permit shall be submitted to the Directorate of Labour, Visas and Residency in the Authority on the form prepared for this purpose, completing all the required information and accompanied by the following documents: <ul style="list-style-type: none"> <li>▪ Copy of the Work Contract if available.</li> </ul> In the absence of a work contract, a document shall be submitted by the employer indicating the duration of the

			<p>work period, the nature of the job to be performed by the worker and the salary expected to be paid</p> <ul style="list-style-type: none"> <li>▪ A pledge from the employer that the provisions of law and instructions have been complied with in respect of all procedures and requirements relating to the issuance of work visa or work permit and these documents shall be nullified if otherwise.</li> <li>▪ Copy of passport or travel document of the worker.</li> <li>▪ A certificate issued by a medical centre accredited by the Ministry of Health confirming that the worker is free from any contagious diseases or a written pledge from the employer to submit this certificate within three weeks from the date of entry of the worker.</li> <li>▪ Release from the previous employer for the worker who wants to obtain a work permit.</li> </ul>
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10	Employer's obligation to attach a non-conviction certificate to the applicant.	Article 4 (c/5) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that "The required documents shall be submitted when the worker enters the Kingdom territories in addition to a duly authenticated certificate of non-conviction issued by the competent authorities of the worker's country.	Article 23 (C/1) of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that: The application for a residence permit shall be denied if the information provided in the application or through security claims indicates that the applicant poses a threat to security, public order, public interest and public morals. "
11	The employer's obligation to pay work permits fees and any additional sums; as well as paying retroactive payments for any permits from its date of expiry of the previous one.	Article 12 paragraph (C/1) from Labour Law states that "The Ministry shall charge the Employer a fee for the issue or renewal of the work permit for every non Jordanian Employee. This fee shall be considered as an income to the Treasury. The amount of such fee shall be set out in regulation." Paragraph (C/2) states that "The Ministry shall collect from the employer on workers in accordance with the regulations issued an additional fee on every work permit issued or renewed and it shall be allocated to the Employment, Vocational and Technical Training Fund"	Article 25 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that: A. The Authority shall issue a fee of 65 JOD for every three months of the period of the visa or permit. B. If the period of the visa or the permit is increased by three months, the fee shall be paid once at a rate of 65 JOD for every three months for each period.  Article 36 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone stipulates that "the Directorate shall receive the following service allowances: 15 JOD for each

		<p>Article 10 (c) of the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 stipulates that “if the employer has failed to renew the employment permit for any worker of the restricted or non-restricted nationalities, the Ministry shall receive a fee for the permit in a retroactive effect from the day on which the previous permit has expired.”</p>	<p>issue, renewal or issuance of a damaged or lost residency or work permits.</p> <p>Article (11) states that “the authority shall be met through the Directorate the reimbursement for the following service</p> <ol style="list-style-type: none"> <li>1. (5) JOD for each authentication allowance and documenting of a work contract.</li> <li>2. (5) JOD for the authentication of a holiday outside the borders of the Kingdom</li> <li>3. (2) JOD for authentication of any vacation request outside the Zone.</li> </ol>
<p><b>12</b></p>	<p>The validity period of the work permit.</p>	<p>Article 12 paragraph (B) from Labour Law states that “The non-Jordanian Employee must obtain a work permit from the Minister or from whomever he delegates prior to his recruitment or engagement. The period of permit if may not exceed one year renewable.”</p>	<p>Article 16 (h) of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone stipulates that “The work visa or work permit shall be for a period of (3) months, (6) months, (12) months, or for the period of the contract, provided that it shall not exceed five years, as determined by the Director of the Directorate. Both the visa and the permit shall be renewable.”</p>

			<p>Paragraph (i) provides that "the duration of the work visa shall be effective from the date of entry into the Kingdom".</p>
<p><b>13</b></p>	<p>Violation and punishment of the employer as a result of violating the instructions to use non-Jordanian worker.</p>	<p>Article 12 paragraph (e) from Labour Law states that "The Employer or the Manager of the Establishment shall be penalized, as the case may be, by a minimum fine of fifty Dinars and not more than one hundred Dinars for every month or part thereof for every non Jordanian Employee who is employed in a manner which is in violation of the provisions of this law. The fine may not be reduced below its minimum in any case or for any reason."</p>	<p>There are no instructions on this matter</p>
<p><b>14</b></p>	<p>The worker's obligation to obtain the approval of entry into the country by the competent authorities.</p>	<p>Article 4 paragraph (a) of the Residence and Foreign Affairs Law states that "A foreigner shall be authorized to enter or leave the Kingdom provided either that he holds a valid passport or travel document issued by his country, recognized by the Government of the Kingdom and bearing an entrance or exit visa, or that he holds a travel document</p>	<p>Article 7 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that "A non-Jordanian who holds a visa to the Kingdom or a residence permit may enter the zone without obtaining a visa." Article (3) of paragraph (a) states: "Subject to the provisions of Article (7) of these instructions, a non-Jordanian who</p>

		<p>issued by the Government of the Kingdom on account of his residence in Jordan, without having a passport or a travel document issued by a Government.</p>	<p>has the nationality of a restricted country and wishes to enter the zone shall obtain the prior consent of the Authority to grant him a visa before coming, unless they are already there. "</p>
<p><b>15</b></p>	<p>Procedures for the expelling or deportation of offending workers</p>	<p>Article 37 of the Residence and Foreign Affairs Law states that "The Minister may, on a proposal of the Director, expel a foreigner; he may also order the temporary suspension of expulsion procedures in respect of a foreigner whose expulsion has been decided. A foreigner who has been expelled shall be authorized to return to the territory of the Kingdom only by special permission of the Minister</p>	<p>Article 22 of the Visa, Entry, Employment and Residency in the Aqaba Special Economic Zone (ASEZ) states that: "If the Authority finds that an alien residing in the Area is not a resident of the Aqaba Special Economic Zone, or that his presence therein constitutes a danger to the public interest, it may take the necessary measures to cancel the visa and residence permit granted to him and to deport him outside the Kingdom in accordance with the established procedures."</p> <p>Article 11 provides that "The Authority may decide to cancel the visa granted in accordance with the provisions of this Law in any of the following cases:  a. If the visa is obtained using fraudulent methods or illegal methods, or if the visa holder violates any of the conditions for granting them, or if the presence of the</p>

16	Procedures for Syrian Labour	<ul style="list-style-type: none"> <li>▪ Syrians are allowed to issue work permits in open sectors and simplified procedures are available to the workers to do so; as they are exempt from undergoing a medical examination or a valid passport, or have a specific place of residence, as these things have been replaced with only the special MOI security card.</li> <li>▪ Syrians are exempt from the fees related to the issuance of work permits and any additional charges</li> <li>▪ Syrians are allowed to move from one sponsor to another in case their current permit expires.</li> </ul>	visa holder in the area is a threat to the public interest."
			<ul style="list-style-type: none"> <li>▪ Syrians are allowed to obtain a work permit after obtaining the necessary approvals from the competent security authorities.</li> <li>▪ There is no exemption to Syrians from the fees for issuing work permit and the additional fees thereon.</li> <li>▪ The procedures applicable to workers of any other nationality apply to Syrian workers.</li> </ul>





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