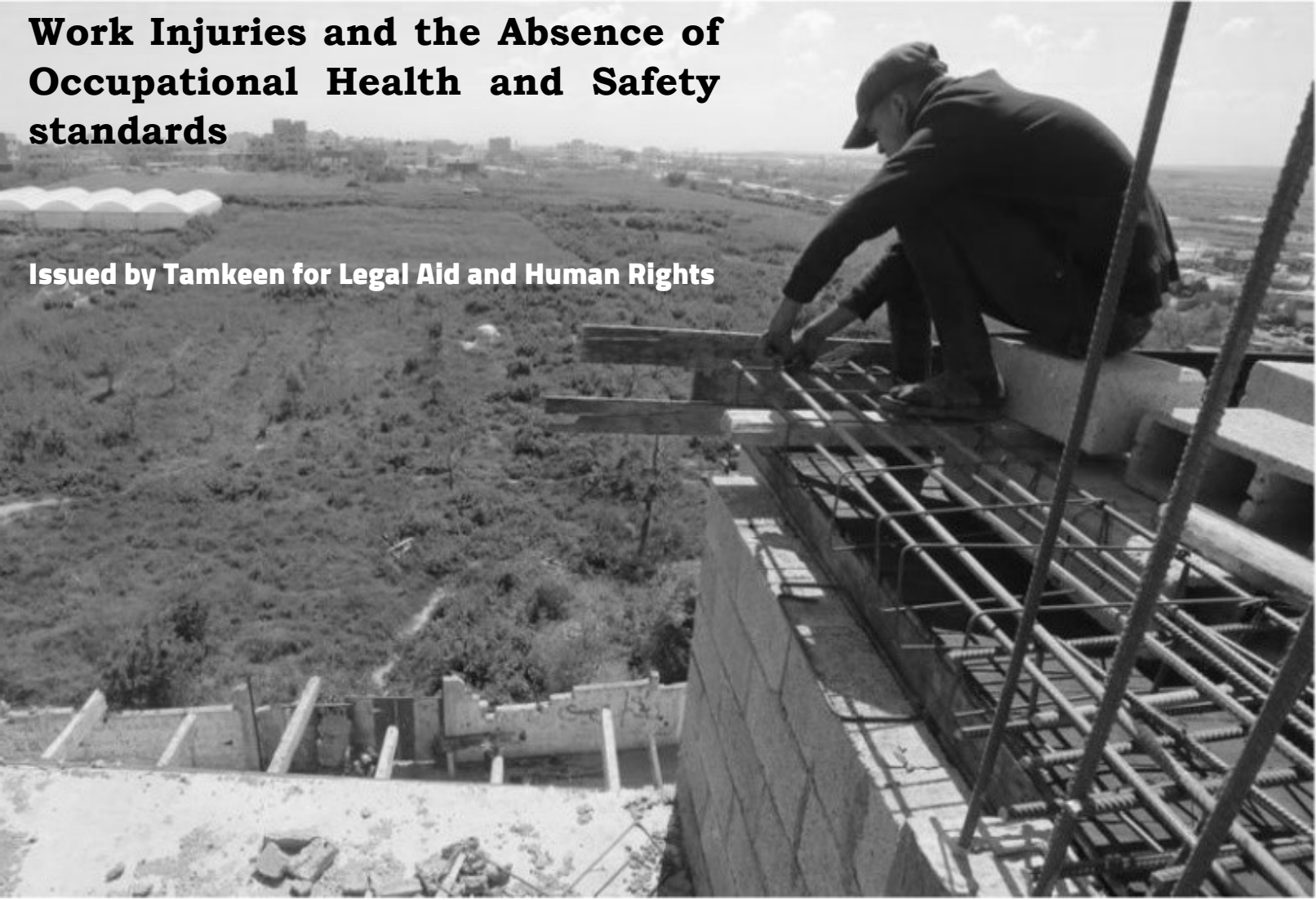


Position Paper

# Work Injuries and the Absence of Occupational Health and Safety standards

Issued by Tamkeen for Legal Aid and Human Rights



## Introduction<sup>1</sup>

Occupational health and safety (OSH) contribute to national economies as it is considered a pillar for sustainable development. Indeed, work environment and working conditions are now among the main determinants of health, as unfavourable conditions could lead to numerous health risks due to the reciprocal relationship between work and health. Data has shown that healthy workers who enjoy health services contribute effectively in increasing and improving the quality of production, while occupational diseases and injuries among those who are not protected have led to a loss of 3.94% of the gross national product<sup>2</sup>.

Accordingly, economic and industrial societies face a number of challenges that may hinder their work and disrupt their production wheel. Among these challenges is the numerous types of occupational diseases or work injuries that workers could be exposed to. These injuries not only hurt the worker but also the employer who could incur high financial costs.

In 2019, statistics by the International Labour Organisation indicated that 2 million people annually die as a result of occupational accidents and work-related diseases.<sup>3</sup> Despite this high number, this figure is in fact part of a bigger problem. The same report highlights this as it shows that there are some 270 million occupational

accidents and 160 million work-related diseases each year across the globe.<sup>4</sup>

The reality in Jordan is no different from the rest of the world with regard to this problem. Official data by the Social Security Corporation (SSC) indicates that 14-15 thousand work injuries or accidents are reported each year in Jordan, with an average of an incident each 40 minutes. The SSC also reported that these accidents, which occur in both private and governmental establishments, cause a death every 2 days.<sup>5</sup>

**Due to the spread of the COVID-19 pandemic, more attention has been placed on Occupational Safety and Health. The pandemic has shown the fragility of the measures that were previously implemented to ensure compliance with decent work conditions**

especially those related to working conditions that ensure safety and public health. As a result, these measures did not take into consideration the necessity of providing workers with personal protective equipment, or ensuring that workers are regularly provided with medical check-ups and care if needed.

Through this paper, Tamkeen for Legal Aid and Human Rights wishes to present an

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<sup>2</sup> rb.gy/kuszbg

<sup>3</sup> ILO, *Facts on Safety at Work*, Found atrb.gy/qf08xj

<sup>4</sup> Ibid

<sup>5</sup> rb.gy/azxkrp

evaluation of the reality of occupational health and safety in Jordan. The paper will first assess the compatibility of Jordanian legislations with international standards. The paper will then analyse the data that Tamkeen has compiled on work injuries in the Kingdom, and lastly, to provide a number of recommendations to policy makers to improve the safety of the work environment in Jordan.

### **Compatibility between international standards and Jordanian legislation in the field of OSH**

When reviewing the Jordanian legislation, regulations, instructions and decisions related to the field of Occupational Safety and Health, with the relevant international standards, especially those by the ILO, it is noted that they are quite compatible.

In terms of international standards, the ILO has adopted more than 40 standards specifically dealing with occupational safety and health, as well as over 40 Codes of Practice. Indeed, nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues.<sup>6</sup> The ILO Constitution sets forth the principle that workers must be protected from sickness, disease and injury arising from their employment. Thus, OSH has been considered a vital component of the conditions of decent work.

Among the conventions adopted the ILO are the:

- Occupational Safety and Health Convention, 1981 (No. 155);
- Occupational Health Services Convention, 1985 (No. 161);

- Safety and Health in Construction Convention, 1988 (No. 167);
- Chemicals Convention, 1990 (No. 170)
- Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
- Guarding of Machinery Convention, 1963 (No. 119)

On the national level, many legislations have dealt with the issue of occupational health and safety, including the Constitution, the Labour Law, the Social Security Law, and the Public Health. Additional regulations, instructions and decisions were also issued, like the Medical, Preventive and Curative Care System for workers in institutions; the Prevention and Safety System for industrial machines and work sites; and the System for forming committees and supervisors of occupational safety and health, among others.

Article 23 of the Jordanian constitution affirmed the necessity for all businesses to be subjected to health rules. The Labour Law No. (8) of 1996 and its amendments introduced a set of standards that employers must follow to protect their workers from the dangers and diseases that may result from their work. Chapters 9 and 10 detailed these standards as well as specified the obligations of employers and set forth what constitutes as work injuries.

Thus, article 78 of the law obliges the employer to provide workers with the necessary precautions and measures to them from the hazards and diseases that may result from the work as well as from machines used therein. Employers should

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<sup>6</sup> [rb.gy/vp4pq1](http://rb.gy/vp4pq1)

also provide workers 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. Moreover, employers must inform workers of the risks associated with their occupation and the methods available for protection. Instructions and directives showing the occupational risks and methods of protection according to the regulations and decisions issued in this respect should also be placed in a conspicuous place. Employers also must provide medical emergency facilities and equipment according to the levels determined by a decision of the Minister subsequent to seeking the opinions of the competent official authorities.<sup>7</sup>

Article 80 stipulates that “employers 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.”<sup>8</sup>

The law affirmed that employers should comply with the provisions, instructions and decisions pertaining to prevention precautions, safety, occupational health; as well as the usage of the tools to do so. They should also refrain from any acts which would obstruct the execution of such provisions, decisions and instructions as well as refrain from tampering or causing damage or destruction to the protective tools or risk being subjected to the disciplinary penalties

provided for in the establishment’s internal regulations.

Furthermore, article 83 allows the Minister of Labour, subsequent to seeking the opinions of the concerned authorities, to issue instructions under which no worker would be allowed to be employed in a specific job prior to having medical examination to ascertain the fitness of his health to carry out such job. Article 85 also allows the Council of Ministers to issue, upon the recommendation of the Minister, the necessary regulations in a number of matters that include:

- a) Formation of the Occupational Safety and Health Committees, as well as the appointment of supervisors in public and private institutions and the determination of the scope of competence and duties of said Committee and supervisors;
- b) Preventive and therapeutic medical care for employees and the employer's duties in providing it. The establishment of joint medical units amongst more than one establishment for this care, method of its financing and the technical equipment which should be made available in such units and the periodical medical examinations to employees;
- c) Prevention and safety from industrial machines and engines as well as from work sites.

As for the Social Security Law, it set forth the various types of insurances that workers will be provided with, including the work injuries insurance. The law also clarified the

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<sup>7</sup> Labour Law No. (8) of 1996 and its amendments

<sup>8</sup> Ibid

obligations incurred by both the employer and the Social Security Corporation in case of an occurrence of a work injury. Thus, employers must register their workers under the umbrella of social security; provide appropriate OSH standards in accordance with the provisions of the legislation in force; as well as transport any injured worker to a treatment facility and report the injury to the SSC and any other relevant entity like police.

As for the Public Health Law No. (47) of 2008, it assigned the Ministry of Health the task of monitoring the occupational environment and the health of workers in factories, laboratories, industrial establishments and the like to ensure their health safety.

However, at the same time, Jordan did not ratify the basic agreements related to occupational health and safety, namely the Occupational Safety and Health Convention No. 155, Occupational Health Services Convention, 1985 (No. 161); and Chemicals Convention, 1990 (No. 170). Instead, it only ratified 3 conventions: Guarding of Machinery Convention, 1963 (No. 119); Hygiene (Commerce and Offices) Convention, 1964 (No. 120) and the Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124). The non-ratification of these conventions is considered a gap in the standards that the Kingdom is adhered to in the field of OSH

## Occupational health and safety in Jordan's Labour Market

Throughout its work, Tamkeen detected a number of work injuries inside establishments. Tamkeen observed that the implementation of OSH standards varies, though weakened application of these standards is more evident in the private sector compared to the public sector. These observations are confirmed by the number of cases received by Tamkeen, which have been mostly concentrated in the private sector.<sup>9</sup>

It is also evident that while some institutions provide its workers with public safety tools, these tools do not comply with international specifications and standards. On the other hand, there are institutions that do not provide their workers with full protective tools, despite their importance and contribution to reducing possible losses of human life or in revenue. In fact, there are institutions that deliberately evade their responsibilities to abide by OSH standards to avoid any financial costs that might be incurred getting these tools.

This paper will focus on one aspect of occupational safety and health related to work injuries. Tamkeen chose this specific topic to cover due to its importance and the increase in work injury rates.

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<sup>9</sup> The observations were made based on the complaints by Tamkeen



## Work injuries and accidents

Over the past years, the Social Security Corporation has affirmed that the rate of work injuries in the Kingdom is declining annually. The SSC highlighted that its annual reports confirm this assumption, as shown in the most recent report published in 2018. The report shows a decline in the number reported work accidents and injuries reported by workers in the formal economy. According to the data, the number of injuries decreased from 13049 accidents in 2017 to 9,860 accidents in 2018.

**However, the decline in numbers of work injuries registered in the SSC do not reflect the reality in the Jordanian Labour Market because the corporation only cover a segment of that market.**

Indeed, available data show that the SCC currently covers only two-thirds of workers in the market. Meanwhile, the remaining third are workers who are employed in small establishments that employ five or less workers, which evade being covered under the umbrella of SSC, even though most of them are among the lowest paid in Jordan.<sup>10</sup>

The Corporation also does not cover workers in the informal economy, where an estimated 933 thousand workers are employed, which is an equivalent to 41.4% of the economy.<sup>11</sup> Those workers are also considered among the lowest paid, and many of them work in occupations classified as dangerous and involving heavy work, such

as workers in the agriculture and construction sectors. As for Migrant workers, the SSC data show that about 160,000 are included in its umbrella out of more than 750,000 workers in the market, which means that it only covers 21% of them.<sup>12</sup>

According to the 2018 data, the manufacturing sector is where the highest number of work injuries occur, as 33% of all registered injuries are to workers in it. It is followed by the wholesale and retail sector with 16.81%, then the restaurants and hotels sector with 10.87%, and finally the construction sector, where injuries rate was 7.8%.<sup>13</sup>

As for the types of work injuries and accidents, they varied between contusions and wounds, to fractures, dislocations or sprains. Other types included foreign bodies in the eyes, electrocution, internal injuries, as well as a number of amputations and poisoning.

Regarding the causes of these injuries they were divided between falls from high places; chemicals, working on machines or loading and offloading equipment. It was also reported that 147 workers have died as a result of work injuries, among them 10 cases of female workers, and 14 for migrant workers.<sup>14</sup>

**It should be noted that there is no way to verify the numbers related to work injuries or deaths because there is not a comprehensive and accurate statistical database that includes this information in Jordan.**

<sup>10</sup> <https://rb.gy/ezejfe>

<sup>11</sup> Jordan Strategies Forum - Informal Employment in Jordan: Lessons Learned from the Novel Coronavirus Pandemic, 2020 [shorturl.at/aehuz](https://shorturl.at/aehuz)

<sup>12</sup> [rb.gy/vp4pq1](https://rb.gy/vp4pq1)

<sup>13</sup> SSC- Annual Report for 2018, at <https://rb.gy/srztq0>

<sup>14</sup> Ibid

Therefore, the only resource about OSH in Jordan is the SSC. However, and as abovementioned, these numbers only reflect accidents and injuries that occurred in institutions registered with the SSC. As such, these numbers do not include the thousands of workers in the Informal Economy, or those working in formal sectors but not registered in the SSC.

The latter group are not registered due to some employers evading any registration in the SSC to avoid paying what they perceive as high rates of subscriptions, which is 21.75% of the worker's salary, where 7.5% are incurred by the worker and the remaining 14.25% re paid by the employer. Others, on the other hand, register their workers but resort to not reporting any injuries that occur inside their institutions to avoid any penalties that they would have to pay for their non-compliance with the public health and safety requirements.

The existence of a database though is vital as it enables the SSC and other stakeholders to analyse the number of work injuries, their causes and the sectors where they occurred. Such an analysis would then lead to the development of strategies that address their root causes and limit these injuries.

The Social Security Corporation has repeatedly expressed its regret and concern for the high number of work-related injuries that have led to deaths, especially among workers in the construction sector who were not registered under the umbrella of social security. It also stressed that the Social Security Law covers workers in the Work Injury insurance from the first day of their subscription. The Corporation is then obliged to provide them with full medical

care, pursuant to Article 26 of the law. The same article also stipulates that workers should be compensated for their transportation expense from his residence to the treatment facility. Furthermore, the law states that these workers shall be provided with daily allowance in accordance with the provisions of Article 31 of the law.<sup>15</sup>

The SSC is also obligated to allocate salaries and compensations for workers who were injured and unable to work, as stipulated in Article 30, which states the following:

- A. In case of death due to work injury, the survivor beneficiaries shall be entitled to a pension equivalent to 75% of their wage which was used as the basis for calculating their monthly contributions. The pension shall be distributed among the entitled beneficiaries in accordance with the provisions of this law
- B. In case of total permanent work-related disability, the insured shall be entitled to a monthly disability pension equivalent to 75% of his/her wage used as the basis for calculating their monthly contributions on the date of the injury. Said person shall be subjected to 25% increase of the injured is in need for assistance to help them perform their daily life tasks, provided that the increase does not exceed the approved minimum wage in accordance to the provision of the Labour Law in force.
- C. In case of partial permanent work-related disability not less than 30%, the injured shall be entitled to a monthly disability pension computed on the basis of percentage of such

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<sup>15</sup> Social Security Law of 2014 and its amendments. Found at: <https://www.ssif.gov.jo/UploadFiles/SSCLawEnglish.pdf>

disability to the total permanent work-related disability pension specified in Paragraph B of this Article. The pension shall be allocated starting from the date of his/her health stabilising as determined by the Designated Medical Authority.

- D. In case of partial permanent work-related disability less than 30%, the injured shall be entitled to a lump sum compensation equivalent to the proportion of such disability to the amount payable for total permanent work related disability, indicated in Paragraph B, and multiplied by 36 months.<sup>16</sup>

It should be noted that these insurances cover all workers, whether they are Jordanians, migrants or refugees as long as they are covered under the umbrella of the SSC. In cases where they were not, it is the employer who shall be obliged to cover any legal or financial costs that arise from the worker's injury since the employer did not include the worker in the SSC.

In the last analytical study on work injuries, which was conducted in 2017, the Social Security reported that a work accident occurs every 40 minutes in Jordan. Meanwhile, a death resulting from a work accident occurs every 2 days. The SSC also said that a large percentage of these injuries and deaths are caused by lack of training on OSH-related matters.<sup>17</sup>

The report found that work injuries are often caused by an absence of awareness by both employers and workers on the importance of having public safety tools. Workers are

also not periodically trained on how these safety tools are used. It was also observed that some enterprises, especially small and medium sized, do not provide workers with personal protective equipment or have special departments or supervisors tasked with monitoring general safety in the workplace.

Article 33 of the Social Security Law addressed this particular point, as it stipulated that "if the Corporation found that a work injury was caused due to an establishment's violation of the occupational health and safety standards, then it shall be liable to all medical care expenses incurred to treat the injury."<sup>18</sup> Meanwhile, article 34 allows the SSC board to increase the work injuries' contribution by 2 to 4% based on establishments' commitment to implementing OSH standards and requirements.

Another issue that was detected relates to the weakness in detection that is conducted by the Ministry of Labour. The weakness has resulted in enterprises being lenient in their implementation of occupational safety and health standards. Additionally, there is a weakness in terms of coordination among relevant stakeholders that are concerned with maintaining OSH standards. These stakeholders include: The Ministry of Labour, the Ministry of Health and the Social Security Corporation. Consequently, there is a huge discrepancy in the levels of implementation of OSH standards, even though Jordanian legislations and policies clearly mentioned them. This discrepancy is quite evident in the monitoring that was conducted by Tamkeen.

<sup>16</sup> Ibid

<sup>17</sup> Social Security Corporation, Analytical Report on Work Injuries, 2017

Found in Arabic at [rb.gy/enymfe](http://rb.gy/enymfe)

<sup>18</sup> Social Security Law of 2014 and its amendments. Found at: <https://www.ssif.gov.jo/UploadFiles/SSCLawEnglish.pdf>



## Tamkeen's Monitoring of Work Injuries

Tamkeen for Legal Aid and Human Rights received multiple complaints on issues related to occupational safety and health. These complaints confirmed that many enterprises lack public safety tools. The absence of a healthy work environment has resulted in many workers being exposed to several types of occupational diseases or injuries; some of them were reported to the SSC, while others were not.

The 63 complaints were received by workers in factories, or employed in the sectors of construction or agriculture. These workers, whose nationality were Jordanian or Egyptian, have suffered injuries from working on sharp machines and tools. Other complaints were submitted by domestic workers who were injured after falling from windows while cleaning, or being exposed to chemicals without having any safety tools.

A number of these workers confirmed that they covered the expenses of medical treatment for their injuries, while others said that deductions were made from their salaries for the cost of their treatment. Other workers said that their services were terminated after they were injured; while a number of them confirmed that they did not report their injury to the SSC and were forced to pay the treatment expenses themselves.

As for migrant workers, it was noted that many of them work in sectors that may be described as dangerous, like the construction and manufacturing sectors. Others are employed in essential jobs like those working as cleaners in hospitals. Both categories, however, are not included under the umbrella of Social Security due to a

number of reasons; the most of important of which is that they are either working informally or their employer refused to register them.

Another category of migrant workers is those who work in Qualified Industrial Zones (QIZ) in garment factories. According to the SSC, these factories are classified under the Manufacturing sector, which is the sector where the highest number of injuries is recorded in recent years.

The classification is consistent with the caseload of Tamkeen, as it received 23 complaints by workers in the QIZ on OSH-related matters. These complaints highlighted the absence of public safety tools in many of these factories.

The workers who submitted these complaints said that they were injured due to their work with machines, while others said that they were diagnosed with respiratory diseases due to the lack of good ventilation in their workplace and residence. Others said that they now suffer from eye diseases due to bad lighting.

In 2019, Tamkeen also noted that 14 deaths have occurred for workers as a result of injuries in factories, as well as in the sectors of construction or agriculture. 12 of these deaths were for Egyptian workers, 1 for a Syrian and 1 for a Pakistani worker. Tamkeen also noted that 4 injuries were reported in newspapers for Egyptian workers. Tamkeen also noted that 5 deaths and 6 work-related injuries by Egyptian workers in the construction sector were reported in the first half of 2020. While these numbers seem high, Tamkeen in fact thinks that the

real number is actually higher due to the reasons above mentioned.<sup>19</sup>

Another aspect that should be highlighted when talking about OSH is that concerning female workers.

**The figures of the SSC show that women only constitute 28.8% of those who are covered by the corporation in 2018. This percentage is extremely low and it reflects the low participation levels of women, as well as confirms the reports that show that a high percentage of women are working in the informal economy.**

Moreover, the report shows that while 8,032 work injuries were recorded in the Kingdom in 2018, only 878 of them were for female workers, the equivalent of 9.14%.<sup>20</sup>

The low percentage of work injuries does not show the reality of working women, since many of them are engaged in sectors that require manual and hard work, such as agriculture, sewing, and manufacturing; as well as those working as cleaners and teachers.

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<sup>19</sup> Tamkeen monitoring of new stories that were published in 2019

<sup>20</sup> SSC- Annual Report for 2018, at <https://www.ssc.gov.io/arabic/wp-content/uploads/2019/11/%D8%A7%D9%84%D8%AA%D9%82%D>

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## Recommendations:

1. Development of a comprehensive national strategy concerned with occupational safety and health, in which the concerned ministries, employers, workers and other stakeholders are represented to coordinate their work on these issues.
2. Development of a comprehensive and unified database that compiles all accidents, work injuries and occupational diseases. The shared database will be run by both the Ministry of Labour and the Social Security Corporation and includes all workers in the Labour Market.
3. Build the capacity and knowledge of Labour Inspectors in the Ministry of Labour on OSH related matters.
4. Provide necessary trainings and awareness sessions to both workers and employers on OSH related issues, especially those about to join the Labour Market or those working in dangerous sectors.
5. The ratification of the International Labour Organization conventions on occupational safety and health, especially the Occupational Safety and Health Convention No .155
6. Conduct a Gender-based Analysis of the current OSH polices, including those related to work injuries and incorporate the findings and recommendations on new policy amendments
7. Amend the current Social Security Law and lower its subscription rates to encourage employers to register their employees as the current rate is extremely high



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