

Safe Path: Ethical Recruitment and Employment



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Table of Contents

Introduction	1
Chapter 1: International Standards on Ethical Recruitment	3
First: Conventions on Migrant Workers.....	3
Second: Conventions on Human Trafficking.....	7
Third: International Labour Organisation Standards.....	9
Fourth: Regional Conventions on Recruitment.....	13
Chapter 2: Jordan’s National Legislation	15
First: Laws.....	15
Second: Regulations and Instructions.....	17
Third: Decisions.....	26
Chapter 3: Recruitment Procedures in Jordan	28
First: Memorandums of Understanding.....	28
Implementation of the Memorandums of Understanding.....	43
Second: Recruitment Procedures.....	44
Chapter 4: Implementation of Ethical Recruitment Standards in Jordan	52
First: Contradiction within Legislation.....	52
Second: Agreements and Memorandums of Understanding.....	56
Third: Awareness levels of employers and workers, and pre-departure training for workers.....	57
Fourth: Violations by employees or recruitment offices.....	59
Fifth: Clear and transparent work contracts for Migrant Workers.....	61
Sixth: Different wages based on nationality and cost of recruitment.....	64
Seventh: Inspections to detect and prevent violations on migrant workers.....	66
Eighth: The right to unionise.....	70
Ninth: Access to Justice.....	72
Study recommendations	75

Introduction

Cross-border recruitment of workers is a vital part of facilitating international labour mobility. When recruitment is done in a fair and transparent way, it contributes to safe and orderly labour migration which benefits countries of origin and destination, employers, recruiters, and migrants.

In simple terms, **ethical recruitment is hiring workers lawfully and in a fair and transparent manner that respects and protects their dignity and human rights.**¹

Definitions of “ethical”, “fair” or “responsible” recruitment are rooted in existing international standards and conventions. In particular, the ILO’s **C181-Private Employment Agencies Convention**, 1997 establishes clear protections for jobseekers, notably respect for the fundamental principles and rights at work and prohibition of charging fees to jobseekers.

This convention has been further elaborated on in **ILO’s General Principles and Operational Guidelines for Fair Recruitment**, which promotes transparency and fairness for the benefit of both workers and employers. Some key principles of ethical recruitment are:

- Every worker should enjoy freedom of movement
- No worker should pay for their job
- No worker should be indebted to their employer or coerced into work²

Due to these heightened risks, ethical recruitment was also highlighted in several international instruments, including the **Sustainable Development Goals**. Indeed, ethical recruitment is enshrined in SDG 8 (Decent Work and economic growth), and more specifically in the following goals:

- Target 8.7: “Take immediate and effective measures to eradicate forced labor, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all its forms”
- 8.8: “Protect labor rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment”³

Additionally, SDG 10 (Reduced inequalities) addresses ethical recruitment in goal 10.7, which is: “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies”; as well as SDG 17 (Partnerships for the goals), specifically:

- 17.17: “Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships”

The latest document to highlight ethical recruitment is the **Global Compact for Safe, Orderly**

¹ ILO, Global Continental Policy Framework: Guiding Labour Migration and Labour Mobility,

https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

² ILO, General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs, 2019

https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

³ Sustainable Development Goals, <https://sdgs.un.org/goals>

and Regular Migration. In particular, the 6th objective of the GCM is the “Facilitation of fair and ethical recruitment and safeguard conditions that ensure decent work.”⁴

Despite international commitments to ethical and safe recruitment practices, the reality on the ground reflects unethical recruitment as a widespread phenomenon across many economic sectors. Unethical recruitment practices are commonly associated with the recruitment of lower-skilled workers where prevailing practices are based on a ‘worker pays’ business model. In this model, the exploitation of vulnerable migrant workers begins during recruitment when they are charged with extra fees or misled about the job offered.

Under this arrangement, migrant workers pay the fees and costs related to recruitment and migration, often leaving them heavily indebted and highly vulnerable to exploitation. The ILO defines recruitment fees and related costs as: “any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.”⁵

This includes costs relating to international travel (i.e., passport, visa, return flights, etc.), medical and training costs, and any administrative or overhead fees associated with job placement. Recruitment fees include costs that are paid in money or property, deductions from wages or benefits, kickbacks or bribes, and in-kind payments such as free labour.

When combined with other forms of abuse such as false promises about the terms and conditions of employment, limitations on freedom of movement, coercion, or lack of access to remedy, this can lead to exploitation and conditions of forced labour.

Due to the importance of ethical recruitment to the Jordanian labour market, Tamkeen for Legal Aid and Human Rights decided to develop this study, which on one hand will analyse the national framework on ethical recruitment and its compatibility with international standards, and on another its actual implementation.

Objectives of the study

The study aims at assessing the recruitment procedures implemented in Jordan, and whether they are compatible with both international framework, and national legislations.

Study Methodology

The study’s analysis relies on the use of a descriptive and analytical approach to look at the various legislations that govern recruitment, whether on the international level of conventions, agreements and ILO principles, or the national legislative level of laws, regulations, and instructions. Subsequently, the implementation of these legislations is assessed to determine the extent of their application and compatibility with the standards of the International Labor Organization and national legislations.

The study consists of four chapters: the first is about international standards on ethical recruitment, the second discusses Jordanian national legislations, the third chapter deals with the procedures for recruitment in Jordan, while the fourth chapter deals with the practical application of standards for the ethical recruitment in Jordan.

⁴ United Nations, Global Compact for Safe, Orderly and Regular Migration, adopted in December 2018
https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73195/

ILO, General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs, 2019

⁵ https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

Chapter 1: International Standards on Ethical Recruitment

Ethical recruitment provisions span a multitude of key international documents, including legal treaties and normative instruments. The core legally binding treaties related to fair recruitment set forth the responsibilities of States in ensuring fair recruitment and capitalize on the link between the cross-cutting theme of recruitment and such areas of international law as forced labour, migrant workers' rights, employment policy, as well as conventions focusing on specific employment sectors.

The normative framework for ethical recruitment is contained in several ILO Conventions, particularly conventions addressing employment services, forced labour, migration for employment, and sectoral conventions such as those addressing domestic work. The General Principles and Operational Guidelines for Fair Recruitment (GPOG) and the Definition of Recruitment Fees and Related Costs, supplements legally binding treaties by unpacking the specific roles and responsibilities of various actors implicated in the promotion of fair recruitment. The GPOG and the Definition emphasize the multi-stakeholder approach to implementing fair recruitment processes. These documents are further supplemented by legally binding treaties by unpacking the specific roles and responsibilities of the various actors connected in the promotion of fair recruitment. This 2016 ILO instrument draws upon the multistakeholder approach for achieving fair processes of recruitment.

First: Conventions on Migrant Workers

The growing pace of economic globalization has vastly increased the number of migrant workers. Unemployment and poverty are prompting many workers in developing countries to seek work elsewhere, while developed countries are experiencing a growing demand for labour, especially of an unskilled kind. As a result, millions of workers and their families are travelling to other countries to find work. Migrant workers contribute to the economies of their host countries, and the remittances they send home help to boost the economies of their countries of origin.

Yet, at the same time, migrant workers often face inequalities in the labour market yet are granted little social protection and are especially vulnerable to exploitation and human trafficking, including during the recruitment process. International legal standards on migration provide tools for both countries of origin and destination to manage migration flows and ensure adequate protection for this category of vulnerable workers. They include:

Migration for Employment Convention (Revised) – C097

Entry into force: 22 January 1952

This convention provided the first definition of migrants for employment, as those who migrates from one country to another with a view to being employed. This term includes any person regularly admitted as a migrant for employment.

The Convention stipulates that each Member State must ensure adequate services to assist migrants for employment. It must take appropriate steps to provide accurate information and combat misleading propaganda in relation to emigration and immigration. It must take measures to facilitate the departure, travel, and reception of migrants for employment. Moreover, it must ensure that the services provided to migrants for employment by its public employment agencies are free of charge.

The authorities of States between which flows of migrants are sufficiently large must, when necessary or desirable, enter into agreements to regulate matters of common concern arising in connection with the application of the Convention.

Migration for Employment Convention (Supplementary Provisions) – C143

Entry into force: 9 December 1978

The purpose of the Migration for Employment Convention (Supplementary Provisions) is twofold: to combat migration in abusive conditions and to promote equality of opportunity and treatment for migrant workers. Both objectives are relevant to the establishment of fair recruitment processes, in view of the heightened risk of human trafficking associated with abuses in recruitment.

By signing the treaty, a Member State undertakes to respect the basic human rights of all migrant workers. It must systematically seek to determine whether there are illegally employed migrant workers on its territory, and whether any migrants for employment departing from, passing through, or arriving on its territory are subjected to conditions that violate international instruments or national laws and regulations. It must take the necessary measures to prevent and eliminate these abuses, including prosecuting the instigators of human trafficking, regardless of the country from which they operate.

Following consultation with representative organizations of employers and workers, a State must adopt legal and regulatory provisions for detecting the illegal employment of migrant workers and for punishing persons who:

- Illegally employ migrant workers,
- Organize migrant movement into abusive employment,
- Knowingly provide assistance to such movements.

General Recommendation on Women Migrant Workers – R026 (CEDAW)

Approved on 5 November 2008

The General Recommendation No. 26 on Women Migrant Workers supplements the Convention for the Elimination of All Forms of Discrimination against Women by addressing the specific vulnerabilities of women migrant workers. It is one of a series of recommendations issued by the Committee on the Elimination of Discrimination Against Women on issues affecting women to which it believes State parties should devote more attention.

The scope of the General Recommendation is limited to addressing the situations of migrant women who, as workers in low-paid jobs, are at higher risk of abuse and discrimination and who may never become eligible for permanent residence or citizenship in their country of employment, unlike professional migrant workers.

The General Recommendation applies to:

- a) "Women migrant workers who migrate independently.
- b) Women migrant workers who join their spouses or other members of their families, who
- c) Are also workers; and
- d) Undocumented women migrant workers who may fall into either of the above categories."⁶

Recognizing that women migrant workers risk facing abuse at all stages of migration, General Recommendation No. 26 applies to countries of origin, transit, and destination. It therefore encourages bilateral and regional cooperation through the conclusion of agreements and memoranda of understanding. Several of the recommended measures are specifically concerned with establishing fair recruitment processes for migrant women.

As part of their responsibility for ensuring fair recruitment processes, countries of origin should deliver or facilitate pre-departure training to raise prospective migrant workers' awareness of the following topics: recommended content of labour contracts, legal rights, and entitlements in the country of employment, potential methods of exploitation, and complaint procedures. It is recommended that recruitment agencies participate in such training courses. Additionally, countries of origin are expected to regulate and monitor recruitment agencies to ensure that they respect the stipulated rights of all women migrant workers.

The responsibilities of countries of transit in ensuring the fair recruitment of migrant women include training, monitoring, and supervising border police and immigration officers in respect to gender-sensitivity and non-discriminatory practices, as well as protecting women migrants against violations that take place under their jurisdiction.

Finally, countries of destination are responsible for ensuring that labour contracts for women are legally valid, and that women migrant workers have access to remedies when their rights are violated.

Private Employment Agencies Convention – C181

Entry into force: 10 May 2000

The convention defined the "private employment agency" as any natural or legal person, independent of the public authorities, that provides one or more of the following labour market services:

⁶ CEDAW, General Recommendation No.26

https://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

- “Services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom,
- Services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person which assigns their tasks and supervises their execution,
- Other services relating to job seeking, determined by the competent authority after consulting the most representative employers’ and workers’ organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.”⁷

The convention recognizes the role which private employment agencies play in a well-functioning labour market, as well as the need to protect workers against the risks of abuse. Therefore, each State Party to the Convention must determine the conditions governing the operation of private employment agencies. It must ensure that they treat workers without discrimination in respect of race, colour, sex, religion, political opinion, national extraction or social origin. Moreover, State Parties must adopt all necessary measures to provide adequate protection for and prevent abuses of migrant workers recruited or placed on its territory by private employment agencies. They must take measures to ensure that child labour is not used or supplied by private employment agencies. Finally, each State Party must ensure that adequate procedures are in place to address and investigate complaints, alleged abuses, and fraudulent practices committed by private employment agencies.

Private employment agencies, for their part, must respect workers’ privacy in relation to the processing of their data, and must not charge any fees or costs to workers, subject to certain limited exceptions. Moreover, the Convention provides for cooperation between private and public employment services, sets forth general principles for protecting jobseekers against unethical or inappropriate practices, and affords protection to workers employed under subcontracting arrangements, as well as workers recruited from abroad. The provisions of this instrument are also applicable to temporary employment agencies.

Domestic Workers Convention – C189

Entry into force: 5 September 2013

Domestic workers comprise a significant part of the global workforce in informal employment and are among the most vulnerable groups of workers. They work for private households, often without clear terms of employment, unregistered in any records, and excluded from the scope of labour legislation.

In adopting Convention No. 189 and Recommendation No. 201, the International Labour Conference asserted that domestic workers, like other workers, have the right to decent working and living conditions. Given the specific nature of domestic work and the context in

⁷ Private Employment Convention:
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C181,%2FDocument

which it takes place, namely in a household that is not that of the worker, it was considered desirable to complement existing ILO instruments with specific standards to enable domestic workers to enjoy their rights fully.

As concerns the recruitment of domestic workers, the Convention requires Member States to take measures to ensure that domestic workers are informed of their terms and conditions of employment. The Convention lists specific matters on which information must be provided, such as the usual workplace, remuneration, normal hours of work, and periods of daily and weekly rest. This information must be communicated to the domestic worker in an appropriate, verifiable, and easily understandable manner, preferably in the form of a written contract. In the case of live-in domestic workers, Member States are required to take measures to ensure that domestic workers are free to reach an agreement with their employers or potential employers on whether to reside in the household.

The Convention covers all domestic workers, including migrant domestic workers. Nonetheless, because of the specific vulnerabilities of migrant domestic workers, it contains provisions that specifically concern them or are especially relevant to the needs and risks they face. Additional protection is provided by requiring that migrant workers receive a job offer or written contract before crossing national borders.

Member States are obliged to regulate the activities of private employment agencies by ensuring that complaint mechanisms are available to domestic workers and by adopting measures to adequately protect them from abuse. The Convention emphasizes that States must take measures to ensure that fees charged by agencies are not deducted from the wages of domestic workers.

Second: Conventions on Human Trafficking

The Protocol of 2014 to the Forced Labour Convention

The Protocol of 2014 to the Forced Labour Convention, supported by Recommendation No. 203, aims to advance prevention, protection, and compensation measures, as well as to intensify efforts to eliminate all forms of forced labour, including trafficking in persons. Its purpose is to address gaps in the implementation of the Forced Labour Convention of 1930.

The Protocol notes that an increasing number of workers are in situations of forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers are at higher risk of becoming victims of forced or compulsory labour, especially migrants.

Recognizing the link between exploitative recruitment and forced labour, Article 2 of the Protocol on Forced Labour details the measures that can be taken to prevent the latter, which include protecting persons from abusive and fraudulent practices during the recruitment and placement process.

Article 2 thus states that:

"The measures to be taken for the prevention of forced or compulsory labour shall include:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour.
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices.
- (c) undertaking efforts to ensure that:
 - (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
 - (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened,
- (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process,
- (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour."⁸

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

The Trafficking Protocol is the first international instrument to define trafficking in a comprehensive manner. Article 3 defines trafficking as "the recruitment, transportation transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

The Protocol expresses the first international consensus on the definition of trafficking, which is the first step toward a concerted international effort to combat the practice. By including recruitment in the scope of acts that can constitute trafficking, the Protocol acknowledges the way traffickers take advantage of mobility, crises, and economic and social disadvantages in entrapping their victims.

⁸ Protocol of 2014 to the Forced Labour Convention, 1930
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029

The Trafficking Protocol has three main purposes: to Prevent and Combat trafficking in persons, paying particular attention to women and children; to Protect and Assist Victims of Trafficking, with full respect for their human rights; and to Promote Cooperation between States in meeting those objectives.

In addition to providing a unified definition of trafficking, the Protocol provides comprehensive law-enforcement measures to combat trafficking in persons. These include the obligation to criminalize trafficking, attempted trafficking, and other associated acts. The document calls for better training of law-enforcement officials to enable them to identify potential trafficking victims and the organized criminal methods used to traffic individuals.

It also requires cooperation between law-enforcement and immigration officials of State Parties in mapping and identifying transportation routes, fraudulent documents, and potential traffickers. Articles 11 and 12 mandate strengthened border control measures, such as checking travel documents, boarding vehicles for inspection, and improving the quality of travel documents to reduce fraud.

Third: International Labour Organisation Standards

The General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs

The General Principles and Operational Guidelines for Fair Recruitment were adopted in 2016 by a tripartite meeting of experts. The objective of these non-binding ILO General Principles and Operational Guidelines for Fair Recruitment is to inform the current and future work of the ILO and other organizations, national legislatures, and social partners in promoting and ensuring fair recruitment.

These principles and guidelines are derived from several sources, primarily from international labour standards and related ILO instruments.

These principles and guidelines are intended to cover the recruitment of all workers, including migrant workers, whether directly by employers or through intermediaries. They apply to recruitment within or across national borders, as well as to recruitment through temporary work agencies, and cover all sectors of the economy. Implementation of these principles and guidelines at the national level should occur after consultation between the social partners and the government.

A distinction though should be drawn between general principles – which are intended to orient implementation at all levels – and operational guidelines – which address responsibilities of specific actors in the recruitment process and include possible interventions and policy tools.

The **General Principles** are:

0. "Recruitment should take place in a way that respects, protects, and fulfils internationally recognized human rights, including those expressed in international labour standards, and in particular the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour and discrimination in respect of employment and occupation.
1. Recruitment should respond to established labour market needs, and not serve as a means to displace or diminish an existing workforce, to lower labour standards, wages, or working conditions, or to otherwise undermine decent work.
2. Appropriate legislation and policies on employment and recruitment should apply to all workers, labour recruiters and employers.
3. Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.
4. Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labour inspectorate and the use of standardized registration, licensing or certification systems should be highlighted. The competent authorities should take specific measures against abusive and fraudulent recruitment methods, including those that could result in forced labour or trafficking in persons.⁶
5. Recruitment across international borders should respect the applicable national laws, regulations, employment contracts and applicable collective agreements of countries of origin, transit, and destination, and internationally recognized human rights, including the fundamental principles and rights at work, and relevant international labour standards. These laws and standards should be effectively implemented.
6. No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.
7. The terms and conditions of a worker's employment should be specified in an appropriate, verifiable, and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements, and tasks of the job for which they are being recruited. In the case of migrant workers, written contracts should be in a language that the worker can understand, should be provided sufficiently in advance of departure from the country of origin, should be subject to measures to prevent contract substitution, and should be enforceable.
8. Workers' agreements to the terms and conditions of recruitment and employment should be voluntary and free from deception or coercion.
9. Workers should have access to free, comprehensive, and accurate information regarding their rights and the conditions of their recruitment and employment.

10. Freedom of workers to move within a country or to leave a country should be respected. Workers' identity documents and contracts should not be confiscated, destroyed, or retained.

11. Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer's or recruiter's permission to change employer.

12. Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred." ⁹

On the other hand, **Operational Guidelines** were developed to identify the responsibilities of governments, enterprises, and public employment services. In terms of governmental responsibilities, the guidelines described them through their regulatory capacity. The guidelines identified governments as ultimately responsible for advancing fair recruitment, both when acting as employers and when regulating recruitment and providing job matching and placement services through public employment services. The aim of these guidelines is to reduce recruitment abuses of both national and migrant workers, , close gaps in laws and regulations, and pursue their full enforcement.

Governments also have an obligation to respect, protect, and fulfil internationally recognized human rights, including fundamental principles and rights at work, and other relevant international labour standards, in the recruitment process. This includes respect for, and protection of, the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour and discrimination in respect to employment and occupation. Moreover, governments should ensure that relevant legislation and regulations cover all aspects of the recruitment process, and that they apply to all workers, especially those in vulnerable situations.

When migrants are recruited, governments should ensure that their contracts are provided sufficiently in advance of departure from their country of origin. Governments should also ensure that relevant bilateral and/or multilateral agreements on labour migration are concluded between countries of origin, transit, and destination, and are effectively implemented. These agreements should be rooted in international labour standards and other internationally recognized human rights, including those at work, and should contain specific mechanisms to ensure international coordination and cooperation, including consular protection, and to close regulatory and enforcement gaps related to recruitment across common labour migration corridors.

These agreements should be drafted, adopted, reviewed, and implemented with the meaningful participation of social partners and should include the establishment of

⁹ The General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

oversight mechanisms, such as tripartite committees under bilateral and multilateral agreements. They should be made public and migrant workers should be informed of their provisions.

Moreover, governments should take steps to ensure the availability and operation of grievance and other dispute resolution mechanisms that are accessible in practice, rapid, and affordable. They should take appropriate steps to ensure, through judicial, administrative, legislative, or other means, that when abuses related to recruitment occur within their territory and/or jurisdiction, those affected have access to effective remedies which may include, but not necessarily be limited to, compensation.

As for the responsibilities of recruitment offices, the guidelines affirmed the importance of these offices' role in the recruitment process. Therefore, these offices should respect human rights in their recruitment processes wherever they operate, independent of the abilities and/or willingness of States to fulfil their human rights obligations.

These offices and enterprises should also respect internationally recognised human rights, including those expressed in international labour standards, in particular the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour, and discrimination in respect of employment and occupation in the recruitment process.

Furthermore, workers and jobseekers should not be charged any fees or related recruitment costs by an enterprise, or by its business partners for recruitment or placement, nor should workers have to pay for additional costs related to recruitment. Enterprises also should not interfere with workers' free and complete access to their own passports, identity documents, and residency papers, including their employment contracts, paying careful attention to the situation of migrant workers.

The responsibilities of employers were also highlighted, including the need to specify the terms and conditions of a worker's employment in an appropriate, verifiable, and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts, and applicable collective agreements. They should be clear and transparent and inform the workers of the location, requirements, and tasks of the job for which they are being recruited. In the case of migrant workers, written contracts should be in a language which the worker can understand and should be provided sufficiently in advance of departure from the country of origin, subject to measures to prevent contract substitution, and enforceable.

Employers should also provide or facilitate effective access to both grievance and other dispute resolution mechanisms in cases of alleged abuses in the recruitment process and to appropriate remedies, whether judicial or non-judicial.

Fourth: Regional Conventions on Recruitment

Colombo Process

The Colombo Process is a Regional Consultative Process on the management of overseas employment and contractual labour for countries of origins in Asia. It is a member-state-driven, non-binding and informal forum to facilitate dialogue and cooperation on issues of common interest and concern relating to labour mobility.

The Colombo Process was established in 2003 in response to calls from several Asian labour sending countries who increasingly recognized the need for optimizing the benefits of organized labour migration whilst protecting their migrants from exploitative practices in recruitment and employment.

The current membership of the Colombo Process consists of 12 Member States and 8 Observer Countries. The member countries are Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam.¹⁰

The aim of the Colombo Process is to provide a forum for Asian labour sending countries to:

- Share experiences, lessons learned, and best practices on overseas employment
- Consult on issues faced by overseas workers, labour sending, and receiving states, and propose practical solutions for the wellbeing of overseas workers
- Optimize development benefits from organized overseas employment and enhance dialogue with countries of destination
- Review and monitor the implementation of recommendations and identify further steps for action

From its inception, the Colombo Process has evolved around the following thematic foci:

- Protection and provision of services to migrant workers: in particular, protecting migrant workers from abusive practices in recruitment and employment, and providing appropriate services to them in terms of pre-departure information, orientation, and welfare provisions.
- Optimizing benefits of organized labour migration: this includes the development of new overseas employment markets, increasing remittance flows through formal channels, and enhancing the development impact of remittances.
- Capacity building, data collection and inter-state cooperation: This includes institutional capacity building and information exchange to meet labour migration challenges, increasing cooperation with destination countries in terms of protection of migrant workers and access to labour markets, and enhancing cooperation among countries of origin.

¹⁰ <https://www.colomboprocess.org/about-the-colombo-process/members>

Abu Dhabi Dialogue

The Abu Dhabi Dialogue (ADD) was established in 2008 as a forum for dialogue and cooperation between Asian countries of labour origin and destination. The ADD consists of the twelve Member States of the Colombo Process (CP), namely Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Vietnam; and six Gulf countries of destination: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, as well as Malaysia. Regular observers include the IOM, ILO, and private sector and civil society representatives. The permanent secretariat is provided by the United Arab Emirates, and the current chair-in-office is Sri Lanka.

As a state-led Regional Consultative Process (RCP), the ADD aims to enable safe, orderly and regular labour migration in some of the world's largest temporary labour migration corridors. Through multi-lateral dialogue and cooperation on the joint development of labour mobility-related programming, implementation, and reporting, the ADD helps to ensure that Member States develop partnerships for adopting best practices and are able to learn from each other. Civil society has been invited to contribute to this dialogue and, in recent years, to partner in realizing some of the programme areas.¹¹

The ADD focuses on developing four key, action-oriented partnerships between countries of origin and destination for development around the subject of temporary contractual labour, based on a notion of partnership and shared responsibility:

- Developing and sharing knowledge on labour market trends, skill profiles, workers and remittances policies and flows, and their relationship to development,
- Building capacity for more effective matching of labour supply and demand,
- Preventing irregular recruitment and promoting welfare and protection measures for contractual workers; and
- Developing a framework for a comprehensive approach to managing the entire cycle of temporary contractual work that fosters the mutual interest of countries of origin and destination.

¹¹ <http://abudhabidialogue.org.ae/about-abu-dhabi-dialogue>

Chapter 2: Jordan's National Legislation

First: Laws

Labour Act No. 8 of 1996 and its amendments¹²

Jordan's labour law applies to all workers on the territory of the Kingdom, whether Jordanians or Migrants, in terms of rights and duties. Article (12) of the Labour Law regulates the procedures that the employer must follow when employing or recruiting a non-Jordanian worker. The same article stipulated that migrant workers must obtain a work permit from the Minister of Labour or whom he authorizes provided that the permit is issued on a yearly basis and is renewable.

It should be noted that the law punishes employers who employ a migrant in violation of article 12 with a fine of no less than 500 JODs and no more than 1,000 JODs, which is doubled upon re-offenses, and cannot be reduced under any circumstances. The employer is considered to be in violation of article (12) of the Labour Law when s/he employs non-Jordanian workers without first issuing them work permits, or when employing them in a closed profession.

In addition, article (12) granted the Minister of Labour the authority to deport any worker who is found in violation of this article's provisions. These workers may not be re-recruited for a period of three years following their deportation. Thus, it seems that the Jordanian laws punish workers for employers' violation, though it is the responsibility of the employer to issue these permits.

Under article (10) of Labour Law No. 8 of 1996 and its amendments, the Ministry of Labour shall, by cooperation with the competent authorities, undertake the duties of organizing the labour market, vocational guidance, and provision of employment opportunities for the Jordanians inside the Kingdom and abroad. To this end, the Ministry of Labour may establish employment offices for Jordanians or license the establishment of private offices to organise the employment of domestic workers and cooks and the like from outside the Kingdom.

The article adds that the provisions and terms of establishing these offices, including how they shall be managed, the supervision of the Ministry on them, and the fees of services provided, shall be determined by such offices in accordance with regulations that shall be issued for this purpose. The system that was issued is entitled the System for regulating the organisation of Private Recruitment Agencies for the Recruitment of Non-Jordanian Domestic Workers No. 63 of 2020.

¹² http://www.mol.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D982%D8%A7%D986%D988%D986_%D8%A7%D984%D8%B9%D985%D984_%D8%B1%D982%D98_85_%D984%D8%B3%D986%D8%A9_1996_%D988%D8%AA%D8%B9%D8%AF%D9-8%A%D984%D8%A7%D8%AA%D987%.pdf

Residency and Foreign Affairs Law No. 24 of 1973 and its amendments¹³

The Residency and Foreign Affairs Law regulates the entry and exit procedures of foreigners to and from the Kingdom. According to article 4, a foreigner is allowed to enter the Kingdom if he or she has a valid travel document issued by his country that is in turn recognised by the Jordanian government. The foreigner must have a valid visa that identifies both their dates of entry and exit from the Kingdom. Article 16 of the same law stipulates the conditions that must be adhered to when employing a non-Jordanian as such:

- A. "No Jordanian national or Jordanian company or body shall employ a foreigner unless he has a permit to reside in the Kingdom. This requirement shall not apply to experts called for a practical or technical purpose, provided that their period of engagement does not exceed three months.
- B. Any person employing a foreigner shall notify the Directorate or one of its branch offices or yet the police station covering his workplace accordingly in the appropriate form, within 48 hours of the foreigner's effective engagement. On termination of the foreigner's service, such person shall notify the Directorate or the police station thereof, within 48 hours of the said termination."

Moreover, article 26 states that a residence permit shall be granted to a foreigner if the competent authorities are satisfied with the reasons justifying his residence. The reasons include 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 Labour and Social Affairs or by another competent authority.

As for article 35, it states that any company or employer employing a foreigner not holding a residence permit shall be liable to a fine of not less than 50 JODs and not more than 75 JODs for each irregular worker it employs. Meanwhile, workers must pay a fine of 45 JODs a month or 1.5 JOD a day for every day their permit was expired.

Amended Human Trafficking Prevention Law No. 10 of 2021¹⁴

Article 3 of the Prevention of Human Trafficking Law criminalises the "attracting, transferring, harbouring or receiving people for the purpose of exploiting them by threatening or using force or other forms of coercion, kidnapping, fraud, deception, abuse of power, or exploitation of a state of weakness, or by giving or receiving money or benefits to obtain the approval of a person or control of these persons."

¹³ [http://www.mol.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D982%D8%A7%D986%D988%D986_%D8%B1%D982%D924_85_%D984%D8%B3%D986%D8%A9_1973_\(%D982%D8%A7%D986%D988%D986_%D8%A7%D984%D8%A7%D982%D8%A7%D985%D8%A9_%D988%D8%B4%D8%A4%D988%D986_%D8%A7%D984%D8%A7%D8AC%D8%A7%D986%D8%A8_%D984%D8%B3%D986%D8%A9_1973\)_%D988%D8AA%D8B9%D8AF%D98A%D984%D8%A7%D8AA%D987%.pdf](http://www.mol.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D982%D8%A7%D986%D988%D986_%D8%B1%D982%D924_85_%D984%D8%B3%D986%D8%A9_1973_(%D982%D8%A7%D986%D988%D986_%D8%A7%D984%D8%A7%D982%D8%A7%D985%D8%A9_%D988%D8%B4%D8%A4%D988%D986_%D8%A7%D984%D8%A7%D8AC%D8%A7%D986%D8%A8_%D984%D8%B3%D986%D8%A9_1973)_%D988%D8AA%D8B9%D8AF%D98A%D984%D8%A7%D8AA%D987%.pdf)

¹⁴ https://doc.pm.gov.jo/DocuWare/PlatformRO/WebClient/Client/Document?did=56436&fc=7e6f119f-71f44-ed38023--b6a6db8bcb15&orgId=1&_auth=F02B5B319DE7BD16C891B2AFAA66676DD1051EC4F464615AFBB6BC897542D2B99C14A14175551B876FCF888D3C7F955FE389852E7ACF0D6CB70D364154CFA525F32700CEBA4E859543CC84B9D047C43FC49C6C3DF0580298A1895B7A63C1877DE464225B1D20E4825FFEB1D717EA00F8D03AEDBE39FBE1A7BEAAB0FE6B72B4B52D9C5118F8457D64CD34F27AB3592AA5BE7F36EB1D48988D26A7E3C45BBB36C0D518B8FBF8006C9F00C2FB6BE6B1E5B7A8B90479FB3B45EC59062AD21C801BE214372A5DA09FCC9936C7CD2F9D18EF61F85B337207B5BB3B38E71FE73C372922CDED4DB9DC2947F49B35238157F

Second: Regulations and Instructions

Regulation for the organisation of Private Recruitment Agencies for the Recruitment of Non-Jordanian Domestic Workers¹⁵

The Regulation defines the “agency” as a licensed institution to recruit and employ non-Jordanian domestic workers pursuant to the applicable legislations. The regulation explicitly forbids anyone from recruiting non-Jordanians to work as domestic workers, except through these offices. The regulation however adds that the Minister of Labour can allow the use of any non-Jordanian worker to be employed in a house if s/he has been in the Kingdom before.

Meanwhile, the homeowner is defined as “a natural person who brings a worker into his home”, while the worker is defined as “the domestic worker, chef, gardener, nurse, or whoever works for the homeowner on a permanent basis. Domestic work is then defined as “work needed to run the household, which can be performed by the household members themselves such as cleaning, cooking, ironing, preparing food, providing care for family members, purchasing household necessities, and transporting children.” The revised 2020 regulation revises the scope of domestic work, as it adds caring for the sick and those with disabilities, as well as gardening.

The regulation requires that the agency should be either an individual institution or a registered Jordanian company. The owner of the agency should also provide a bank guarantee of 60,000 JODs to the Ministry of Labour, which will be renewed annually in the last month of its expiration date. The guarantee will be increased to 80,000 JODs to license a second office if the owner is their spouse, or their first degree relative.

Moreover, the regulation requires that agency owners should be members of the Union for Recruitment Agency Owners. Owners must also provide the Ministry of Labour with a clear address for their office.

Article 4 of the regulation provides further conditions as such:

“B: The conditions of opening a recruitment office or becoming a partner in one include:

1. S/he must be Jordanian
2. S/he should not have been convicted of a felony or misdemeanour that violates honour or public morals, and that this is proven by virtue of a non-conviction certificate that was issued no more than one month from the date of submitting the application; as well as having a certificate of good conduct, to be renewed annually.

¹⁵ https://doc.pm.gov.jo/DocuWare/PlatformRO/WebClient/Client/Document?did=55568&fc=7e6f119f-71f44-ed38023--b6a6db8bcb15&orgId=1&_auth=C3C43ED3569167E3A96098C6152FBFE3E5EF9296E4EAAA0F7089787CCDE48297F7EF7B657348BB238A463E6D52A09FB6D93A46381BC4FE73FEE9155F37941CFDEC999FD091B1EBBE6C2F940D40A6787DADDD8AAC24A828AC6BE5E78B862237FAB9EE187AE8C4FD217BF56AF02CA7D35E0ED00B8814D77E918E9864E3147E89C93BC3C30D13184780178C0159B52AF364EAF8273BFBF5D90216EE8A0F9D72E07F89ACBEF40CB306446125F6DBE81035F3737BC2F4AD4BC3EBA4ADBBC66850829B1159E08AA7E6AC3417B7DBB5004D5B816F53697E919A2C2565F2F0358EECD3D42B1490D754837BB683E1CA8BBEDF5CAD

3. That s/he, his/her spouse or one of his/her first-degree relatives is not the owner or partner in the ownership of a nightclub, disco, or bar.
4. S/he must not have previously been the owner or partner of an office that has been closed and is still closed or whose license has been revoked."

The same conditions were also stipulated for personnel who are appointed to become representatives of the office in submitting applications to governmental entities on its behalf. These designated representatives must be Jordanian, at least 18 years old, and not have been convicted of a felony or misdemeanour prejudicial to honour or public morals. These representatives must provide a No Criminal Record Certificate issued by the government, which shall be renewed every year. The representatives must also obtain a security clearance that allows them to enter airports, since they receive the workers at the airport. Furthermore, representatives must have a contract with only one agency, and be issued a special accreditation card that is renewed annually. Finally, the regulation stipulated that the agencies must appoint a translator to communicate with workers.

Article 8 of the regulation prohibits the agencies from recruiting workers from unlicensed agencies in their countries of origin. Agencies must sign agreements or memorandums of understanding with agencies in these countries to regulate their relationship. The regulation also forbids suspended agencies from engaging in any recruitment activities for non-Jordanian domestic workers or from employing any workers in homes either through contracts or on daily basis. Agencies, whose license have been either suspended or cancelled, are not allowed to do any work, except follow up on applications that were submitted to the Ministry before their suspension or with employers with current workers, though they are forbidden from signing them to any financial documents besides what is already approved by the Ministry of Labour.

In accordance with the regulation, the agencies are obliged to sign a contract with the homeowner in accordance with the form adopted by the MoL for this purpose. They must also follow up on the completion of the procedures for the recruitment of workers with the competent authorities. In terms of advertisements, agencies must publish them clearly either inside their office or on their website, and they must include the cost of recruiting domestic workers, for each nationality, and any other financial cost, or obligations on the employer during this process.

The Office must also provide an electronic database that contains the data of recruited workers, including their nationalities, numbers, and names of their employers. The agency must also commit to securing the personal information of its workers and not to disclose it. Moreover, agencies must provide workers with housing while they undergo the proper medical examinations to be allowed to work. Recruited workers must remain in these houses during this 3-working day period, following their arrival into the Kingdom till they are picked up by their employer.

Article 9 of the regulation stipulates that the Minister of Labour shall determine the costs of recruiting workers based on their nationalities. The same list shall clearly indicate the fees that shall be charged by recruitment agencies, including costs for recruitment and medical examinations that workers must undergo. These fees must be paid by the employer to the office following the arrival of the worker, except the fees for the work permit which can be paid before. Offices are prohibited from charging workers any fees for recruitment, either before their arrival to Jordan or after through salary deductions.

Article 12 of the regulation gave the Ministry of Labour the authority to revoke the license of offending agencies permanently if they commit a violation that constitute an explicit violation of human rights or law. Such violations include the recruitment of worker illegally or with false papers, recruiting underaged workers in violation of the MoUs signed with countries of origin, or exploiting workers by forcing them to work irregularly, withholding their payments, abusing them physically or sexually, or violating any of their basic human rights. However, the article requires confirmation of the occurrence of these violations through a definitive judicial decision in order to proceed with such revoking.

It should also be noted that article 18 of this regulation gave the Minister of Labour the power to take any action he deems appropriate to regulate the labour market. These decisions might include not issuing licences to new recruitment offices, or opening new markets for recruitment, or closing recruitment from some countries. In case of the latter, however, the Minister must provide the agencies with a three month notice so they are able to meet their prior commitments.

Labour Inspectors Regulation and its Amendments No. 56 of 1996¹⁶

Article 2 of the regulation defines the labour inspector as “the person authorised to inspect work.” The objectives of these inspections include the verification of whether institutions are fulfilling their legal provisions through working conditions, and the protection of workers, as well as providing employers with information to facilitate cooperation between all stakeholders, including workers, employers, and unions. Inspectors must also check the occupational safety and health guidelines implemented by the institution, and collect data regarding each institution, regarding the number of its workers, their positions, training capacities and needs, and other issues related to their recruitment.

The regulation affirms that while carrying out their duties, inspectors shall be required to maintain the confidentiality of workers who submit complaints on their employers. Inspectors must also not disclose any information relating to industrial or commercial operations or equipment to which he was provided access for by virtue of his work even after his service in the government has concluded. Inspectors should not also carry out inspections in institutions where he has a financial interest.

¹⁶ <http://www.lawjo.net/vb/showthread.php?15189-%E4%D9%C7%E320%E3%DD%CA%D4%ED%20%C7%E1%DA%E3%E120%E1%D3%E4%E520%201996%E620%CA%DA%CF%ED%E1%C7%CA%E520%E1%DA%C7%E3202003%>

Regulation No. (142) of 2019 - Work Permits for non-Jordanians¹⁷

Article 2 of the regulation for work permits fees for non-Jordanians indicates the costs of issuing work permits, where employers must pay the Ministry of Labour 400 JODs for each worker employed in all economic activities, except in specific sectors, where the fees differ as follows:

- A. 175 JODs for each worker in the garment sector
- B. 900 JODs for each additional domestic worker, or those governed under the same system, like gardeners and cooks
- C. 1,000 JODs for each worker in:
 1. Licensed massage parlours in accordance with relevant legislation.
 2. Nightclubs, bars, and discos.
- D. 2,400 JODs for each worker with specialized skills
- E. 600 JODs for each daily labourer who issues a flexible agricultural work permit
- F. 800 JODs for each daily labourer who issues a flexible to work in the construction, loading and offloading sector.

The regulations also refer to additional fees that the worker must pay once they enter the Kingdom if they do not issue a work permit, or for the years that they worked without issuing one.

Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers for 2012 and its amendments¹⁸

Article 2 of the instructions defined the recruited worker as: "the non- Jordanian worker who entered the Kingdom by virtue of a work contract", while article 3 states that:

"A committee shall be formed from the Ministry officials and shall be called (Employment Committee) which shall have jurisdiction overlooking into the applications of bringing workers from outside the Kingdom as well as the applications of employing the non-Jordanian workers inside the Kingdom in the cases instructed by the Minister."

The recruitment office wishing to bring in non-Jordanian workers is obliged to fill in a form for recruitment, which includes the establishment's name, address, nature of work, and branches, if any. The form also includes information regarding the workers, including their name as in their passport, their nationality, and the profession that they will practice.

17 https://tamkeen-jo.org/upload/%D986%D8%B8%D8%A7%D985_%D8%AA%D8%B5%D8%A7%D8%B1%D98%A%D8%AD_%D8%A7%D984%D8%B9%D985%D92019_84.pdf

18 http://www.mol.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D8%AA%D8%B9%D984%D98%A%D985%D8%A7%D8%AA_%D8%B4%D8%B1%D988%D8%B7_%D988%D8%A7%D8%AC%D8%B1%D8%A7%D8%A1%D8%A7%D8%AA_%D8%A7%D8%B3%D8%AA%D8%AE%D8%AF%D8%A7%D985_%D988%D8%A7%D8%B3%D8%AA%D982%D8%AF%D8%A7%D985_%D8%A7%D984%D8%B9%D985%D8%A7%D984_%D8%BA%D98%A%D8%B1_%D8%A7%D984%D8%A3%D8%B1%D8%AF%D986%D98%A%D98%A%D986_%D984%D8%B3%D986%D8%A9_2012_%D988%D8%AA%D8%B9%D8%AF%D98%A%D984%D8%A7%D8%AA%D987%D8%A7.pdf

The employment application should be enclosed with the following documents as well:

1. Two copies of the work contract.
2. Presentation of a valid vocational license of the establishment
3. A copy of the worker's passport provided that it is valid.
4. 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.
5. A copy of the projects and tenders undertaken by the employer, if any, indicating the entity referring these tenders to the employer.
6. A valid medical check-up certificate from one of the health centres approved by the Ministry of Health.
7. A photo of the worker.
8. The fees of the work permit, which must be paid in advance once the application is approved.

The approval of the application is valid for two months as of the date it is obtained. The employer should then complete the required procedures for the worker to enter the country during this period, as well as the procedures needed to obtain the employment permit. The validity of the employment permit starts from the date the worker entered the country.

The system also allows the employer to submit one or more applications to replace workers whose recruitment failed or who could not enter the country. However, these applications should be submitted within a four-month period, provided that if the visas of the workers were cancelled, a proof that they did not enter the country is submitted, and that one request is submitted per each worker who will be replaced.

Article 9 of the instructions stipulate that the process to issue work permits for non-Jordanian workers include various steps, as the employer needs to first obtain the approval of the Minister or whoever he authorizes, by filling a special form that includes the name of the worker according to their passport, date of birth, nationality, and profession. Moreover, the form includes the name of the employer, the date in which the work permit becomes valid and the date of its expiry, the number and dates of the receipts, and the stamp and the signature of the director of the concerned directorate of labour.

The system also asserts in article 10 that bringing, employing, or renewing the employment permits of the non-Jordanian workers shall be carried out according to the needs of the labour market, taking into consideration the list of closed professions. Moreover, the Ministry of Labour shall define the percentage of non-Jordanian workers allowed to work in any of the economic sectors to serve the policy of the gradual replacement of the non-Jordanian labour force with the Jordanian.

However, an exception was provided in article 14 for workers of non-restricted nationalities, specifically Egyptians, as it states that any employer who intends to bring an Egyptian worker should submit the following documents:

1. Fill a recruitment application that is approved by the Ministry.
2. Present a valid vocational license of the establishment with a copy attached or submit a recommendation from the competent directorate of agriculture if the worker intended to be brought will be working in the agricultural sector.
3. A recommendation from the farmers' association or union or from the institution that represents the economic activity sector which is practiced by the employer. The recommendation should indicate the applicant's need for the workers.
4. A copy of the projects and tenders undertaken by the employer, if any, indicating the entity that referring these tenders to the employer.
5. A list issued by the Social Security Corporation, indicating that all the employer's workers are subscribed into social security and that all subscriptions are paid by the date of submitting the application.

Instructions, Conditions and Procedures for the use and recruitment of non-Jordanian workers in the Qualified Industrial Zone for 2007 (and its amendments)¹⁹

Article 2 of the instructions defines qualified industrial zones as "any economic activity that exists within any qualified industrial zone, whose products are qualified and on which the provisions of the Law of Investment Promotion are applicable."

The provisions of these instructions are applied to factories operating in the textile and sewing sector per article 3, as well as factories that carry out some or all manufacturing processes, under an agreement with another factory, provided that the final product will be exported and that the other factory is within the qualified industrial zones.

In terms of recruiting non-Jordanian workers, article 4 of the instructions stipulate that any employer who wants to employ non-Jordanian workers must submit a written application to the authorized official of the Ministry of Labour that include:

1. The name of the establishment, name of its owner, address of the establishment, nature of its activity and its branches if any.
2. The name of the worker as written in their passport, their date of birth, nationality, and the occupation that they will have.

¹⁹ http://www.mol.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D8%AA%D8%B9%D984%D98A%D985%D8%A7%D8AA_%D8%B4%D8%B1%D988%D8%B7_%D988%D8%A7%D8AC%D8%B1%D8%A7%D8A1%D8%A7%D8AA_%D8%A7%D8B3%D8AA%D8AE%D8AF%D8A7%D985_%D988%D8%A7%D8B3%D8AA%D982%D8AF%D8A7%D985_%D8%A7%D984%D8B9%D985%D8A7%D984_%D8BA%D98A%D8B1_%D8A7%D984%D8A7%D8B1%D8AF%D986%D98A%D98A%D986_%D981%D98A_%D8A7%D984%D985%D986%D8A7%D8B7%D982_%D8A7%D984%D8B5%D986%D8A7%D8B9%D98A%D8A9_%D8A7%D984%D985%D8A4%D987%D984%D8A9_%D984%D8B3%D986%D8A9_2007.pdf

3. A certificate, authenticated by the worker's embassy, attesting that the worker shall be recruited by means of an employment agency licensed in their country, and that apart from fees stipulated by the law in their country, they paid nothing to be recruited.
4. A certified copy of an advertisement issued by the recruitment company published in a newspaper in the worker's country, clarifying the job terms and conditions, salary, working hours, nature of work and other privileges such as accommodation, catering, and health insurance. The advertisement should also stress that apart from the fees stipulated by law in their country, the worker is not required to pay any amount to be recruited.
5. A certificate issued by the Ministry of Industry and Trade attesting that the product of the establishment is qualified (QPR) to be imported.

In addition, employers must submit a report from the Directorate of Employment that shows the practical measures taken by that institution to gradually replace Jordanian workers with migrant workers, according to the following percentages:

1. Minimum 10% Jordanian workers for the first year for factories that are under construction.
2. Minimum 20% of Jordanian workers for operating factories, starting from the date of publication for these instructions in the Official Gazette.
3. Minimum of 25% Jordanian workers for the second year.
4. Minimum 30% Jordanian workers for the third year.
5. Productive branches: If any factory opens a production branch in the governorates or in impoverished areas, it is granted a reduction in terms of the percentage of Jordanian workers as deemed appropriate by the Ministry of Labour.

Following these steps, the Ministry's delegate will consider the application within a period not exceeding one week from the date of receiving it and take the necessary decision in this regard. The approval of the application and the work permits will be based on the inspection reports submitted by the Jordan Investment Board and the concerned directorate of labour, regarding the conditions in the establishment; as well as the report issued by the Directorate of Employment in the Ministry concerning the extent of compliance of the establishment with the policy of gradual substitution with the Jordanian workers. Moreover, the productive capacity of the establishment will be reviewed in accordance with its number of machines and lines of production.

Article 7 of the instructions also stipulate that the fees for work permits shall be paid in advance upon getting approval for recruiting the workers, and that the approval of the Ministry shall remain valid for four months starting from the date it was received. Employers are also allowed to apply for substituting workers who could not be recruited, in accordance with the provisions, provided that the worker's non-entry was proven for each application.

Upon getting the approval, the employer or his representative shall refer to the concerned directorate of labour for further verification of the application and completion of procedures of getting the permits. The employer must then submit an annual and automatically renewable bank guarantee that, following a decision of the Minister, may be at disposal in case the employer breached any of their obligations required by law, regulations, and these instructions. These guarantees are thus used to protect migrant workers' rights in the QIZ, as they could be used to cover the expenses of plane tickets or overstay fines of workers in case employers violated the provisions of the labour contract or failed to issue workers with the necessary permits in time.

Instructions for Recruitment Offices of non-Jordanian Domestic Workers of 2020²⁰

The regulation defined the homeowner as "a natural person who brings a worker into his home", while the worker was defined as "the domestic worker, chef, gardener, nurse, or whoever works for the homeowner on a permanent basis.

Article 9 of the instructions detail the procedures that must be followed for recruiting domestic workers, as the recruitment office must submit the form adopted by the Ministry for this purpose, either by paper or electronically, with the following documents attached to it:

1. Two copies of the work contract signed by the owner of the house, and to be signed by the worker once s/he arrives the Kingdom, as well as the office.
2. A copy of the worker's passport, valid for at least two years.
3. The recruited worker's CV, which includes their full information.
4. Written authorization from the employer, in accordance with the conditions set out in these instructions.
5. A Health Clearance for the worker issued by an accredited health entity and approved by the Ministry of Health in both the country of origin and in Jordan.
6. Recent and stamped land registration deed if the recruited worker will be employed in a villa as a domestic worker, gardener, or chef.
7. If the owner of the house wishes to recruit a third worker, they must provide a work permit and a newly certified land registration deed for the villa.
8. Submit an exemption recommendation from the Ministry of Social Development that is no more than a year old and following an assessment by the committees, which can be used only once to recruit one worker, who is exempt from permit fees.
9. Proof of financial ability of the employer to fulfill their commitment to the worker.

²⁰ http://www.mol.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D8%AA%D8%B9%D984%D98%A%D985%D8%A7%D8%AA_%D985%D9%83%D8%A7%D8%AA%D8%A8_%D8%A7%D8%B3%D8%AA%D982%D8%AF%D8%A7%D985_%D8%A7%D984%D8%B9%D985%D8%A7%D984%D8%A9_%D8%A7%D984%D985%D986%D8%B2%D984%D98%A%D8%A9_2020.pdf

10. Insurance policy for the worker that covers the full validity of their work permit.
11. Any other documents requested by the Directorate.

Article 16 of these instructions asserts that the office shall return the worker to their country of origin at their expense within 90 days of their entry to Jordan, or 30 days from their transfer to another employer in case of:

1. Deportation of a worker suffering from a communicable or contagious disease or a disease that does not allow the worker to perform their work, or in case of pregnancy within a period not exceeding seven working days from the date of issuance of the medical report by the Ministry of Health.

The office is also obligated to provide accommodation for workers within these conditions:

- A. The accommodation shall be used for sleeping, eating, and include sanitary facilities.
- B. The accommodation or any part of it cannot be used for other purposes besides what it was intended for.
- C. A clear sign plaque with the name of the accommodation must be placed at the entrance.
- D. An appointed supervisor must be present.
- E. The accommodation must be in the same area as the recruitment office,

Article 19 of the instructions gave the authority to the Minister of Labor or his delegate to approve applications for the recruitment of male domestic workers if the houseowner or his family members are males in need of healthcare, provided that a medical report from the Ministry of Health is attached. Applications can also be accepted in case the houseowner was elderly, single, or widowed.

It should be noted that the recruitment offices objected to these instructions, since it increased their jurisdiction and obligations. Therefore, they challenged them before the Administrative Court.

Third: Decisions

Decision No. 58 on Occupations allowed for non-Jordanian workers of 2020²¹

Under the provision of article 12 of the Labour Law and article 17 of the instructions for the conditions and procedures for the recruitment and employing of non-Jordanian workers for the year 2012, the Jordanian government issued this decision regarding opened and closed sectors for non-Jordanian workers. The amended list included the following closed sectors:

1. Clerical jobs including typing, secretarial, data entry, and administrative services.
2. Jobs connected with selling of all categories, whether wholesale, retail, or distribution.
3. Fuel selling and filling-related jobs at stations within the borders of Greater Amman Municipality.
4. Jobs related to the design and execution of interior and exterior décor works.
5. Professions of all categories related to the installation, operation, maintenance, and extensions of switch boards.
6. Professions related to electrical supply works and maintenance
7. Professions related to car maintenance and upholstery of all kinds.
8. Hair cutting and care professions for women, men, and children.
9. Drivers holding all driving license categories.
10. Valet parking services.
11. Guarding professions (guarding establishments and sites regardless of their nature or its types).
12. Office boys in companies, offices, ministries, and institutions.
13. The profession of selling lottery tickets.
14. Any profession closed or not allowed for non-Jordanian workers according to any valid legislations or decisions issued by a competent authority.

On the other hand, non-Jordanians are allowed to work in the following sectors, according to the applicable procedure at MoL:

1. Profession of loading and unloading
2. Cleaners
3. Municipality workers/"Watan" workers

²¹ http://www.mol.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D982%D8%B1%D8%A7%D8%B1_%D8%A7%D984%D985%D987%D986_%D8%A7%D984%D985%D8%BA%D984%D982%D8%A9_%D988%D8%A7%D984%D985%D987%D986_%D8%A7%D984%D985%D982%D98%A%D8%AF%D8%A9_%D988%D985%D987%D986_%D8%A7%D984%D8%B9%D985%D8%A7%D984_%D8%B0%D988%D98%A_%D8%A7%D984%D985%D987%D8%A7%D8%B1%D8%A7%D8%AA_%D8%A7%D984%D985%D8%AA%D8%AE%D8%B5%D8%B5%D8%A90-.pdf

4. Worker at housing constructions projects
5. Worker at housing constructions projects
6. Buffet or cafeteria worker.

Meanwhile, the decision allowed non-Jordanians to work in the following sectors after they obtain work permits as a worker with specialized skills:

1. The engineering sector
2. The medical sector
3. The sector of vocational and technical education and training
4. The communications and information technology sector
5. The education sector
6. The banking sector
7. The insurance sector
8. The tourism and travel agents' offices sector licensed by the Ministry of Tourism and Antiquities
9. The sector of clubs, sports, and youth centres
10. The aviation sector
11. The exchange and finance sector
12. Other economic activities and sectors

Chapter 3: Recruitment Procedures in Jordan

According to the Ministry of Labour, the Jordanian government pursues a special recruitment policy for each labour sector. An aspect of these policies is the memorandum of understanding signed by the Jordanian government with its counterparts in migrants' countries of origin. These MoUs are considered a positive characteristic of the Jordanian policy, when compared with neighbouring countries in the region, as they comprehensively cover all aspects of the migration cycle for workers.

These memorandums thus highlight the cost of recruitment, the procedures that need to be followed in each country, including the medical tests and the orientation (pre-departure) trainings in their countries of origin, as well as other costs associated with travel and fees.²²

First: Memorandums of Understanding

The Hashemite Kingdom of Jordan signed various memoranda of understanding (MoU) with countries of origin for migrant workers that fleshed out their recruitment procedures, working conditions, and wages. The first of these memorandums were signed with Sri Lanka, Indonesia, and the Philippines in June 2006, June 2009, and May 2010 respectively. The memorandums defined the role of each stakeholder within the recruitment process, starting from the governments to recruitment agencies as well as the contractual relationship between the employer and worker.

According to the official website for the Ministry of Labour, Jordan has signed seven memorandums of understanding with countries of origin for domestic workers. These countries are the Philippines, Sri Lanka, Bangladesh, Indonesia, Ethiopia, Nepal, and Uganda²³. Each of these memorandums are detailed below:²⁴

Framework for cooperation in the employment of domestic workers between the Government of the Republic of the Philippines and the Government of the Hashemite Kingdom of Jordan²⁵

Signed on: 06-09-2018

The agreement was signed between Jordan and the Philippines in the field of recruiting workers to regulate the rights and duties of both parties. It stipulated upon:

A. Consolidated employment contract:

The recruitment and employment of Filipina domestic workers is subject to a unified employment contract, the wording and content of which are agreed between the two parties. The contract will thus include:

22 Interview with Mr. Abdullah Jabbour- Assistant to the Secretary General at the Ministry of Labor.

23 http://www.mol.gov.jo/AR/List/%D8%A7%D984%D8%A7%D8%AA%D981%D8%A7%D982%D98A%D8%A7%D8%AA_%D8%A7%D984%D8%AB%D986%D8%A7%D8%A6%D98A%D8%A9

24 These memorandums are available in Arabic and the provisions below were translated for this study.

25 http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D985%D8%B0%D983%D8%B1%D8%A9_%D8%AA%D981%D8%A7%D987%D985_%D985%D8%B9_%D8%A7%D984%D981%D984%D8%A8%D98A%D986_%D8%A7%D984%D8%AA%D8%B9%D8%A7%D988%D986_%D8%A7%D984%D8%B9%D985%D8%A7%D984%D98A.pdf

1. The rights and duties of the employer and the worker, as well as the roles of the Philippine Overseas Employment Administration and Jordan's recruitment agencies.
2. Life and health insurance for workers that cover work accidents and injuries provided by the employer.
3. Working conditions like the salary, working hours, and tasks.
4. Return of the worker to their country once the contract is completed, or in cases of emergency, or their death.

These contracts must be available in both English and Arabic. However, it was noted that the English version of the contract shall be used if disputes occurred.

B. Renewal of contract and change of employer

Following the expiration of the domestic worker's contract, she is entitled to choose whether to renew the contract or change her employer. If she chooses to change her employer before her contract expires though, she can after obtaining the approval of her current employer and signing a new contract at the Philippine Overseas Labor Office (POLO) between her and the new employer. Four copies of the new contract shall be available, a copy for the worker, one for the new employer, and another two for the POLO and the Jordanian Ministry of Labour. The new employer shall also issue the worker a new permit, following an interview between the POLO and the worker to ensure her approval of the contract and working conditions.

It should be noted that an amended version of the memorandum of understanding was signed to regulate the recruitment of labour between the two countries. The modified framework of cooperation states that a common database on available workers for recruitment will be developed that would display their skills and competencies and match them with employers accordingly. Additionally, both parties agreed to exchange information on the status of workers and the labour market, and its needs.

Both countries also agreed to continue promoting and protecting the social well-being of workers, and to take all necessary measures to increase the legal and social protection of workers in accordance with the national legislations in both countries.

Moreover, the two countries affirmed that all necessary legal action must be taken against offices, companies, recruitment agencies and other entities and individuals who are convicted of violating the regulations and laws in force.

The memorandum of understanding contained the following conditions:

- i. Workers are employed under a unified employment contract that is signed between the worker, employer, POLO, and the Jordanian Recruitment Office in accordance with legislations in both countries.
- ii. The employment contract determines and regulates workers' wages, working conditions, and the cost of bringing the worker from their country of origin, as well as

their repatriation once the contract is completed. These contracts must include a special provision for the worker's insurance in accordance with the laws and regulations in force in the receiving country. All contracts must be available in English and Arabic.

iii. The parties ensure that the terms of the employment contract are implemented. The POLO and the MoL shall act as intermediaries to resolve disputes that may arise between workers and employers in a friendly way. If this is not possible, the matter will be referred to the competent authorities in accordance with the legislation and laws in force within the Kingdom.

iv. Both countries shall take the necessary legal action and impose penalties and fines on any employer or entity that violates the employment contract, including violating any of the provisions of this memorandum of understanding.

v. Any dispute between the worker and the employer about the interpretation and implementation of this memorandum of understanding is settled amicably between them.

Memorandum of Understanding in the Field of Manpower between Jordan and the Republic of Sri Lanka for 2006²⁶

Signed on: 7/2/2006

The agreement was signed to develop tools between the two countries that would enable them to find solutions to the problems faced by workers. Therefore, the agreement set clear foundations on matters related to the employment contract that must be followed when recruiting and employing a worker. These contracts must thus be:

1. The wording of the contract shall be compatible with national legislation in both countries and must be documented and ratified by the diplomatic representative of Sri Lanka.
2. The contract shall include the working conditions in terms of the obligations and duties of the worker, and the employer must pay the costs of the worker's travel from their country of origin as well as their repatriation. However, the employer shall not bear the cost of the worker's return ticket if the worker left the workplace prior to the end of the contract.
3. The contract shall be available in Arabic and English, and they shall be of equal reference in cases of disputes.

Both countries also agreed to continuously monitor the status of workers through the Jordanian Ministry of Labour and the Sri Lanka Bureau for Foreign Employment. These entities shall ensure that the provisions of the employment contract are implemented in accordance with the laws and regulations of both countries. These authorities must also act as intermediaries to resolve disputes that might arise between workers and employers in a friendly manner. If that option was not possible, then the case is referred to the competent judicial authority.

²⁶ http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D985%D8%B0%D983%D8%B1%D8%A9_%D8%AA%D981%D8%A7%D987%D985_%D985%D8%B9_%D8%A7%D984%D981%D984%D8%A8%D986_%D8%A7%D984%D8%AA%D8%B9%D8%A7%D988%D986_%D8%A7%D984%D8%B9%D985%D8%A7%D984%D98A.pdf

Memorandum of Understanding between Jordan and Indonesia on the recruitment of Domestic Workers of 2009 ²⁷

Signed on: 26/6/2009

The memorandum aimed to take the necessary measures to protect labour rights of Indonesian domestic workers in Jordan. Both parties also agreed to take the necessary measures to ensure that Indonesian domestic workers who agreed to work in Jordan will be employed only in Jordan, and not in any other country. Other points of agreement included:

1. Both parties must provide each other through the Embassy of the Republic of Indonesia in Amman with a list of approved Jordanian and Indonesian offices within two weeks of the date of the memorandum. In the event of any changes to the above list, the parties should be notified of them no later than two weeks after the changes occurred.
2. The Jordanian Ministry of Labour of and the Embassy of the Republic of Indonesia in Amman must provide each other with the number of Indonesian domestic workers who enter Jordan or leave Indonesia or vice versa every three months. Both parties should cooperate to determine the exact number of these workers.
3. The Indonesian Ministry of Manpower will provide the Jordanian Ministry of Labour through the Embassy of the Republic of Indonesia in Amman with a list of all Indonesian domestic workers who have worked in Jordan for the past five years before signing the MoU, regardless of their professions. The Indonesian Ministry of Manpower will continue to provide the MoL with this list annually.
4. The Indonesian Ministry of Manpower undertakes to conduct pre-departure training for Indonesian domestic workers. The trainings will prepare these workers to life in Jordan, in terms of language and cultural prohibitions, which will reduce the harm caused by cultural differences to female workers.
5. The Indonesian Embassy in Amman, in cooperation with the Jordanian Ministry of Labour, shall prepare specialised programs for Indonesian domestic workers to introduce them to the Jordanian laws, regulations, and procedures before they join the labour market.

The memorandum stressed that employers (homeowner) are obligated to issue work and residency permits for the Indonesian domestic worker on their own expense. If the employer does not abide by this, then they should pay the fines stipulated in the relevant legislations, unless the worker was responsible for the incurring of these fines. Employers should also open bank accounts in the name of the domestic worker during their first month of employment for the depositing of their monthly wages. These wages should be paid within seven days of their due date that was agreed upon. Both workers and employers should also keep a copy of the bank deposit voucher and a record of the payments.

In terms of the employment contract, it should be approved and stamped by the Indonesian Embassy in Amman. On the other hand, Jordanian recruitment agencies should have a

²⁷ [http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A7%D986%D8%AF%D988%D986%D98%A%D8%B3%D98%A%D8%A7\(2\).pdf](http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A7%D986%D8%AF%D988%D986%D98%A%D8%B3%D98%A%D8%A7(2).pdf)

record of Indonesian workers that they recruited to work in Jordan. The Indonesian Embassy has the right to request a copy of these records through the Jordanian Ministry of Labour. The memorandum of understanding also set the legal age for the recruited Indonesian workers between 23-40 years.

The memorandum included a dispute resolution mechanism, which included:

1. Both parties should take legal action, including the imposing of penalties or fines against Jordanian and Indonesian recruitment agencies that are convicted of violating the laws, regulations and instructions in force, or the provisions of the MoU.
2. The Indonesian Embassy in Amman pledges to inform the Jordanian Ministry of Labour about domestic workers who ran away from the homes of their employees and took refuge in the embassy. In turn, the Ministry of Labour shall work to solve any problems or issues between female workers, employers and Jordanian recruitment agencies through a committee set up for this purpose in the Ministry of Labour, in cooperation with the Indonesian Embassy in Amman.
3. The right to refer the case to the judiciary and the courts is protected for all parties seeking any compensation because of damages arising from the violation of Jordan's relevant laws, regulations, and instructions.

Memorandum of Understanding in the field of manpower between the Government of the Hashemite Kingdom of Jordan and the Government of the Republic of Bangladesh²⁸

Signed on: April 26, 2012

The memorandum aimed to develop cooperation in the fields of recruitment and employment of workers, as well as the continuous exchange of information and studies in the fields of human and technical development for workers. Through this MoU, both governments undertake to protect the rights of workers and employers in accordance with their national legislation and laws, as well as international standards and treaties on this regard.

The recruitment and employment of workers shall thus be done using official and documented employment contracts that are approved by the competent authorities in both countries. These contracts shall be binding on employers and workers. They must also stipulate the workers' wage, duration of the contract, accommodation, food, leaves, insurances, and repatriation of the worker once the contract ends. The contract can also be renewed if both sides agreed, provided that a new contract is signed.

The contracts must be written in both Arabic and English. They should be approved by the Jordanian Ministry of Labour, the Bangladeshi Embassy in Amman, or any other consular representation of the country.

²⁸ [http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A8%D986%D8%BA%D984%D8%A7%D8%AF%D8%B4_\(2\).pdf](http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A8%D986%D8%BA%D984%D8%A7%D8%AF%D8%B4_(2).pdf)

Memorandum of Understanding (MoU) between the Hashemite Kingdom of Jordan and the Government of the Federal Democratic Republic of concerning employing Ethiopian workers in Jordan²⁹

Signed on: 15/8/2012

The memorandum aimed to develop the procedures that shall be followed in the recruitment and employment of workers, especially domestic workers in accordance with the laws and legislation in force in both countries. The MoU includes a set of responsibilities for both countries, which include:

1. The Jordanian Ministry of Labour will provide the Ministry of Labour and Social Affairs of Ethiopia with details of employment opportunities and a list of employers.
2. The Labour and Social Affairs Ministry of Ethiopia shall approve employment contracts for workers employed through licensed recruitment agencies.
3. The employment contract shall specify the working conditions, and the rights and duties of both employers and workers. The contract shall be signed by both sides in accordance with the relevant laws and legislations in both countries.
4. The employment of Ethiopian workers in the Kingdom of Jordan shall be through legally licensed recruitment agencies.
5. Both countries shall take the necessary administrative measures to prevent recruitment agencies, public sector agencies or other stakeholders from recruiting or employing workers in violation of the laws and legislation in either country.
6. Both countries should ensure that the implemented laws, regulations, and procedures provide workers with protection in accordance with the international labour standards. These standards include the elimination of discrimination in employment, decent working conditions and wages, working hours, occupational safety and health. These standards and protections must be provided equally to both Jordanian and Ethiopian workers.
7. Both governments agreed to combat all illegal employment and human trafficking practices in their respective countries.
8. Both countries shall share and exchange information on illegal recruitment activities.
9. Both countries shall take legal action against the perpetrators of crimes of illegal employment and human trafficking.

In terms of the legal age of recruitment for Ethiopian workers, it was agreed that only workers who are eighteen or older can be recruited.

On the other hand, employers should open bank accounts in the name of the domestic worker during their first month of employment for the depositing of their monthly wages.

²⁹ http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A7%D8%AA%D981%D8%A7%D982%D98%A%D8%A9_%D8%A7%D8%AB%D98%A%D988%D8%A8%D98%A%D8%A7.pdf

These wages should be paid within seven days of their due date that was agreed upon. Both workers and employers should also keep a copy of the bank deposit voucher and a record of the payments.

Ethiopian workers have also the right to transfer their income to Ethiopia in accordance with the laws and financial regulations of both countries.

The MoU also stipulated that any dispute arising from the interpretation or implementation of this memorandum is resolved through consultation between both countries.

Memorandum of Understanding on the employment of workers between the Government of the Hashemite Kingdom of Jordan and the Government of the Republic of Nepal³⁰

Signed on: 18/10/2017

The memorandum was signed with the objective of strengthening cooperation on labour issues by providing a legal framework for the employment of workers. The legal framework shall protect workers' rights and establish a mechanism for the exchange and discussion of views on labour-related problems.

The MoU also seeks to promote cooperation between the two governments to protect the rights of all workers, with special consideration of the vulnerabilities of female workers. Both governments also agreed to exchange information on best practices related to the recruitment and employment of workers. These practices would then be used to strengthen workers' access to decent work opportunities and conditions, as well as promote social protection in accordance with international labour standards.

The MoU included a set of responsibilities that Jordan and Nepal must abide by, including:

1. Monitoring and regulating recruitment and employment-related costs in both countries.
2. The two countries must exchange updated information about licensed, registered, and blacklisted recruitment agencies. Both countries must also continuously monitor the operations and procedures implemented by these agencies. Both workers and agencies shall have access to competent authorities in case of a conflict in accordance with the laws applicable in the concerned country.
3. Both countries shall take legal measures against employers, recruitment agencies or companies that violate the laws of the two countries. Both countries should also cooperate to combat forced labour and human trafficking between the two countries. Both countries are also obligated to exchange information on these activities and take legal action against the perpetrators within their respective jurisdictions and in accordance with the laws of the two countries.

³⁰ http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D986%D98%A%D8%A8%D8%A7%D92017_84%.pdf

The MoU also specified several responsibilities on Jordan that include:

1. Ensure that the recruitment and employment of workers under this memorandum is in accordance with Jordanian laws and legislation.
2. Ensure that the costs related to obtaining a visa, travel expenses, insurance, medical expenses, and any other employment-related procedures within the Kingdom for workers are incurred by the employer.
3. Ensure that the rights of workers in Jordan are strengthened and protected in accordance with the applicable Jordanian legislations.
4. Ensure the validity of the employment contract, which provides for the rights and obligations of the employer and workers, the minimum terms, and conditions of employment. Jordan must also ensure that the contract is implemented.
5. Ensure that workers are allowed to travel back to Nepal to visit their families every two years, provided that the employer bears the costs of the tickets. Workers must also be provided the permission to change their employer if their original employer is unable to meet the provisions of the contract, or if the company is closed for whatever reason. Workers must also be treated decently and respectfully by the employer as stated in Jordanian laws and legislations regardless of their personal and professional backgrounds.
6. Ensure that Nepalese workers are treated fairly and equally with other workers and are subject to the same provisions as Jordanians and other migrant workers in terms of their overtime wage, working conditions, and access to judicial authorities in accordance with the laws and regulations in Jordan.
7. Adopt effective measures to ensure the health and safety of Nepalese workers with special attention to female workers. Ensure decent working and living conditions for workers that respect workers' privacy and guarantee their safety and well-being.
8. Take the necessary legal and administrative measures to protect workers from all forms of harassment, abuse, forced labour and exploitation.
9. Combat the illegal recruitment of Nepalese workers migrating from Jordan to a third country.

Meanwhile, the MoU sets the following responsibilities for Nepal:

1. Take the necessary measures to ensure that the recruited workers are compatible with the jobs that they are recruited to do in Jordan.
2. Ensure that potential workers do not have criminal records and that they received appropriate pre-departure training on Jordanian culture, customs, and traditions, as well as the nature of their work, and its conditions.
3. Ensure that workers are fully aware of the terms and conditions of their contract before departure and that these contracts do not conflict with the laws of both countries. The Nepalese government must also ensure that the workers undergo medical examinations

in government-approved medical centers that confirm they are healthy. These centres must be accredited by the Jordanian Ministry of Health.

4. Ensure that workers do not bear any financial costs by the agencies in Nepal other than those provided by the Government.

5. Provide the necessary support and referral mechanisms to Nepalese workers if they have complaints, or grievances and ensure that recruitment agencies operate responsibly within the limits of the law and are subject to supervision by the Nepali government.

As for the employment contract, it was agreed that a unified form will be available in English, Arabic, and Nepalese. Both employers and workers must sign this contract, which is then approved by:

- a. The Jordanian Ministry of Labour and the Nepali Diplomatic Mission, which will later send it to Nepal.
- b. Approved by the Nepalese Ministry of Labour, Employment and Social Security.
- c. The worker signs the original copy of the contract that was signed by the employer before their departure from Nepal.

In terms of domestic workers, if they are recruited by recruitment agencies, it is the responsibility of the agency to ensure that they fully understand the contract, including their wage, before they sign it. The contract must be later by both the recruitment agencies in Jordan and Nepal. This contract is then submitted to the Jordanian authority as part of the process to obtain the workers' visa.

Moreover, both countries agreed that workers' wages should be clearly stipulated in the employment contract. Employers should also open bank accounts in the name of the domestic worker during their first month of employment for the depositing of their monthly wages. These wages should be paid within seven days of their due date that was agreed upon. Both workers and employers should also keep a copy of the bank deposit voucher and a record of the payments, and these copies must be shown to the competent labour inspection authority and the Nepal diplomatic mission if requested. On the other hand, workers are entitled to transfer their salary, savings, or bonuses to Nepal or any other country in any currency recognized by the Jordanian government in accordance with Jordanian laws and legislation.

The memorandum also contained the mechanisms that should be applied to settle workers' disputes, where in case of a dispute between workers and employers, a complaint shall be lodged at the Jordanian MoL, which would inform the Nepali Diplomatic Mission in Jordan. If the dispute is not resolved by the authorities, the worker has the right to resort to effective redress mechanisms like the courts. These workers should also have the right to access legal aid and compensation, in accordance with the laws and regulations of the Hashemite Kingdom of Jordan. Jordan must also facilitate the rapid settlement of cases involving workers subjected to violations in accordance with applicable legislation.

Memorandum of Understanding between the Hashemite Government of Jordan and the Government of the Republic of Uganda on the recruitment and employment of Ugandan workers³¹

Signed on: 24/10/2016

This memorandum aims to establish a framework for the recruitment of workers, and to strengthen cooperation and coordination in the field of employment. Thus, it identified the responsibilities of both countries as follows:

1. The Jordanian Ministry of Labour shall provide the Ministry of Gender, Labour and Social Development of the Republic of Uganda with the requested workers and a list of potential employers.
2. The Jordanian Ministry of Labour shall provide contact information for the employers of all Ugandan workers in Jordan for the purposes of effectively implementing this memorandum.
3. The terms and conditions for the employment of Ugandan workers in the Kingdom of Jordan must be specified in the drafted unified employment contract that is accredited by both the Jordanian Ministry of Labour and the Ugandan Ministry of Gender, Labour and Social Development.
4. Both countries should take the necessary measures to ensure that workers under the age of twenty are not recruited.
5. Both countries agree that all Ugandan workers in Jordan should attain the same rights, privileges, protection, and dignity as other migrant workers employed in similar professions in the Kingdom.
6. The Government of Jordan must ensure that all Ugandan workers, including domestic workers, enjoy internationally recognised rights for migrant workers that include:
 - a. Freedom from forced labour.
 - b. Protection against illegal confiscation of passports, and restrictions on movement.
 - c. The right to wages that are paid immediately.
 - d. Freedom from any physical or sexual assault.

In terms of the employment contract, it must be signed by the employer, the worker and both recruitment agencies in both Uganda and Jordan. Both the employer in Jordan and the recruitment agency in Uganda are held responsible for issues related to the full implementation of the contract. The contract itself must clearly specify the following:

1. The contract parties
2. Contract period
3. Probation period

³¹ http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A7%D8%AA%D981%D8%A7%D982%D98%A%D8%A9_%D985%D8%B9_%D8%A7%D988%D8%BA%D986%D8%AF%D8%A7.pdf

4. Procedures for the termination of the contract
5. Wages
6. Employers' responsibility to pay for the workers' travel from Uganda to Jordan and their return.
7. Suitable housing conditions.
8. Health care provided through health coverage
9. Dispute resolution procedures
10. The Contract must be written in both Arabic and English.

The employment contract must be available in Arabic and English, and in four original copies. One of these copies will be with the employer, another for the worker, while the other two copies will be for the Jordanian Ministry of Labour, and the Ugandan Ministry of Gender, Labour and Social Development.

As for workers' wages, employers should also open bank accounts in the name of the domestic worker during their first month of employment for the depositing of their monthly wages. These wages should be paid within seven days of their due date that was agreed upon. Both workers and employers should also keep a copy of the bank deposit voucher and a record of the payments. On the other hand, workers are entitled to transfer their wages to Uganda in accordance with the financial laws of both countries.

The two governments also agreed on the importance of resolving all or any of the disputes that arise between them in terms of the interpretation or implementation of this memorandum or any of its provisions regarding their rights and obligations in a friendly manner through consultation between them.

Memorandum of Understanding between the Government of the Hashemite Kingdom of Jordan and the Republic of Ghana³²

Signed date: 27/11/2015

The memorandum aimed to promote means of cooperation between the two countries on labour-related issues through the establishment of a legal frameworks for the recruitment and employment of Ghanaian workers in Jordan.

Therefore, it specified the terms and conditions of the recruitment of workers as follows:

1. The Jordanian Ministry of Labour shall provide its Ghana counterpart with the Kingdom's market requirements in terms of the number of workers and the criteria that these workers must meet.
2. The Jordanian Ministry of Labour shall give its Ghana counterpart a list of employers in Jordan who will hire Ghanaian workers to ensure that the terms of the memorandum are applied.

³² http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A7%D8%AA%D981%D8%A7%D982%D98%A%D8%A9_%D8%BA%D8%A7%D986%D8%A7.pdf (Available in English)

3. Ghana's Ministry of Employment and Labour Relations shall approve the employment contracts that are issued to Ghanaian workers through licensed offices.
4. The working conditions, duties and rights of both employer and workers in these employment contracts shall be in accordance with national legislation in both countries.
5. Working conditions shall include:
 - a) Contract duration and scope of work
 - b) Accommodation, meals, and break times
 - c) Wages
 - d) Salary deductions if applicable
 - e) Health Insurance
 - f) Work regulations, records, and salary payments
 - g) Procedures concerning travel and reception of workers in Jordan
 - h) Employer duties
 - i) Worker's duties.
6. The recruitment and employment of Ghanaian workers in the Hashemite Kingdom of Jordan shall be through official offices licensed by the Ghanaian Ministry of Employment and Labor Relations.
7. Both countries shall take all administrative measures to prevent any unauthorized recruitment or employment offices from recruiting workers in ways contrary to the laws and procedures applied in both countries.

The memorandum also contained an article on work permits for Ghanaian workers, which stipulates that work permits must be in force from the moment the worker enters Jordanian territory. The memorandum stressed that all Ghanaian workers must enjoy the same rights, protection, and dignity as other migrant workers in Jordan, especially those employed in the same sectors of work. These protections include protecting them from the dangers of forced labour, the confiscation of their passports, restrictions on their freedom, non- payment of their wages, as well as physical and sexual threats or assaults.

The memorandum stipulated that recruited workers' age cannot be less than 20 years. It also affirmed the responsibility of the Ghanaian government to provide pre-departure trainings for workers before they come to Jordan.

As for employers' duties, they include:

1. Their responsibility to issue life and accident insurance to the worker, in addition to their health insurance. Employers must also return the workers' body in the event of their death during the contract period.

2. Open a bank account for the worker in their name to deposit their monthly wage and give the worker a copy of the deposit receipt.

Jordan has also signed memorandums of understanding for the recruitment of workers in other sectors, the most important of which are agriculture, construction, and the qualified industrial zones (QIZ). These MoUs include the one signed with the Arab Republic of Egypt, the People's Republic of India, and the Islamic Republic of Pakistan, as outlined below:

Memorandum of Understanding between the Ministry of Labour of the Hashemite Kingdom of Jordan and the Ministry of Manpower and Immigration of the Arab Republic of Egypt on regulating the migration of Egyptian workers to work in the Hashemite Kingdom of Jordan and its annexes of 1997³³

Signed on: 29/3/2007

The entry of the Egyptian workers to work in Jordan shall be organised upon the request of the Jordanian Ministry of Labour and in accordance with the needs of the Jordanian labour market in terms of the required numbers, the sectors which where they will work, and according to the terms specified by the Jordanian side. These terms include the certificate of non-conviction, medical examination, and a professional certificate of the required specialty.

The implementation of the provisions of this Memorandum shall be carried out directly by the Jordanian Ministry of Labour and the Egyptian Ministry of Manpower and Immigration only.

According to the memorandum, the Egyptian side shall establish a computerised database which includes the names of the workers who wish to work in Jordan according to the needs of the Jordanian side. The system must also be available to be viewed by the Jordanian side. Based on their needs, the Jordanian side will then provide the Egyptian side with the names of the workers who are selected by employers after the payment of their work permits fees. Jordan will also provide them with copies of their work contracts to be signed by the workers and returned to the Jordanian side.

The Egyptian side would then call for these selected workers by virtue of their work contracts, stamp the permit on the workers' passports. The stamped version will include the employer's name, and the sector in which the worker will be employed in. These permits must be valid from the date of the workers' entry to Jordan, which shall be through Nwaybe' crossing point. The Egyptian side shall also take all the necessary measures to assure entry of the workers to the Kingdom within a period that shall not exceed one month after the date of sending the work contracts.

³³ [http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D985%D8%B0%D983%D8%B1%D8%A9_%D988%D8%A7%D984%D985%D984%D8%AD%D91\)2007-3-8229%.pdf](http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D985%D8%B0%D983%D8%B1%D8%A9_%D988%D8%A7%D984%D985%D984%D8%AD%D91)2007-3-8229%.pdf)

Moreover, Egypt is responsible to provide workers with pre-departure training and guidance for the workers who are coming to Jordan and to introduce them to the procedures that should be followed as they enter the Jordan territories, including the illegality to work for others but the employer for whom the permit was issued by, otherwise these workers could be deported.

Memorandum of Understanding between the Republic of India and the Government of the Kingdom of Jordan on cooperation in the field of manpower³⁴

Signed on: 01/03/2018

The amended memorandum aims to increase cooperation in the field of manpower to develop institutional partnership with a focus on improving administration of the contract employment cycle of Indian workers in Jordan. Therefore, it specified both parties' responsibilities which include:

1. Regulate private employment agencies in such manner that leads to fair, accountable, and transparent recruitment practices in their respective jurisdiction in accordance with their regulations and ensure that the process of recruiting Indian workers for employment in Jordan complies with their respective laws and regulations.
2. Adopt a Standard Employment labour Contract for workers containing legal provisions agreed upon by both countries and obligatory to the parties of the contract.
3. Collaborate to align and integrating their respective electronic systems so that each country can verify the validity of the requisite information relating to the contract employment such as visa, requirement letter, Power of Attorney etc. online.

In terms of work contract, the MoU specified that it must indicate the type of jobs, job specifications, required qualifications as well as the terms and conditions of employment offered including wages, non-wage benefits, leaves (exit and return), accommodation and transportation when applicable, end-of-service entitlement and any other details. Furthermore, it should specify the rights and duties of both workers and employers. The contract shall also be authenticated by the Ministry of Labour of Jordan and the Embassy of India in Jordan.

The contract must be available in Arabic, Indian, and English. These three versions must be authenticated by the Ministry of Labour of Jordan and Ministry of External Affairs, of India. The contracts shall be used in arbitrating any disputes between the worker and employer arising out of the provisions of the labour contract. In case of divergence in interpretation, the English version shall apply.

These labour disputes shall be initially resolved through the Jordanian Ministry of Labour of Jordan in collaboration with the Indian Embassy in Jordan in a friendly manner and whenever it is difficult to reach to a friendly solution, it shall be referred to the competent judicial authorities for settlement.

³⁴ [http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D985%D8%B0%D983%D8%B1%D8%A9_%D8%AA%D981%D8%A7%D987%D985%_%D8%A7%D984%D8%A3%D8%B1%D8%AF%D986%_%D988%D8%A7%D984%D987%D986%D8%AF1986\(1\).pdf](http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D985%D8%B0%D983%D8%B1%D8%A9_%D8%AA%D981%D8%A7%D987%D985%_%D8%A7%D984%D8%A3%D8%B1%D8%AF%D986%_%D988%D8%A7%D984%D987%D986%D8%AF1986(1).pdf)

The memorandum asserted that Indian workers shall be allowed to exit Jordan by the Jordanian authorities on their own **without the need for the consent of the employer**, except when criminal charges are pending against them during the validity of the work permit and subject to the instructions and procedures of the Jordanian Ministry of Labour.

Protocol under the Memorandum of Understanding on Cooperation in the Field of Manpower between the Government of the Republic of India and the Government of the Hashemite Kingdom of Jordan on Alignment of Electronic Contract Registration and Validation Systems³⁵

Signed on: 01/03/2018

In line with with the Jordanian Ministry of Labour desire to modernize and improve the processes governing the issuance of work permits for foreign workers by way of deploying its electronic Contract Validation System, and consistent with the desire of the Ministry of External Affairs of the Republic of India to streamline the processes for granting emigration clearance to Indians who are offered employment in Jordan by way of deploying eMigrate system, the two parties agreed to collaborate to align and integrate their respective electronic systems in order to empower the Parties to implement their laws and regulations, each in its respective jurisdiction, in a manner that ensures:

- a) Full transparency of the job and contract terms,
- b) Same employment contract offered to Indian worker and registered with the Ministry of Labour of the Hashemite Kingdom of Jordan,
- c) Disclosure of such terms to the prospective workers and securing the worker's verifiable informed consent to the same terms prior to being deployed to Jordan,
- d) Approval by the concerned Government of Republic of India agencies of the terms of the job offer wherever required, and
- e) Non substitution of any of the terms of employment contract, in the final and official contract document to be signed by worker and employer after the former's arrival in the Hashemite Kingdom of Jordan.

Workplaces: Factories

Memorandum of Understanding with the 1978 Islamic Republic of Pakistan³⁶

Signed on: 29/04/1978

The memorandum was signed to develop cooperation in the field of vocational training and work between the two countries, where the responsibilities of the parties were defined as the following:

³⁵ http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D985%D8%B0%D983%D8%B1%D8%A9_%D985%D8%B9_%D8%A7%D984%D987%D986%D8%AF_%D981%D98%A_%D985%D8%AC%D8%A7%D984_%D8%A7%D984%D982%D988%D989_%D8%A7%D984%D8%B9%D8%A7%D985%D984%D8%A9.pdf

³⁶ http://www.mol.gov.jo/EBV4.0/Root_Storage/AR/EB_List_Page/%D8%A7%D8%AA%D981%D8%A7%D982%D98%A%D8%A9%D985%D8%B9_%D8%A7%D984%D8%A8%D8%A7%D983%D8%B3%D8%AA%D8%A7%D986.pdf

- a. Jobs opportunities in either country are made available to allow potential workers to respond to them within the possibilities available.
- b. Job offers include the type of qualifications and expertise required with possible working conditions, details of the employment contract, living conditions and minimum wage.

In terms of the employment contract, the memorandum made it clear that four copies must be available, signed by both employer and workers. Each of them would retain a copy while the remaining two copies are handed over to the competent authorities in each country. The contract sets out the terms and conditions of employment, in particular the employer's name, address, as well as worker's name, address, their workplace, salary, and other terms related to the contract's renewal and termination.

If a dispute between the employer and the worker occurs, a complaint shall be lodged with the competent authorities in the state in which the worker works in accordance with legal procedures. Initially, both sides should attempt to resolve the dispute in a friendly manner, and if this is not possible, the case is referred to the judicial authorities.

Implementation of the Memorandums of Understanding

Despite no memorandum of understanding signed with Kenya, domestic workers were recruited for a period of 8 months. Moreover, neither Kenya, nor Ghana, Uganda or Nepal have diplomatic representation in the Kingdom, even though the MoUs stipulate that each country should be represented to facilitate cooperation. The lack of diplomatic presence makes it difficult to resolve some of the disputes that may occur with workers, especially those concerning confiscation of personal documents, expiration, or loss of passports either by the employer or the recruitment office.

In recent years, several countries also stopped allowing their workers to be recruited to Jordan, most notably Indonesia, Uganda, the Philippines, and Kenya. The reason behind the suspension differs between one country to another, according to Mr. Abdullah Jabbour, the Assistant Secretary General at the Ministry of Labour.

For example, the main reason for Uganda's suspension of recruitment is the entry of many Ugandan workers to Jordan through countries like Chad that Jordan does not have an MoU with. Since these countries do not abide by the same regulations that were specified in the terms of recruitment, recruitment was suspended until the process returns under control regarding the point of departure for Ugandan workers, and the procedures are properly followed.

As for the Philippines, their government requested that recruitment be suspended in accordance with the memorandum of understanding signed between Jordan and the

Philippines. Mr. Jabbour said in an interview that he believes the reasons behind the suspension is related to workers' wages, their working conditions, and the complaints that some of them have submitted. As for Indonesia, its government had stopped sending workers to all countries in the region, including the Gulf.³⁷

According to a report issued by the former head of the Recruitment Offices Union, he said that the reason for the suspension of female worker recruitment from Indonesia came from protest over violations they faced in Jordan. Therefore, the Indonesian government demanded that the working conditions for workers be improved, and that their salaries are raised to 200 USD compared to all workers, whether they have experience. The increase would be from the previous minimum salaries of 175 USD for experienced workers and 150 USD for the inexperienced.³⁸

Regarding the recruitment suspension for Kenyan workers, it was made at the request of the Kenyan Consulate after it had requested a fee of 20 JOD for each application it reviews and approves. These fees would have to be paid, even though the consulate would not have provide workers with any service, even if they faced violations. The consulate also requested that salaries to long-standing employees of the consulate should be paid. After rejecting these requests, the consulate decided to stop receiving recruitment applications for Kenyan workers through a letter addressed to the ministry.³⁹

Second: Recruitment Procedures

Recruitment procedures begin at recruitment offices in Jordan after agreements with their counterparts in countries of origin are conducted specifying the framework for the recruitment process between them.

Based on these agreements, Jordanian recruitment offices send applications requesting workers based on the applications that they themselves receive from Jordanian employers, containing their needs and sector of work. After the workers are recruited by the office in the sending country, an application is then sent to the Jordanian embassy for approval, which should then issue work permits and visas for the workers so they can travel to Jordan.

Throughout this process, both the Jordanian government and their counterparts in sending countries have been diligent in ensuring that workers are being recruited through official channels, as specified in the signed MoUs. However, it was noticed in practice that the process does involve brokers and unregistered offices in some countries. Unethical recruitment involves recruitment offices in sending countries cooperating with brokers, who in turn communicate with intermediaries to connect them with workers in their regions. In other cases, workers sign different contracts than those originally submitted to the embassy for approval, as those signed by the worker include a lower salary or different working conditions than what was stipulated upon in the original contract.

³⁷ Interview with Mr. Abdullah Jabbour - Assistant Secretary-General at the Ministry of Labor

³⁸ Indonesia Quit it Bringing Workers Houses into Jordan | site Oman Net (ammannet.net) 11\10\2021

³⁹ <http://www.ammanxchange.com/art.php?id=a58f5dab2f1ebc801d81a0c99ffc9e155b2c6c74>

The above procedures are considered vital in regulating the recruitment process between Jordan and the sending countries. Between 2015-2019, Jordan recruited 45,500 workers as detailed in the table below:

Number of non-Jordanian workers registered in the Ministry of Labor⁴⁰

Nationality	2015	2016	2017	2018	2019
Egypt	194,158	170,065	174,076	188,962	172,272
Pakistan	3,541	4,205	3,170	3,016	3,419
India	11,494	12,502	15,683	15,404	19,494
Philippines	16,915	17,467	17,971	17,493	17,848
Sri Lanka	14,881	12,441	10,710	9,433	9,874
Indonesia	1,276	707	629	559	601
Bangladesh	49,331	50,574	49,717	42,810	50,001
Non-Arab African Countries	4921	3908	8300	14,611	13,886

In terms of sectors, **27,128** workers were recruited as domestic workers in 2020, as detailed in the table below which shows both their nationality and gender. It should be noted though that these figures excluded workers recruited from both Uganda and Nepal⁴¹:

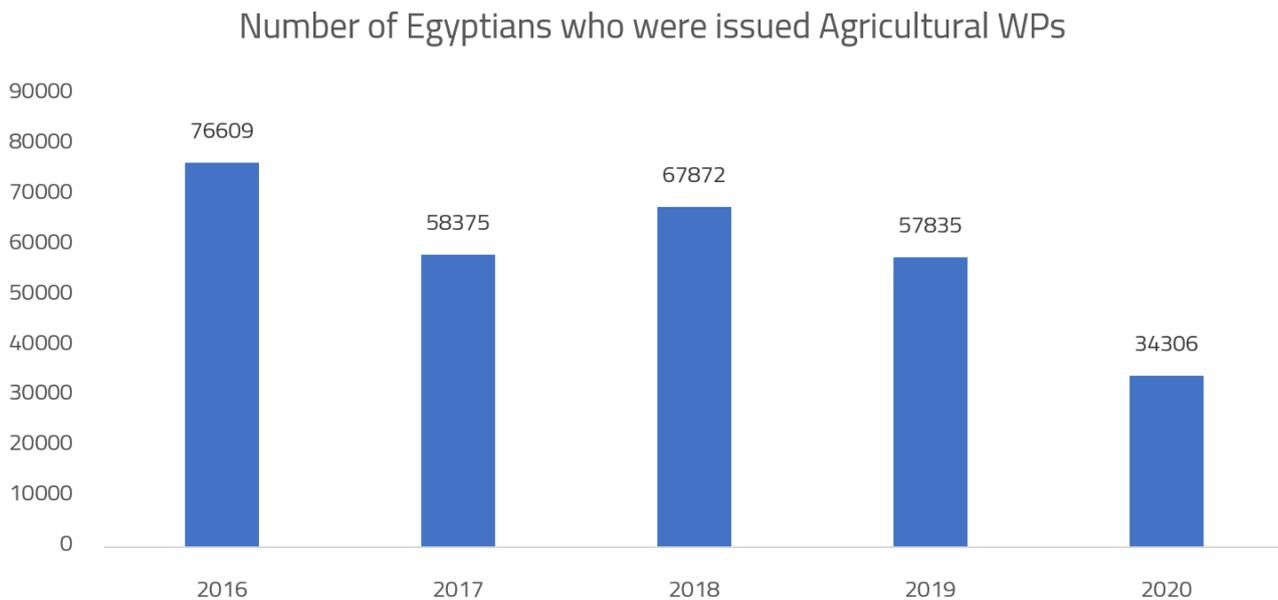
Nationality	Males	Females	Total
Pakistan	15	1	16
India	30	18	48
Thailand	3	2	5
Philippines	66	10,759	10,825
Sri Lanka	54	1,427	1,481
Bangladesh	131	8,331	8,462
Indonesia	7	428	435
Ghana	0	1122	1122
Ethiopia	4	4556	4560
Kenya	1	173	174
Total	941	26,817	27,128

40 Ministry of Labor Statistics

41 Ministry of Labor Statistics

As for workers recruited for jobs in the Qualified Industrial Zones (QIZ), the latest statistics for the first half of 2021 show that 46,249 workers were recruited, including 31,414 females and 5,14,783 males.⁴²

According to the 2015-2019 Labour Market Indicators report issued by the Ministry of Labour, around 295,000 Egyptian workers were recruited to work in the agriculture sector as shown in the chart below.⁴³



In recent years, the Ministry of Labour also approved a series of legislations that regulate the recruitment of migrants with systems and instruction for each sector. In 2020, it approved two legislations that regulate the work of the 184 recruitment offices for domestic workers in Jordan.⁴⁴ These legislations include:

- Regulation for the organisation of Private Recruitment Agencies for the Recruitment of Non-Jordanian Domestic Workers, No. 63 for 2020
- Instructions for Recruitment Offices of non-Jordanian Domestic Workers for 2020

Based on these legislations, the Ministry approved a set of procedures that the various recruitment offices must follow both before the worker can come to the Kingdom and after their arrival. These procedures and the required documents for each step are explained below.

Pre-Arrival to the Kingdom:

Required Documents

1. A copy of the migrant worker's passport, valid for at least one year.
2. Bank authorisation is submitted by the applicant in case the employer is not present

⁴² Mid-Annual Report for QIZ by Ministry of Labour

⁴³ Labour Market Indicators Report 2015/2019- / Ministry of Labor

⁴⁴ Employment offices for home workers - Jordanian Ministry of Labor (mol.gov.jo)

during the completion of the procedures.

3. A recent employment notice or a certified leasing contract.
4. Bank or legal guarantee of 300 JODs per worker.

Pre-Arrival Procedures:

1. Visit the relevant Directorate of Labour/Employment Department and fill out the application with the required documents.
2. The application and documents are checked and verified by a competent employee.
3. If the documents are completed, the application is entered into the electronic system.
4. The applicant is provided with a card that indicates the transaction number and the date of its review.
5. The application is then reviewed by the Central Employment Committee.
6. The application is then either approved or denied and the decision is published in the system.
7. If the application is denied, the applicant is informed of the reason and provided with alternatives.
8. If the application is approved, the applicant is provided with an official letter directed to the Ministry of Interior, indicating the name of the institution, the name of the worker, their profession, passport number, and nationality.
9. The Ministry of Interior then sends its initial approval of recruitment to the relevant Directorate of Labour.
10. Workers' data is then entered into the electronic system.
11. The Head of the Directorate then signs his approval on the application.
12. The applicant pays the fees, and the Ministry of Interior is notified about the conclusion of the transaction.
13. The applicant then obtains the visa from the Ministry of Interior which allows the workers to enter the country.

Post-Arrival

Required Documents:

1. Proof of residence obtained by a police department for the worker, which is later stamped onto their passport.
2. Two copies of the employment contract signed by the worker and employer.
3. A Certificate of Health by an authorised health centre.
4. The worker's passport and a copy of the page that shows the stamp of the worker's entry date into the Kingdom.
5. Approval by the Ministry of Interior for the worker.
6. Residency and Borders form.

Procedures after the worker arrives in the Kingdom:

1. The relevant Labour Directorate will review the required documents.
2. Two copies of the contract are signed by both parties.
3. The worker's data is updated in the Migrant Workers System based on their entry date to the country.
4. The work permit is printed.
5. The applicant is given the work permit, the worker's passport, a copy of the contract, and the Residency and Borders form for the issuance of the residency permit.

In terms of **workers in the Qualified Industrial Zones**, the Instructions, Conditions and Procedures for the use and recruitment of non-Jordanian workers in the Qualified Industrial Zone for 2007 included the following procedures:

1. Employers must submit a written application to the authorized official of the Ministry of Labour that includes the name of the establishment, name of its owner, address of the establishment, nature of its activity, and its branches if any.
2. A certificate, authenticated by the Ministry of Labour, attesting that the worker shall be recruited through an employment agency licensed in their country, and that apart from fees stipulated by law in their country, they will pay nothing to be recruited.
3. A certified copy of an advertisement issued by the recruitment company published in a newspaper in the worker's country, clarifying the job terms and conditions, salary, working hours, nature of work, and other privileges such as accommodation, catering, and health insurance. The advertisement should also stress that apart from the fees stipulated by law in their country, the worker should not pay any amount to be recruited.
4. A certificate issued by the Ministry of Industry and Trade attesting that the product of the establishment is qualified (QPR) to be imported, and a report issued by the Directorate of Employment in the Ministry concerning the extent of compliance of the establishment with the policy of gradual substitution with the Jordanian workers.
5. The Ministry's delegate will consider and decide about the application within a period not exceeding one week from the date of receiving it.
6. The fees for the work permit shall be paid in advance. The approval of the Ministry shall remain valid for four months from the date it was received. Employers are also allowed to apply to substitute workers who could not be recruited.
7. Upon getting the approval, the employer or his representative shall refer to the concerned directorate of labour for further verification of the application and completion of obtaining the permits.
8. The employer must then submit an annual and automatically renewable bank guarantee that, following a decision of the Minister, may be at disposal in case the employer breaches any of their obligations required by law, regulations, and these instructions. These guarantees are thus used to protect migrant workers' rights in the QIZ.

As for workers in other sectors, like agriculture, construction, loading and offloading, as well as nail salons, the Instructions on the Conditions and Procedures for the use and recruitment of non-Jordanian workers for 2012 and its amendments regulated the process. The instructions included a set of procedures that covered the stages of pre-departure and post-arrival of the worker.

However, it should be noted that a distinct set of procedures were developed for Egyptian workers, since their nationality is not restricted per Ministry of Interior guidelines. The Mol defies restricted nationalities as those whose entry into the country requires a pre-issued visa, either through diplomatic missions abroad or through the Ministry of the Interior. On the other hand, non-restricted nationalities can enter the Kingdom through all means of transport by land or air, as they do not need a visa beforehand, and they can obtain it directly at the border for the prescribed fee of 10 JODs.⁴⁵

Based on this difference, **pre-arrival** procedures for non-Egyptians include:

1. Visit the relevant Directorate of Labour/Employment Department and fill out the application with the required documents.
2. The application and documents are checked and verified by a competent employee.
3. If the documents are completed, the application is entered into the electronic system.
4. The applicant is provided with a card that indicates the transaction number and the date of its review.
5. The application is then reviewed by the Central Employment Committee.
6. The application is then either approved or denied and the decision is published on the system.
7. If the application is denied, the applicant is informed of the reasons and is provided with alternatives.
8. If the application was approved, the applicant is provided with an official letter directed to the Ministry of Interior, indicating the name of the institution, the name of the worker, the profession, the passport number, and nationality.
9. The Ministry of Interior then sends its initial approval of recruitment to the relevant Directorate of Labour.
10. Workers' data are then entered into the electronic System.
11. The Head of the Directorate then signs his approval on the application
12. The applicant pays the fees, and the Ministry of Interior is notified about the conclusion of the transaction
13. The applicant then obtains the visa from the Ministry of Interior which will allow the workers to enter the country.

45 https://moi.gov.jo/Ar/Pages/%D8%A7%D984%D8%AF%D988%D984%D8%A7%D984%D8%AC%D986%D8%B3%D98A%D8%A7%D8%AA_%D8%A7%D984%D985%D982%D98A%D8%AF%D8%A9_%D988%D8%BA%D98A%D8%B1_%D8%A7%D984%D985%D982%D98A%D8%AF%D8%A9

The procedures following the workers arrival to the Kingdom consist of:

1. Visit the relevant Labour Directorate and submit the required documents
2. The two copies of the contract are signed by both parties in the Directorate.
3. The worker's data is updated on the Migrant Workers System based on their entry date to the country.
4. The Work Permit is printed.
5. The worker's passport is stamped with the work permit information
6. The applicant is given the work permit, the worker's passport, a copy of the contract and the Residency and Borders form for the issuance of the residency permit.

Meanwhile, the procedures for the arrival of **Egyptian workers** are as follows:

1. A request for recruitment is filled using the proper Ministry of Labour form
2. Attach to the form a valid profession license for the institution, as well as a copy of it, or a letter by the competent Directorate of Agriculture in case the recruited worker will work in the agriculture sector. If the worker will be employed in a villa or a building, then the land lease or the rent contract should be attached.
3. During their review of the application, the Employment Committee can send a recommendation request to the Farmers' Union or the body that represent the employer's economic activity to confirm if workers are needed in the sector.
4. A copy of the projects and tenders is referred to the employer, which indicate who referred these bids.
5. The Social Security Corporation issues a statement showing the institution's participation in social security.

As for after the arrival of the Egyptian worker into the Kingdom, the procedures are limited to obtaining the approval of the Minister of Labour or his delegate on an employment form. The form should include the name of the employer, name of the worker as stated in their passport, and their nationality, date of birth and intended profession. The form also states the date of issuance and expiry of the work permit, as well as the permit's receipt number, date of payment, and stamp and signature of the head of the Directorate of Labour.

The procedures also include a list of documents required by the employer prior to the worker's arrival:

1. A copy of the migrant worker's passport, valid for at least one year.
2. The original Commercial Register and a copy of it
3. The original Professions License and a copy of it.
4. Bank authorisation for the applicant, affirming their inclusion in social security.
5. A public or a private agency for the applicant.

6. Copies of bids according to the nature of the organization's work.
7. A letter from the Social Security Corporation stating that the institution participates in social security.
8. Bank or legal guarantee of three hundred (300) JODs per worker.
9. Certificate of no criminal record.

The list of documents following the worker's arrival to the Kingdom include:

1. Proof of residence obtained by a Police Department for the worker, which is later stamped on their passport.
2. Two copies of the employment contract signed by the worker and employer.
3. A Certificate of Health by an authorised Health Centre.
4. The worker's passport, and a copy of the page that shows the stamp of the worker's entry date into the Kingdom.
5. Approval by the Ministry of Interior for the worker.
6. Residency and Borders form.

Chapter 4: Implementation of Ethical Recruitment Standards in Jordan

The general principles and operational guidelines for fair recruitment that were developed by the ILO set out clear foundations to regulate the recruitment of migrant workers. If properly followed, these principles should also ensure that migrants are not subjected to violations, either while being recruited or while working in receiving countries. However, an analysis of the extent to which these standards are applied on the ground in Jordan has revealed many problems and gaps, highlighted below:

First: The contradiction within legislation

As explained in Chapter 2, the Labor Law applies to all workers in the country, whether Jordanian or migrant. However, some regulations and instructions could lead to the exploitation of workers by employers.

An example is article (12) of **The Labour Law No. 8 of 1996 and its amendments**, which regulates the procedures that employers must follow when employing or recruiting a non-Jordanian worker. The article stipulates that the employers who violate its provisions will be fined at least 500 JODs and not more than 1,000 JODs. The same article also acknowledges that the employer must issue the worker a work permit from the Ministry of Labour.

In addition, the article authorises the Minister of Labour to deport any worker who does not have a valid permit at the expense of the employer or the institution where he works. It adds that deported workers cannot be recruited again for the next three years. These provisions of this article punish the worker for the non-issuance or renewal of the permit, even though it is acknowledged as the responsibility of the employer.

As for the **Residency and Foreign Affairs Law No.24 of 1973**, article (26) required foreigners to hold a residency permit if they hold 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 Labour or by another competent authority. Article (35) of the same law stipulates that:

“Any company or employer employing a foreigner not holding a residence permit shall be liable to a fine of not less than 50 dinars and not more than seventy-five dinars for each illegal worker thus employed. This provision does not apply to experts engaged by companies operating in the Kingdom for the purposes of technical consultancy, provided that their stay does not exceed three weeks and that they obtain prior authorization from the Directorate before their arrival.”

This means that the Residence and Affairs Law also punishes workers if their employer does not issue them work and residency permits.

In addition to the previously mentioned laws, there are a set of regulations and instructions that regulate the status and work of migrant workers in the Jordanian labor market. The most important amongst these regulations is the **Instructions on the Conditions and Procedures or the recruitment and employment of non- Jordanian workers for the year 2012 and its amendments.**

These regulations apply to migrant workers in Jordan, whether those employed as domestic workers, in pedicures and manicures, or Egyptian workers in agriculture, construction, loading and unloading, and other sectors. However, they do not apply to workers in the Qualified Industrial Zones (QIZ), as their work is regulated by further instructions.

A further look into the 2012 instructions regulating the status and work of non-Jordanian workers shows that article (11) stipulates that a non-Jordanian worker must be granted a no-objection to receive their social security entitlements if they wish to leave the country within a period not exceeding three months from the date of expiry of their work permit. In practice, this no-objection is not granted from the Directorate of Labor unless the worker obtains a written consent from their employer.

Article (11) also requires the employer to immediately inform the Directorate of Labor of the fact that a non-Jordanian worker left work or "ran away" during the validity period of the work permit, except if the worker ran away during the last two months of the permit period, in which there is no need to report. When the employer goes to the Labor Directorate, he is asked to fill out a form about the worker leaving. Subsequently, police departments issue a warrant and once the worker is arrested, the procedures for their deportation are conducted without hearing their testimony or understanding what reasons prompted them to leave work.

It should be noted that Tamkeen refuses to call workers who leave their work "absconded" because the relationship between the worker and the employer is purely contractual and either one of them can terminate it under Labor Law. Moreover, the term fleeing is usually used with those who escaping from the police or from having committed a crime, which does not suit the context of workers leaving their workplace.

Moreover, the Instructions of the Public Security Department contradicts with what is described above, as they allow an employer of a migrant worker to report him missing at the police department even if he left his workplace after his work contract already ended. When these workers are later arrested, the police department either returns them to the employer or deports them.

Article (12) of the instructions stipulates that workers can transfer from one employer to another if both the original employer and the Ministry of Labor approves. The new employer must then issue the worker a work permit, which will be valid for one year. However, these

provisions are only applicable to agricultural or construction workers. In other sectors, workers are not allowed to move from one employer to another until six months have passed since their work permit was issued, provided that the MoL and both original and new employers approve. Furthermore, the article allows the transfer of a worker from within the Kingdom from one employer to another, provided that a release is obtained from the original employer and that their work permit is cancelled. The new employer must then issue the worker a new work permit, which will also be valid for one year. However, if the worker wanted to move from one employer to another following the expiry of the work permit, the transfer may only be carried out when a release is obtained from the original employer.

These instructions can make workers vulnerable to exploitation by employers, as some employers refuse to go to the Labor Directorate and sign the release and discharge form, often forcing workers to pay large sums of money to employers to be released or to stay in the same workplace which exposes them to the risk of forced labor.

In practice, the Labor Directorate increases workers' vulnerability, since it requests a release from the employer regardless of if the work contract has expired or if the worker resigned, which is contrary to the instructions above. Workers are also not allowed to move from one employer to another even if their permits have expired, especially Egyptians or females working in nail salons. Therefore, these workers are forced to obtain a no-objection form that allows them to either move to another employer or return to their home countries.

Thus, the worker remains at the mercy of the employer, who can continue to exploit the worker while they seek to obtain the no-objection form. Workers who cannot obtain it remain as informal workers and are sometimes forced to pay the employer for the form.

On the other hand, Article 15 of the **System for Recruitment Offices of non-Jordanian Domestic Workers No. 63 of 2020** states that offices shall return the worker to their country of origin at their expense in case workers refused to continue their contract, without specifying a time-period for this action. However, the Instructions for Recruitment Offices of non-Jordanian Domestic Workers of 2020 specify a period of 90 days after the workers' arrival, as it states that:

"The office shall return the worker to their country of origin at their expense within 90 days of their entry to Jordan, or 30 days from their transfer to another employer in case of:

1. Deportation of a worker suffering from a communicable or contagious disease or a disease that does not allow the worker to perform their work, or in case of pregnancy within a period not exceeding seven working days from the date of issuance of the medical report by the Ministry of Health,
2. Workers who do not want to complete the term of the work contract and wishes to return to their country shall be provided with a ticket."

The System for Recruitment Offices of non-Jordanian Domestic Workers contradicts itself on another topic, as article 8 states that recruitment offices should publish all available applications, including personal information of domestic workers and their pictures. However, the System also states that offices should keep information of their workers confidential.

As for the **Agricultural Workers System No. 19 of 2021**, article 5 exempts employers who have three or less workers from applying provisions regarding overtime, weekends, and vacations, provided that the working hours and vacations are agreed upon between the employer and worker in accordance with the nature of agricultural work. However, in Tamkeen's opinion, this article violates the rights of many agricultural workers employed in small farms.

The above contradictions violate the ILO Operational Guidelines for Governments, namely principle 3, which states that:

"Governments should adopt, review and, where necessary, strengthen national laws and regulations, and should consider establishing, regularly reviewing and evaluating national fair recruitment commitments and policies, with the participation of employers' and workers' organizations."

These contradictions subject migrant workers to numerous violations, including the non-issuance of their work and residency permits, in violation of article 12 of the Labour Law, which states that employers must issue work permits valid for renewal in one year. The fees of these permits shall be considered as revenue for the treasury, and their cost shall be determined in accordance with a regulation issued for this purpose. Such violations leave migrants vulnerable to become informal workers, which in turn leads to the possibility of administrative detention and deportation due to their violation of article 12 of the Labour Law and 26 of the Residency and Foreign Affairs Law.

Recommendations

- Ensure that amended legislation is compatible and not in conflict with recent and relevant legislation.
- Abolish all rules and manifestations of the sponsorship system.
- Allow migrants to change their employer once their contract expires, without the need of consent from the previous employer.
- Amend regulations and instructions to eliminate any provisions that might lead to the exploitation of migrant workers, especially those related to waivers, releases, and consents.
- Allow migrant workers in all sectors to move to another employer once their contracts have expired.

- Police departments should investigate all reports of workers leaving their workplace or home. When the workers are located, they should not be detained as they have not committed a crime.
- Workers should be able to withdraw their social security subscription without the written consent of the employer.

Second: Agreements and Memorandums of Understanding:

There is a clear governmental policy regarding the recruitment of migrant workers which stipulates that memorandum of understanding should be signed with each country of origin. However, we can note that Jordan still has recruited workers from several countries, like Kenya, where such MoUs were not signed.

Jordan has also recruited workers from countries that do not have diplomatic representation in the Kingdom, like Kenya, Ghana, Uganda, and Nepal. The lack of diplomatic representation of these countries negatively affects workers who need legal aid. Specifically, workers who lose their passports, need to renew them, or need support are forced to contact their embassies in other countries, which is time consuming and sometimes lead to lack of response.

Another problem linked with MoUs is the legal age for recruited workers, set by each country of origin in their memorandum. Despite clear minimum ages set for these workers, it was noted that some recruitment agencies in countries of origin have exploited workers who are underage and recruited them to work. These agencies falsify the ages of these workers on passports to enable them to travel. In recent years, Tamkeen worked on several cases for domestic and QIZ workers. One of these cases is below:

Case for a Domestic Worker:

In 2011, the Filipina worker lived with her struggling family. The girl left her studies after she finished primary school to help her father, who was unemployed. Because she was fourteen, she could not find any work in the Philippines. At the time, she heard that girls were leaving the country to work, so she went to an employment agency and asked for work. The agency told her she was underage but that they will forge a passport for her after first issuing a falsified birth certificate indicating that she was 22 years old. The agency then found her a job in Jordan and made her sign a work contract she could not read. After her arrival to Jordan, she was received by the recruitment office there. When the office delegate asked about her age, she told him her full story. The worker was then employed for 2 years with an employer who did not pay her any wages. Later, he sent her back to the embassy bruised after physically assaulting her.

These violations are contrary to the Operational Guidelines for Fair Recruitment, namely article 1 under Government Responsibilities, which state that:

“Governments have an obligation to respect, protect and fulfil internationally recognized human rights, including fundamental principles and rights at work, and other relevant international labour standards, in the recruitment process. This includes respect for, and protection of, the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour and discrimination in respect of employment and occupation.”

Moreover, they are in violation of article 13, which states that:

“Governments should ensure that bilateral and/or multilateral agreements on labour migration include mechanisms for oversight of recruitment of migrant workers, are consistent with internationally recognized human rights, including fundamental principles and rights at work, and other relevant international labour standards, are concluded between countries of origin, transit and destination, as relevant, and are implemented effectively.”

Recommendations:

- No recruitment of workers from countries without diplomatic representation in Jordan or without signed MoUs.
- Countries of origin that Jordan recruits from should have diplomatic representation in the Kingdom.
- Agreements should be developed with embassies of countries of origin that enable them to represent their workers in case they have to leave Jordan while their labour cases are ongoing.
- Verify the age of the migrant worker when they arrive to Jordan, and in case of doubt, refer them to a specialized expert to estimate their real age.
- When an underage migrant worker is identified, fines must be imposed on the recruitment office in Jordan and the worker's state should be informed to fine the recruitment office in their country.

Third: The awareness levels of employers and workers, and pre-departure training for workers

The memorandums of understanding signed by the Jordanian government with countries of origin for migrant workers assert the importance of raising awareness of and training workers about their rights and duties before they start working. However, many workers are not provided with any pre-departure training. An example of this is a group of workers who were recruited from Kenya. After arriving to Jordan, these workers were shocked by the nature of their work, especially since they were university graduates and were not aware that they were recruited as domestic workers.

Such actions violate the operational guidelines on governments responsibilities, namely no. 11, which states:

“Governments should raise awareness of the need for fair recruitment in both the public and private sectors and ensure workers have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment. Some possible awareness-raising measures include:

- a) development and maintenance of government websites that contain relevant information regarding fair recruitment policies, legislation, regulation, and processes,
- b) development, distribution and/or online publication of “how-to” guides on fair recruitment,
- c) public service announcements on radio and/or television,
- d) web seminars (webinars) or other outreach efforts,
- e) encouraging outreach to workers by employers, workers’ organizations, compliant labour recruiters and civil society groups,
- f) collaboration with the ILO and the most representative employers’ and workers’ organizations to provide education and training and/or conduct awareness-raising campaigns,
- g) making labour market information publicly available to inform decision making by workers, employers, and labour recruiters; and
- h) pre-departure and post-arrival orientations”

Recommendations:

- Ensure that all migrant workers are provided with pre-departure trainings where they are given necessary knowledge about their rights and duties, as well as about Jordanian customs, traditions and culture, and support providers in case they face any violations.
- Raise the awareness of employers by the Labor Directorates before recruiting any migrant worker about their rights and duties.
- Increase efforts to change employers’ mentality about the status of workers and their treatment of them in accordance with human rights principles.
- Promote the role of the media in raising public awareness about the rights of migrant workers.
- Countries of origin must inform workers about their rights and duties before they arrive in Jordan. The governments with these countries must coordinate with recruitment offices in their countries to ensure that their data is kept confidential.

Fourth: Violations by employees or recruitment offices

The System for Regularizing the Recruitment Office of Non-Jordanian Domestic Workers No.63 for 2020 stipulated that owners or representative of these offices must be:

1. Jordanian
2. S/he should not have been convicted of a felony or misdemeanour that violates honour or public morals, and that this is proven by virtue of a non-conviction certificate that was issued no more than one month from the date of submitting the application, as well as having a certificate of good conduct, to be renewed annually.
3. S/he, his/her spouse, or one of his/her first-degree relatives, is not the owner or partner in the ownership of a nightclub, disco, or bar.
4. S/he must not have previously been the owner or partner of an office that has been closed and is still closed or whose license has been revoked."

However, it was noted that there are recruitment offices that employ people who were previously charged or convicted with charges of human trafficking. Moreover, there are unlicensed offices that exploit informal migrant workers. Other offices were found to commit other types of violations, like confiscating the workers' passports, or employing workers with various employers at the same time, or detaining workers inside the offices and forcing them to work.

These acts are in violation of the operational guidelines on the responsibilities of recruitment offices, namely: article 18 which states that:

"Enterprises and public employment services should not retain passports, contracts or other identity documents of workers." The confiscation of personal documents is considered a common violation of migrant workers' rights regardless of the sector they are employed in. The violation is committed by either recruitment offices or employers, who retain workers' passports as soon as they arrive to Jordan or once they start working for them. Employers also withhold workers' work and residency permits, which makes workers vulnerable as they could be detained by the police if they were caught without them.

Neither employers nor recruitment offices deny that they withhold workers' documents. Rather, they say that it guarantees that workers will remain in their workplace. However, we have seen on repeated occasions that this is untrue, since many workers leave even if their papers were taken away. Moreover, this act is in violation of article 77 of the **Labour Law**, which states that:

"In addition to any penalty stipulated in enforced legislations, the employer shall be punished for any violation committed by employing any worker under force, threat, fraud, or coercion, including confiscation of his travel document, with a fine of no less than (500) five hundred JODs and not more than (1000) one thousand JODs, and the same penalty shall be imposed on the partner and instigator.

C- The fines stipulated in Paragraphs (A) and (B) of this Article shall be doubled in case of repetition."

Article 222 of the **Penal Code** also states that:

A. "Any person who intentionally conceals or destroys a document or any other paper regardless of its type; or marred it to the extent it is rendered illegible or made knowledge of truth not possible through it, and if he/she did so knowing that such document is necessary in any judicial proceeding aiming at banning the use of such document as an evidence, he/she shall be punished by imprisonment not to exceed one year or a fine not to exceed fifty dinars (JD50) or both penalties."

As for **Passport Law No.2 of 1969 of its amendments**, article (23) stipulates:

"The punishment of imprisonment for a period of no less than six months and not exceeding three years, or a fine of not less than five hundred dinars and not more than one thousand dinars, or with both penalties for those who commit each of the following:

1- He was found in possession of a passport or travel document illegally."

Recommendations:

- Amend the System on Organising of Recruitment Offices Operating in the Recruitment of Non-Jordanians Working in Homes, which was issued per Article (10) of the Labour Law of 1996 and its amendments for the year 2020 in Article (4) thereof, to include everyone who works in the recruitment offices, such as the partners and the Ministry-of-Labour-designated representative, as it currently specifies only the owner of the office.
- Intensify inspections by the Ministry of Labour of recruitment offices to ensure there are no traffickers from previously closed offices working under the name of another office, which may be that of their relatives. Additionally, there must be a violation and fine for recruitment offices that employ previous traffickers.
- Take more decisive measures and procedures to identify, investigate, and punish irregular labour recruitment agencies and labour brokers who charge workers illegal fees or engage in other illegal or unethical practices.

Fifth: Clear and transparent work contracts for Migrant Workers

Article 15 of **the Labour Law** stipulates that work contracts shall be written in a language understood by workers that are not Arab, based on regulations that would be issued by the Ministry of Labour.

Therefore, the Department of Domestic Workers developed a unified contract form for domestic works currently available in Arabic, English, and Ethiopian. Such unified contracts are not available for migrants in other sectors, though there is a published unified contract for agricultural workers in the MoL website.

The lack of clear contracts violates the operational guidelines, such as in article 7 of governmental responsibilities which stipulates that:

“Governments should take steps to ensure that employment contracts are clear and transparent and are respected. Thus, contracts (or an authoritative copy) should be in the language of the worker or in a language the worker can understand, and the necessary information should be provided in a clear and comprehensive way to allow the worker to express their free and informed consent.”

It is also noted that many migrants, especially Egyptians, become victim to human trafficking by falling prey to work permit brokers. These brokers make huge sums of money by exploiting those who wish to obtain work contracts outside their country because of tough economic conditions and widespread unemployment. These brokers then attract these workers through forged agricultural contracts and permits misrepresenting the nature of the working conditions in store.

Once they arrive to Jordan, these workers are subject to violations that include working in a different sector than what is mentioned on their permit, such as in construction instead of agriculture. Others receive wages less than stipulated in the contract. Many of these workers also find themselves in a constant status of flight from MoL inspectors because of their expired work permit. Workers who are apprehended are administratively detained and then deported.

As for migrant workers, some of them had to pay large sums of money to recruitment offices in their home countries to find them work abroad. These workers were thus forced to borrow to pay these costs or give offices the equivalent of two or three months of their wages to pay their debts.

These acts are a clear violation of the 7th ILO general principle, which states that

“No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.”

Due to lack of clarity and transparency of work contracts, migrant workers are subject to multiple violations including:

1. Confinement in the workplace

Confining migrant workers in their workplace is one of the most prominent violations they are subjected to regardless of their sector of work. However, it is especially prevalent with domestic workers, where they are not allowed to leave the house. This situation makes it difficult for her to attempt to report any violations she might be subjected to. On some occasions, workers confined by either their employer or recruitment office may lose their rights in case they were subjected to physical or sexual abuse, due to the difficulty of proving these crimes after a period has elapsed since their occurrence.

Restrictions on workers' freedom is a violation of the general principles of fair recruitment, as well as the **International Covenant on Civil and Political Rights**, which stipulates that:

“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”⁴⁶

2. Long Working Hours

Migrant workers suffer from long working hours. Tamkeen noted through its interviews with both employers and workers that employers believe migrant workers are not subject to the labour law and must be able to work all the time. Meanwhile, workers have no information about the nature of their work or tasks. For example, domestic workers have no prior information about the family that wants to recruit her. Therefore, she has no idea of the types of tasks which might include cleaning, preparing food, and caring for children, the elderly, the sick, or the pets. On the other hand, employers meticulously inspect files for numerous workers, which contain information about her age, marital status, number of children, and previous experiences. Consequently, some workers find themselves unable to carry out the various tasks assigned to them.

As for the agricultural workers, it was noted that they are assigned additional tasks to their agricultural work, such as guarding the farm they are living in. The situation does not differ for QIZ workers who work for long hours as well. Since these workers live in units that are close to the factories, employers' beliefs are reinforced that these workers are not subject to the Labour Law.

These violations occur even though the Labour Law regulates working hours, which are set for 8 hours per day and are not to exceed 48 hours per week, as stipulated in article 56.

⁴⁶ International Covenant on Civil and Political Rights
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

3. Denial of weekends, annual or sick leave

Article 60 of **the Labour Law** states that:

- A. "Friday of every week is the workers' weekly holiday unless the nature of work requires otherwise.
- B. By the approval of the employer, the employee may accumulate the days of his weekly holiday and get them during a period not exceeding a month.
- C. The weekly holiday for the employee shall be paid unless he/she was working on daily or weekly basis, then in both cases, he/she shall be entitled to the wage of the weekly holiday if he/she has worked for six successive days before the day specified for holiday and he/she shall be entitled to that wage according to the percentage of the days in which he/she has worked during the week if they were three days or more."

Article 61 also states that workers entitled to an annual leave with full pay for fourteen days per each year of service unless more than that period was agreed upon, provided that the annual leave shall be twenty-one days if the employee remains in the service of the employer for five successive years. Moreover, public holidays, religious feasts, and the weekly holidays shall not be deducted from the annual leave. In contrast to these provisions, however, many migrants in various sectors are denied their right to have their weekends or leaves.

Case for Agricultural Workers

Nine Egyptian workers were recruited to Jordan to work in the agricultural sector. These workers signed a one-year contract for a salary of 250 JODs. However, the employer deducted 50 JODs for food, and additional 50 JODs for the issuance of the work permit, even though both items were the employer's responsibility.

The workers stated that their passports were confiscated, and that they worked daily from 9 am to 9 pm. These workers were denied their weekends and overtime pay. Further, their wages of 150 JODs were delayed for 12 days. The employer also threatened to accuse them of theft if they left the farm, and he continuously verbally abused them.

Recommendations:

A unified and comprehensive work contract form, available in languages understood by workers, should be developed. The provisions of this contract should contain the legal rights of the worker in accordance with the labour law, such as:

1. Number of working hours and shifts, if any.
2. Sick and annual leave.
3. Wages and overtime.

4. The right of the worker to move freely, to choose his place of residence, and to return to their country.

The form should take into consideration special characteristics of some sectors and ensure that they are provided with their rights in accordance with international treaties. These contracts must also specify terms and conditions relevant to meals, accommodation, repatriation, working conditions, working hours, breaks, holidays, and overtime.

Sixth: Different wages based on nationality and cost of recruitment

The minimum wage is determined in Jordan in accordance with article 43 of the labour law, which set the terms of formation for a tripartite labour committee, with equal numbers of representatives of the Ministry, employers, and workers, which will determine the minimum wage. The committee shall determine the minimum wage either for the market as a whole or for a specified area or occupation, provided that the committee takes into consideration cost-of-living indicators issued by competent official authorities.

On 4/30/2006, the committee set the minimum wage for domestic workers at 110 JODs, which was published in the Official Gazette No. 4715. Two years later, on 10/14/2008, the committee issued another decision that set the minimum wage in the Kingdom at 150 JODs per month. However, the decision excluded workers in QIZ, as well as domestic workers, cooks, gardeners, and others in their category, with the provision that the previous minimum wage would remain applied to them until this exception is reconsidered by the committee.

However, the exception remains to this day, despite another decision issued by the tripartite committee which set the minimum wage for Jordanian workers to 260 JODs and for migrants to 230 JODs, excepting the excluded category.

This wage discrimination is a violation of **Convention No. 111 of 1958 on Discrimination (Employment and Occupation)**, ratified by Jordan. Moreover, Tamkeen noted the clear additional instance of discrimination in the difference between the wages of domestic workers based on their nationality.

The table below shows minimum wages set for domestic workers based on their nationalities:

Nationality	Wage in JOD
Philippines	280
Sri Lanka	180
Uganda	180
Ghana	180

Kenya	180
Ethiopia	220
Nepal	220
Indonesia	250
Bangladesh	180

The Ministry of Labour attributed these differences to the memorandum of understandings signed with various countries of origin. However, Tamkeen did not detect any articles specifying the minimum wage of domestic workers except in these MoUs, except one signed with the Philippines.

On the other hand, the minimum wage set by the Income Tax in the 27/8/2017 agreement signed regarding the recruitment of non-Jordanian workers was as follows:

Nationality of Domestic Workers	Minimum Wage in JOD
Philippines	284
Sri Lanka	180
Bangladesh	125
Kenya/Uganda	160
Ghana	180
Other Countries	Set by the Ministry of Labor

Moreover, many migrants reported that their employers delayed paying their wages, or not paying them at all. These acts are in violation of article 46 of the Labour Law, which states that workers' wages shall be paid not more than seven days from the payment's due date.

These violations are exacerbated by the lack of an electronic system for wages, as well as the lack of bank accounts for many workers, even though the MoUs states that workers should have an account for the deposition of their wages. As a result, Tamkeen noted that some employers withhold the wages of workers for a very long time. Indeed, Tamkeen received cases where workers were not paid their wages for more than one or two years, and in one case for 23 years.

Case for a domestic worker

In 1996, the 18-year-old Sri Lankan worker was recruited as a domestic worker in Jordan for the wage of 70 JODs per month. The employer confiscated the worker's passport once she arrived in Jordan. Her tasks included cleaning two houses and taking care of an elderly woman.

After three years, the worker did not receive any wages and her permit was not renewed, and she wanted to return home. Due to the worker's constant insistence to contact her family, the employer told her that all her family members were killed in the civil war that was raging in Sri Lanka.

The worker continued working for the same family till she became forty. During that period, she did not receive any wages and was not allowed to leave the house except to go clean her employer's daughter's house.

In 2019, the worker met another worker who worked for relatives of the employer. After the worker told her full story, the other worker advised her to seek legal aid. She later discovered that her family was still alive, and that her employer told them that she died 3 years after arriving to Jordan.

Recommendations:

- Include migrant workers in minimum wage decisions.
- Ensure that there is an electronic system that confirms the payment of migrant workers' wages.

Seventh: Inspections to detect and prevent violations on migrant workers

Article 9 of **the Labour Law** states that:

A. "During performing his/her job duties, the labour inspector shall exercise the powers entitled to the judicial police members by virtue of the applicable Rules of Penal Trials Code, the minutes he/she organizes shall be applicable till otherwise is proven.

B. The inspector may request from the employer to remove the contravention during a period not exceeding seven days from the date of receiving a written notification of that, in case of the employer's default, then the Minister or whom he authorizes may decide to close the establishment till the removal of the contravention or the issuance of the court's verdict in this regard.

C. The court shall decide that the contravener shall remove the contravention and pay a fine not less than fifty JDs and not exceeding five hundred JDs, the fine shall not be less than its minimum limit for any discretionary mitigating reason."

According to the **Labour Inspectors Law and its amendments No. 56 of 1996**, the objectives of the inspection include verifying whether employers are abiding by the legal provisions related to working conditions and worker protection. Inspectors should also provide technical information and advice to employers and workers. They should also encourage cooperation on one hand between employers and unions, and on another between workers

and their unions, to ensure that both sides are contributing to economic development. Inspectors should also pay attention to the conditions of occupational safety and health at workplaces, and collect data on the status of workers, their numbers, capacities, and recruitment.

However, Jordan has an insufficient number of inspectors that prevents them from fulfilling their duties. Furthermore, these inspectors have no access to homes and must obtain special permission from a prosecutor if they wish to inspect one.

It is also noted that inspectors tend to focus on the legal status of migrants over their working conditions and their rights. As a result, many migrants are arrested or deported because of these inspections.

According to the annual report by the Ministry of Labour, the results of these inspections were thus as follows in 2020:

Inspection Department⁴⁷

Status of Non-Jordanian workers

Status	Number
Arrested Workers	1,207
Workers who were sentenced for deportation	822
Workers whose deportation was cancelled	31
Workers who were bailed out of detention	432
Workers whose deportation was cancelled after paying their fines	120
Closed institutions	1

Domestic Workers Inspection Department

Status	Number
Number of complaints received	439
Number of complaints settled	380
Numbers of offices given a warning	38
Number of complaints referred to the Anti-Trafficking Unit	22
Number of decisions to close offices	6

These violations are contrary to article 5 of the operational guidelines on fair recruitment,

47 Annual Report for 2020 by the Ministry of Labour

which state that:

“Governments should work to ensure that there is an effective and sufficiently resourced labour inspectorate, and that it is empowered and trained to investigate and intervene at all stages of the recruitment process for all workers and all enterprises, and to monitor and evaluate the operations of all labour recruiters.”

Poor inspection leads to migrants being subjected to numerous violations, including:

1. Denial of health care:

In accordance with the regulations and instructions issued under the Labour Law, employers are obligated to provide the necessary healthcare to migrant workers by providing the necessary equipment and access to medical centres when necessary. Article 12 of the International Covenant on Economic, Social and Cultural Rights states that:

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

However, as in the case of domestic workers, some employers deduct healthcare expenses from their monthly wage, while others refuse to provide them appropriate healthcare. In cases where workers need continuous treatment, employers return them to the recruitment office, which in turn could exploit the workers by forcing them to work for different employers to compensate for their recruitment and related costs.

The situation is not much different with QIZ or agricultural workers, where some employers refuse to give workers any sick leave or deduct wages of those days from the worker’s monthly payments. Many of these workers also do not have health insurance, in addition to not being registered in social security, which exposes them to many risks and costs in the event of a work injury.

It was also noted that many workplaces are not compliant with occupational safety and health standards, such as in the common case of workers being forced to work for long hours while facing the harsh summer or winter elements. Moreover, it was noted that some factories – where workers reported they inhale dust – do not provide adequate ventilation and lighting. The same complaint was reported by agricultural workers, who described not being provided with masks which exposes them to pesticides and chemicals and increases their vulnerability to respiratory diseases.

2. No allocated space for sleeping

As stated in various legislation, employers must provide their workers with adequate accommodation. **The system of domestic workers** stipulates in Article 4 that employers are obligated to “provide all requirements and conditions for decent work and secure the

needs of their workers in terms of clothes, food, drink and a well-lit and ventilated room, where they could sleep and have their right to privacy.”

The Agricultural Workers Regulation No. 19 of 2021 stipulates in article 9 that “the employer is obligated, at his expense, to provide suitable housing for agricultural workers that have appropriate facilities in cases where their work required that workers remain in the farm, or their contract included this condition.”

Moreover, **the Dormitories Inspection/Assessment Guide**, which was jointly developed by the Better Work Jordan project of the International Labour Organization, the Ministry of Labour, and the Ministry of Health, stipulates that decent living for QIZ workers should comply with the following:

- i. “The floor area should not be less than (3.5) meters for each worker (this space includes all the facilities, corridors, and room space)
- ii. If bunk beds are used, then the floor space must cover (3.5) square meters, and the distance between the two beds should not be less than (70), provided that the safety conditions are met.
- iii. The space between the bed and the floor should not be less than 30 cm and the beds should be separated from each other by not less than 70 cm.
- iv. Each worker should be given their own bed and closet, and the room must be well-lit and ventilated.”⁴⁸

Case for a domestic worker

This worker arrived in Jordan on 6/8/2018 through a Filipina recruitment office to work in pedicure and manicure. However, upon arrival, she was informed that she would work as a domestic worker. Her employer forced her to clean both the employer’s house and the beauty salon. The worker’s working hours were from 8 am till 9 am in the salon, and then upon returning to the employer’s house, until around 1 am. There, the worker’s tasks included cleaning the house and the garden, doing laundry, as well as taking care of the employer’s child. The worker was not given a room to sleep in, but instead slept in the living room.

Recommendations:

- Build the capacity and efficiency of the inspection system by increasing the number of inspectors. Inspectors should be provided with the necessary tools to do their jobs.
- An appropriate mechanism should be determined for inspecting homes where domestic workers are employed.
- Workers should be individually interviewed by the MoL when their work permit is issued

48 MoL, ILO Better Work Jordan, Dormitories Inspection/Assessment Guide, 2019
<https://betterwork.org/wp-content/uploads/202001//Dorms-Assessment-Guide-English-22011-.pdf>

or renewed, without the presence of their employer or recruitment office.

Eighth: The right to unionise

Article 99 of the Labour Law No. 8 of 1996 states that trade unions shall be established to achieve specific objectives, which include:

1. Safeguarding the interests of those working in the occupation and defending their rights in the scope of the provisions stipulated in this law.
2. Providing health and social services to employees joining a trade union and establishing medical clinics, social care establishments, and consumer goods establishments.
3. Working to raise the economical, vocational, and educational level of the employees.

However, these objectives have not been achieved, especially with regards to the rights of migrant workers. In Jordan, migrant workers are not entitled to establish a union – only to join one, and without the right to vote. Moreover, there are sectors that do not have unions even though they employ many migrants, like in agricultural and domestic work.

In terms of QIZ workers, they are forced by their employers to join the General Union for Spinning and Weaving, even though joining unions ought to be voluntary. However, the joining of the union is required in article 13 of the unified labour contract that non-Jordanian workers must sign. The contract, which consists of thirteen articles, points out that the membership fee for joining the union is 0.5 JOD per month (6 JODs annually). The same article adds that the amount is deducted from the worker's monthly wages directly.⁴⁹

It should be noted that the union signed a collective work contract with the Jordanian Association of Garment and Textile Exporters that sets migrant workers' wage at 220 JODs. However, the workers receive only 125 JODs in cash, while remaining amount received in kind, as 56 JODs go to housing and 39 JODs for food.

Case of factory workers

Around 1,300 migrant workers in a factory in Al Hassan Industrial City initiated a strike on 13/3/2013. This strike's catalysis was a 2/3/2013 incident, where a group of Jordanian and Chinese supervisors entered the workers' accommodation and ordered the workers to return to work. These supervisors threatened and screamed at workers, and later beat four workers. Subsequently, these workers went to a hospital to get a report and then to a police station to file a complaint.

When Tamkeen for Legal Aid and Human Rights received the case, it noted that the worker

⁴⁹ <https://alghad.com/%D8%A7%D984%D8%B5%D986-%D8%A7%D984%D8%B5%D986%D8%A7%D8%B9%D98%A%D8%A9-%D8%AA%D8%B9%D8%B5%D981-%D8%A8%D8%AD%D982-%D8%A7%D984%D8%B9%D985%D8%A7%D984-%D8%B5%D988%D8%B1/>

accommodation was in poor condition, with a lack of adequate sanitary facilities, with overcrowded rooms, and a lack of privacy between females and males, especially for females since they constitute the majority of workers.

Workers said that the reasons for the strike included their demand for equal wages between Jordanian and Chinese workers, an improvement of their living conditions, and for their employer to fulfill his obligations as stated in the work contract regarding their sick leaves. They also demanded that their supervisors stop mistreating them and that the supervisors who assaulted the female workers on 3/3/2013 be punished.

A judicial warning was sent to the factory to warn them of the violations being committed against the workers, including non-compliance with the terms of the contract regarding adequate housing; poor quality of food served to workers; non-compliance with the provisions of the legislation in force and with international agreements stipulating equal wage for equal work regardless of gender or color, race or nationality; as well as workers being both verbally and physically abused by their supervisors. The notice added that workers were not provided a copy of their contract and had no access to healthcare.

Later, the Ramtha Magistrate Court was petitioned to conduct an urgent examination for the premises of the factory, including worker housing. Thus, the court selected a judge and two experts to visit the area. The experts were entrusted to assess the housing situation in terms of the quality of its environment and its suitability for a decent human life. They were also asked to look at the population density inside the rooms, specifically the number of people expected to live in one room and the size of these rooms.

Following their visit, the experts made the following observations:

1. Eight workers live in each room. The workers are provided with bunk beds, and each has a metal cupboard. The room also has plastic tables and chairs. The room is overcrowded. The housing has female and male workers, where each gender lives on a separate floor.
2. All the rooms need paint maintenance, as there was mold, severe blackness, and humidity on the walls and ceilings.
3. The aluminum windows of the rooms need maintenance, as they have no barriers or protective layer.
4. The electrical extensions and wires are exposed, as they are left inside open plastic pipes without cover.
5. The number of suction fans in bathrooms and toilets is insufficient, and what is available needs maintenance.
6. The current housing structure is not suitable for decent human life. It needs maintenance and rehabilitation.

Recommendations:

- Migrants should have the right to vote in unions where they are members.
- Amend article 98 of the Labour Law to allow migrants to establish their own unions.⁵⁰

Ninth: Access to Justice

Migrants, especially those that are low-skilled and/or undocumented, generally lack awareness of legal procedures and services, including both those offered in their own countries or in the country of destination. They also have limited information on where to seek rectification and remain in fear of the police/legal system due to their alienation and lack of social integration in their country of destination.

These feelings tend to be amplified in cases where their first contact with government officials, usually also the workers' first point of contact when they reach the country, is characterized by disrespect. As for recruitment offices, feelings among migrants about the offices varied according to the recruitment process they experienced and how they were treated by the offices after their arrival.

In Jordan, migrants face many obstacles to their access to justice. The main ones are highlighted below, as the rest were fleshed out in previous studies.⁵¹

▪ **Workers' lack of available information**

Workers do not usually know or recall the main circumstances related to their recruitment and work in Jordan such as the name of their recruitment office, their employer's name, or their place of residence. As this data is considered crucial for understanding the grounds for and building a legal case, the process to gather this information usually leads to further delays in the case.

▪ **Prolonged Length of Litigation**

Prolonged litigation is one of the factors that drives many to not seek legal redress to the issues that they face. In Jordan, litigation might last for years. In numerous cases related to migrant workers, such lengthy periods made it impossible for them to obtain justice. Due to prolonged litigations, many legal decisions were only made after the workers had already left the country, preventing them from receiving their due in adequate and fair compensation. Prolonged litigation is caused by lengthy procedures and the long time periods allocated between sessions, which might reach up to a month.

⁵⁰ Article 98 of the Labour Law states that:
Anyone who wants to establish a union must be:
a. Jordanian
b. Not less than 18
c. Not convicted of any crime or felony.

⁵¹ Tamkeen Fields for Aid, Access to Justice for Refugee and Migrant Workers, 2019
https://tamkeen-jo.org/upload/access_to_justice.pdf

▪ **Inability to retain a lawyer**

Some legislations prevent workers from self-representing themselves before the courts without a lawyer. Thus, workers must retain a lawyer in labour cases to claim any wages over 1,000 JODs as stipulated article 14 of the Jordanian Bar Association Law No. 11 of 1972. Many workers are unable to pay lawyers' fees though, and thus cannot appoint a lawyer. This exception contradicts the provisions of the Jordanian Labour Law No. 8 of 1996 and its amendments, which stipulate in article 31 that the worker has the right to file their own claim without specifying the value of the claim. The law also asserted that labour cases should be exempted from any fees.

▪ **Translation**

Article 72 of the **Criminal Procedures Law No 9 for 1961** states that:

"If the witness is deaf or mute or does not know how to write, or if s/he does not speak Arabic well, the public prosecutor shall assign him a translator."

However, there are many issues related to translation, which could be summed up as follows:

- There are no translators in police departments.
- There are no full-time translators assigned by the Ministry of Justice available in the court.
- The investigations are delayed until an interpreter is assigned and present.
- Interpreters who attend the sessions do so without undergoing any eligibility tests for legal translation or having their qualification certificates checked.
- Different interpreters may attend the investigations and court proceedings, which often results in recorded changes or inconsistencies in the details of the workers' testimony.
- Migrant workers are often charged the expenses of the translator.

These obstacles facing migrant workers' access to justice are in violation of article 8 of the operational guidelines on fair recruitment that state:

"Governments should take steps to ensure the availability and operation of grievance and other dispute resolution mechanisms that are accessible in practice, rapid and affordable. They should take appropriate steps to ensure, through judicial, administrative, legislative, or other means, that when abuses related to recruitment occur within their territory and/or jurisdiction, those affected have access to effective remedies, which may include, but not necessarily be limited to, compensation. Pending the investigation or resolution of a grievance or dispute, whistle-blowers or complainants should be protected, and migrant workers should have timely and effective access to procedures. To this end, governments should promote policies

aimed at identifying and eliminating barriers to effective access to grievance and other dispute resolution mechanisms, such as complex administrative procedures, unreasonable costs, fear of discrimination or retaliation and dismissal and, in the case of migrant workers, fear of detention or deportation.”

Recommendations:

- Labour cases for migrant workers should be reviewed urgently and quickly.
- Establish a Specialised Labour Court to ensure that cases are dealt with expeditiously and expertly; and ensure that competent translators are staffed in the court, with a Special Prosecutor focused on human trafficking.
- Prohibit by law worker deportation except by judicial decisions that demonstrate the reasons behind such decisions.
- Impose severe fines on employers who violate workers’ rights, like delaying their wages, expensing them the costs of issuing or renewing work and residence permits, either fully or partially, or refusing to pay overtime allowance, etc.

A case for an agricultural worker

The worker arrived in Jordan on 15/11/2018 after being recruited as an agricultural worker. The worker was asked to sign cheques before coming to Jordan in addition to his work contract. After he arrived with a group of workers to the farm, they were forced each to sign a cheque of 2,000 JODs by the employer. The employer then forced them to work without wage for a year. During that period, he threatened them with the cheques and with deportation. The employer also confiscated their passports and prevented them from leaving the farm. Their working hours were from 6 am till 7 pm without any breaks.

Study recommendations

Based on the findings of this study conducted by Tamkeen Legal Aid and Human Rights, we recommend:

1. Recruitment should be conditional on the availability of the state's diplomatic representative in Jordan, and countries of origin for current recruited workers should have a diplomatic presence in Jordan to serve as a resource for said workers.
2. Verify the authenticity of the documents of recruited migrant workers and ensure that they are not forged.
3. Ensure that recruited workers are of legal age, based on the signed MoU, and in case of doubt, refer them to a specialized expert to estimate their real age.
4. When an underage migrant worker is identified, fines must be imposed on the recruitment office in Jordan and the worker's state should be informed to fine the recruitment office in their country.
5. Allow migrant workers to establish trade unions or allow them to join existing unions where they would be given the right to vote.
6. Amend article 4 of the System on Organising of Recruitment Offices Operating in the Recruitment of Non-Jordanians Working in Homes, which was issued per Article (10) of the Labour Law of 1996 and its amendments for the year 2020 Article to include everyone who works in the recruitment offices, including partners and the representative designated by the Ministry of Labour, as it currently just specifies the owner of the office.
7. Intensify inspections by the Ministry of Labour of recruitment offices to ensure there are no traffickers with previously closed offices working under the name of another office, which may be of a relative. Additionally, there must be a violation and fine for recruitment offices that employ previous traffickers.
8. Police Departments should investigate every report that they receive on workers' absence from the workplace. Once workers are found, they must be left alone since they did not commit any offence or crime.
9. Work to abolish the Ministry of Labor forms related to waiver and release, since employers use them to exploit and extort workers.
10. Ensure the elimination of practices related to the sponsorship system and activate legal procedures concerned with the protection of workers.
11. The development of a unified and comprehensive work contract form available in languages understood by workers. The provisions of the contract should contain the legal rights of the worker in accordance with the Labour Law, such as the number of working hours and shifts if any, sick and annual leave, wages, and overtime, as well as the right of

the worker to move freely, to choose his place of residence, and to return to their country. The form should consider the special characteristics of some sectors and ensure that workers in those sectors are provided with their rights in accordance with international treaties. These contracts must also specify terms and conditions relevant to meals, accommodation, repatriation, working conditions, working hours, breaks, holidays, and overtime.

12. Take more decisive measures and procedures to identify, investigate, and punish irregular labour recruitment agencies and labour brokers who charge workers illegal fees or engage in other illegal or unethical practices.

13. Provide migrant workers with pre-departure trainings to increase their knowledge on their rights and duties, as well as the customs and traditions of Jordan. The workers should also be informed about resources that could provide them with support in case they face any violations.

14. Increase the awareness of employers about the rights and duties of workers before they recruit any workers.

15. Strengthen efforts to increase the awareness of employers and to change their perspectives on migrants and ensure that they treated in accordance with human rights standards.

16. Strengthen the role of the media in raising awareness among the public about the rights of migrant workers.

17. Inform workers, prior to recruitment, of their rights and duties and coordinate with employment offices in the countries of origin to obtain comprehensive information about the recruited workers.

18. Migrant workers should not be excluded from decisions regarding the minimum wage.

19. Agreements with embassies with countries of origin should be reached that enable them to represent workers in court proceedings if workers have to leave Jordan before a decision is made regarding their labour disputes.

20. In cases of amending legislation, other relevant legislation must be accounted for to avoid confusion, inconsistency, and conflict between different legislation.

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