

Ministry of Labour

No. Q/6/5430

Date : 21 July 2010

The Director- General of the International Labour Organization

Please find enclosed a copy of Interim Act No. 26 of 2010, amending the Labour Code. The Interim Act was published in the *Official Gazette* on 15 July 2010 and shall come into force on the date of its publication in the *Official Gazette*, issue 5042.

You are kindly requested to take note.

Accept, sir, the assurance of my highest consideration

Yours sincerely,

[signed]

Dr. Ibrahim Al-Omoush
Minister of Labour

We, Abdullah II Ibn Al Hussein, King of the Hashemite Kingdom of Jordan,

in accordance with Article 94 (i) of the Constitution,

and in pursuance of the decision of the Council of Ministers on 8 June 2010,

hereby approve, by virtue of Article 31 of the Constitution, the following Interim Act, and decree its promulgation, its provisional implementation and its addition to the State legislation in order to submit it to the parliament at its first session.

Interim Act No. 26 of 2010

Act amending the Labour Code

Section 1

This Act shall be called “Act of 2010 amending the Labour Code” and shall be read in conjunction with the Labour Code, No. 8 of 1996, as amended (referred to hereafter as the “original Code”), as a consolidated Act. The Act shall be effective on the date of its publication in the *Official Gazette*.

Section 2

Section 2 of the original Code shall be amended by deleting the expression “a group of workers or” in the definition of “collective labour dispute”.

Section 3

Section 10 of the original Code shall be amended as follows:

(1) by deleting paragraph (b) and replacing it by the following wording:

“(b) subject to the provisions of any other legislation, the Minister may authorize the establishment of private employment offices to organize the employment and recruitment of non-Jordanian workers in the following sectors:

- (i) domestic workers, gardeners, cooks and similar workers;
- (ii) any other sector approved by the Council of Ministers, provided that this is not contrary to the objectives and policy of the Ministry regarding the provision of jobs and employment to Jordanian citizens.

(2) by inserting in paragraph (c), after the word “including”, the following phrase: “the principles and requirements for annual renewal of licenses of such offices and the cases in which such licenses are cancelled and...”.

(3) by adding a new paragraph (d) to read as follows:

“(d) The Minister may allow trade unions, employers’ associations, occupational unions, universities, municipalities, chambers of

industry and commerce and any other public institution to act as intermediary in order to employ Jordanians, provided that any such effort shall not be remunerated”.

Section 4

Section 11 of the original Code shall be amended as follows:

- (1) by inserting the following phrase at the beginning of the section:
”subject to the provisions of section 10, paragraph (d), of this Act...”;
- (2) by inserting the following phrase: “and not more than six months” after the phrase “not less than thirty days”.

Section 5

Section 12 of the original Code shall be amended as follows:

- (1) by deleting the phrase “priority shall be given to Arab experts, technical specialists and workers” at the end of paragraph (a) and replacing it by the following wording “for the purposes of this section, the Minister may issue any instructions he deems necessary to organize the employment and recruitment of non-Jordanian workers”.

- (2) by deleting the phrase “shall be allocated to the Fund for the Support of Technical and Vocational Education and Training established in accordance with the Technical And Vocational Education and Training Council Act in force” at the end of clause (2) of paragraph (c) and replacing it by the following text: “shall be allocated to the Employment and Technical and Vocational Training and Education Fund established in accordance with the Employment and Technical and Vocational Education and Training Council Act in force, on condition that 5 per cent of these amounts shall be allocated to the bonuses and incentives of the employees of the Ministry and of any other body whose services it has used, to be paid in accordance with the relevant legislation.”
- (3) by deleting the phrase “no less than 100 and no more than 150 dinars for every month or fraction thereof during which a non-Jordanian worker is employed in violation of the provisions of this Code” from paragraph (e) of this section and replacing it by the following text: “no less than 200 and no more than 500 dinars for every month or fraction thereof during which a non-Jordanian worker is employed in violation of the provisions of this Code. The fine shall be doubled in the event of repetition”.

Section 6

Section 13 of the original Code shall be deleted and replaced by the following wording:

“An employer shall employ disabled workers in a percentage fixed by the Act on the Rights of the Disabled Persons in force and in accordance with its requirements and shall send the Ministry a statement specifying the type of work and the remuneration of each disabled worker.”

Section 7

Paragraph (a) of section 15 of the original Code shall be amended by renaming it clause (1) and adding the following wording as clause (2):

“(2) If the worker is not an Arab, care shall be taken to draw up another version of the contract in a foreign language, in accordance with instructions to be issued by the Minister for this purpose.”

Section 8

Section 21 of the original Code shall be amended by adding the following wording as paragraph (d):

“(d) unless otherwise agreed between the parties, if the worker has reached the pensionable age provided for under the Social Security Act.”

Section 9

Section 25 of the original Code shall be deleted and replaced by the following:

“If a worker institutes judicial proceedings within 60 days of his dismissal, and the competent court finds the dismissal arbitrary and in violation of the provisions of this Code, the court may order the employer to reinstate the worker in his former job or pay him compensation equal to half of the monthly remuneration for each year of service provided that the amount shall not be less than the worker's remuneration for two months, in addition to compensation in lieu of notice and other entitlements stipulated in sections 32 and 33 of this Code, and the compensation shall be calculated on the basis of the last remuneration he received.”

Section 10

Paragraph (a) of section 31 of the original Code shall be amended by deleting the word “immediately” at the end of the paragraph and replacing it by the phrase “before taking any action to this effect”.

Section 11

Section 32 of the original Code shall be amended as follows:

- (1) by deleting the phrase “subject to the provisions of section 28 of this Code, a worker employed for an indefinite duration and not covered” at the beginning of the section and replacing it by the wording “a worker not covered.”.
- (2) by deleting the phrase “not exceeding one month” at the end of the section and replacing it by the phrase “each not exceeding 60 days”.

Section 12

Section 39 of the original Code shall be amended by renaming it paragraph (a) and adding a new paragraph (b) with the following wording:

“(b) the Minister shall issue instructions on how to register and adhere to the collective labour contracts and any other related organizational matters, provided that such contracts shall be published in the *Official Gazette* and posted on a special notice board at the workplace.”.

Section 13

Section 40 of the original Code shall be deleted and replaced by the following wording:

“Section 40

- (a) A collective labour contract may be either for a specified period or of indefinite duration. If a contract is concluded for a specified period it shall not exceed two years. If it is concluded for an indefinite duration and at least two years have elapsed since it was implemented, either party to the contract shall have the right to take the following action:
- (1) to request termination of the contract by giving the other party notice at least one month before the termination date;
 - (2) to request modification of the contract, totally or partially, by giving the other party notice, provided that the modification shall be made within one month from the date of the communication of the notice.
- (b) The Ministry shall be notified immediately by a copy to be communicated by the party giving notice.”

Section 14

Section 42 of the original Code shall be amended as follows:

- (1) by deleting paragraph (a) from the section and replacing it by the following paragraphs (a) and (b):

“(a) The collective labour contract shall comprise the following:

- (1) identification of the employers and groups of workers benefiting from the contract;
- (2) the matters agreed on between the parties to the contract, including the terms and conditions of employment and the organization of labour relations;
- (3) the start and expiry dates if the contract is for a specified period;
- (4) the procedures for modification of the contract;
- (5) a guarantee that implementation will be monitored through the establishment of a committee of representatives of the parties to the contract, with an equal number of members representing employers and workers, which shall have the competence to settle disputes concerning its implementation.

- (b) The collective labour contract shall be binding on:

1. The employers covered by its provisions and their legal successors, including their heirs and persons to whom the establishment has been transferred in any way;
 2. the workers covered by its provisions;
 3. the workers in any establishment that is covered by the provisions of the collective labour contract, even if they are not members of any trade union;
 4. the workers in any establishment that is covered by the provisions of the collective labour contract who have entered into less favourable individual labour contracts with that establishment;
- (2) by renumbering paragraph (b) as paragraph (c).”

Section 15

Section 44 of the original Code shall be deleted and replaced by the following wording:

“Section 44

- (a) Employers and workers and their unions and associations may engage in collective bargaining concerning any matters related to the improvement of terms and conditions of employment and enhancement of workers’ productivity, provided that such bargaining is carried out at the request of

the employer or the trade union within a period not exceeding 21 days of the date on which written notice is given by the party wishing to engage in bargaining to the other party. The notice, a copy of which shall be sent to the Minister within a period of not more than 48 hours of its issuance, shall include the subject matter of and reasons for bargaining.

- (b) In enterprises employing 25 or more workers, the employer and the representatives of workers shall hold periodic meetings at least twice a year in order to organize and improve working conditions, to enhance workers' productivity and to negotiate any other related matters.”

Section 16

Section 52 of the original Code shall be deleted and replaced by the following wording:

“Section 52

- (a) The Tripartite Committee shall be responsible for fixing minimum remuneration either generally or for a particular area, occupation or age category, provide that the cost of living indices issued by the competent authorities shall be taken into account. The decisions of the Committee shall be published in the *Official Gazette*;

- (b) The Tripartite Committee shall take decisions concerning matters mentioned in paragraph (a) of this section unanimously, failing which it shall refer the matter to the Minister who shall submit it to the Council of Ministers for appropriate decision.”

Section 17

Section 53 of the original Code shall be amended by deleting the phrase “25 dinars and no more than 100 dinars” from this section and replacing it by the wording “ 50 dinars and no more than 200 dinars”.

Section 18

Paragraph (a) of section 54 of the original Code shall be deleted and replaced by the following wording:

- “(a) Upon recommendation by the Minister, the Council of Ministers may set up, in a particular region, a body (the Wage Authority), consisting of one or more labour experts and specialists, with the following tasks:

- (1) to examine claims relating to remuneration in that region, including claims concerning underpayment, unlawful deductions, delayed payment or overtime,

provided that such matters shall be dealt with urgently. Such claims shall only be receivable if the worker is in the same employment.

- (2) Mediation shall be carried out at the worker's request to resolve a dispute with his employer, on condition that the mediation shall be carried out within six months of the date of termination of his employment. Should the employer or his representative fail to attend the mediation session, the Wages Authority shall impose a fine of 50 dinars on him. For this purpose, the Wage Authority shall apply the provisions of the Act on mediation for the settlement of civil disputes in force, in so far as they do not contravene the provisions of this paragraph.

Section 19

Paragraph (b) of section 57 of the original Code shall be amended by inserting the following phrase at the end of the paragraph:

“, provided that the total number of days to which the provisions of this paragraph apply, does not exceed 20 days per year”.

Section 20

Section 58 of the original Code shall be deleted and replaced by the following wording:

“Section 58

The provisions of sections in this Code relating to working hours shall not apply to persons responsible for overall supervision or management of the establishment or to those whose duties involve travel within the Kingdom or abroad.”

Section 21

Paragraph (a) of section 61 of the original Code shall be amended by deleting the phrase: “unless they fell during it” at the end.

Section 22

Section 65 of the original Code shall be amended by deleting the phrase: “and with half pay if the worker is not hospitalized but provides a report from a medical committee approved by the establishment” at the end and replacing it by the following wording “ or on the

basis of a report of a medical committee approved by the enterprise”.

Section 23

Clause 1 of paragraph (a) of section 66 of the original Code shall be amended by inserting the phrase “...or the General Federation of Trade Unions” after the term “the Ministry”.

Section 24

Section 72 of the original Code shall be amended by deleting the word “married” from it.

Section 25

The text of section 98 of the original Code shall be deleted and replaced by the following wording:

“Section 98

(a) A trade union shall be established by at least 50 founding members working in the same occupation or

in similar or interdependent occupations engaged in the same production system.

(b) Employers in any occupation numbering not less than 25 may establish an association to uphold their occupational interests related to the provisions of this Code.

(c) It is not permitted to establish a trade union of workers or an association of employers whose objectives include carrying out any activities that are based on race, religion or sectarianism. Any such trade union or association shall also be prohibited from carrying out any such activities once it has been established.

(d)

(1) The Tripartite Committee shall be tasked with classifying occupations and industries in which trade unions may be established in accordance with the provisions of paragraphs (a) and (b) of this section, as well as specifying the groups of occupations and industries in which no more than one general trade

union of workers or one general association of employers may be established, on account of their similarity, interdependence or involvement in a single integrated production system.”

(2) The Tripartite Committee shall issue decisions for the purposes of clause (1) of this section unanimously, failing which the decisions in force at the time shall continue to apply.

(e) To be a founding member of a workers’ trade union or an employers’ association, the following requirements shall be met:

1. to be Jordanian;
2. to be at least 21 years of age;
3. not to have been convicted of a misdemeanour involving moral turpitude or dishonest conduct, or of a criminal offence.

(f) To apply for membership in a trade union, the applicant shall be at least 18 years of age.

- (g) If a founding or ordinary member of an employers' association is a legal person, he shall be registered in the Kingdom in accordance with the provisions of the legislation in force.

Section 26

Section 99 of the original Code shall be deleted and replaced by the following wording:

“Section 99

- (1) Trade unions shall work for the following objectives:
- (a) to protect the interests of workers in the occupation and defend their rights at work;
 - b) to endeavour to improve labour relations and conditions and terms of employment, including by engaging in collective bargaining and concluding collective agreements;
 - (c) to contribute to avoiding collective and individual disputes and to seek to resolve them;

(d) to represent workers in the institutions concerned with labour, economic and social affairs in accordance with the legislation in force;

(e) to raise economic, social, occupational and cultural awareness among workers and enhance their participation in decisions concerning them;

(f) to provide health and social services, as well as any other facilities to meet consumption needs to their affiliated members.

Section 27

Section 100 of the original Code shall be amended as follows:

(1) the chapeau of the section shall be deleted and replaced by the following wording:

“The General Confederation of Trade Unions shall draw up internal rules of the trade unions, provided that such rules do not contravene the legislation in force. The General Confederation shall also deposit such

rules, once they have been approved, with the Registrar of Trade Unions and Employers' Associations. The internal rules shall include the following:".

(2) Paragraphs (c) and (d) of this section shall be deleted and replaced by the following wording:

“(c) the requirements and procedures for admission and expulsion of members and qualifications for eligibility to stand for election to the executive board or any of its committees;

(d) the conditions for the establishment of committees within a trade union and their tasks”.

Section 28

Paragraphs (a) and (b) of section 102 of the original Code shall be deleted and replaced by the following wording:

“Applications to register a trade union or an employers' association, signed by the founding members, shall be submitted to the Registrar of Trade Unions and

Employers' Associations in the Ministry, accompanied by the following:

(1) the internal rules of the trade union or association, including its name, head office and address;

(2) a list of the founding members and identity documents of each of them;

(3) the names of the members of the first executive board elected by the founding members;

(4) the minutes of the meeting of the founding assembly.

(b) The Registrar of Trade Unions and Employers' Associations may ask the executive board to provide him with any additional documents he deems necessary to finalize the registration procedure.”

Section 29

Paragraph (b) of section 103 of the original Code shall be deleted and replaced by the following wording:

“(b) The General Confederation of Trade Unions or any employers’ association shall deposit any amendment to the internal rules of the Confederation, a trade union or an employers’ association with the Registrar of the Trade Unions and Employers’ Associations, provided that the content of such amendment does not contravene the provisions of the legislation in force; it shall enter into force on the date on which it is deposited.

Section 30

Section 107 of the original Code shall be deleted and replaced by the following wording:

“Section 107

The Tripartite Committee shall lay down the necessary basic conditions and criteria to enable trade union representatives to discharge their duties, including the conditions for the reduction of working hours or for full-time union work and, taking into account the possibilities of the enterprise and the number of

persons employed, the provision of the material facilities required to that end.”

Section 31

Section 108 of the original Code shall be deleted and replaced by the following wording:

“Section 108

(a) The employer shall not, under the pretext of invalidity [*translator’s note: it is not explained whether it is the invalidity of the contract or of anything else*], take any action against any trade union representative on account of his union activities, including dismissal from work.

(b) Should the employer infringe the provisions of paragraph (a) of this section, the labour inspector shall issue him with a warning to eliminate the violation within a period not exceeding seven days of the date on which the warning was communicated. If the violation

persists, the labour inspector shall draw up a report which shall be referred to the competent court.

(c) The worker has the right to claim damages in full for any action taken against him in violation of paragraph (a) of this section. In the event of dismissal, the court may issue an order for reinstatement with retroactive payment of all his wages for the period of interruption of work up to the date of issuance of the reinstatement order. If the worker cannot be reinstated, for reasons related to the employer, he shall have the right, in addition to compensation for unfair dismissal and for any other entitlement under the provisions of this Code, to claim additional compensation amounting to not less than six and not more than 12 months' wages.

Section 32

Section 109 of the original Code shall be deleted and replaced by the following wording:

“Section 109

(a) The funds of trade unions, the General Confederation of Trade Unions and employers' associations and any other funds allocated by the Government to support these organizations shall only be spent for the realization of their objectives, in accordance with the legislation in force, with their own internal rules and in a manner consistent with international accounting rules, provided that such funds and allocations shall be subject to the control of the Audit Office.

(b) Trade unions shall submit their budget for the following financial year to the General Confederation of Trade Unions at least four months before the beginning of that year. The Confederation shall then provide the Minister with a copy of the budget and of its own annual budget.

Section 33

Paragraph (e) of section 110 of the original Code shall be deleted and replaced by the following wording:

(e) The business of the General Confederation of Trade Unions and the occupational federations shall be regulated by internal rules established by each of these organizations for this purpose, provided that copies of the internal rules shall be deposited with the Registrar of the Trade Unions as soon as they are approved.”

Section 34

Section 113 of the original Code shall be deleted and replaced by the following wording:

“Section 113

Every trade union or employers’ association shall keep records and registers in accordance with standards and conditions prescribed by the Tripartite Committee.”

Section 35

Section 115 of the original Code shall be deleted and replaced by the following wording:

“Section 115

A trade union may establish subordinate committees anywhere within the Kingdom. The internal rules of the trade unions shall lay down the provisions and procedures concerning the establishment of such committees, as well as their relations with the trade union.”

Section 36

Section 116 of the original Code shall be deleted and replaced by the following wording:

“Section 116

(a) If a trade union, an employers’ association, or the executive board of a trade union or employers’ association, commit a violation of the provisions of this

Code or the regulations promulgated under it, or the internal rules of any of these organizations contain a violation of the legislation in force, the Minister shall issue a written warning to eliminate the violation within a period not exceeding 30 days of the date on which the warning was communicated. If the violation persists, the Minister may issue an order to dissolve the trade union, employers' association or executive board of any of these organizations. An appeal against such an order may be lodged with the Supreme Court of Justice within 30 days from the date of its communication.

(b) The order of the Minister to dissolve the trade union, employers' association or executive board of any of these organizations shall only take effect upon expiry of the period of appeal referred to in paragraph (a) of this section. If the affected party lodges an appeal, the execution of the order shall be suspended until a ruling on the complaint has been handed down.

Section 37

Section 118 of the original Code shall be deleted and replaced by the following wording:

“Section 118

A trade union or an employers’ association shall prepare, during the four months following the elapsed financial year, closing financial statements, which shall be audited by a chartered accountant elected by its General Assembly. The Ministry shall be provided with a copy of the report of the chartered accountant, as well as the closing financial statements, once they have been approved by the General Assembly.”

Section 38

Paragraph (a) of section 119 of the original Code shall be deleted and replaced by the following wording:

“(a) Any person who continues his trade union activity in behalf of a trade union or an employers’ association, or of the executive board of either organization, which

has been dissolved by a court order of by a decision taken by its General Assembly, shall be punished with imprisonment for a term of no more than three months or to a fine of no less than 500 and no more than 1000 dinars or both.”

Section 39

Section 137 of the original Code shall be amended as follows:

- (1) the content of paragraph (c) shall become clause (1) and the following wording shall be inserted as clause (2):

“(2) The provisions of clause (1) of this paragraph shall not apply if the complaint is renewed more than once after it has been dropped or if any other complaint is lodged by the worker to claim the same labour rights.

- (2) Paragraph (d) shall be deleted.

8 June 2010

Abdullah II Ibn Al Hussein

Samir Al-Rifai

Prime Minister

Minister of Defense

Dr. Rajai Muasher

Deputy Prime Minister

Minister of State

Nayef Al-Qadi

Deputy Prime Minister

Minister of State

Tawfiq Kurayshan

Minister of State for Parliamentary Affairs and Acting Minister of Awqaf
and Islamic Affairs and Holy Places

Dr. Walid Maani

Minister of Higher Education and Scientific Research

Mohammad Abu Hammour

Minister of Finance

Dr. Nabil Al-Sharif

Minister of State for Media Affairs and Communication

Mr. Khalid Al-Irani

Minister of Energy and Natural Resources

Hala Bseisu Latouf

Minister of Social Development and Acting Minister of Tourism and Antiquities

Amir Al-Hadidi

Minister of Industry and Trade

Alaa Batayneh

Minister of Transport

Ayman Odah

Minister of Justice

Dr. Nayef Al-Fayez

Minister of Health

Musa Al-Ma'ayta

Minister of Political Development

Said Al-Masri

Minister of Agriculture

Nabih Shuqum

Minister of Culture

Imad Fakhouri

Minister of Public Sector Reform and Minister of State for Large-Scale Projects

Ali Al-Ghezawi

Minister of Municipal Affairs

Dr. Jaafar Hassan

Minister of Planning and International Cooperation

Jamal Al-Shamaylah

Minister of State for Prime Minister's Affairs and Acting Minister of Foreign Affairs

Dr. Ibrahim Badran

Minister of Education

Dr. Ibrahim Al- Omoush

Minister of Labour

Mohammad Al-Najjar

Minister of Water and Irrigation

Dr. Mohammad Taleb Obeidat

Minister of Water and Irrigation

Marwan Juma

Minister of Communication and Information Technology

Hazem Malhas

Minister of Environment