



# The Role of Labour Administration in Labour Migration

## JORDAN – A CASE STUDY

A study presented towards the  
THE ILO NATIONAL EXPERTS MEETING

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## **1. INTRODUCTION**

Irrespective of its causes or effects, and irrespective of its politics or ramifications, international migration is on the increase. Recent estimates by the International Organisation for Migration IOM place the number of international migrants worldwide at around 190 million<sup>1</sup>. Ironically, despite the worsening conditions, and the general reluctance of receiving countries to receive more immigrant labour, these figures continue to increase. This suggests that the benefits for both the migrant, the sending country, and the receiving country, irrespective of what may be expressed, outweigh the disadvantages of the migration process.

Whilst the migration process itself has economic, social, and political ramifications, it is the role of the bodies that organise, supervise, and manage the migration process that forms a pivotal point for the examination of all of these issues. The administration of migrant labour, if correctly applied, is the source of information on migrant labour, the means for their management, and the main body that can protect them. It is the purpose of this study to examine the Role of Labour Administration in Labour Migration in Jordan, which has been identified as a country both sending and receiving international migrant labour.

The study is divided into seven sections: Following the introduction, Section 2 presents an overview of Migrant Labour in Jordan, with an examination of the specifics of migrant labour in Jordan; its status; general characteristics; and overall trends. Section 3 presents a description of the structure and operations of the main players in the administration of migrant labour in Jordan, with the main emphasis being placed on the Ministry of Labour (MOL) and its relevant directorates. This section also presents an overall view of the effective practices and approaches that concern the administration of migrant labour in the country. Section 4 presents an overview of the general regulations concerning migrant labour, including the enforcement and complaints mechanisms, and the relevant penal codes. Section 5 is a close up examination of the recruitment process, including the role of the recruiting agents, the Special Working Contract for Non-Jordanian Domestic Workers, in addition to a review of the issues concerning employment mobility, termination, and repatriation. Section 6 is a review of the best practices and initiatives adopted so far by national, international, and non-governmental organisations in the country. Finally, an overall summary and conclusions from the findings of this study are presented in Section 7.

## **2. MIGRANT LABOUR IN JORDAN**

An examination of migrant labour in Jordan is necessary in order to assess the overall significance of the volume of migrant labour in the country, in addition to its trends over the last few years, which would assist to shed a light as to why the country is in need of foreign labour, and in which sectors this need comes. The main issue for these statistics remains, as the case has been over the last few years, that the figures

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<sup>1</sup> IOM website, 2007.

available do not reflect the actual number of immigrant labour in the country because of the immense volume of illegal immigration into Jordan.

Most of the migrants from countries such as the Philippines, Sri Lanka, and Indonesia remain 'invisible' to the system because they enter the country illegally, mostly on tourist visas, then obtain employment (mainly in the domestic sector), and remain in the country accordingly. Additionally, whilst Pakistani nationals in the country are officially estimated at around 1,600 immigrants, the Embassy of Pakistan's last estimate<sup>2</sup> placed them at around 7,000. The following statistics (Table 1, below) are the official figures that are quoted from the Ministry of Labour's annual reports, which reflect the number of work permits obtained for the nationalities, sectors, and years shown. The statistics do not include illegal labour in the country.

<i>Sending Country</i>		<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>Main Employment Sector in 2005</i>
<b>EGYPT</b>	Male	97,021	105,858	152,752	186,503	<b>Agriculture</b>
	Female	157	168	233	187	
<b>Total</b>		<b>97,178</b>	<b>106,026</b>	<b>152,975</b>	<b>186,690</b>	
<b>SYRIA</b>	Male	2,554	1,717	2,587	3,063	<b>Construction</b>
	Female	53	31	98	76	
<b>Total</b>		<b>2,607</b>	<b>1,748</b>	<b>2,676</b>	<b>3,139</b>	
<b>Other Arab Countries</b>	Male	2,492	2,193	2,162	2,498	<b>Social &amp; Personal Services</b>
	Female	268	225	375	570	
<b>Total</b>		<b>2,760</b>	<b>2,448</b>	<b>2,537</b>	<b>3,068</b>	
<b>PAKISTAN</b>	Male	1,454	1,374	1,584	1,543	<b>Agriculture</b>
	Female	199	185	167	155	
<b>Total</b>		<b>1,653</b>	<b>1,559</b>	<b>1,751</b>	<b>1,698</b>	
<b>INDIA</b>	Male	1,480	2,173	3,963	4,687	<b>Manufacturing</b>
	Female	109	125	296	250	
<b>Total</b>		<b>1,589</b>	<b>2,298</b>	<b>4,259</b>	<b>4,937</b>	
<b>PHILIPPINES</b>	Male	633	787	874	1,562	<b>Social &amp; Personal Services</b>
	Female	1,959	2,628	3,494	4,125	
<b>Total</b>		<b>2,592</b>	<b>3,415</b>	<b>4,368</b>	<b>5,687</b>	
<b>SRI LANKA</b>	Male	1,903	2,263	5,833	6,946	<b>Manufacturing</b>
	Female	6,258	8,564	8,765	7,640	
<b>Total</b>		<b>8,161</b>	<b>10,827</b>	<b>14,598</b>	<b>14,586</b>	
<b>Other Asian Countries</b>	Male	4,546	6,416	147,672	21,199	<b>Manufacturing</b>
	Female	5,373	12,933	20,093	18,478	
<b>Total</b>		<b>9,919</b>	<b>19,349</b>	<b>34,765</b>	<b>39,677</b>	
<b>EUROPE</b>	Male	343	302	367	429	<b>Social &amp; Personal Services</b>
	Female	125	101	146	152	
<b>Total</b>		<b>468</b>	<b>403</b>	<b>513</b>	<b>581</b>	
<b>USA</b>	Male	66	66	86	110	<b>Social &amp; Personal Services</b>
	Female	23	29	28	27	
<b>Total</b>		<b>89</b>	<b>95</b>	<b>114</b>	<b>137</b>	
<b>African Countries</b>	Male	33	32	37	28	<b>Social &amp; Personal Services</b>
	Female	75	91	68	46	
<b>Total</b>		<b>108</b>	<b>123</b>	<b>105</b>	<b>74</b>	
<b>Other Countries</b>	Male	41	43	71	66	<b>Social &amp; Personal Services</b>
	Female	16	17	24	17	
<b>Total</b>		<b>57</b>	<b>60</b>	<b>95</b>	<b>83</b>	
<b>ANNUAL TOTAL</b>		<b>127,181</b>	<b>148,351</b>	<b>218,756</b>	<b>260,357</b>	

Table 1: Migrant Labour in Jordan, Annual Trends

<sup>2</sup> Taamneh, F. 2003.

Significant observations from Table 1 (above) are:

1. The table represents official figures for numbers of work permits issued, and these are very distant from unofficial figures that represent the actual number of immigrants of those nationalities in the country.
2. Three main nationalities that are present in the country in significant volumes are absent from the figures: Statistics that concern Iraqi, Indonesian, and Chinese immigrants in Jordan are absent from all the figures supplied by the Ministry of Labour, despite their presence in the country in unofficial estimates that place the overall sum of these three nationalities at over one million immigrants.

This figure is greatly disputed by officials from the government, but is quoted by news-agencies reporting over the occupation of Iraq and the subsequent immigrant of Iraqis into Jordan. Indonesians are mainly employed in the domestic sector, whilst the Chinese are mainly employed in the Special Qualified Industrial Zones QIZs. All of these three nationalities have issues related to their migrant status in the country that need much attention, and it is noticeable that they still do not appear in the official figures reported by the Ministry.

This can be read from the huge jump in figures that exceeds 400% in the numbers of 'Other Asian Countries', which has increased from 10 thousand in 2002, to around 40 thousand in 2005. This significant increase surely justifies a closer examination of this class of nationalities, and breaking it down into its constituent nationalities.

3. Finally, it is not possible to estimate the percentage of immigrant labour in these sectors in relation to the overall numbers of labour employed, including Jordanian labour, as many sectors, such as the agriculture and catering and food services sectors are run and operated by the business owners. However, this is associated with a general unwillingness from Jordanians not to take up employment in several professions, due to social and other reasons. This issue will be further discussed in the next section, Section 3: Labour Administration in Jordan.

Table 1 shows that the majority migrant labour in Jordan, according to official figures, is of the Egyptian nationality, taking up an overwhelming 72% of the overall immigrant population in the country<sup>3</sup> (Figure 2, below). Of the other nationalities, it is not clear whether the nationalities included in the 'Other Asian Countries' individually exceed Sri Lanka, but from the distinct classes, Sri Lanka takes the highest percentage of the immigrant labour workforce (mainly employed in the domestic sector), followed by India and the Philippines. Again, these figures are the official figures and vary greatly from the unofficial figures estimated by the respective embassies.

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<sup>3</sup> These percentages exclude the unpublicised figures of other nationalities in the country.

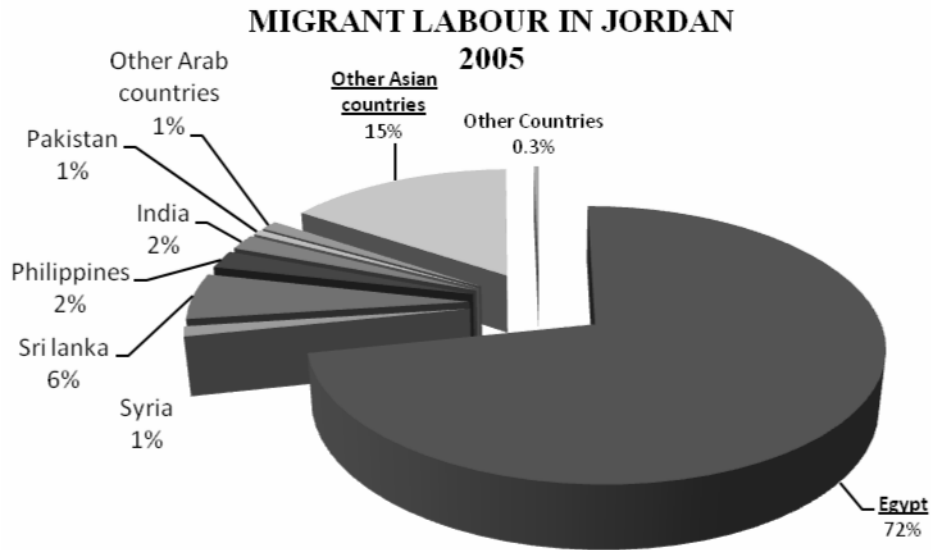


Figure 2: Migrant Labour in Jordan, Percentages. 2005.

The status of work permits issued for this migrant labour community can be seen in Table 3 (below).

<i>Permits Status</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
• 1 <sup>st</sup> Time Issue	65,291	14,363	79,654
• Renewal	88,822	15,467	104,289
• Changing work place	48,386	1,075	49,461
• Replacement for lost Permits	12	1	13
• Returned	1,332	395	1,727
• For social Security benefits	370	198	568
• Work Invitation	24,421	224	24,654
<b>Total</b>	<b>228,634</b>	<b>31,723</b>	<b>260,357</b>

Table 3: Work Permit Status for Migrant Labour In Jordan

The table shows that the majority work permits issued are renewals, whilst 1<sup>st</sup>-time issues form approximately 75% of this figure, and Work-place changes come up to approximately half of the numbers of renewed permits.

An examination of the wage structure of the immigrant labour population in the country (Table 4, below) shows that the overwhelming majority of them earn under 100 Jordan Dinar (JD100). It is worth noting here that this is well below the poverty line, which was set in 2003 by the Government to be JD250 or less for a family with 3 children or more. However, if considered in light of the exchange rate of the sending countries to the JD (Appendix 1), it is clear why Jordan is such an attractive country for migrant labour, where the sum of JD100, although well within the poverty line for

Jordanians, gives several times its value in local currency<sup>4</sup>. An estimate of the purchasing power of this equivalent is beyond the scope of this study.

Monthly Earnings/JD	Total No. of Immigrant Labour in this Wage bracket
• < 100	253,563
• 100-150	3,301
• 150-200	569
• 200-250	295
• 250-300	471
• 300-350	191
• 350-400	166
• 400-450	52
• 450-500	231
• >500	1,518
<b>Total</b>	<b>260,357</b>

Table 4: Wage Structure For Migrant Workers In Jordan

Additionally, and seeing as the overwhelming share of the migrant population in Jordan is taken up by Egyptian labour, this nationality takes up the majority share of the wage bracket (<JD100). Finally, the minimum wage was increased in the last quarter of 2006 to JD110. This still remains well below that national poverty line set by the government, but becomes even more attractive to migrant labour due to the favourable exchange rates.

The migrant labour community is divided in employment into nine sectors; the main sector being the Agriculture and hunting sector, closely followed by the manufacturing sector (Table 5, and Figure 6, below).

Sector	Males		Females		Total	
	Absolute	%	Absolute	%	Absolute	%
• Agriculture & Hunting	70,876	99.7	188	0.3	71,064	27.3
• Mining & Quarrying	3,258	99.8	7	0.2	3,265	1.3
• Manufacturing	54,660	85.2	9,520	14.8	64,180	24.7
• Electricity Gas, water	147	100.0	0	0.0	147	0.1
• Construction	42,265	99.9	36	0.1	42,301	16.2
• Whole sale, Retail trade, Restaurants & Hotels	28,347	98.2	522	1.8	28,869	11.1
• Transportation storage and communication	1,621	94.9	88	5.1	1,709	0.7
• Finance& social services	3,092	95.4	150	4.6	3,242	1.2
• Personal & social services	24,368	53.5	21,212	46.5	45,580	17.5
<b>Total</b>	<b>228,634</b>	<b>87.8</b>	<b>31,723</b>	<b>12.2</b>	<b>260,357</b>	<b>100%</b>

Table 5: Employment of Migrant Labour by Sector. 2005.

<sup>4</sup> An estimate of the purchasing power of this equivalent is further required in order to assess the local equivalent of these wages, but this is beyond the scope of this study.

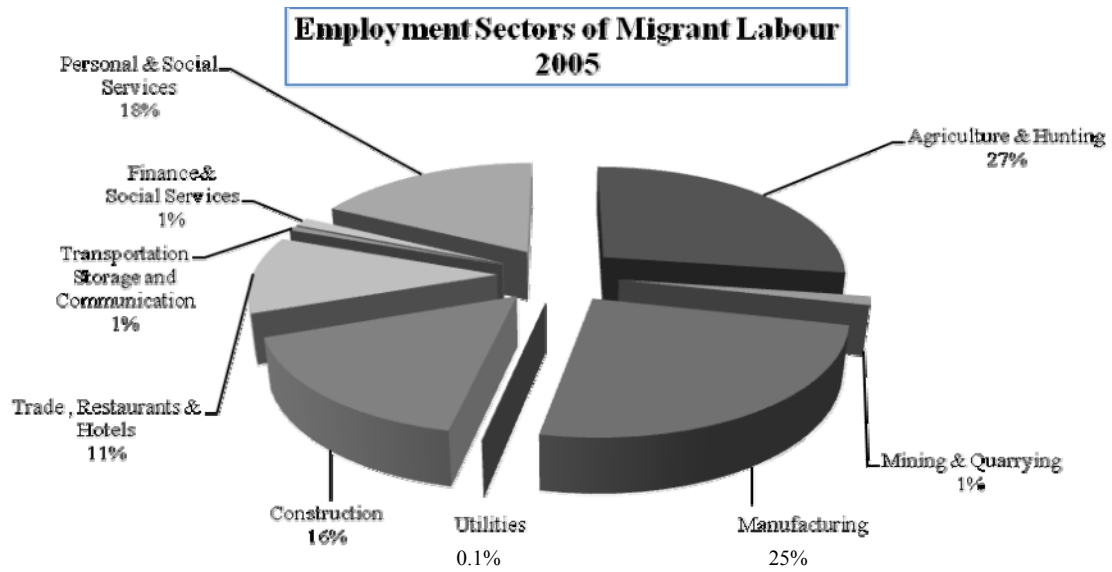


Figure 6: Employment Sectors of Migrant Labour. 2005.

Broken down into male and female employment, the main sectors of employment of migrant labour in the country are shown in Figure 7 (below).

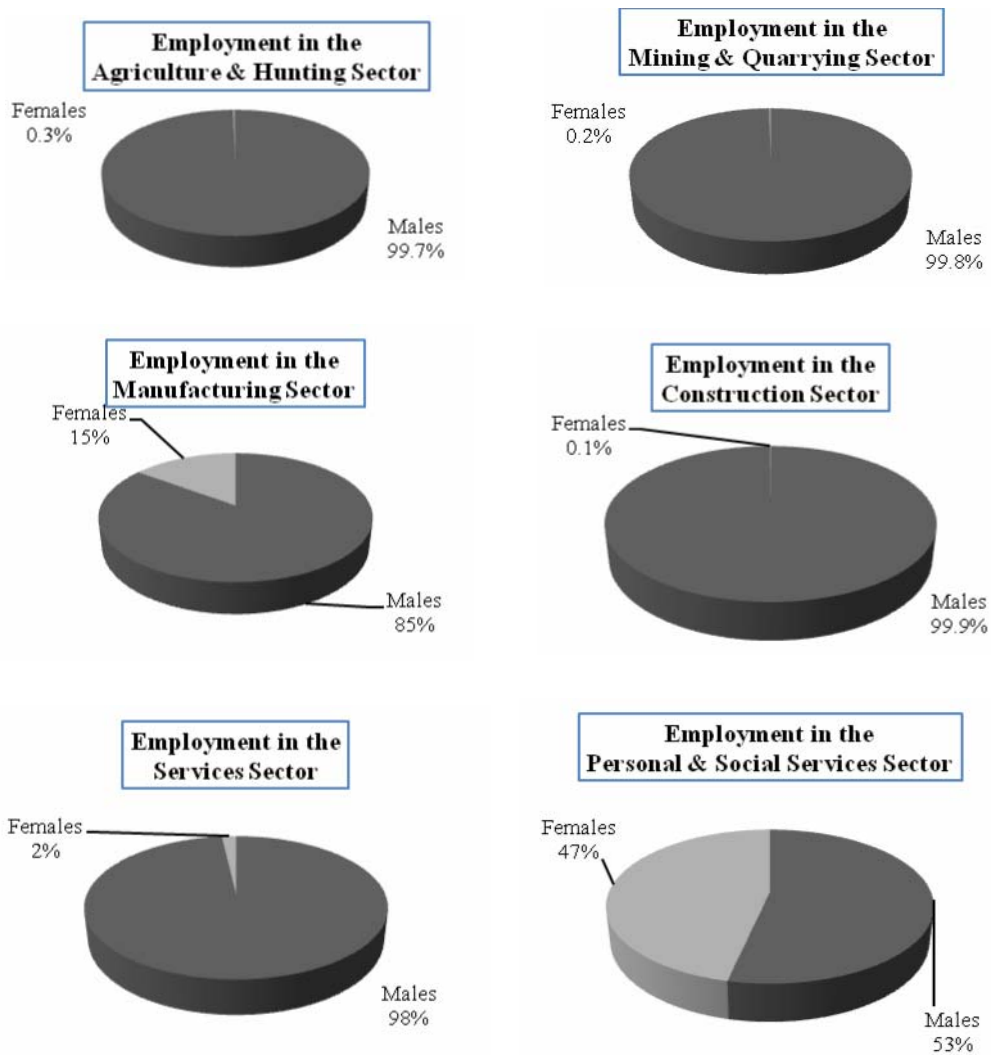


Figure 7: Percentages of Males to Females in the Main Employment. 2005.

The main employment area in the country is the capital city Amman, taking up around 50% of all migrant labour employment, with the remaining being distributed between Irbid, Balqa, and Zarqa.

Figure 7 (above) shows the domination of male immigrant labour in the main sectors in the country, with the notable exception of the Personal and Social Services Sector, where the percentages of employment are nearly equal for both genders, followed by the manufacturing sector, where females take up to 15% of total migrant labour employment in the country. The latter sector consists mainly of the garment industry in the QIZs, where employment is broken down as follows (Table 8, below):

Nationality	Males		Females		Total	
	Absolute	% of Nationality	Absolute	% of Nationality	Absolute	% of QIZ
• Jordanians	7,247	39.2	11,263	60.8	18,510	33.9
• Migrant Labour	15,350	42.4	20,812	57.6	36,162	66.1
<b>Total</b>	<b>22,597</b>	<b>41.3</b>	<b>32,075</b>	<b>58.7</b>	<b>54,672</b>	<b>100</b>

Table 8: Employment in the Special Qualified Industrial Zones. 2005.

In 2007, labour in the QIZs joined labour in the rest of the country in its inclusion in the new minimum-wage level. All labour employed across all sectors under the labour law in the country is now under the enforcement of the JD110 minimum-wage law.

Overall, migrant labour employment in the country can be summarised in being predominantly Egyptian, predominantly male, and closely distributed between five main sectors, the highest employment being in the Agriculture Sector, with the lowest employment being in the Trade, Restaurants & Hotels sector.

This is associated with relatively high unemployment levels (currently placed at around 15%), mainly due to Jordanians not accepting to undertake jobs that are seen unacceptable, partly due to the low level of wages that, despite providing employment for Jordanians, serves at the same time to maintain them well below the poverty line, in addition to general poor conditions at work. These factors, put together, are, unfortunately, leading Jordanians to prefer to remain unemployed and receive monthly national assistance or aid in the region of JD30 rather than take up employment that gives them savings that are, in the long-run, lower than their monthly assistance sums.

### 3. LABOUR ADMINISTRATION IN JORDAN

The main governmental institution concerned with the administration of labour; both national and migrant; is the Ministry of Labour. The Ministry has evolved much over the last few years, with several departments having been created, some for the sole purpose of dealing with issues concerned with migrant labour in the country. Additionally, there have been several laws and regulations that were drawn up for the

sole purpose of attending to issues related to migrant labour, and many efforts are being directed towards the improvement of the status of migrant labour in the country. This section examines these three main areas that reflect the current status of labour administration efforts in the country.

### **3.1 The Ministry of Labour**

Whilst the Ministry of Labour has several department specialising in migrant labour issues, many of its existing departments, such as the Inspections Department, have operations that apply to employers of both immigrant and national labour. The main departments that were examined for their relevance to this study are:

1. The Department for the Recruitment of Jordanians,
2. The Department for the Recruitment of Immigrant Labour,
3. The Inspections Department,
4. The Department for Employment Relations, and
5. The Department for International Cooperation.

#### ***3.1.1 The Department of Jordanian Labour Recruitment***

With Jordan being in the middle of an area of political upheaval, and with the increasing population growth, changing demographics, and new foreign investments in the country, the labour market became directly affected, thus affecting employment for both national and immigrant labour. In order to address fluctuating unemployment levels amongst Jordanians, the Department for the Recruitment of Jordanians was established in order to address the changing conditions in the local labour market. This Department operates, as with the other departments, within the general framework of operations set by the Ministry of Labour.

Currently, there are 25 divisions for this department, with an ongoing project to tie these divisions together electronically in order to centralise the data concerning the labour market and employment opportunities across sectors in the country.

The main responsibilities of this department and its divisions include:

- Drawing up employment policies, in coordination with the relevant parties,
- The improvement of the operations of the department, both in the Ministry and on the field,
- Following up on the enforcement of the Jordanian Labour Law for Jordanian employees,
- Coordination with employers for creating local employment opportunities,
- Coordination with the Department of Statistics for the purposes of analysing the local labour market, and
- Conducting public service awareness campaigns in order to improve employment opportunities for Jordanians.

This department works in close coordination with other departments in the Ministry on the 'Golden List', which is basically a list that includes employers who perform best on the Ministry's scale of performance criteria. The department also assisted in

formulating articles in relevant laws that concern issues such as guaranteeing employment opportunities for Jordanians, closed professions, placing financial bonds and guarantees on employers of immigrant labour, in addition to participating in the afore-mentioned public-awareness campaigns.

In its examination of the Jordanian labour market, this Department identified several issues related to a general preference of employers to take up foreign unskilled labour to Jordanian unskilled labour. These issues include:

- Improved social status for the employer (for domestic workers),
- Immigrant labour would accept any job,
- Immigrant labour would take up more than one type of employment at the same time (such as wash cars, gardening, and guard, in addition to the usual responsibilities),
- Immigrant labour only departs the country once every two to three years,
- Immigrant labour bears tougher conditions than Jordanian labour, and
- Immigrant labour does not care for social security, retirement, or similar benefits, unlike Jordanian labour.

Currently, this department estimates illegal foreign labour in the country at around 70 thousand immigrants of various nationalities. This community, in addition to the legal immigrant labour community, do actually take up employment in most professions, including sectors that are officially closed to foreign labour. Generally, the department attempts to strike a balance between encouraging employment for Jordanian labour, at the same time as not discouraging foreign investments in the country by overlooking any minor infringements on the law. In coordination with other departments in the Ministry, it has even been recommended that vocational trainees should take up a course of military training in the army in order to improve commitment and discipline. No studies on the effects of this training on the productivity, commitment, and employment rates of Jordanian labour are available yet.

It is worth noting that neither this nor any other department in the ministry have clear policies for investigating the labour market in order to ensure that there are no unemployed Jordanians who are capable of entering a specific sector before immigrant labour is brought into the country to take up employment in that same sector. This could be a contributing factor towards increasing unemployment levels associated with increasing rates of incoming immigrant labour.

Table 9 (below) shows the figures available for unemployment of the total Jordanian workforce.

<i>Year</i>	<i>Total Workforce</i>	<i>Unemployment Rate</i>	<i>No. of Unemployed</i>	<i>No. of Employed</i>
• 2003	1,293,280	%13,9	179,766	1,113,514
• 2004	1,250,275	%12,5	156,284	1,093,991
• 2005	1,273,300	%15,7	200,000	1,073,300

Table 9: Workforce, Employment & Unemployment Rates.

An examination of unemployment rates in Jordanian labour shows increasing numbers of the unemployed over the last few years (Table 9, above). The figures do not show unemployment by sector, in addition to not showing whether it is these same sectors suffering from unemployment in the ranks of Jordanian labour that are occupied by migrant workers, or not. It has been expressed by officials at the Ministry of Labour that this remains a concern in the labour market, due to the large numbers of unmonitored and unregistered migrant labour.

This dilemma does, indeed, exist in the skilled labour market (in the medical, engineering, and teaching professions, for example). Ironically, Jordanian skilled labour migrates overseas in search for higher salaries in those professions, whilst the country imports foreign skilled labour into those same professions that were abandoned by the nationals in search for better pay (even if they are part of the 'closed professions' category). At the same time, foreign consultants are paid salaries that far exceed those given to Jordanians in the same positions. Currently, there are no official studies that have been conducted or were made available concerning this issue.

Generally, it is seen that the local labour market is taking up increasing numbers of foreign labour due to the afore-mentioned issues, in addition to more protection being offered to immigrant labour. Additionally, income tax is not deducted from the salaries of immigrant labour unless it exceeds JD500, which, in reference to Table 4 (Wage Structure for Migrant Workers in Jordan, above), excludes 99.5% of the immigrant labour population in the country.

Finally, it is seen that foreign labour already has several rights equivalent to those of Jordanian labour, with the exception of severance pay and employment unions that are nationality-specific; both of which have still not been granted to migrant labour. This is currently under investigation by the MOL. Additionally, it is seen of utmost importance that employment contracts concerning foreign labour should include penal conditions that bind the migrant worker, rather than being restricted to the employer or recruiting agent (as is the current status of the contracts). This is in order to ensure that migrant workers commit to the employment contract as much as employers and recruiting agents are required to do so.

### ***3.1.2 The Department of Immigrant Labour Recruitment***

Not all immigrant labour is the same. There are those who belong to restricted and those who belong to non-restricted nationalities. Egyptian, Syrian, and Yemenite labour are non-restricted, and residency fee-exempt, whilst all other nationalities are non-exempt. Additionally, there are some nationalities that form exceptions to the general rule due to like-wise treatment agreements, whereas others follow the standard operating procedures set for other countries. Politics play a large role in determining this treatment, so generalisation cause inaccuracies in this respect.

Because of this, the Department for the Recruitment of Immigrant Labour was established in the Ministry of Labour, in order to ensure the application of the relevant rules and regulations to the relevant nationalities. This department is meant to be

concerned with the flow of labour within the work marketplace, and directs immigrant labour towards the sectors and areas that are not taken up by Jordanian labour. Migrant/national labour quotas are an objective, and Jordanians are trained where opportunities arise. However, if the vacancies remain, even in closed sectors, migrant labour is employed.

The main other governmental institution that works in coordination with the Ministry of Labour is the Ministry of Interior, which must grant its permission of entry before the Ministry of Labour grants work permits. In this respect, it is the Ministry of Interior that performs security checks on immigrant labour, and holds the ultimate decision-making power in the entry of immigrant labour into the country.

The Ministry also coordinates efforts with the National Social Security Department, the National Organisation for Vocational Training, and the Ministry of Health, in addition to supervising and granting permits to recruiting agencies, as well as cooperating with non-governmental organisations and labour unions.

Though the department admits to there being some difficulties in managing the huge numbers of immigrant labour in the country, estimated, unofficially, by this department at around 1.2 million workers, it does, however, continue to work on initiatives aimed at improving employment conditions in certain sectors. The US government is currently exerting pressure to make gains in the QIZs, and the Ministry has responded to this pressure appropriately and to the satisfaction of the relevant parties. Furthermore, and despite the immense annual exports in products that exceeded one billion US dollars in 2006, a general pardon has been granted to QIZ businesses that have accumulated overstay penalties for their migrant labour employees.

Additionally, the Department is part of the Ministry's enforcement system in order to ensure that restricted nationalities may not change employment without obtaining the prior permission of the relevant labour division and the Ministry of Labour, after obtaining a written waiver from the original kafeel.

The general recommendations concerning this department include:

- Restructuring the division and granting it the authority to supervise all migrant labour employment sectors and provide labour accordingly,
- The establishment of a research unit specific to the employment needs of Jordanian labour,
- Closer scrutiny and monitoring of sectors employing migrant labour,
- Establishing set procedures for the recruitment of migrant labour from the unrestricted nationalities, and
- The close coordination with other relevant ministries, labour unions, and employers, in order to take decisions that best serve the welfare of all relevant parties.

### ***3.1.3 The Inspections Department***

The Inspections Department consists of 24 divisions distributed around the country that operate independently or within the procedures of an associated Local Labour

Division. The total number of inspectors reaches 100 male and female inspectors, of whom 13 inspectors operate in the capital city of Amman. The Department is responsible both for proactively conducting inspections on private institutions around the country, in addition to receiving individual or group complaints from any person, national or migrant, employed in the country.

In addition to the regular 100 inspectors, the Ministry also employs foreign 'consultants' to liaise between the department and foreign workers in the QIZs. These external consultants are mainly foreign-language officers (for example, Chinese, Bengali, Indian, amongst others) who assist in coordinating between the Ministry and employers who employ immigrant labour.

As far as the administration of labour in the QIZs is concerned, there are several parties that are trying to pull the administrative strings to meet their own programmes. Although buyers linked with QIZs are trying to impose their own requirements on the parties involved in QIZs operations, the Ministry of labour (MOL) remains the main body responsible for these areas as an administrative body.

Whilst QIZs investors are versed best at working out their own interests, which may revolve around profit maximization, improved productivity, and corporate social profiles, amongst others, thus creating pressure as investors on the Jordanian government, the former cannot be given an administrative role, as they would, naturally, be less concerned with the welfare of the Jordanian economy and labour rights than they would be with their own corporate targets.

The main responsibilities of the Inspections Department include:

- The general inspection on labour conditions in Jordan as far as the general application of the Labour Law,
- Information-gathering on the labour market, and
- General advice and resolution of issues between disputing parties.

The Department presents regular monthly reports that include details of the Labour Law violations and the correction procedures taken, in addition to the recommended legal follow-up actions. Recently, the Inspections Department was merged with the Department of Occupational Health & Safety, and its operations and reporting are conducted under the same umbrella. No copies of these reports were released by the department for the purposes of this study.

The volume of complaints received by this Department in 2006 reached over 1,700 complaints, AlHamdoli Allah, around 85% of which were resolved. The majority of these complaints, up to the last quarter of 2006, were from Jordanian workers and since that date the complaints are from both national and immigrant labour.

The Department also works in close coordination with other departments in the Ministry of Labour, for example, the Department for the Recruitment of Jordanians and the Department for the Recruitment of Migrant Labour, in order to appropriately address shortages in labour or indirect infringements on the relevant laws and regulations.

For example, and in cases where Jordanian labour is not sufficient to meet the quota allowed for the QIZs, the Inspections Department advises these other departments of this infringement on the relevant law that states for equal employment opportunities between Jordanian and national labour in QIZs being unavoidable. Employers are then given a private concession, and both departments, therefore, coordinate with the employers in order to meet the labour demand without compromising profit; at the same time as encouraging foreign investments to remain in the country.

The Department is also currently planning for a training programme for its inspectors. The programme is administered by several external consultants, including non-governmental institutions, the Centre for Ongoing Training, and the ILO, and is currently planned to include topics relevant to local and international labour laws and regulations, in addition to Occupational Health & Safety issues. The planned training programmes are set to include the following areas of training:

- Communication skills and communication with employers and employees,
- Labour trafficking,
- Slave labour,
- Discrimination at work,
- Inspection reporting and workplace investigations,
- English language and computer skills.

Additionally, there are plans for establishing an independent centre for training the inspectors on the afore-mentioned issues.

Despite the Ministry's plans to increase the total number of inspectors by around 65% this year, the Inspections Department is poorly manned, seeing as the total number of private institutions that are under the responsibility of this department are over 71 thousand institutions, with around half a million employed workers, thus presenting a huge burden on this department. The task of ensuring that the labour law is strictly applied in these institutions is overwhelming for the department, and does, accordingly, affect its overall performance.

Additionally, the services supporting this department, such as data-entry staff, data analysis specialists, and drivers, amongst others, are very lacking in numbers and skills, which further adds to the overall burden on the department. This not only reflects on a lower number of inspections, but, additionally, manifests itself in poorer reporting, analysis, follow-up, and public services.

Furthermore, it has been voiced that the general salaries of the inspectors are insufficient to maintain a high level of performance in the department, in addition to the lack of clear instructions and reporting procedures and work pipelines in the Department. Finally, the inspectors seem to have no set reference point as far as the standards of operations and performance are concerned.

Currently, the main issues faced by the Inspections Department in the main sectors of employment of migrant labour are:

- **In the construction and agriculture sectors**, where the majority immigrant labour is Egyptian, inspections are, indeed, carried out, but the volume of labour and size of these two sectors lead to the number of

inspectors and inspections being insufficient to cover these two sectors sufficiently and to a satisfactory level.

- **In the domestic sector**, where the majority immigrant labour is Sri Lankan, Filipino, and Indonesian, inspections are absolutely non-existent due to private nature of the workplace (the employers' homes) which prevents the entry of foreigners into the home.
- **In the QIZs**, where workers are of various nationalities, the language barrier is the main issue, but this is being overcome through the presence of the local liaison officer in the Ministry for each of the nationalities concerned.

The Inspections Department is currently being restructured within a larger project that aims at restructuring inspections departments in other ministries. The main purposes behind the restructuring process include:

- The reduction of infringements on the relevant laws,
- The reduction of the overall expenditure from the department and the financial burden borne by the national economy, and
- An improvement of the overall efficiency of the inspectors.

#### ***3.1.4 The Department of Employment Relations***

Another department concerned with labour affairs; both Jordanian and immigrant labour, is the Department for Employment Relations, which is also a part of the Ministry of Labour. This department mainly has a supervisory role on general assembly and union meetings, and has the authority to partake in activities related to union procedures. These activities mostly concern Jordanian employees, seeing as non-Jordanian labour is not permitted to join or form any labour unions.

This Department is divided into three main divisions:

- The labour and employer unions division,
- The division for the resolution of mass complaints, and
- The division for suspending work contracts.

This department also participated in the formulation of the tripartite commission in the Ministry that is constituted from representatives from the Ministry, employers, and employees. Additionally the department analyses the existing data on various employment sectors and assists in presenting recommendations that are seen suitable for improving employment opportunities in the country. For example, it is seen that the government should adopt an approach to change the Labour Law in order to include domestic labour in its provisions. This is seen to bring Jordanians closer to taking up employment in this sector, as it offers them benefits that are absent from the current regulations.

### ***3.1.5 The Department of International Cooperation***

The main responsibilities of this department fall in the area of the affairs of Jordanians employed overseas, and in the Arab and international agreements that tie Jordan in the area of labour welfare; all of which are seen to present Jordan as a more attractive place for migrant labour employment and, at the same time, foreign investment.

As far as the division concerned with the affairs of Jordanians employed overseas, the operations of this division were suspended for a certain period, and recently reactivated with the installation of labour consultants in the gulf region who provide this division with details on employment opportunities for Jordanian labour. This division is about to expand its operations in Saudi Arabia, Switzerland, and Egypt.

Where the latter is concerned, this department works closely with the Egyptian embassy in Jordan in order to closely manage the affairs of the largest migrant labour community in the country. In fact, the division conducts regular meetings every two to three months with the Egyptian embassy in order to continuously coordinate and update both parties on the relevant issues. Furthermore, there are concentrated efforts on regulating Egyptian labour employment changes in the country, in order to prevent abuses of the procedures established to facilitate Egyptian labour matters in the country.

One of the main difficulties faced by this division in its operations is the 'oversensitivity' of some embassies to some of the procedures that the division takes in addressing general issues related to migrant labour. It is seen that some embassies take defensive attitudes towards some of the steps that the Ministry takes in its attempts to regulate the labour market.

The division's main responsibility falls in the areas of drawing up international agreements by preparing drafts in close coordination between employers, employees, and the relevant parties. The division consults with legal committees in the Prime-Ministry, and works in coordination with civil society organisations. In preparing those agreements, both the welfare of immigrant labour and the national requirements, such as the requirement for health certificates, training, and general education, are taken into account by the division.

Finally, and in its efforts to continuously update its staff members on the international migration scene, the Division participates in national, international workshops, and training courses.

The main recommendation from this department is in the area of data banking, where it is recommended that a centre of information on Jordanian labour overseas and immigrant labour in Jordan is established, which would be electronically linked to the relevant departments in the country.

### **3.2 Other Labour Administration Authorities**

The main other authority concerned with the administration of migrant labour in Jordan is the Ministry of Interior – Public Security Directorate. The Directorate was contacted for the purposes of this study, but the official response given was that they are unwilling to disclose any such information to foreign parties.

As discussed in the relevant sections in this study, the Ministry of Interior is the ultimate decision-making authority as far as migrant labour is concerned; being the authority in charge of issuing entry visas, security clearances, conducting inspections on all sectors, and all areas in the country concerned with migrant workers, in addition to being the authority responsible for executing the relevant regulations, and for general law enforcement, including residency laws and public security regulations and instructions.

Additionally, and although not officially considered as part of the labour administration, the embassies of the main sending countries of migrant labour to Jordan were contacted for these purposes. However, the time allocated for this study did not permit the appropriate coordination with those embassies.

## **4. MIGRANT LABOUR & THE LAW**

Much has changed over the last few years as far as the legislation relevant to migrant labour is concerned. Up to a few years ago, there were very few Jordanian laws that specifically targeted immigrant labour in Jordan. However, several laws and regulations are being drawn up specifically to address targeted issues related to migrant labour.

There are two terms that need to be discussed when the rights of migrant workers in Jordan are considered. The first is the rights acquired due to their immigrant status, and the second is the rights acquired due to their work status. As far as immigrant workers' legal status in the country is concerned, immigrants are either bound and protected by (in addition to other laws) Labour Law; if their professions qualify, or, in other cases, are bound and protected by Civil, and Criminal Laws, in addition to others. As far as employment status is concerned, and according to Jordanian Labour Law and its amendments, an employee is anyone over the age of 16 engaged in employment, paid or otherwise.

The following section, therefore, presents as close an interpretation of the existing relevant laws; be they civil, labour, penal, immigration or otherwise, in reference to the rights of migrant workers in particular.

### **4.1 General Regulations that Apply to Nationals & Migrants**

Civil and Criminal Laws are examples of laws that currently apply to immigrant workers not covered by the Labour Law. These laws have not been changed specifically to suit migrant workers' needs as such, but are, in fact, changed according to the needs of the Jordanian community. This section, therefore, covers any laws

that are currently applicable to immigrants in the country, which are mostly laws drawn for Jordanians or those on Jordanian soil.

Naturally, the afore-mentioned exclude Residency Law, in addition to some very recent changes in Labour Law; both of which shall be reviewed in the relevant sections. Additionally, certain articles of the Jordanian Labour Law refer to migrant labour within the larger context of regulating certain issues, such as recruiting agencies, employment regulations, work permits, and closed professions, amongst others.

#### **4.1.1 Basic Human Rights**

The Universal Declaration of Human Rights of 1948 and its amendments present several articles on the basic rights of all human beings, irrespective of any form of discrimination. These rights include, amongst others, and in direct relevance to migrant labour, the rights and freedoms of life, liberty, freedom from slavery, freedom from torture or degrading treatment, right to legal representation, freedom from arbitrary arrest, right to privacy, freedom to marry, to own property, freedom of thought, religion, opinion, expression, the right to social security, to work, equal pay, to form trade unions, to leisure time, a decent standard of living, to maternity rights, and education.

Several articles in Jordanian law are equally applicable to all individuals on Jordanian soil, especially those presented under the Civil and Criminal Laws, and in the Penal Code. Amongst others, the following laws and articles are relevant to the above stated rights that are equally applicable to Jordanians and to migrant labour alike:

- Article 7 of the Constitution (the protection of personal freedom).
- Articles 333 and 346 of the Penal Code (regarding slavery or torture).
- Article 48 of the Civil Law (regarding effective remedy to violations).
- Article 8 of the Constitution (regarding arbitrary arrest).
- Article 101 of the Constitution (regarding the right to court hearings).
- Article 147 of the Penal Procedures Law (regarding the presumption of innocence).
- Articles 10 and 18 of the Constitution (regarding the right to privacy).
- The right to marry exists as long as the relevant codes (civil, personal status, etc.) are adhered to.
- Articles 11 and 12 of the Constitution (regarding the right to property).
- Articles 14 and 19 of the Constitution and Articles 73 to 78 of the Penal Code (regarding the freedom of thought and religion).
- Article 15 of the Constitution (regarding the freedom of opinion & expression).
- Article 2 of the Social Security Law: Definition of an Employer is "... who employs 1 or more employees covered by this law". Article 4, Definition of Employee: "...all workers who are over 16 years of age without any discrimination due to citizenship, or contract period, or remuneration. This law does not apply to the agriculture sector or to domestic workers or fishermen."

- Article 23 of the Constitution (regarding the right to work and the obligation by the State to legislate for employment).
- Article 53 of the Labour Law for 1996 (regarding the right to equal pay, to all labour, Jordanian or otherwise). Excluded from Labour Law are domestic labour, agriculture labour and fishermen.
- Article 97 of the Labour Law for 1996 (regarding the right to form and to join trade unions). However, all articles regulating unions allow only for Jordanian membership.
- Article 66 of the Labour Law for 1996 (regarding the right to rest, leisure, and holiday periods), stating that workers are allowed 14 days paid leave for employment under 5 years, and 21 days over that. Holidays do not include Fridays and public holidays. Additionally, workers are entitled to 2 weeks sick leave.
- Article 56 of the Labour Law for 1996 (regarding working hours) states that work hours are 8 hours daily, 48 hours weekly, with possible 2 hours overtime, not exceeding a total working hours of 60 hours weekly.
- Article 27 of the Labour Law for 1996, Article 3 of the Nationality Law for 1954 (regarding maternity rights) states that the law is applicable to Jordanian citizens alike, of Jordanian mother and father.
- Article 20 of the Constitution (regarding education), applicable to Jordanians.

As earlier stated, the afore-mentioned articles deal with all individuals on Jordanian soil, irrespective of whether they are regular or irregular migrant workers, citizens, or immigrants, temporary or permanent workers; simply by virtue of the presence of human rights laws in the country, and not necessarily for the specific purpose of dealing with the rights of migrant labour (unless otherwise stated).

#### ***4.1.2 Social Security & Holiday Entitlements***

Social Security Law in Jordan states that no institution is bound to submit to Social Security Law unless it has a number of employees exceeding five members. In cases where the number of employees is less than five, then it is up to the employer or the employee to submit individually to the Social Security Department.

As for holiday entitlements, and in cases of domestic workers, the afore-mentioned “Special Working Contract for Non-Jordanian Domestic Workers”<sup>5</sup> Article 14, which has been declared to be into force in Jordan, states, that

" ... the first party shall give the second party a holiday grant equivalent to a fifteen day salary at the end of the two working years at the same employer ... "

Compared to holiday entitlements for Jordanian workers covered by the Labour Law, this is a little over the entitlement for the first five years of employment (of 14 days), and less than that for employment over five years (of 21 days).

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<sup>5</sup> Jordan Ministry of Labour. 2003.

### **4.1.3 Remuneration**

Article 46 of the Jordanian Labour Law for 1996 states that salaries must be paid in full within 7 days of their due date, with no deductions being made unless allowed for by Law; whilst Article 53 of the same Law states that minimum pay must be enforced, which was modified in November 2006 to become JD110 per month. This is applicable only to professions covered by the Labour Law. Some sending countries of migrant labour (such as the Philippines) is attempting to set a minimum wage level for its own citizens (currently aiming for US\$400) that is independent of the minimum wage set for Jordanians. No official information is yet available on this issue.

### **4.1.4 Maternity Entitlements**

Maternity is considered as motherhood within a legally recognised marital institution, within the religious limitations that bind marital relations. As such, maternity entitlements are clearly outlined in Jordanian laws. However, maternity outside marriage is not only excluded by the law, but it is also socially, culturally, and religiously unacceptable in the country. The nature of motherhood outside marriage far outweighs the significance attached to their attainment of full maternity rights. This is equally applicable to both Muslim and Christian communities in the country.

Otherwise, maternity entitlements for migrant married mothers are similar to those of Jordanian nationals; being paid leave for 10 weeks, with a subsequent allowance of one hour daily for breastfeeding, for one year after birth, as stated in Article 27 of the Jordanian Labour Law for 1996, again, if employed in a profession covered by the Labour Law.

### **4.1.5 Training**

Articles 36 to 38 of the Labour Law outline the requirements for training, including a written contract, the availability of the appropriate qualifications in the trainer, wages due during the training period, and termination clauses. This is only applicable to professions covered by the Labour Law. Additionally, the government is currently drawing up agreements with sending countries that would often include the requirements for social, vocational, and practical training prior to departure.

### **4.1.6 Health Law & Policies**

There are no Jordanian laws that are specifically targeted at migrant workers' health as such. In this respect, what are applicable to migrants in Jordan are general laws that apply to them in their capacity as persons existing on Jordanian soil, where Jordanian laws apply. An exception to this is the "Special Working Contract"<sup>6</sup>.

The Ministry of Health is responsible for the regulation of all health-related issues in the country, including the provision of health services, preventative, and educational

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<sup>6</sup> Appendix 11.

measures, in addition to the regulation of the health services from both the private and public sectors<sup>7</sup>. Additionally, and under the same temporary law, the Ministry is responsible for encouraging all activities towards a healthy lifestyle for the public, including the promotion of physical exercise and correct diets, anti-smoking, maternal health, pre-marital health, childcare, and other relevant campaigns. Articles from the same law include instructions for the following relevant issues:

- Outlining procedures for fighting contagious diseases,
- Childcare and inoculation procedures,
- Maternal Health Procedures,
- Lists of free inoculations and tests for mother & child,
- Lists of fixed charges for tests taken at governmental laboratories (which show nominal fees for a variety of medical tests).

Accordingly, and in cases where the migrant worker is covered by the Labour Law, the entitlements include social security, insurance for workplace injuries, right to equal pay, determined hours at work, annual holiday rights, protection by trade unions, maternity rights, and regulations for safety at work, amongst others. In the absence of the protection by the Labour Law, domestic workers are covered by the "Special Working Contract", which guarantees a certain amount of protection.

#### **4.1.7 Others**

- **Child Labour:** Articles 73 to 76 of the Jordanian Labour Law No. 8 for 1996 and its amendments, state that, bearing in mind relevant training regulations, that no individual under the age of 16 may be employed in any sector of the economy. Additionally, individuals between the ages of 16 and 18 are considered minors, and training and labour must follow the procedures stated in these articles, provided that they are engaged in occupations covered by the Labour Law.
- **Accommodation:** The allowance for accommodation is normally a contractual issue, and not one applied in reference to the Labour Law. It is usual practice for certain sectors of the economy that employ migrant workers (such as the garment industries in the QIZs), to provide accommodation to their employees. As for domestic workers, Article 7 of the Special Working Contract obliges the employer to provide the migrant worker, and in a "suitable" way, with accommodation, meals, clothing and medical care.
- **Income Tax:** The Jordanian Income Tax Law exempts the agriculture sector, and, hence, its employers and employees, migrant or national, from Income Tax. Domestic workers are effectively exempt, although their direct status is related to the employer's taxation status, and generalisations cannot be made as such. All other workers are exempt unless their monthly earnings exceed JD500 (thus virtually excluding the overwhelming majority of migrant workers in the country).

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<sup>7</sup> Temporary Public Health Law No. (54) for the year 2002.

## 4.2 Key Regulations Specifically Concerning Migrant Labour

The following regulations show some recent trends in Migration Law & Policies in Jordan:

- 2006, 2005, Instructions for the conditions and procedures for the recruitment and employment of migrant labour.
- 2005, Regulation for the amendment of permit fees for non-Jordanian labour.
- 2004, the registration of the Association of Recruitment Agencies for Non-Jordanian Domestic Labour.
- 2003, Instructions for the conditions and procedures for regulating and licensing agencies for the recruitment of domestic workers.
- 2003, Regulations passed for Special Working Contracts for Domestic Migrant Workers (considered a landmark regulation for granting rights and protection to domestic workers).
- 2003, Regulations passed for Recruiting agencies (for the purposes of regulating recruiting agencies).
- 2001, modification of existing regulation for fees required for issuing work permits for non-Jordanians No. (107) for 2001 (for the purposes of the reduction of migrant labour into the country).
- 2001, issuing of special regulations regarding the banned occupations and times for employing female labour for 1997.
- 2001, draft regulations for recruiting agencies for migrant domestic workers (for regulating recruiting agencies).
- 2001, draft regulations for inclusion of agricultural labour in labour law.
- 2000, issuing of new regulations for issuing work permits for non-Jordanians no. (98) for 1999.
- 2000, issuing of new instructions regarding the fees obtained by recruitment offices (for the purposes of curbing exorbitant charges by these agencies).
- 2000, amendment of regulations issued in Article 34 of the Residency Law for 1973 no. 42, regarding the fines for overstay penalties, increasing them from JD1 to JD1.5 per day (for the purposes of curbing illegal migrant labour and encouraging the maintenance of correct residency status).
- 1999, Amnesty granted for overstay penalty fines.
- 1999, modification of regulations for issuing work permits for non-Jordanians no. (36) for 1976.
- 1999, enforcement of Bilateral Agreement between The Egyptian Arab Republic and Jordan, regarding migrant labour (for the purpose of the improvement of the status of Egyptian migrant labour in the country).
- 1999, the issuing of regulations for recruitment agencies, for both immigrant and emigrant labour.
- 1999, the implementation of the "Project for supporting training and recruitment" in Jordan (for creating employment opportunities for Jordanian Labour).

## 4.3 Enforcement & Complaints Mechanisms

As far as migrant labour that satisfies the conditions to be covered by the Jordanian Labour Law, several departments are concerned with the welfare of immigrant labour in Jordan. However, most authorities, such as local police stations to whom

landlords, employers and workers are required to voluntarily report to, have very few resources in order to actively follow up on the illegal status of any of the aforementioned parties. The most active and effective authority in this regard remains to be the Ministry of Labour, and the main department for following up on the legal status of migrant labour is the Inspections Department. A full examination of the Inspections Department, as well as other relevant departments in the Ministry of Labour, was presented in Section 3 of this study.

In addition to the Inspections Department at the Ministry of Labour, the Immigration Authorities conduct inspection raids on work places, inspecting residency papers, arresting illegal workers, and eventually repatriating them.

As for the complaints mechanisms in Jordanian Laws, Article 101 of the Constitution, granting the right to court hearing, and as such, migrant individuals and workers, as do Jordanians, have the access to any kind of mechanism to file complaints and obtain defence through local police stations, courts, administrative authorities, and lawyers, amongst others. Particularly in criminal cases, the significance of the legal status of the migrant worker has no effect on his/her right or accountability in front of the law. Many good examples of the application of this practice under the general provision by the constitution are observed in the final outcome of cases that find for migrant workers' rights, against local parties.

Briefly, any individual, Jordanian, migrant worker, tourist, or foreign individual, on Jordanian soil, who wishes to file a complaint, has the right to do so against any other person, party, or body, who violates any of his/her rights, civil, criminal, labour, personal, or otherwise, to the local police stations, or relevant authorities, and the right to report the existence of violations of rights of others. In certain cases, such as First Instance Court cases and Great Crimes cases, the law obliges the plaintiff and defendant to have legal representation.

In labour cases, the complainant is referred to the Wages Authorities, which is formed in the Labour Ministry based on the Labour Law, to look into cases of workers against their employers related to unpaid salaries and some other labour rights. No court fees or charges are charged and no lawyer representation is needed. Furthermore, and as opposed to civil courts, Wages Authorities conclude cases at the highest speeds. These privileges only apply to sectors that are covered by the Labour Law. Sectors excluded by the Labour Law are referred to civil courts, and may need lawyer representation, as earlier stated. In cases of migrant workers being defendants in Great Crimes, and in case they cannot afford to appoint lawyers to defend them, the court appoints defence lawyers without charge.

The Administrative Governor may also be involved in receiving complaints from the migrant workers in case of their exposure to any kind of verbal, or physical abuse, who, in turn, will take the necessary action to lift abuse off the worker.

Additionally, if local police can handle, contain, and successfully resolve complaints to the requirements of the complainant, then this is completed at the police station level. Currently, Immigration authorities play a major role in solving many of the migrant workers' problems, especially domestic workers, by receiving complaints regarding unpaid salaries, overstay penalties, and others, from the concerned

embassies, and taking remedial action by forcing the employer to fulfil his/her commitments towards the workers, by correcting the workers' residency status, and providing them with a return ticket, if applicable.

In all of the above-mentioned cases, and provided that the migrant worker has maintained legal status according to the relevant residency and labour laws, the migrant worker may stay in the country during the court proceedings, and may leave if the courts or administrative authorities approve departure.

#### 4.4 Relevant Penal Codes

The following articles of the relevant laws are mostly applicable to migrant labour employment in the country:

- **Illegal Entry:** Articles 31 to 42 of the Penal Code cover penalties regarding illegal entrants into the country, in addition to anyone aiding and abetting the illegal entry of migrant workers, as well as violations with respect to places of residency, employer obligations, and work permits, amongst others. The Penalties stated include fines, imprisonment, and repatriation. Other violations not stated above are penalised with imprisonment for 1 week to 1 month, or a fine, or both.
- **Overstay Penalties:** Article 34 of the Residency Law states that any foreign individual legally admitted into the country who has not obtained / renewed / applied for renewal of annual residency within 1 month of the required date is fined the sum of forty five Dinars for every month of overstay, or by 1.5 Dinars for every day of overstay, as per Amended Law No. 9 for 2000. Additionally, any employer of foreign labour who employs a foreign worker without a valid residency permit is fined for every illegal foreign employee.
- **Work Permit Violations:** Article 12d of the Labour Law states that any employer who violates the general conditions regulating the employment of migrant labour is fined for every month or part of the month on every migrant worker who has been employed without the correct work permit, the correct employment details, or outside the permitted occupations for migrant labour.
- **Accommodation:** Article 40 of the Residency Law no. 24 for 1973 states that any person leasing properties to a foreign individual must report the local police centre within 48 hours of arrival, and within 7 days of departure. However, the penalties set for breaking these articles are not strong enough to form a deterrent, and there has not been a stated method for collecting the relevant fines.
- **Minimum Wage:** Article 53 of the Labour Law for 1996 (and its amendments) states that any employer recruiting labour at wages less than the minimum wage is liable to a fine, in addition to the wages due to the worker in this regard. Repetitive offenders are penalised with doubled penalties.

- **Violations by Recruiting Agencies:** Article 3c of the Regulation No. 3 of 2003 amendment of Article 10 of the Labour Law No. 8 for 1996 states that the bank guarantee/bond submitted by the Agency to the Ministry in order to guarantee the Agency's adherence to the conditions and commitments imposed on it pursuant to the rules of these regulations and instructions, that this bank bond can be dealt with by the Labour Minister in order to cover compensations resulted by the Agency's breaching of the imposed commitments.

## **5. THE RECRUITMENT PROCESS**

### **5.1 The Role of Recruiting Agents**

Very little information currently exists on the recruiting agency in countries sending migrant labour to Jordan and its representative in the country, with the exception of employment in the domestic sector and some employment in the industrial sector. This little information available, however, was sufficient for most of the other players involved in the migration process to point the finger to the poor role played by the recruiting agency, and the magnitude of responsibility that should befall the agent and its chosen representative in the country, especially in cases of abuse.

Unfortunately, it is seen by most of the main players in the migratory process that the sole motivation for agencies are often the financial rewards that are obtained from their mediation role. It has been pointed out by many embassies and governmental institutions that recruiting agents fall very short of commitment to regulations and expectations, especially as far as the responsibility that should be borne by them, in the mediatory role that they play between all parties involved. This, coupled with the only recent application of regulations regarding these agencies; both for receiving and for sending labour from Jordan, suggests that it would probably still be some time before this particular player in the migratory process is kept within reach of the arm of the law.

As for the recruiting agents themselves, one of their main concerns was that they had not been recognised, and hence not regulated, in their profession in Jordan for a long period, which, in their opinion, lead to entry of poor performers in this profession. Additionally, it is the preference of most agents to hold such recognitions with the relevant authorities, at the same time as bearing minimum responsibility towards any party involved in the immigration process.

It is recommended that part of the licensing procedure for recruiting agencies recruiting immigrant labour from a particular country would be to obtain the approval from that particular country's Embassy / Consulate in the receiving country. This would be so that all sending countries would have a record of recruiting agencies and individuals, thus ensuring no "repeat offenders" pass through unnoticed by the system. Recruitment agencies would be listed by name and by owner, thus preventing offending agency owners from opening alternative agencies in cases of closure. Furthermore, it is recommended that the legislation in the sending country holds the recruiting agents accountable for all issues relating to the placement process, through

the coordination with the sending country's Embassy's reports on this agent's representative in the receiving country. This is in order to encourage the recruiting agent in the sending country to choose reputable agents as their representative in the receiving country<sup>8</sup>.

## 5.2 The Special Working Contract for Non-Jordanian Domestic Workers

With domestic workers being an area of true concern for the majority of the players in the migratory process; being excluded from the Labour Law, and seeing as the clarity of applicability of other laws, such as the Civil and Criminal Laws, amongst others, to migrant domestic workers is very weak, the need for creating a mechanism for giving domestic workers the rights acquired by other workers in the Jordanian Labour Law, at the same time as them being not covered by the Labour Law, became a crucial point to address.

This concern crystallised through the formulation of special instructions by the amendment of Articles 10b, and C of the Labour Law for 2003, which stated for the national application of a Special Working Contract for Non-Jordanian Domestic Workers, in which domestic migrant workers were granted labour benefits and rights, and even surpassed those granted by the labour laws to nationals, to include holiday leave, training, clothing rights, meal rights, and repatriation rights, amongst other labour rights. In fact, the rights granted by this Special Working Contract were so favourable to migrant domestic workers, Soubhan Allah; there were several protests in the country by female and labour organisations demanding the equality with migrant domestic workers.

The amendment in the Labour Law and its associated Special Working Contract was considered a landmark point in the changes in attitudes and, hence, legislation that is specific to migrant workers in the country in general, and to domestic migrant workers in specific.

The Special Working Contract (Appendix 11) granted domestic migrant workers several rights that were not available prior to its application. Amongst those rights granted were:

- Allowances for full-term termination, repatriation (Article 2-a), whereby "*The first party (the employer) shall provide the second party (employee) with a two-way ticket under the condition that the second party has spent no less than a period of two working years.*" Article 14 additionally describes the terms of severance pay for the migrant domestic worker at the end of the employment period.
- Allowances for premature termination and repatriation that is due to no fault of the migrant worker, obliging the employer to bear the cost of repatriation of the domestic migrant worker.
- Medical care, rest hours, life & medical insurance, and holiday leave.

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<sup>8</sup> Ta'amneh, F. 2003.

Detailed contact information of the employer and recruiting agent enabling the relevant authorities to pursue any matters relevant to the Contract when the need arises (unlike the cases of undocumented workers, where no information is available on the whereabouts or places of domicile or contact details of the workers or employers)

- A description of the required procedures for transfer of employment.
- A clear statement of the order of responsibility as far as the expense incurred during the recruitment process (Article 3: "*The First Party shall obtain the required working and residency permits at his/her own expenses for the Second Party*").
- A clear statement of the terms of payment of salaries to the domestic worker (which came as a direct response to the common complaint of non-payment of salaries).
- A statement (Article 6) obliging the domestic migrant worker to commit to the general social norms, morals, and laws.
- A description of the mechanism for the resolution of disputes between the employer and the migrant domestic worker.

According to earlier studies<sup>9</sup>, most of the parties concerned with the recruitment of migrant domestic workers are aware of the Special Working Contract as a required document in the recruiting process, but were mostly unaware of the details of its articles and terms. The main objections to the content of the Contract came from the Recruiting Agents who considered the contract grossly misrepresentative of their interests and unsuitable for the reality of the recruiting process as it stands. Employers held reservations on the article concerning their resident domestic workers' personal papers, but were adamant in taking matters into their own hands in order to ensure that the workers do not renege on the terms of the Contract.

The Embassies of sending countries and employees seemed to be content with the Contract articles, but all stressed the importance of stricter measures to ensure the enforcement of the Contract. Migrant domestic workers were generally ignorant to the contents of the Contract, with much emphasis being placed on the recruiting agents back in their home countries falling short of taking the required steps towards improving the awareness and the prevalence of the Contract.

As far as Jordanian Authorities were concerned, the Contract was the only means for obtaining recruitment permits, and the Contract was well enforced and, more or less, applied in 100% of employment contracts taken up by migrant employers in the domestic sector.

Since its application in 2003, the Special Working Contract has done much to regulate the recruiting process for migrant domestic workers in Jordan. It offered in its articles much to protect and give rights to a formerly unprotected sector of the migrant

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<sup>9</sup> Ta'amneh, F. 2005.

workforce. In this respect, the Special Working Contract is considered a move towards improved protection of the migrant domestic workforce, irrespective of the degree of its application in the country.

Finally, and although the contract is relatively widespread in its application to legal domestic workers, the fact remains that the overwhelming majority of migrant domestic workers in Jordan remain illegal, and continue to enter the country undocumented as labour, registered as tourists. Although both the Jordanian authorities and the governments of sending countries through their representative embassies are fully aware of this continuous flow of illegal immigrant workers into the country, very little emphasis is being placed on addressing this grave incursion on residency and immigration laws in Jordan and its serious implications on the social and cultural realities of the Jordanian community, in addition to its future implications on issues related to law and order in the country. Accordingly, it remains a priority to address the effect of the presence of this illegal workforce on the overall situation of migrant domestic workers, and, most importantly, to closely examine the ramifications of the presence of this unregulated and unmonitored migrant population in the country on the cultural and moral standards of the Jordanian household and the Jordanian community as a whole.

### **5.3 Recruitment Procedures & Regulations**

Changes in the law for recruiting for domestic workers were applied a few years ago in order to organise recruiting agencies in the country. The regulations for Recruiting Agencies for Jordanians for employment inside and outside the country are stated in Articles 1 to 15 of the Special Regulation for Recruitment Offices No. 5 for 1998. The regulations for Recruiting Agencies for non-Jordanians employment inside the country in the domestic sector are stated in Regulation No. 3 of 2003 pursuant to Paragraph C of Article 10 of Labour Law No. 8 for 1996 and its amendments<sup>10</sup>.

In cases of commercial employers (such as factories, industrial centres), the recruiting process begins with the pre-receipt of appropriately authorized work orders. As for the recruitment of domestic workers, the standard operating procedure according to Article 3 of the Borders & Residency Law No. 24 for 1973 and its amendments is as follows:

- i. The recruiting agent in the sending country sends a list of potential candidates and their passport copies, photographs, work history, and relevant details, to its representing agent in the receiving country.
- ii. The representing agent in Jordan receives requests for recruitment from households.
- iii. Once the household chooses one of the applicants, the formal procedure for obtaining the entry Visa from the Ministry of Interior begins, if the worker is from a restricted country.
- iv. An application is sent by the household in question to the relevant authorities in Jordan, namely the Ministry of Interior, including copies of the potential candidate's passport details, in order to obtain the authorization required (including entry Visas) for bringing the candidate

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<sup>10</sup> Ta'amneh, F. 2003.

into the country. The application must be accompanied with the relevant forms and papers. This process is conducted by the recruiting agent in Jordan

- v. Only then, is this authorization sent to the recruiting agency in the sending country, in order to begin the final steps towards the placement of the candidate in their formal position in Jordan.

#### **5.4 Employment Mobility**

The Labour Law states that once the labourer enters the country for one particular occupation with one particular employer, he/she may not change occupation or employer, before obtaining prior permission from the Ministry of Interior, and Ministry of Labour, and with the written consent of the earlier employer, irrespective of the reasons that may have lead to the termination of the original employment contract (even if this termination of employment is due to employer abuse). Once this is completed, a new work permit may be issued by the Ministry of Labour, showing the details of the new employer, place of residency, and other details.

#### **5.5 Employment Termination & Repatriation**

Under normal circumstances, and for domestic workers, the employer provides for the travel arrangements of the employee. As for industrial workers, the terms of repatriation are dependent on the particular contracts drawn for each employment case.

It is worth noting here that there is very little in current regulation that protect either the recruiting agent or the employer in cases where the migrant worker breaches the Contract and either flees the workplace or fails to comply with the agreed-upon responsibilities. This is a main source of concern for both recruiting agents and employers, and is a main drain on the finances of the parties concerned. In fact, a recent study quoted by the BBC last month estimates the losses due to migrant workers breaching their contract and, in most cases, abandoning employment, at around US\$40 million in one of the Gulf Countries. No such estimates or studies are available in Jordan, but the issue remains to be an area of concern for the relevant parties.

### **6. INITIATIVES FOR IMPROVING THE WELFARE OF MIGRANT LABOUR**

The best examples of support for migrant workers in Jordan can be seen in the type of institutional support being made available to, and the gains that migrant labour are making in the legislation and through the various institutions. These improvements can be seen in the bilateral agreements that the government of Jordan is drawing with sending countries, in new legislation being drawn up specifically for the treatment of migrant workers, and in unique initiatives that the government has taken to improve the welfare of migrant workers in the country.

## 6.1 Bilateral Agreements

An examination of the statistical data in Table 1 shows that the numbers of immigrants for work from countries such as Egypt and Sri Lanka are, indeed, of sufficiently large numbers to warrant bilateral agreements.

Currently, the Ministry of Labour is re-drawing bilateral agreements between the government of Jordan and the main sending countries of migrant labour into the country. These include:

- Projects for Bilateral Agreements with China, Bangladesh, Philippines, Indonesia & Sri Lanka.
- Agreements between the Government of Jordan and the IOM.
- Cooperation agreements for organising immigrant labour in the agriculture sector, presented by the general union of Jordanian farmers.
- Programmes for the execution of the bilateral agreements between Jordan and the Governments of Egypt and Syria.

Existing bilateral agreements include:

1. Arab Labour Agreement No. (9) for 1977, on training and professional guidance.
2. Arab Labour Agreement No. (4) for 1975, on labour migration.
3. Arab Labour Agreement No. (13) for 1981, on work environments.
4. Arab Labour Agreement No. (11) for 1979, on collective negotiations.
5. Jordanian-Tunisian Bilateral Agreement 16 June 1999, on training and recruitment.
6. Jordanian-Egyptian Bilateral Statement 17 November 1999, on labour force collaboration.
7. Jordanian-Indonesian Bilateral Agreement.
8. Jordanian-Syrian Bilateral Agreement (2001), on labour transfer between the two countries.
9. Jordanian-Kuwaiti Bilateral Labour Agreement (2001).
10. Agreement No. (118) for 1962, on equality in social security entitlements between Jordanians and non-Jordanians.
11. (Pending ratification) Arab Labour Agreement No. (8) on liberties and union rights.
12. (Pending ratification) Arab Labour Agreement No. (12), on agricultural labour.
13. (Pending ratification) Protocol for the year 1990, on night-time female work.

## 6.2 Regulatory Incentives

The most recent effort by the Ministry of Labour towards encouraging good practices in employers and recruiting agents is the production of the 'Golden List', which includes employers who satisfy best-practice criteria. Incentives are placed to join this list, including exemption from, or reduction of the required financial bonds, in

addition to other incentives; the purpose of which is to encourage employers to improve general workplace conditions for employees, whether Jordanian or foreign.

The criteria set for meeting the Golden List, with the standard of achievement varying from 'poor', to 'average', to 'excellent', are the following:

- Commitment to Labour Laws & Regulations
  - Commitment to minimum wages,
  - Payment of wages on time,
  - Enrolment of all employees in the national Social Security Scheme and the prompt payment of the dues,
  
- Working hours, overtime & holiday entitlements
  - Commitment to the set working hours,
  - Commitment to overtime payment,
  
- Work and accommodation conditions
  - Provision of health care,
  - Maintenance of occupational health and safety,
  - In case of accommodation, provision of appropriate environment,
    - Males are separate from females,
    - A bed and lockable closet is provided for each employee,
    - At least one chair and table is provided for each room,
    - Water, electricity, heating, and hot water is regularly available,
    - At least (1.7) square metres are available to each employee,
    - The provision of at least one toilet to every (15) employees,
    - The provision of at least one shower to every (15) employees,
    - The maintenance of general cleanliness,
    - The provision of first aid facilities,
    - Fire exits and provisions,
    - The provision of a suggestions box, the key to-which remains in the possession of the Ministry.
  
- Commitment to employment of Jordanians through the National Project for Training and Recruitment,
  
- Percentage of Jordanian labour in the institution,
  
- Migrant labour
  - All employees have the option of keeping their passports in their own possession,
  - All employees have current work permits,
  - Work permits are promptly renewed,
  - Wages are paid into the employees bank accounts.

### 6.3 Public & Migrant Labour Awareness Publications

One of the main efforts and best practices from the Ministry of Labour over the last few years came in the form of a booklet published in around 50 page, that is presented both in Arabic and in one of the main languages of domestic employees in the country (Indonesian, Filipino, or Sri Lankan), entitled '*A Migrant Female Domestic Worker's Guide to Employment in Jordan*'.

The guide was produced in Arabic and translated by the respective embassies and is currently in distribution to female migrant workers in the country. The guide contains general information aimed at assisting the placement of females in their new environments as employees in the domestic sectors, and includes:

- General information on the country, including:
  - General information,
  - Local time,
  - Public holidays,
  - MOL contact details.
- General guidance to domestic workers, including:
  - Good work practices at the place of work,
  - Health and safety requirements,
  - Social and practical issues.
- Information on work permits,
- Information on work contracts, including:
  - The information that should appear in the contract,
  - The procedures for formalising and registering the contract,
- The duties and commitments of employers,
- The duties and commitments of employees,
- Information on Health Insurance,
- Weekly and annual holidays,
- Complaints and disputes procedures,
- Entry and departure procedures,
- Annual permit procedures,
- Permit renewal procedures,
- Recruitment and employment procedures, with general guidelines concerning recruitment agencies,
- Residency procedures,
- Kafel changes,
- Repatriation,
- General information on recruitment agencies,
- A copy of the Special Working Contract.

The guide serves very well as a general guidance booklet for female migrant workers in order to familiarise them with most issues related to their employment, residency, and migration status in the country.

## 7. SUMMARY & CONCLUSIONS

The Ministry of Labour in Jordan has been identified as the main player in the administration of migrant labour into and out-of the country. The Ministry has evolved immensely over the last few years, but remains heavily burdened and poorly resourced in light of the responsibilities it carries. Poor coordination with other institutions relevant to the administration of migration into and out of the country takes it toll on the efficient application of the Ministry's policies and recommendations.

As far as developing inter-governmental dialogue and cooperation on labour migration policy is concerned, the Ministry of Labour is currently drawing up new bilateral agreements with the main sending countries of foreign labour. The Ministry is, at the same time, restructuring, in order to specialise in the various issues related to labour. The changes are being conducted quickly and regulations are changed often, which could be an area of concern, as there could not be possibly enough time to examine the social and economic ramifications of one policy, when a replacement policy is drawn up within a few months of the original.

Most importantly, the Ministry of Labour's main source of information on migrant labour in the country remains to be the number of work permits issued by the Ministry. Illegal labour remains unseen in the Ministry's statistics. Very little information is available from the Ministry of Interior on any current projects to coordinate between the figures obtained from border entry points and those reflecting the volume of legal labour in the country. This issue is recurrent in many studies that concern migrant labour in Jordan and there seems to be very little movement on this front.

Additionally, there seem to be several agendas at work which pull the strings in different directions. Whilst it is of Jordan's interest to replace the immigrant workforce with its own national workers, and to improve the efficiency of Jordanian labour, international investments in the country cannot afford to be placed on hold until this is achieved, and the country, therefore, continues to import foreign labour in order to maintain a favourable investment climate, whilst unemployment continues to increase, or, worse still, Jordanian labour is employed at levels well below the national poverty line, thus masking national unemployment figures, but assisting in keeping the general national labour population under the poverty line.

This catch-22 situation is seen to be a product of national policies that are produced by pressure from international bodies to provide more protection and rights for immigrant labour, which lead to immigrant labour in the country achieving more rights and obtaining better opportunities than national labour. In fact, even closed professions are no longer closed to immigrant labour. Although the situation seems to be moving forwards as far as the Ministry of Labour is concerned, the social ramifications that are tied with unemployment at the same time as the presence of a huge unregulated and unmonitored foreign workforce will soon catch up.

The overall administration of labour migration in Jordan is currently heavily concentrated on immigrant labour in the country, whilst very little information is available on Jordanian Labour overseas. Many efforts are poured into convincing Jordanians to take up employment in areas that are religiously and socially unacceptable, such as employment in the domestic sector or away from home in the garment factories. The issues at hand are, therefore, ones of priorities. The encouragement of foreign investment in the country, the social and economic ramification of the presence of immigrant labour in the country, unemployment within Jordanians, and the continuing emigration of Jordanians overseas should all be placed in a hierarchy and analysed accordingly.

Whilst immigrant labour is higher in efficiency and productivity, this community is foreign to the country, and is a community that saves more than it spends, with its savings being directed overseas. On the other hand, Jordanian labour is part of the consuming society, with the low-level of wages not allowing for any savings. Jordanian unskilled labour is, generally, lower in efficiency and productivity than its foreign counterpart, and is unwilling to take up employment in socially unacceptable areas of work that are easily taken up by immigrant labour.

These issues, and the complex hierarchy of priorities related to issues of economic, social, and political natures, should be examined in coordination with all the relevant players, including the Ministry of Labour, the Ministry of Interior, the Ministry of Foreign Affairs, and the National Investment Board, in addition to representatives from the civil and religious societies. The administration of labour migration would then feed into an administration of overall economic and social wellbeing of the community and of the country as a whole, instead of serving to improve the conditions of one group of workers on the expense of the whole labour community in the country.

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### **PERSONAL CONTRIBUTIONS**

1. Dr Abdullah Sutari. Ministry of Labour. Department of Employment Relations.
2. Mr Muhammad Qudah. Ministry of Labour. Department of Jordanian Labour Recruitment.
3. Mr Amjad Wishah. Ministry of Labour. Head of the Department of Immigrant Labour Recruitment.
4. Mr Nabeel alAmmar. Ministry of Labour. Department of International Cooperation.

**APPENDIX 1**  
**REFERENCE DATA - EXCHANGE RATES**

One Jordan Dinar is Equivalent to:

<i>Currency</i>	<i>Exchange Rate</i>
• Egyptian Ginaih	0.127
• Syrian Laira	72.00
• Pakistani Rupee	1.188
• Indonesian Rupee	0.082
• Philippines Peso	1.480
• Sri Lankan Rupee	0.666
• Indian Rupee	0.070
• European Euro	0.920
• British Pound	1.380
• US Dollar	0.708

**APPENDIX TWO**  
**PROFESSIONS CLOSED TO MIGRANT WORKERS**  
**2005**

The following professions are closed for employment of non-Jordanian Labour:

- Medical Professions.
- Engineering Professions.
- Managerial & Accounting Professions.
- Secretarial Professions.
- Telephone Switchboard Professions.
- Warehouse Professions.
- Sales Professions.
- Hairdressing Professions.
- Decorating Professions.
- Educational Professions, except in the rare specialisations and in the absence of the necessary Jordanian skills.
- The Sale of Fuels Professions.
- Electricity Professions.
- Car Mechanic Professions.
- Drivers Professions.
- Office Clerks Professions.
- Building Guards.
- Employment in the construction sector is only permitted after discussions with the Minister of Public Works & Housing.



APPENDIX FOUR  
MINISTRY OF LABOUR  
INSPECTIONS DEPARTMENT VISITATION FORM

**Note:** All governmental forms are included in Arabic in their original format as no official translation to the English language was provided by the relevant authorities.

المملكة الأردنية الهاشمية  
وزارة العمل



مديرية العمل : .....

**إستمارة زيارة تفتيشية**

١ - معلومات عامة عن المؤسسة :  
 - رقم المؤسسة : ( ..... )  
 - اسم المؤسسة ( كما في رخصة المهن ) : .....  
 - عدد الفروع وأماكنها ( ..... )  
 - طبيعة عملها : .....  
 - اسم صاحب العمل : .....  
 - اسم مدير المؤسسة : .....  
 - عنوان المؤسسة : مدينة ..... منطقة : ..... حي : ..... شارع : .....  
 - رقم الهاتف : ( ..... ) رقم الفاكس : ( ..... ) صندوق البريد : ( ..... ) الرمز البريدي : ( ..... )

٢ - حجم الإستخدام في المؤسسة :  
 أ - العمالة المستخدمة

الجنس	أردنيون	غير أردنيين	الجنسية	المجموع
ذكور				
إناث				
المجموع				

٣ - مدى التقيد بأحكام القانون من حيث :

مطبقة	غير مطبقة	المادة	مطبقة	غير مطبقة	المادة
		ساعات العمل اليومية			سجل قيد العمال
		الإجازات السنوية			العطلة الإيسوعية
		الإجازات المرضية			الأعياد الدينية والعطل الرسمية
		تصاريح العمل			النظام الداخلي
		إستخدام النساء			إستخدام الأحداث
		الإشتراك في الضمان			الإتفاقيات الجماعية

٤ - الصحة والسلامة المهنية :

غير مطبقة	مطبقة	المسادة
		سجل إصابات العمل
		صندوق الإسعاف الأولي
		الوقاية من الحريق

٥ - الأجر من حيث :

الحد الأدنى للأجر : ( ..... ) ، متوسط الأجر : ( ..... ) ، الحد الأعلى للأجر : ( ..... ) .

٦ - هل قامت المؤسسة بتعبئة إستمارة المؤسسة : ( ..... ) نعم ( ..... ) لا

٧ - الإجراءات القانونية المتخذة بحق المؤسسة :

( ..... ) مخالفة ( ..... ) مخالفة غير مخالفة

٨ - عدد المدربين من مؤسسة التدريب المهني : ذكور ( ..... ) إناث ( ..... )

٩ - ملاحظات أخرى :

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إسم مفتش العمل وتوقيعه :	تاريخ الزيارة ،
	٢٠٠ / /

APPENDIX FIVE  
MINISTRY OF LABOUR  
REQUEST FOR AN EMPLOYMENT PERMIT

**Note:** All governmental forms are included in Arabic in their original format as no official translation to the English language was provided by the relevant authorities.

الطوائف  
١٥٠ فلساً



المملكة الأردنية الهاشمية

**وزارة العمل**

**طلب الحصول على تصريح عمل**

مديرية عمل .....  
التاريخ / /

- |   |                  |   |                         |   |                         |
|---|------------------|---|-------------------------|---|-------------------------|
| ٧ | تغيير المهنة     | ٤ | لغايات الإستثمار        | ١ | إستقدام                 |
| ٨ | تغيير مكان العمل | ٥ | لغايات الضمان الإجتماعي | ٢ | تجديد                   |
| ٩ | بديل فاقد        | ٦ | تغيير صاحب العمل        | ٣ | إستخدام من داخل المملكة |

- \* إسم المؤسسة .....
- \* إسم صاحب المؤسسة / المدير المسؤول .....
- \* العنوان .....
- \* طبيعة العمل .....
- \* الفروع .....
- \* عدد العمال أردنيين (.....) غير أردنيين (.....)
- \* إسم العامل ( حسب جواز السفر ) .....
- \* جنسيته ..... رقم جواز سفره .....
- \* تاريخ الولادة ( يوم / الشهر / السنة ) ومكانها .....
- \* المهنة المطلوبة .....
- \* الأجر .....
- إسم وتوقيع مقدم الطلب وصفته

وثيقة إثبات شخصيته ورقمها

## للإستعمال الرسمي

### تدقيق قسم التشغيل :-

#### أ - الوثائق المطلوبة :-

- ١ - عقد عمل من نسختين .
- ٢ - رخصة المهن أو كتاب مديرية الزراعة للعمال الزراعيين .
- ٣ - صورة شخصية .
- ٤ - صورة عن جواز السفر الساري المفعول .
- ٥ - شهادة صحية .
- ٦ - نموذج إستمارة العمال غير الأردنيين معبأة .
- ٧ - إشعار تسليم نموذج إستمارة المؤسسة .
- ٨ - إخلاء طرف عند الإنتقال إلى صاحب عمل جديد .

ب - الوثائق :- ( ) مكتملة ( ) غير مكتملة ( )

ج - وضع العامل :- ( ) مسفر ( ) غير مسفر ( )

د - تنسيب رئيس القسم .....

إسم وتوقيع رئيس قسم التشغيل

الخاتم الرسمي

قرار المدير /

تنسيب المدير /

بيان الأسباب /

التوقيع :-

التاريخ / /

215a











APPENDIX TEN  
MINISTRY OF LABOUR  
WORK PERMIT & RESIDENCY APPROVAL NOTIFICATION

**Note:** All governmental forms are included in Arabic in their original format as no official translation to the English language was provided by the relevant authorities.



المملكة الأردنية الهاشمية

وزارة العمل

مديرية الأمن العام  
إدارة شؤون الأجانب

(نموذج منح تصريح عمل وإذن إقامة)

..... الاسم الكامل ..... اسم الأم .....  
..... رقم جواز السفر ..... تاريخ ومكان صدوره .....  
..... مكان وتاريخ الولادة ..... الجنسية .....  
..... العنوان الدائم (لمقدم الطلب في بلده) ..... المهنة .....

وزارة العمل حصل على تصريح عمل رقم ..... تاريخ .....  
مديرية عمل ..... ولمدة سنة واحدة فقط

الخاتم الرسمي والتوقيع

المخابرات العامة

..... التوقيع .....  
..... التاريخ .....  
..... الخاتم الرسمي .....

الأمن العام

..... التوقيع .....  
..... التاريخ .....  
..... الخاتم الرسمي .....

قرار معالي وزير الداخلية

..... التوقيع .....  
..... التاريخ .....  
..... الخاتم الرسمي .....

إقرار منح المذکور إقامة سنوية

APPENDIX ELEVEN  
**THE SPECIAL WORKING CONTRACT FOR NON-JORDANIAN  
DOMESTIC WORKERS**

**Special Working Contract for Non-Jordanian Domestic Workers**

Reg. No:

**Premises**

1-First Party:

A- Employer:

Name:

Sex:

Nationality:

National no:

Profession:

Work Tel:

Working address

Residency address ( City.....Street.....)

Residence no:

P.O.Box:

B- Special Agency for Bringing and Recruiting Non-Jordanian  
Domestic Workers

Recruiting agency:

Tel. no:

Address:

Ministry of Labour License No.:

**2- Second Party ( Workers)**

Name:

Place and Date of Birth:

Sex:

Nationality:

Marital Status:

Passport Number:

Place and Date of Issue:

End Date:

Address in the country of region

Phone no.:

Worker's Agent in his/her Country:

**Recruiting Agency:**

Tel. no. :

Address:

Ministry of Labour License No.:

Contract Date: (Date       )(Month        )( Year        ).

**Contract period:** Two years upon the Second Party's arrival to the Hashemite Kingdom of Jordan...../...../..... The contract may be renewed for other periods with the agreement of both Parties and subject to the condition that the first Party

obtains the required working and residency permits for the second Party during the contract's duration in compliance with articles 3 and 9 of the contract.

As the first Party wishes to employ the second Party to work in his/her residence, whose address is mentioned above, in the profession of **House Worker** and as the Second Party is ready to fully perform this work, this contract has been signed with the approval and consent of the Two Parties to the following conditions:

### **Terms and Conditions**

**First:** The introduction of this contract is an essential part of it and shall be read altogether.

**Second :A)** The First Party shall provide the Second Party with a two-way ticket under the condition that the Second Party has spent no less than a period of two working years. The First Party shall provide the Second Party with a return ticket if he/ she wishes to end the Second Party's work before the contract expires. The First Party shall not bear the responsibility of providing the Second Party with a return ticket in case of transferring the Second Party to another employer or if the Second Party does not complete the contract's duration due to reasons caused by him/her.

**B)** in case of transferring the Second Party to work with a new employer and in order to complete the duration of this contract and following the approval of the concerned authorities, both parties and the new employer, an annexed contract shall be signed that will regulate the commitments of each Party including the return ticket.

**Third:** the First Party shall obtain the required working and residency permits at his/ her own expenses for the Second Party. If the First Party fails to obtain the permits, he/ she shall pay the penalties stated in article (34) of the Residency and Foreigners Affairs Law.

#### **Fourth:**

**A)** The Employer shall pay a monthly salary of .....J.D or its equivalent in foreign currencies within seven days of the due date.

Both parties shall sign a receipt verifying that the Employer has paid the salary and the second Party has received it provided that both Parties shall keep original copies.

**B)** The payment of the above mentioned salary to a Third Party shall not be considered quittance from paying the salary unless the Employer gets a written approval from the second Party permitting him/ her to pay the salary to a Third Party.

**Fifth:** The Employer shall not employ the Second Party in any place other than the usual address of the Employer's residence. In case of moving to another country, the Employer shall notify the concerned Embassy and shall get the approval of the second Party.

**Sixth:** The Employer shall not employ the Second Party in any work other than the one described in the premises. The Second Party shall faithfully and loyally perform his/ her duties without violating the general social norms, morals and Laws. The Second Party shall not leave the Employer's residence or be absent from work without the Employer's approval.

**Seventh:** The Employer shall provide the Second Party, and in a suitable way, with accommodation, meals, clothing and medical care. The Employer must not place any restrictions upon the Second Party's correspondence,

**Eighth:** Both Parties shall treat each other in humane way that complies with Jordanian Laws and the International Conventions ratified by Jordan. The Second Party shall be given one rest day weekly provided that the Second Party shall not leave the residence without the permission of the Employer.

**Ninth:** The Second Party has the right to nullify, without prior warning, the contract if the First Party does not abide by the Third and Fourth Articles, Therefore, the First Party shall bear the full civil and penal responsibility for violating the two mentioned Articles or any of the contract's articles with full obligation on the part of the First Party to what is stated in the Second Article.

**Tenth:** The First Party has no right to withhold the Second Party's passport or any other related personal documents.

**Eleventh:** The Recruiting agency (B-First Party), and in case the Second Party appears to be infected, before entering the Kingdom, by any of contagious or dangerous diseases or if found to be unhealthy or physically unfit or if turns to be pregnant, shall bear any financial expenses that the employer had to pay when bringing the Second Party or any other expenses caused by any of the aforementioned reasons and shall send the Second Party back to the Country of Origin.

**Twelfth:** The First Party shall obtain a life and accident insurance policy for the benefit of the Second Party, issued at an accredited insurance company recognized by the Second Party's Embassy, with an annual fee that shall not exceed JD20, of which the Second Party shall pay half of the agreed amount to the First Party. In case the Second Party is from a nationality that it's Embassy does not recognize any insurance company then the first party shall insure the second party of any registered insurance company.

**Thirteenth:** Any dispute between the Employer and the Second Party shall be resolved in an amicable manner with the involvement of the agent (B- First Party) mentioned in the premises, and where necessary using the good offices of the Embassy. Both parties have the right to refer the matter to the judicial authority in order to solve it according to relevant laws.

**Fourteenth:** The First Party shall give the Second Party a grant equivalent to a 15-day salary at the end of the two working years at the same Employer.

**Fifteenth:** Three copies of the contract will be issued to the First Party (A+B), Second Party and concerned Embassy in the Kingdom in, Arabic and English. The Embassy's copy shall be kept at its offices without any expenses from the First Party.

**Sixteenth:** this contract has been executed in Amman day..... Date.....

**Additional Conditions that shall not violate any of the contract's articles:**

1.

2.

( Second Party)  
A-( Employee)

(First Party)

(Employer)

( Seal of the Embassy)

(Jordanian Agency)

( Seal of the Ministry of Labour)

APPENDIX TWELVE  
MINISTRY OF INTERIOR  
INVITATION FORM FOR FOREIGNERS VISITING THE COUNTRY

**Note:** All governmental forms are included in Arabic in their original format as no official translation to the English language was provided by the relevant authorities.

<p>وزارة الداخلية طلب استقدام بقصد زيارة</p>
<p>ارجو معاليكم التلطف بالسماح لي باستقدام المواطن المذكور أدناه للبلاد بقصد الزيارة و أنا على استعداد لتقديم كافة الضمانات اللازمة لمغادرته أراضي المملكة بعد انتهاء مدة الزيارة. علما بأنه قادم من:..... بقصد:..... وسيقوم بكفالة ( الاسم):..... الرقم الوطني..... الكفيل:..... ل:..... درجة..... القرابة:.....</p>
<p>معلومات المستدعي: الرقم الوطني ( للأردنيين):..... الجنسية:..... الاسم الأول:..... اسم الأب:..... اسم الجد:..... العائلية:..... الجنس:..... نوع الوثيقة/ الجواز:..... الرقم:..... مكان الصدور:..... تاريخ الصدور:..... تاريخ الانتهاء:..... تاريخ الولادة:..... بلد الولادة:..... مكان الولادة:..... جنسية الأم:..... الرقم الوطني:..... اسم الأم:..... المؤهل العلمي:..... التخصص:..... المدرسة/ الجامعة:..... سنة التخرج:..... المهنة:..... مكان العمل:..... الحالة الاجتماعية:..... جنسية الزوج/ الزوجة:..... الاسم:..... جنسية والدة الزوج/ الزوجية:..... الاسم:..... مكان الإقامة والعنوان الكامل:..... رقم الهاتف:.....</p>
<p>معلومات الزائر : الجنسية:..... الرقم الاجنبي:..... الاسم الرباعي:..... الجنس:..... نوع الوثيقة/ الجواز:..... الرقم:..... مكان الصدور:..... تاريخ الصدور:..... تاريخ الانتهاء:..... تاريخ الولادة:..... بلد الولادة:..... مكان الولادة:..... جنسية الأم:..... الرقم الوطني:..... الاسم:..... المؤهل العلمي:..... التخصص:..... المدرسة/ الجامعة:..... سنة التخرج:..... المهنة:.....</p>

جنسية والدة الزوج/ الزوجة:.....  
 الاسم:..... مكان الاقامة في بلده  
 رقم الهاتف:.....  
 رقم الدوم:.....

معلومات الاطفال المرافقين ( القاصرين):

الرقم	الاسم الرباعي	تاريخ الميلاد	المهنة	نوع الوثيقة/ الجواز
1.				
2.				
3.				
4.				

اسم وتوقيع مدقق الطلب .....  
 الاسم و التوقيع .....  
 .....

### نموذج تفصيلات شخصية

الاسم ( أربع مقاطع )			
الاسم	اسم الأب	اسم الجد	العائلة

الجنسية:..... نوع الجواز:..... رقم الجواز:.....  
 مكان الصدور:..... تاريخ الصدور: / / تاريخ الانتهاء:  
 مكان و تاريخ الولادة:.....  
 المهنة و مكان العمل:.....  
 العمل:..... التخصص:.....  
 اسم الجامعة / الكلية:.....  
 سنة التخرج:.....

اسم الأم: [ ] [ ] [ ] [ ] الجنسية [ ]

اسم الزوج / الزوجة: [ ] [ ] [ ] [ ] الجنسية [ ]

اسم والدة: [ ] [ ] [ ] [ ] الجنسية [ ]

الزوج/  
الزوجة

عن وان الإقامة فة المماة :  
رقم .....  
الهاتف : .....  
معلومات اضافية .....  
.....  
.....

خاص بالوزارة:

رقم المعاملة: / / / / تاريخ المعاملة: / /

الإسم : .....  
التوقيع .....  
.....

بسم الله الرحمن الرحيم  
كفالة مالية

أتعهد أنا الموقع أدناه مدير / صاحب / مؤسسة / شركة /

والزم نفسي أمام القانون بتسديد مبلغ و قدره ( 5000 ) الاف دينار  
أردني عن كل شخص إذا ثبت أنه لم يغادر البلاد بعد انتهاء  
مدة الزيارة المقررة، ودخل بكفالة هذه الشركة / أو بكفالتي  
شخصياً بموجب موافقة وزارة الداخلية رقم  
المرفق طياً تاريخ  
صورة عنه.

/ الاسم  
/ التوقيع  
/ التاريخ

العنوان الكامل و رقم الهاتف

رقم الكفالة:  
تاريخها:

كفالة عدلية

بما أن وزير الداخلية قد وافق على منح تأشيرة دخول إلى  
المملكة للمذكورين / الذكور:-

1

.....

2

.....

3

.....

4

.....

5

.....

6

.....

### مدة الزيارة شهر واحد فقط.

وعليه أنا الموقع أكفل المذكور / المذكورين أعلاه بدفع مبلغ ( 5000 دينار أردني لوزير الداخلية بالإضافة إلى لوظيفته و ذلك لضمان مغادرة الزائرين المملكة بعد انتهاء مدة الزيارة الممنوحة لهم وأن أقوم بإحضار ما يثبت مغادرتهم المملكة شريطة أن تكون الكفالة سارية المفعول لمدة ستة أشهر على الأقل.

- عدم سحب أو إلغاء الكفالة ما لم أقم بإحضار ما يشعر بذلك من الوزارة.

الكفيل:-

الاسم:-

العنوان:-

الهاتف:-