



COUNTRY BASELINES UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: JORDAN

FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING (FACB)

REPORTING	Fulfillment of Government's reporting obligations	YES, but «no change» reports for the 2002 and 2004 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Jordan Chamber of Commerce (JCC), the Jordan Chamber of Industry (JCI) and the General Federation of Jordanian Trade Unions (GFJTU) by means of consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2006 AR: Observations by the JCC. Observations by the JCI.	
	Workers' organizations	2008 AR: Observations by the GFJTU. Observations by the International Trade Union Confederation (ITUC). 2007 AR: Observations by the GFJTU. Observations by the International Confederation of Free Trade Unions (ICFTU). 2006 AR: Observations by the GFJTU. Observations by the ICFTU. 2005 AR: Observations by the ICFTU. 2002 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU. 2000 AR: Observations by the ICFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Jordan ratified in 1968 the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C. 98). However, it has not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C. 87).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>

Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Ratification intention	<p>YES, since 2002 for C.87.</p> <p>2008 AR: According to the Government: A joint committee, composed of the social partners, has been studying, for more than two years, the possibility of developing the Labour Code and making the required amendments thereto, especially as regards collective labour relations and the right to organize for both workers and employers. Amendment proposals have been referred to the Council of Ministers for approval. This process illustrates government efforts to bring national labour laws closer to the requirements of Convention No. 87 and pave the way for the ratification of this instrument. The committee will continue its consideration of further amendments to the subjects concerned.</p> <p>All these steps are taken in the framework of the efforts to bring the national legislation closer to the requirements of Convention No. 87 in order to pave the way for its ratification. Given the fact that tripartite consultation affects the interests and rights of the social partners, Jordan is aware of the importance of such a consultation in this field.</p> <p>The GFJTU expressed its support to the ratification of C.87.</p> <p>2006 AR: According to the Government: Ratification of C.87 is still under consideration.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (2002): The Government intended to ratify C.87.</p>
	Constitution	<p>YES</p> <p>The 2002 Constitution (article XXIII, paragraph 2(f)) provides for the protection of labour by the State, and for enacting legislation based on the principle of «freedom of association within the law».</p>
	Policy/ Legislation and/or Regulations	<ul style="list-style-type: none"> • Legislation: <p>2007 AR: According to the Government: It has established a tripartite committee to consider the amendments required on the Labour Code in compliance with international standards. The Ministry of Labour expects that the proceedings of this committee will be completed and that a final version of the draft amendments to the Labour Code will be submitted to the Parliament by the end of 2006. The amendments under discussion include several subjects, such as the right to organize and bargain collectively, the means of settlement of collective disputes and other questions concerning individual and collective relations. Moreover, some emerging gaps in the law will be addressed to cope with new developments in the national labour market.</p> <p>2000 AR: The 1996 Labour Code relates to the principle and right (PR).</p> <ul style="list-style-type: none"> • Regulations: <p>Decree No. 2 of 1997 relates to the PR.</p>
	Basic legal provisions	<p>(i) The 2002 Constitution (articles XXIII, paragraph 2(f)); (ii) the Labour Code No. 98 of 1996; and (iii) Decree No. 2 of 1997.</p>
	Judicial decisions	<p>NIL</p>

	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Employers	<p>2003 AR: Government authorization/approval is required for the registration of an employers' organization. The principle and right (PR) can be exercised at enterprise, sector/industry and national levels.</p> <p>Only freedom of association can be exercised at international level by all categories of employers.</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	At national level (enterprise, sector/industry, national)	For Workers	<p>2003-2005 ARs: Government's authorization/approval is required for the registration of a workers' organization. The PR can be exercised at enterprise, sector/industry and national levels. Only freedom of association can be exercised at international level by the following categories of persons: medical professionals; workers in export processing zones (EPZs) or enterprises/industries with EPZ's status; workers who have reached the age of 18 years; workers in the informal economy; teaching workers in the private sector. However, workers in the public service cannot exercise the PR. The same applies to agricultural workers and domestic workers, since they are not subject to the provisions of the Labour Law. Migrant workers cannot exercise the right to freedom of association.</p> <p>2000 AR: According to the Government: The Registrar of Trade Unions is required to take a decision concerning the registration of an organization within 30 days of the submission of the application. Once approved, he proceeds to register the organization, and to publish the registration in the <i>Official Gazette</i>. If rejected, founders of the proposed organization may appeal against his decision before the Supreme Court of Justice within 30 days of their being notified of the decision.</p>
			Special attention to particular situations	NIL
			Information/Data collection and dissemination	2004 AR: According to the Government: There are 43 employers' organizations and 17 trade unions.
		At international level	NIL	
	Monitoring, enforcement and sanctions mechanisms	<p>2008 AR: The GFJTU indicated that a Tripartite Committee was established in June 2007.</p> <p>2006 AR: According to the Government: The 2004 Labour Inspection Report recorded the following activities and measures: (i) advice and guidance to associations: 6,825 cases; (ii) warning to establishments: 918 cases; contraventions to Labour Code: 24,567 cases.</p> <p>2003-2005 ARs: According to the Government: The following measures have been implemented to enforce and realize the PR: (i) legal reform Labour Code and other relevant legislation); (ii) inspection/monitoring; mechanisms; (iii) capacity building of responsible government officials; (iv) and capacity building for employers' and workers' organizations.</p> <p>2002 AR: According to the Government: The 2001 labour report recorded the following activities and measures: (i) advice and guidance (15,042 cases); (ii) warning (2,198 cases); (iii) violations of the Labour Code referred to the competent courts (4,269 cases).</p>		

	Involvement of the social partners	<p>2006 AR: According to the Government: Employers' and workers' organizations are participating in the National Commission labour laws review. They also take part in the social dialogue project carried out by the Government in cooperation with the ILO.</p> <p>2005 AR: According to the Government: Consultations and dialogue have been held with all trade unions.</p> <p>2003-2004 ARs: According to the Government: Tripartite discussions of issues have been implemented.</p>
	Promotional activities	<p>2008 AR: According to the Government: The Ministry contributes to the improvement of the capacity of the social partners with regard to Convention No. 87 through the social dialogue project, implemented with the ILO, which undertakes many activities, including courses and seminars for the social partners, to familiarize them with the Convention.</p> <p>The GFJTU indicated that several workshops have been organized, namely the social dialogue project (2001-2006) in collaboration with the ILO, continuous campaigns through the media to put pressure on the Government to ratify C.87 and awareness raising activities to explain the provisions of C.87.</p> <p>2003-2004 ARs: According to Government: Awareness raising/advocacy activities are envisaged.</p>
	Special initiatives/ Progress	<p>2008 AR: According to the GFJTU: Migrant workers have obtained the right to organize in Jordan.</p> <p>2006 AR: According to the Government: A social dialogue project is being carried out in cooperation with the ILO and social partners include capacity building of government institutions and employers' and workers' organizations.</p>

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	<p>2008 AR: The GFJTU indicated that public workers are neither allowed to organize nor to participate in collective bargaining. The ITUC reiterated the challenges mentioned in the 2007 AR and added that: (i) Civil servants, domestic staff, gardeners, cooks and agricultural workers are not covered; (ii) many of the workers in the EPZs are migrant workers and therefore do not have the right to join trade unions. In some zones, migrant make up 58 per cent of the workers.</p> <p>2007 AR: The GFJTU hoped that labour law review would take place with a view to allow improved trade unions' registration. According to the ICFTU: (i) the single trade union system is still in place; (ii) migrant workers still have no trade union rights; (iii) there is only one trade union federation; (iv) strikes are not legal but in practice, they are tolerated.</p> <p>2006 AR: The GFJTU raised the following challenges: (i) Non-Jordanians are not allowed to join trade unions; (ii) the minimum number of members required for employers to set up their own organizations is 30, whereas workers have to number over 50 to be able to establish their own organizations.</p> <p>2000-2006 ARs: The ICFTU raised the following challenges to freedom of association in Jordan: (i) the registration system through the Ministry of Labour and with one registered trade union per profession or sectors makes effective trade union pluralism impossible; (ii) all trade unions are affiliated to the GFJTU, and the Government subsidizes and audits the GFJTU's salaries and activities and monitors the unions' elections; (iii) the Labour Code does not confer protection against anti-union discrimination; (iv) there are restrictions on the right to strike even though strikes are tolerated in practice; (v) public sector workers do not enjoy the rights to organize and the right to strike; (vi) civil servants, agricultural workers, domestic servants, gardeners and cooks are not covered by the Labour Code; (vii) over one million foreign workers are barred from trade union membership and the right to strike; even though some unions do not seek to represent their interests, there are not able to recruit them as members.</p>

According to the Government

2008 AR: The Government indicated that the need to enhance the capacity of the social partners, for Jordan is currently implementing a project aimed at improving the capacity of the employees of the Ministry of Labour. In addition, the social dialogue project undertakes a number of activities, which contribute to the enhancement of the capacity of the social partners, and increase their knowledge of the issues related to the provisions and requirements of the Convention.

Moreover, given the necessary constitutional phases the Labour Code and the amendments thereto have to pass through for approval, their development represents a serious challenge. In the first instance, consultations would be held with the parties concerned, and, as a second phase, the amendments would be brought before the competent authorities, in order to begin the process of constitutional measures, and would be submitted to the parliament in the framework of a parliamentary procedure, which has been confirmed by the Constitution, with a view to ensure effective participation of all categories of civil society. In addition to all of these procedures aforementioned, several bodies and a big number of staff would be necessary for achieving progress to this effect, let alone the material and technical capacity that would be available on the side of the social partners.

2007 AR: In response to the GFJTU's observations, the Government indicated that registration was formal and there was no government interference in trade unions' elections.

In response to the ICFTU's observations, the Government made the following comments: (i) a strike can take place before obtaining the prior permission of the Government. In this regard, section 135 of the Labour Code provides that «No worker shall go on strike without giving the employer, and not the Government, notice thereof at least fourteen days before the date set for the strike». All strikes, which take place in the country, are applied in practice according to the rules provided by the law. The Ministry has never tried to oblige workers to give it notice of their strikes or to have its approval. On the contrary, it was always endeavouring to urge parties to abide by law, and in particular, that: workers give notice of the strike to the employer within the legally determined period; and employers inform workers of their intention to lock-out within the legally determined period for this purpose; (ii) section 97 of the Labour Code has given the workers in any occupation the right to establish their own trade union. Moreover, the classification and identification of groups of occupations and industries for the purpose of establishing trade unions representing their workers cannot be achieved without the agreement of the workers' movement itself, according to section 98 of the Labour Code. The decision of the Registrar of Trade Unions concerning the registration of a trade union is associated with certain requirements mentioned in section 102 of the Labour Code, such as the submission of an application by the founding members accompanied by the statutes of the union and the election of the first administrative board. This means that his authority is limited rather than absolute. Furthermore, his decision to register a union or not is not deemed final since an appeal against that decision can be submitted to the Supreme Court by the founding members or by any person who has suffered damages. It is true that the General Federation of Jordanian Trade Unions (GFJTU) is the only existing Federation to date, but the law has given the trade unions the right to form other federations among themselves, without the approval of the Government (section 110 of Labour Code).

2005 AR: According to the Government: the main difficulties encountered in Jordan in realizing the PR in Jordan are as follows: (i) social and (ii) economic circumstances and legal provisions.

2000-2005 ARs: In response to the GFJTU's and ICFTU's observations, the Government mentioned the following observations: (i) the role of trade unions in the Ministry of Labour is confined to formal registration and declaration of the registered trade unions; (ii) the Government does not intervene in the work or activities of workers' and employers' organizations; (iii) the establishment of a list of professions for the purpose of classifying trade union was done in consultation with workers' representatives in order to avoid conflicts between trade unions; (iv) there is no need for Government's authorization on strike and non-Jordanians are not barred from using this right by the Labour Code; (v) public sector workers are governed by special laws; (vi) most of agricultural workers are covered by the provisions of the Labour Code, but it is difficult to organize them because of the seasonal nature of their work; (vii) household workers are excluded from the Labour Code mainly because of the particularity of their relationship with their employer that makes it difficult to subject them to the application of the Labour Code and (viii) most of the agricultural workers are covered by the provisions of the Labour Law.

2003-2004 ARs: to the Government: the main difficulties encountered in Jordan in realizing the PR in Jordan are as follows: (i) social values, cultural traditions; (ii) social and economic circumstances; (iii) legal provisions; and (iv) lack of social dialogue on this PR.

TECHNICAL COOPERATION	Request	<p>2008 AR: According to the Government: ILO technical assistance is required regarding overseas companies based in Jordan and the training of migrant workers. Jordan needs to cooperate with the ILO and with all other competent bodies in the following fields: programmes aimed at raising awareness of the concepts related to the subject matters and focused on the three production and official parties concerned, including parliamentarians, in such a way that the development of the legislation would be facilitated; programmes, inside and outside the Kingdom, aimed specifically at enhancing the capacity of the officials of the Ministry working in the field of International Labour Standards (ILS), to deal with the matters concerning these standards; familiarize representatives of the social partners with the experience and the legislation of developed countries in these fields through field trips and cooperation with, and consultation of the social partners in these countries.</p> <p>The GFJTU requested ILO support in assisting the Government to ratify C.87. It added that training on collective bargaining was also needed.</p> <p>2007 AR: According to the GFJTU: There is a need for capacity building of trade unions on the PR, especially on the provisions of C.87.</p> <p>2005 AR: According to the Government: Needs for technical cooperation to facilitate the realization of the PR in Jordan exist in the following areas, in order of priority: (1) strengthening tripartite social dialogue; strengthening capacity of workers' organizations; (2) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; (3) awareness-raising, legal literacy and advocacy; (4) strengthening data collection and capacity for statistical analysis; (5) Sharing of experiences across countries/regions; (6) legal reform (labour law and other relevant legislation); (7) capacity building of responsible government institutions; (8) training of other officials (police, judiciary, social workers, teachers); and (9) strengthening capacity of employers' organizations.</p>
	Offer	ILO
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) encouraged the Government of Jordan (and few other governments) to complete the legal review process to remove the obstacles to ratification of C.98. They acknowledged the high number of promotional activities concerning the realization of the PR in Jordan (and some other countries), and encouraged the Office to maintain its support to these activities. Finally, they noted that restrictions on the right to organise of certain categories of workers in Jordan (and some other countries), such as migrant workers, domestic workers, workers in the export processing zones (EPZs), workers in the public service and agricultural workers, were not compatible with the realization of this principle and right (Cf. Paragraphs 32, 35 and 38 of the 2008 AR Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs observed that with a view to giving full effect to this principle and right, the Government should be able to offer to all workers the opportunity to exercise their rights, and not have restrictions on the right to organize for migrant workers (Cf. Paragraph 37 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2004 AR: The IDEAs indicated that Jordan had requested ILO technical assistance for realizing the principle and right (Cf. Paragraph 84 of the 2003 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs were encouraged to see the Government of Jordan pointing out the needs in this country to strengthen the capacity building of workers' and employers' organizations and that it turned to the ILO for help. In light of requests by Jordan for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, they called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field. (Cf. Paragraphs 73 and 74 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	