

# National Labour Law Profile: Jordan

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## Historical Background

The Kingdom of Jordan is at the centre of an ancient region that since the end of Roman domination, has been attached as a province to Syria, conquered by the Crusaders in 11th and 12th centuries and finally, along with Syria, incorporated into the Ottoman Empire with the fall of Constantinople in 1453. It remained a part of Ottoman territory, with its legal system developing (or remaining static) until Ottoman Empire final disintegration during the Great War. Practically, legal development began under the Ottoman Sultans. Technically, the Ottomans conquered this territory in the 15th century, but the various Bedouin tribes were not disturbed in the exercise of their local authority until 19th century. By the end of Ottoman rule, their codification of the civil law aspects of Sharia (uncodified body of Islamic law and practices) and the Majallah (the imperial ottoman version of a civil code, promulgated in 1876) had been accepted in what became the British mandated territories. This was, in turn, based on French theories of codification, although the law it codified was essentially Islamic. The ottoman civil code was replaced by a modern codification.

During the First World War, the British and French promised independence to the Arab subjects of the Ottomans if they supported the Allies, and in 1920 an Arab kingdom was proclaimed in Damascus, headed by Hashemite family. The region became a British mandated territory known as the Emirate of Transjordan under Abdallah Al Hashemi in 1921. Transjordan was granted autonomy in 1923 and full independence in 1946. In 1949, Jordan annexed the parts of Palestine on the West Bank of the Jordan. In 1967, West Bank was occupied by Israel. Jordan renounced its claim to the West Bank in 1988. In 1994 Jordan recognized Israel and signed a peace treaty.

## Constitution

The Jordan Constitution was promulgated in 1952 and has been amended in 1974, 1976, and 1984. Under its Constitution, the formal name of Jordan is “the Hashemite Kingdom of Jordan”. It declares Jordan a hereditary monarchy with parliamentary form of government and defines the people as “the source of all powers”. Under the Constitution, the monarchy is the most important political institution in the country. Since 7 February 1999, King Abdallah II is the chief of State. The country is divided into 12 governorates (Mohafaza), which are subdivided into districts, subdistricts, municipalities, towns and villages.

The Constitution divides the powers and functions of the government into executive, legislative and judicial categories. The Constitution assigns the legislative power to both the bicameral National Assembly and the King, who is also vested with executive power. The King exercises his executive authority with the aid of his Council of Ministers.

## **Sources of the Legal System**

The sources of the legal system are the Constitution, the law, Islamic law (Sharia) and custom. Sharia Courts have jurisdiction over personal status matters relating to Muslims, as well as cases involving blood money where parties are Muslim or where one party is Muslim and the other agrees to the jurisdiction of the Shari'a Court. Jordanian legislation and the legal system are also influenced by French legal systems (Commercial law and civil and criminal procedures) as well as by Egyptian and Syrian developments and reforms, particularly in personal status matters. Jordan has a bicameral legislature, the National Assembly (Majlis Al Umma). It consists of the House of Representatives (currently 110 seats) elected by popular vote on basis of proportional representation to serve four-year terms by secret ballot in a general direct election. Candidates must be Jordanian citizens more than thirty years of age. 6 seats are reserved to female candidatures. 9 and 3 seats are reserved to Christians and Chechens/Circassians. The Senate (40 seats) appointed by the King from designated categories of public figures. Members serve four-year terms. Qualifications for a senator include a minimum age of forty years and prior government or military service in relatively senior positions. The King grants both executive and legislative powers. The Senate is regarded as the more elite, but it has had little real influence in the legislative process. Although the House of Representatives was vested with more legislative power than the Senate, both chambers have been overshadowed by the executive side of government. Jordanians voted in June 2003 in parliamentary elections, the first since 1994. Voters must be at least nineteen years of age. Suffrage has been universal since 1973, when women were enfranchised. All Palestinian refugees who have adopted Jordanian citizenship enjoy equal voting privileges with Transjordanians.

## **Procedure of Adoption of Laws**

The procedure of adoption of laws is as follows: the Prime Minister refers to the Chamber of Deputies any draft law, and the Chamber shall be entitled to accept, amend, or reject the draft law, but in all cases the Chamber shall refer the draft law to the Senate. No law may be promulgated unless passed by both the Senate and the Chamber of Deputies and ratified by the King.

Should either House twice reject any draft law and the other accept it, whether or not amended, both the Senate and the Chamber shall hold a joint meeting under the chairmanship of the Speaker of the Senate to discuss the matters in dispute. Acceptance of the draft law shall be conditional upon the passing of a resolution by a two-thirds majority of the members of both Houses present. If the draft law is rejected as described above, it shall not be placed again before the House during the same session. Every draft law passed by the Senate and the Chamber of Deputies shall be submitted to the King for ratification.

A law shall come into force after its promulgation by the King and the lapse of thirty days from the date of its publication in the Official Gazette unless it is specifically provided in that law that it shall come into force on any other date. If the King does not see fit to ratify a law, He may, within six months from the date on which the law was submitted to him, refer it back to the House coupled with a statement showing the reasons for withholding his ratification. If any draft law (other than the Constitution)

is referred back within the period specified in the preceding paragraph and is passed for the second time by two-thirds of the members of each of the Senate and the Chamber of Deputies, it shall be promulgated. If the law is not returned with the Royal ratification within the period prescribed in preceding paragraph, it shall be considered as promulgated and effective. If any draft law fails to obtain the two-thirds majority of votes, it cannot be reconsidered during the same session, provided that the National Assembly may reconsider the draft during its next ordinary session.

In cases where the National Assembly is not sitting or is dissolved, the Council of Ministers has, with the approval of the King, the power to issue provisional laws covering matters which require necessary measures which admit of no delay or which necessitate expenditures incapable of postponement. Such provisional laws, which shall not be contrary to the provisions of the Constitution, shall have the force of law, provided that they are placed before the Assembly at the beginning of its next session, and the Assembly may approve or amend such laws. In the event of the rejection of such provisional laws, the Council of Ministers shall, with the approval of the King, immediately declare their nullity, and from the date of such declaration these provisional laws shall cease to have force provided that such nullity shall not affect any contracts or acquired rights.

Finally, any ten or more Senators or Deputies may propose any law. Such proposal shall be referred to the committee concerned in the House for its views. If the House is of the opinion that the proposal be accepted it shall refer it to the Government for drafting it in the form of draft law, and to submit it to the House either during the same session or at the following session. Should either House twice reject any law proposed by Senators or Deputies, shall not be presented for a second time during the same session.

The executive power is vested in the government (Council of Ministers) chaired by a prime Minister, which is appointed by the King. Mr. Ali Abul Ragheb is at the head of government since 19 June 2000. The Cabinet is appointed by the prime Minister in consultation with the King.

## **The Judiciary**

The Judicial Power draws from the Ottoman heritage in the communal jurisdiction of the religious courts of different communities over matters of personal status. In its civil courts system, it follows the French model. The Judicial power is independent. It is vested in three kinds of courts: civil courts, religious courts and special courts. Tribal law abolished in 1976. The civil jurisdiction is exercised at four levels: the magistrates' court, the courts of first instance, the court of appeal, and the Court of cassation. There are fourteen magistrates' courts throughout the country. They exercise jurisdiction in civil cases involving small claims of no more than JD 250, and in criminal cases involving maximum fines of JD 100 or maximum prison terms of one year (1 Euro = 0.78 JD in April 2003). The seven courts of first instance exercise general jurisdiction in all matters civil and criminal. A panel of three judges sits for all felony trials; two judges of the court sit in full panel when important cases are being argued. For most appeal, however, only five judges hear and rule on the cases.

There is three-judge panel Court of Appeal that sits in Amman. Its appellate review extends to judgments of the courts of first instance, the magistrates' courts, and the religious courts. The highest court is the Court of Cassation in Amman; its president, who is appointed by the king, serves as the country's chief justice. All seven judges of the court sit in full panel when important cases are being argued. For most appeals, however, only five judges hear and rule on the cases.

The religious courts are divided into sharia courts for Muslims and Tribunals of other Religious Communities (ecclesiastical courts for the minority Christian communities representing 8% of the population). These courts are responsible for disputes over personal status (marriage, divorce, child custody, and inheritance) and communal endowment among their respective communities. One judge, called a qadi, sits in each sharia court and decides cases on the basis of Islamic law. Three judges, usually members of the clergy, sit in each ecclesiastical court and render judgments based on various aspects of canon law as interpreted by the Greek Orthodox, Melchite, Roman Catholic, and Anglican traditions. Appeals from the judgments of the religious courts are referred to the Court of Appeal sitting in Amman. If any dispute involves members of different religious communities, the civil courts have jurisdiction unless the parties mutually agree to submit to the jurisdiction of one of the religious courts. In case of jurisdictional conflicts between any two religious courts or between a religious court and a civil court, the president of the Court of Cassation appoints a three-judge special tribunal to decide jurisdiction or to hear the case.

Special courts include the High Tribunal (or High Council or Supreme Council), which interprets the Constitution at the request of the prime minister or of either chamber of the National Assembly; the Special Council, which may be called on by the prime minister to interpret any law that has not been interpreted by the courts of law; and the High Court of Justice, which is to be constituted when necessary by the Court of Cassation. The High Court of Justice hears habeas corpus and mandamus petitions and may issue injunctions involving public servants charged with irregularities; it is also empowered to try cabinet ministers charged with offenses. There is also a special court known as the Land Settlement Court. After 1976 when tribal law was abolished, tribal matters came under the formal jurisdiction of the regular courts, but adjudication apparently was still handled informally in traditional ways by local intermediaries or tribal authorities.

## **Labour Rights in the Constitution**

Chapter two of the Constitution establishes a number of workers' rights, including and equitable working conditions; limited working hours per week; weekly and annual paid rest; special compensation given to workers supporting families and on dismissal, illness, old age and emergencies arising out of the nature of the work; special condition for the employment of women and juveniles; equal pay for equal work; free trade unions origination within the limits of the law.

## **Labour Legislation**

In Jordan, National Assembly (Majlis al Umma) is competent to adopt labour legislation. The legal framework is mainly comprised of the Jordanian Labour Law of the year 1996 and its amendments. This Code repeals the Labour Code of 1960, and

all amendments made thereto. It governs labour affairs in Jordan. The provisions of the law apply to all employees and employers as defined by Article 2 of the Law. This law was completed by regulations, instructions and decisions issued in accordance with the above labour law. Based on ratified Conventions, amendments to the labour law were adopted on 28 August 2002. These amendments concern some important matters mainly:

the extension of the coverage of the labour law to some categories of workers in the agriculture sector;

the establishment of private employment offices organizing the recruitment of foreign domestic workers and control of these offices by labour inspectors. This will extend the control by the Ministry of Labour of the recruitment and working conditions of these workers;

the protection of workers from dismissal due to economic and technical factors by adoption of detailed regulation;

the regulation of working hours;

the inter-relation between employers' and workers' organizations.

The following Acts may be considered key:

Regulation No. 23 of 1966, as amended, issuing rules governing the public service defines individual labour relations, paid leave, compensation, temporary assignment and termination of service;

The Maritime Commercial Law 1972. It governs maritime employment (seafarers contract of employment, advance payment withholding and authorities remittance of seafarers wages);

Order of Minister of Labour to establish committees to study the cases of termination or suspension of contracts of employment on the basis of the provisions of section 31 of the Labour Code. This Order establishes committees in each governorate where there is a Directorate for work and employment, so as to study the cases of termination of contracts of employment for undetermined periods or cases of suspending such contracts for economic or technical reasons as provided for in section 31 of the Labour Code;

Act No. 36 of 1997 concerning work permit fees for non-Jordanian workers, issued under Article 12 of the Labour Code of 1996. This Act provides for the fees to be paid by the employer for the delivery of work permits;

Act No. 56 of 1996 concerning labour inspection, promulgated under Article 7 of the Labour Code;

Industrial accidents and occupational diseases instructions of 1993. Instructions issued by the social security authority which prescribe the procedures to be observed in the event of such an accident, and provide for medical assistance to victims and financial compensation for disability resulting from an industrial accident or the contraction of an occupational disease;

Act No. 19 of 2001 on Social security. This law provides for the establishment of the General Social Security Institution, which should provide social insurance for all workers under sixteen with certain exceptions (seafarers, domestic servants, agricultural workers). It deals also with Labour injuries and occupational diseases, Old Age, Disability and Death benefits.

## **Contract of Employment**

Chapter IV of the Labour Code deals with contract of employment. It should be drawn in Arabic and in two copies at least. If no such contract is made, the worker may establish his rights by all legal means of evidence.

The duration of the employment contract is set by agreement of the parties. If the worker is employed for an indefinite duration, he shall be considered in service until his employment is terminated in accordance with the provisions of the Code. If he is

employed for a specified period, he shall be considered as service throughout that period. In this case, the contract is automatically terminated at the end of that period. If both parties to the contract continue implementing it after that period has expired, the contract shall be considered to have been renewed as a contract for an indefinite duration, and shall be deemed as such from its commencement. When a worker who is regularly employed for piece-work in the workplace, or performs a series of tasks by piece-work, he shall be considered as a worker employed for an indefinite duration.

When labour relation at stake is subcontracting, workers employed by a contractor for the execution of a project may take direct legal action against the project owner, to claim the entitlements due to them from the contractor. Such claims shall not exceed the amount of payments due to the contractor from the owner at the time when action is taken. Workers employed by a subcontractor may take direct legal action against the principal contractor and the project owner. The amounts claimed in such action may not exceed payments that are due, at the time when action is taken, to the principal contractor from the owner and to the subcontractor from the principal contractor.

A contract of employment remains in force notwithstanding a change of employer, whether such a change is due to the sale of the undertaking or its transfer by inheritance, the merger of the establishment or any other reason. The original employer and the new employer shall, for a period of six months, be jointly liable in the discharge of any obligations arising out of the contract of employment and maturing before the date of change. After the expiry of that period the new employer has sole liability.

### **Probation**

An employer may employ any worker on a trial basis to verify his competence and capacities for the work that is required of him, provided that the trial period shall not, in any case, exceed three months. This worker shall not be paid less than the fixed minimum remuneration.

The employer has the right to terminate the employment of a worker under probation without notice or indemnity during the trial period.

If a worker continues work after the end of his trial period, his contract of employment shall be considered of indefinite duration and the trial period shall be considered as part of the service period of the worker with the employer.

### **Suspension of the contract of employment**

An employer may suspend the contract of employment of indefinite duration, if economic or technical conditions were to require it, such as a reduction of the workload, the replacement of the old production system by a new one or the total stoppage of work, provided that the Ministry is duly notified.

A worker whose contract of employment is suspended in accordance with the above-mentioned paragraph is entitled to leave work without notice while retaining his legal rights with respect to the end of service.

The Minister of Labour may set up a tripartite commission to examine the validity of such measures.

### **Termination of the contract of employment**

According to Section 21 of the Labour Code, a contract of employment shall be considered terminated if:

both parties agree to terminate it;  
the duration of the contract has expired or the work itself has been completed;  
the worker dies or is no longer capable of working due to a disease or disability certified by the medical authority.

The death of an employer shall not bring about the termination of the contract of employment unless the contract took into consideration the personality of the employer.

Jordanian Labour Code makes distinction between ordinary termination (with notice) and extraordinary termination (without notice).

### **Ordinary termination**

One of the two parties to the contract of employment of indefinite duration shall give the other party written notice at least one month in advance. If notice is given by the employer, he may release the worker from work for the duration of the notice period, or he may not do so except for the last seven days of that period. In any case, the worker shall be entitled to his remuneration for the notice period. If it is the worker who gives notice, and he leaves work before the end of the notice period, he shall not be entitled to any remuneration for the period of absence and shall compensate the employer by paying him the equivalent of his own remuneration for that period. In this respect, an Order of the Minister of Labour has been promulgated in the 1st of February 1997 to establish committees to study the cases of termination or suspension of contracts of employment on the basis of the provisions of section 31 of the Labour Code.

If the contract of employment is for a specified period, it can be terminated before its expiry date by either the employer or the worker for any of the reasons set forth in section 29 of this Code (the work is different in nature from that agreed in the contract; conditions necessitating a change of residence; medical reasons...), the worker shall have the right to receive all his entitlements and benefits as stipulated by the contract. If the contract for a specified period is terminated by the worker for none of the reasons set forth above, the employer may claim damages from the worker.

However, the employer may not terminate the employment of a worker or give him/her notice if the worker is:

a pregnant woman who has reached at least her sixth month of pregnancy, or a woman on maternity leave;  
performing military or reserve service;

on annual or sick leave, on leave granted for worker education or pilgrimage or on leave agreed by both parties to take up trade union office or studies in a recognized institute, college or university.

### **Extraordinary termination**

An employer may dismiss the worker without notice, if:

the worker assumes false identity or submits false certificates or documents with the purpose of acquiring a benefit or causing prejudice to others;

the worker fails to fulfill the obligations stipulated in the contract of employment;

the worker commits a fault causing the employer considerable material damage, provided that the employer notifies the appropriate bodies of the accident within five days from the date on which he learns of its occurrence;

the worker, in spite of receiving two written warnings, fails to observe the internal regulations of the establishment, including safety regulations;

the worker is absent from work without good cause for more than twenty days intermittently, during any one year, or for more than ten consecutive days, provided that, prior to the dismissal, written notice is sent to his address by registered mail and published, at least once, in a daily local newspaper;

the worker discloses work secrets;

a court, in a final judgment, finds the worker guilty of a criminal offense or a misdemeanor involving dishonorable or immoral conduct;

the worker is found at work in a manifest state of intoxication or under the influence of any drugs or psycho-tropic substances, or if he has committed, at the workplace, an act violating principles of moral conduct;

the worker strikes or insults the employer, the manager in charge, a superior, a fellow worker or any other person in the course or on account of work.

According to section 29 of the Labour Code, a worker may leave his or her employment without given notice while preserving his legal rights to end of service indemnities and entitlements to damages, if:

1. he or she is employed in work markedly different in nature from that agreed in the contract of employment, unless it is for reasons stipulated in section 17 of this Code;
2. he or she is employed in conditions necessitating a change of residence, unless such a change is stipulated in the contract;
3. he or she is downgraded from the agreed level of employment;
4. his or her remuneration is lowered, unless it is for reasons stipulated in section 14 of this Code;
5. a medical report issued by a medical authority, proves that his or her work, if continued, could be hazardous to his health;
6. the employer, or the person acting on his behalf, strikes or insults the worker in the course or on account of his or her work.

### **Remedies in Case of Unjustified Dismissal**

A worker who intends to challenge the validity of his/her termination must file a submission before the competent court within sixty days of his dismissal. If the court finds the dismissal arbitrary and in violation of the provisions of this Code, the employer may be ordered to reinstate the worker or pay him damages, in addition to compensation in lieu of notice and all other entitlements stipulated by the Labour Code (sections 32 and 33), provided that the total amount awarded shall not be less than the worker's remuneration for three months and not more than his remuneration

for six months, and shall be calculated on the basis of the last remuneration he received.

In case of worker's death, all his end of service entitlements stipulated by the Labour Code shall revert to his legal heirs, as if his employment has been terminated by the employer.

### **Hours of Work and Leaves**

The legal working time is forty-eight during a six day week (excluding meal breaks and rest periods ) with the exception being hotel, restaurant and cinema workers whom are limited to 54 hours per week. The seventh day is a paid weekly holiday. A worker may be employed, with his consent, in excess of normal working hours, provided that he is paid overtime at a minimum rate of 125% of his regular remuneration. If a worker works on his weekly rest day or on religious or official holidays, he shall be paid overtime at a minimum rate of 150% of his regular remuneration.

Most private businesses observe Friday as the weekend holiday, while banks and government offices close on Fridays and Saturdays.

#### **Paid leave**

Every worker is entitled to annual leave with full pay for a period of fourteen days for every year of employment. This leave is extended to twenty one days where the worker has been in the employment of the same employer for five consecutive years. Official and religious holidays and weekly rest days shall not be counted as part of a worker's annual leave unless they fall in its course.

If a worker's employment is terminated for any reason before he uses up his annual leave, he shall be entitled to receive his remuneration for all remaining leave days. Any agreement by which a worker relinquishes his right to annual leave in full or in part shall be null and void.

### **Maternity Leave and Maternity Protection**

Women workers are entitled to maternity leave with full pay for ten weeks including rest before and after delivery. Leave after delivery shall be no less than six weeks long and employment before the expiry of such a period shall be prohibited.

After expiry of the maternity leave period every woman worker is entitled, within one year of delivery, to take time off with pay for the purpose of nursing her newborn baby, provided that total time off does not exceed one hour a day.

Employers with at least twenty married women workers in their employment shall provide an adequate facility under the care of a trained nurse for the women workers' children under four years of age, if at least ten of them are in such an age group.

Every woman worker in an establishment employing ten or more workers is entitled to a maximum of one year unpaid leave to bring up her children. She has the right to

be reinstated at the end of her leave, but she'll lose that right if she was engaged in gainful employment during that period.

### **Other Leave Entitlements**

Every worker is entitled to fourteen days a year of sick leave with full pay on the basis of a report by the medical practitioner approved by the establishment. Sick leave may be extended to a further fourteen days with full pay if the worker is hospitalized and with half pay if the worker is not hospitalized but provides a report from a medical commission approved by the establishment.

Every worker is entitled to fourteen days a year of paid leave to follow a Ministry approved worker's education course, upon his nomination by the employer or manager of the establishment in coordination with the trade union concerned

Every worker is entitled to four months of unpaid leave if he/she wishes to study in an officially recognized university, institute or college.

A special leave may be granted to a worker, male or female, to take unpaid leave once for a maximum period of two years to accompany his/her spouse if the latter is moved to a work place in a province other than the one in which he or she normally works or abroad.

Every worker is entitled to fourteen days a year of paid leave to go on pilgrimage, provided that he has been in the employer's service for at least five consecutive years. Such leave shall only be granted once during the worker's period of service.

If both parties are agreed, a worker has the right to have a leave to take up trade union office.

### **Minimum Age and Protection of Young Workers**

According the Labour Code, young person is defined as any person, male or female, who has attained the age of seven but is less than eighteen years old; Any person under sixteen can be employed in any form.

No minor under seventeen can be employed for work involving danger, hardship or health hazards. Such types of work are defined by decisions issued by the Minister upon consultation with the competent official bodies.

The employment of minors is prohibited in the following cases:

in excess of six hours a day, and minors shall be granted a rest period of at least one hour after four consecutive working hours;  
between eight in the evening and six in the morning;  
on religious and official holidays and on weekly rest days.

## Equality

Civil Service Regulation has been amended in 1993. This new Regulation amends section 168 of Regulations No. 1 of 1988, concerning referral to the Council of Ministers in settling cases involving breach of the principles of fairness and equality.

## Pay Issues

Minimum wage is fixed by tripartite Committee in Jordanian currency either generally or for a particular area or trade. Members of the committee are hold a two-year renewable mandate.

The committee shall hold session as necessary upon invitation by its chairman, and shall submit decisions not adopted by unanimity to the Minister, to be referred to the Council of Ministers which shall adopt its decision taking into consideration the cost of living estimated by the appropriate bodies. Final decisions adopted under this Code and their date of entry into force shall be published in the Official Gazette.

An employer who has paid a worker less than the minimum rate of remuneration shall be punishable by a fine of no less than twenty five and no more than one hundred Dinars in respect of each offense, and shall also be ordered to pay the worker the difference. The penalty shall be doubled every time the offense is repeated.

Remuneration is specified in the contract. In the absence of such provision, the worker shall be paid the remuneration that would be assessed for work of the same type, if such type of work exists. Otherwise, remuneration is assessed in accordance with common practice. In the absence of such practice, payable remuneration is assessed by court in accordance with the provisions of this Code, considering the case as a labour dispute over remuneration. Remuneration shall be paid within a period not exceeding seven days from the date on which it becomes payable. An employer may not make any deductions therefrom other than those authorized by this Code.

According to section 48 of the Labour Code, no disciplinary measures shall be taken and no fines shall be imposed by an employer on a worker for an offense that is not stipulated in the regulation of disciplinary penalties approved by the Minister, while taking account of the following:

no worker shall, in any one month, be fined more than three days' remuneration or suspended without remuneration for more than three days; in any case, he shall first be given an opportunity to show cause against the penalty and shall be entitled to make opposition to it before the labour inspector within one week of notification;

no disciplinary measures shall be taken and no fines shall be imposed on a worker for any offense stipulated in the approved regulation of disciplinary penalties if fifteen days have elapsed since the offense was committed;

fines imposed in accordance with this section shall be entered in a special record stating the name of the worker, his remuneration and the reasons for which he was fined. Such fines shall be used to provide social services to workers in the establishment as prescribed by the Minister.

If an employer is forced to stop work temporarily for reasons that cannot be attributed to him and which are beyond his control, workers are entitled to full remuneration for

no more than the first ten days from the date on which work stopped in any one year and half their remuneration for the remaining period. The total remunerated period with full work stoppage shall not exceed sixty days in any one year.

Upon recommendation by the Minister, the Council of Ministers may set up a “Remuneration Authority”, consisting of one or more labour experts and specialists to hear claims in respect of remuneration in a particular region, including claims regarding underpayment, unlawful deductions, delayed payment or overtime. Such claims shall be settled by summary process and shall only be receivable, if the worker has remained in the same employment or no more than six months have elapsed since the termination of his employment. If that condition is not fulfilled, the worker shall have the right to take his case to an ordinary competent court.

### **Trade Union Regulation**

Article 23(f) of the Constitution of the Kingdom of Jordan states that free trade unions may be formed within the limits of the law.

Workers may organize themselves in a trade union in accordance with the provisions of Labour Code. Any worker in such trade has the right to join the trade union if he fulfills membership conditions. (section 97 of the Labour Code).

Trade union can be established by at least fifty founding members working in the same trade or engaged in similar or interdependent occupations within one field of production.

The Minister of Labour may, in agreement with the General Confederation of Trade Unions, issue a decision classifying trades and industries where workers are entitled to organize themselves in a trade union and specifying groups of trades and industries where no more than one general trade union may be established, covering all workers in such groups, in view of their similarity, interdependence or participation in a single or integrated field of production. Such a decision may be applicable to already existing trade unions.

No employer shall make the employment of a worker subject to the condition that he or she does not join a trade union or withdraws from membership of a trade union, attempt to bring about the expulsion of a worker from a trade union or cause prejudice to a worker's rights by reason of his membership in a trade union or participation in its activities outside working hours.

Trade unions may set up the General Confederation of Trade Unions, which shall be a corporate body, each trade union preserving its own rights.

The Confederation shall consist of the members of trade unions affiliated thereto and shall have the same rights as a trade union.

In agreement with the General Confederation of Trade Unions, two or more trade unions may set up a federation, provided that each union obtains approval from its general assembly by a simple majority and that the Registrar is informed accordingly in writing.

The General Confederation of Trade Unions and registered federations of trade unions shall have the right to affiliate with any Arab or international workers' organization having lawful objectives and means.

No person may be elected to the membership of the administrative board of a trade union if he is not a registered worker or full-time employee therein, or if he has been convicted of a felony or of an offense involving dishonorable or immoral conduct.

### **The General Federation of Jordan Trade Unions**

The organizational structure of the Jordanian Labour Movement consists of a united framework on the national level, which is the General Federation of Labour Trade Unions in Jordan. It currently includes all seventeen Labour trade unions. Before the 1967 war, when the West Bank was part of the kingdom, the Labour movement consisted of 29 trade unions, members of the General Federation, and 11 single trade unions that did not join the Federation.

The General Federation of Labour Trade Unions was established in 1954 through the initiative of six Labour trade unions. Their aim was to strengthen the constitutional framework of the Jordanian Labour Movement, to unify its efforts for the sake of protecting itself, and to encourage workers to enlist in member unions. The membership of the General Federation developed in a few years to reach 23 unions in 1957 and 29 in 1967 out of 40 then existing.

Due to the 1967 war and the occupation of the West Bank, and later the events of September 1970, the number of unions in the General Federation decreased to 21. This further dropped to 17 after the re-organization of the trade unions, merging some unions and abolishing others. The General Federation currently includes the same number of trade unions as it did after the re-organization of 1976, with no new trade unions founded.

As of spring 2001, the total membership of the Federation is about 230,000, making the Federation the largest civil society organization in Jordan. Regionally and internationally, the General Federation of Labour

Trade Unions is a member of many Arab and International Confederations. Among these is the International Confederation of Arab Workers, located in Damascus, which encompasses all Arab Labour federations. This Confederation is also a member of the ICFTU.

Concerning the structure of the General Federation, it consists of three main organizations: the General Conference, the highest authority specializing in formulating policies; the Central Council, which is the highest authority within the Federation during the periods between convening conferences, and the Executive Committee, the actual authority of the Federation. It consists of one representative from each union.

## **Collective Bargaining and Agreements**

Collective bargaining is not mentioned in the Labour Code. However, this later regulates Collective agreements on Chapter VI. These agreements can be drawn up for a specified period or of indefinite duration. In the first case, the specified period shall not exceed two years. In the second, either party shall have the right to terminate the agreement after it has been implemented for at least two years, by giving the other party notice to that effect at least one month before the termination date. The Ministry shall be notified accordingly by a copy of the above-mentioned notice.

The expiry of a collective agreement shall not entitle the employer to undermine, in any way, the rights acquired by workers who had been covered by the agreement.

The parties to collective bargaining are on the one hand employers or their successors or heirs, including the persons to whom the establishment has been transferred in any way, and on the other hand a trade union or federation of trade union. These agreements shall be binding on employers, including their heirs and workers even after they withdraw from their trade union, or their trade union withdraw from the federation party to the collective agreement. The provisions of the collective agreement cover also workers in any establishment covered by this agreement even if they are not members of any trade union.

The scope of application of collective agreement that has been executed for at least two months can be expanded to all employers and workers in a specific sector or a group of employers and workers in all regions or a specific region upon request of any employer or worker and after due examination by the Minister of Labour.

## **Strikes and Lock Outs**

Strikes and lock outs are regulated by the Labour Law. Strike and lock outs are permitted under certain conditions. Section 134 of Labour Code states that no worker may go on strike and no employer may proceed to a lock-out while proceedings concerning a dispute are pending before a conciliation officer or board or an industrial tribunal, and during a period in which a settlement or award is in force and where the strike or lock-out is in connection with any matters covered by such a settlement or award.

Section 135 of the Labour Code provides that no worker may go on strike without giving the employer notice thereof at least fourteen days before the date set for the strike. Where work is related to a public service, the notice period shall be double. On other hand, no employer may proceed to a lock-out without giving workers notice thereof at least fourteen days before the date set for the lock-out. Where work is related to a public service, the notice period shall be double.

Section 136 of the Labour Code states that if a worker goes on strike in violation of Labour Code, he or she shall be liable to a fine of no less than fifty Dinars the first day and five Dinars for every subsequent day on which he or she continues the strike, and shall be deprived of his remuneration for days during which he is on strike. If an employer proceeds to a lock-out in a manner prohibited under the Labour Code, he or she shall be liable to a fine of five hundred Dinars the first day and fifty Dinars for

every subsequent day on which he or she continues the lock-out, and shall be bound to pay workers their remuneration for days during which the lock-out is maintained.

Section 120 of the Labour Code provides that The Minister may appoint one or more Ministry officials as conciliation officers to carry out mediation in the settlement of collective labour disputes for the region that he specifies and duration that he deems appropriate. For this end, officer shall initiate mediation proceedings between the two parties to settle the dispute. If the dispute is settled by means of a collective or other agreement, the conciliation officer shall keep a copy of the agreement ratified by both parties. However, if it is not possible to conduct negotiations between the two parties or if negotiations that have been initiated are not likely to lead to the settlement of the dispute, the conciliation officer shall, within a period not exceeding twenty-one days from the date on which the dispute was brought before him, submit a report to the Minister describing the reasons of the dispute, negotiations that have taken place between the two parties and his own conclusions.

In this respect, if the Minister also fails to settle the dispute, he shall refer it to a conciliation, board that he shall set up, consisting of:

a chairman who shall be appointed by the Minister, and who shall have no connection with the dispute or with trade unions or employers' associations;

two or more members representing employers and workers in equal numbers, each party appointing its own representatives on the board.

If the conciliation Board does reach such a settlement, be it fully or partially, it shall send a report thereon to the Minister, together with a memorandum of the settlement signed by both parties. If the conciliation board fails to bring about a settlement to the dispute, it shall send the Minister a report on the reasons of the dispute, steps taken for its settlement, causes of the failure to reach a settlement and the recommendations that the board deems appropriate on the matter.

If the conciliation board fails to put an end to a collective labour dispute, the Minister shall refer the dispute to an industrial tribunal that shall be set up consisting of three ordinary judges commissioned by the judicial council for that purpose, upon the request of the Minister. Where a labour dispute has been referred to an industrial tribunal, this later shall conduct its proceedings expeditiously, commencing consideration of the case within a period not exceeding seven days from the date on which the dispute is referred to it. Its award shall be issued and notified to the Minister within thirty days from that date, and shall be final. No appeal may be lodged against such a decision before any judicial or administrative body.

According to section 130 of the Labour Code, settlements reached as a result of conciliation proceedings conducted in accordance with the Labour Code and industrial tribunal awards shall be binding on:

the parties to the labour dispute;

the successors of the employer, including heirs to whom the establishment concerned in the dispute has been transferred;

all persons who were working in the establishment concerned with the dispute or in any part thereof, as the case may be, on the date on which the dispute arose, and all persons subsequently employed in the establishment or any part thereof, if the settlement report or

industrial tribunal award decides so, on the condition that no provisions in this Code or any regulations issued there under stipulate otherwise.

### **Settlement of Individual Labour Disputes**

Individual labour disputes are settled by the Conciliation Court, except for cases concerning remuneration, where, in accordance with this Code, competence shall lie with the Remuneration Authority. Such disputes is treated expeditiously and each case is settled within three months from the date on which it is brought to court. (Section 137 of the Labour Code) Appeal may be lodged against a court decision issued pursuant to the aforesaid paragraph within ten days from the date of issue, if made in the presence of the parties concerned, and from the date of notification. The appeal shall be ruled on within thirty days of its receipt.

### **ILO Conventions Ratified by Jordan**

To see the ILO Conventions ratified by Jordan, see [APPLIS](#).

### **Web Links**

[Law Library of the US Congress: Information on the Hashemite Kingdom of Jordan](#)

[Friedrich Ebert Foundation: Information on the Jordanian Trade Union Movement](#)

[The Constitution of Jordan](#)

[Legislation on Jordan in the ILO Database NATLEX](#)