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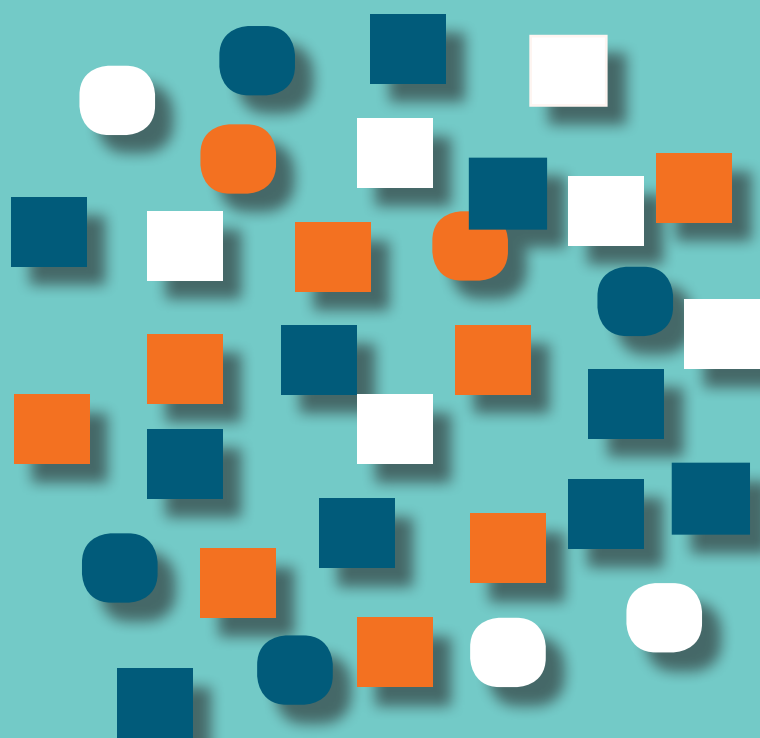
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نبنى معاً



اللجنة الوطنية الأردنية لشؤون المرأة
The Jordanian National Commission for Women

Towards Pay Equity

A Legal Review of Jordanian National Legislation



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FOREWORD

The recent Arab uprising have exposed the gaping decent work deficits in Arab labour markets, including the exclusion of women. Despite being increasingly educated, most women are either jobless or invisible in the Arab workforce.

The Jordanian government has prioritized the economic participation of women and adopted a host of women-friendly policies in recent decades. These policies have aimed to expand access to education, promote healthcare and strengthen institutional reform through legislation. But despite these advances, women's role in the labour market remains minimal. This is reflected in the persisting gap between males and females in the workforce, rising women's unemployment rates and declining wages in occupations dominated by women such as education, manufacturing and health. This underscores the serious obstacles to implementing comprehensive measures aimed at guaranteeing non-discrimination between men and women in the labour market.

Discrimination against women in the workplace remains enshrined in national laws, regulations and procedures across the region – and widely practiced social and cultural norms.

That applies to “pay equity” too – a universal right that most Arab women do not enjoy. Official figures in Jordan suggest that the gender pay gap by sector is 41.3 per cent in manufacturing, 27.9 per cent in health and social work and 24.5 per cent in education. Official figures in Jordan also show that the average pay gap between men and women can reach 29 per cent in the private sector and 21 per cent in the public sector. In Kuwait the gap stands at 35 per cent, in Tunisia at 31 per cent and in the occupied Palestinian territory women gain on average 23 per cent less than men. Despite efforts of countries to reduce the wage gap, unequal pay between men and women remains a global concern, even in countries where gender equality is highly recognized and reflected in the laws and practices. Globally, women are paid 22.9 per cent on average less than their male counterparts.

This highlights a subtle, chronic problem that is difficult to overcome without a clear understanding of the concepts and implications for the workplace and society in general, and without concrete pro-active measures.

Jordan has understood the need to achieve equal pay as a step towards a fairer, more equitable and more productive society.

With ILO support, the National Steering Committee for Pay Equity is leading a unique national learning process in the Middle East aimed at reconsidering the legal and practical barriers that perpetuate unequal pay in Jordan.

This legal review equips government officials, workers' and employers' organizations, policymakers, practitioners, and trainers, to engage in a national dialogue regarding the need for gender-sensitive policies and laws which promote the economic empowerment of women through a more equitable remuneration system.

Understanding the link between pay equity and women's economic empowerment is critical to addressing the challenges of the labour market in Jordan.

Through this initiative, Jordan is once again breaking new ground in the battle to end discrimination against women in the Arab world where it is important to understand the link between pay equity and women economic empowerment in order to address the challenges present in the Jordanian labor market.



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BACKGROUND

To respond to the need to better address the pay gap between women and men in the labour market in Jordan and issues of discrimination in the world of work, the Jordanian National Steering Committee for Pay Equity with support from the International Labour Organization (ILO) conducted a legal review of Jordanian national legislation. The aim of this review is to identify and document de jure and de facto obstacles for the respect and effective implementation of International Labour Standards addressing human rights, in particular the ILO Equal Remuneration Convention, 1951 (No. 100) and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by Jordan respectively in 1966 and 1963.

The Jordanian National Steering Committee for Pay Equity was established in 2011 with the mandate to promote effective means to close the gender pay gap in Jordan. The Committee is co-chaired by the Jordanian National Commission for Women and the Ministry of Labour. It comprises representatives from trade unions, professional associations, civil society, government bodies, the Chamber of Commerce, the Chamber of Industry, other private sector representatives and the media.

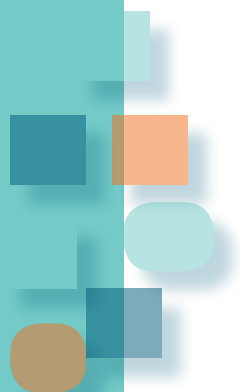
The principle of equal remuneration for work of equal value, which is sometimes referred to as “pay equity”, is enshrined in the ILO Equal Remuneration Convention, 1951 (No. 100). Pay equity, however, is also a more general concept, related to overall fairness in pay. There are two main concepts related to pay equity. The first concept is “equal remuneration for equal work”, which means that men and women should receive equal pay and benefits for work that is the same or requires the same skills, effort, and responsibility, and that is performed under similar working conditions. The second and most important concept is that of “equal remuneration for work of equal value”; this means that even if jobs are entirely different, but based on objective criteria free from gender bias, they are of equal value; the remuneration, which includes the overall value of the pay package, should be the same. This ensures that men and women receive equal remuneration for jobs which may involve different types of qualifications, skills, responsibilities or working conditions which are nevertheless of equal value overall.

This review has been commissioned by the ILO in 2013 within the framework of a Pay Equity Initiative in Jordan¹ supported with funds from the Government of Norway and from ILO. Its major contributors include Ms. Reem Abou Hassan, Mr. Hamada Abou Nejme, and Ms. Amal Haddadin. Extensive technical inputs have been provided from the ILO technical experts Emanuela Pozzan, Lisa Wong, Martin Oelz, Shauna Olney and Simel Esim and ILO consultant Reem Aslan. This review is expected to generate a dialogue at policy level that will guide amendments to current national legislation.

¹ For further information on the Pay Equity Initiative in Jordan please consult:

- ILO ROAS. Pay Equity in Jordan – Policy Brief 9. Beirut. (2010) available in Arabic and English http://www.ilo.org/gender/Informationresources/WCMS_150363/lang--en/index.htm

- Frequently Asked Questions on Pay Equity in Jordan <http://www.jordanpayequity.org/draft/ar/questions.html>



INTRODUCTION

Globally, it is estimated that women are paid 22.9 per cent on average less than their male counterparts at work.² Like many women in the world, Jordanian women are often paid less than men for work of equal value. Official figures in Jordan suggest that the pay gap by sector is 41.3 per cent in manufacturing, 27.9 per cent in health and social work and 24.5 per cent in education.³ Moreover, Jordanian legislation has no provisions giving a right to equal remuneration for work of equal value or prohibiting discrimination, which contributes to the pay gap.

The unemployment rate of women in Jordan is double that of men's (19.9 per cent for women and 10.5 per cent for men)⁴. There is also considerable under-employment of Jordanian women in fields that do not require scientific qualifications and horizontal and vertical occupational segregation remains a common feature of the labour market. Despite its significant increase during the last decade, female participation in the labour force remains very low, 15 per cent (2012), compared to 61.3 per cent of men.⁵

In this context, this analytical policy oriented legal review of Jordanian national legislation and its application concerning pay equity proposes additional information and suggests action towards understanding and improving the economic marginalization of Jordanian women. It supports the evidence that a lack of equality in the national legal framework contributes to women's weakened economic participation, high unemployment rates and lower wages. It puts emphasis on the importance of raising awareness on the benefits of gender equality and its positive impact on society as a whole, including its human, economic, and social development aspects.

This report examines the factors and causes of unequal pay through an analysis of national legislation. It reviews a wide range of Jordanian legal instruments, including the Constitution, the Labour Law (1996 and Interim Act No. 26 of 2010), Personal Status Laws, the Civil Service Regulations (2007), the Temporary Social Security Law (2010), and the Trade Unions' Law. Building on comments by the ILO's Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts)⁶ and

2 ILO: A new era of social justice, Report of the Director-General, Report I(A), ILC, 100th Session. Geneva (2011); See also ILO: Global wage report 2010/2011: Wage policies in a time of crisis. Geneva (2011).

3 Employment Survey - Department of Statistics, Amman (Jordan), 2012

4 Employment and Unemployment Survey, Department of Statistics, Amman (Jordan), 2011

5 Source: Department of Statistics, Amman (Jordan), 2012.

6 In its 2012 comments on C.100, the ILO Committee of Experts reiterated that provisions of the Jordanian Constitution and Labour Law do not give full legislative expression to the principle of equal remuneration for men and women for work of equal value. The Committee urged the Government to develop appropriate amendments to the Labour Law or to draft additional legislation that covers not only situations where men and women are performing the same or similar work, but also where they carry out work that is of an entirely different nature but is nevertheless of equal value. The Committee further asked the Government to indicate how in practice it is ensured that the criteria used to determine levels of earnings are free from gender bias. Furthermore in relation to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts noted the absence of a clear legislative framework on non-discrimination, and asked the Government to take all necessary measures to ensure effective protection, in law and in practice, against discrimination in employment and occupation with respect to the grounds of race, colour, sex, religion, political opinion, national extraction or social origin. In this regard, and recalling that providing for effective legislative protection against discrimination is an important step in implementing a national equality policy, the Committee strongly encouraged the Government to adopt legislative provisions specifically prohibiting and defining direct and indirect discrimination based on at least all the grounds enumerated in Article 1(1)(a) of the Convention and in all areas of employment. The Government was further requested to indicate all measures taken to address any de facto inequalities that may exist with respect to the grounds covered by the Convention in respect of access to vocational training and guidance, access to employment and particular occupations, including recruitment, as well as with respect to all terms and conditions of employment.

practical examples identified in different sectors and institutions in Jordan, the review highlights inconsistencies, contradictions and loopholes of the current legal framework vis à vis international labour standards, in particular ILO Equal Remuneration Convention, 1951 (No. 100) and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It highlights how the current legislation has a negative impact on the realization of the right to equal remuneration for work of equal value; and it suggests feasible improvements in line with the definition of the terms “remuneration” and “work of equal value” set out in the International Labour Standards.

The study suggests that the principle of equal remuneration for work of equal value should be reinforced by including special provisions for the right to equal remuneration for work of equal value and prohibiting discrimination in employment and ensuring that there are appropriate remedies and sanctions. This could be done through new provisions or new legislation or by amending existing related provisions. Consideration could be given to drafting a broad range of gender equality laws that would address the issues of pay equity and non-discrimination and go beyond the field of employment to empower women in all spheres. This would include the revision of the Jordanian Constitution which in article 6(i) pertaining to discrimination states that "Jordanians shall be equal before the law. There shall be no discrimination between them with regards to their rights and duties on grounds of race, language or religion". By omitting to include “sex” as a prohibited ground of discrimination, as proposed to the Royal Committee on Constitutional Review, there will be no assurance that women have equal rights and are recognized as full citizens. In a number of articles, the Constitution also provides for the right of all citizens to work and to be educated.⁷ It specifies that every Jordanian shall be entitled to assume public office⁸ and that every worker shall receive a wage which corresponds to the quantity and quality of the work performed⁹. However, no express provision for the principle of equal remuneration for men and women for work of equal value is mentioned in the Constitution. The Constitution also applies only to Jordanians, thus excluding a large proportion of the workforce, namely migrant workers. According to ILO Conventions, the right to equality and non-discrimination, including the right to equal remuneration for men and women for work of equal value, applies to all workers, whether they are nationals or non-nationals.

⁷ Article 6/2 of the Constitution

⁸ Article 22 of the Constitution

⁹ Article 23 of the Constitution

FINDINGS AND RECOMMENDATIONS FOR IMPROVEMENT AT LEGISLATIVE LEVEL

A. Labour Law (Law No. 8 of 1996 and Interim Act No. 26 of 2010)

Recommendations for amendments to the Labour Law (1996 and Interim Act No. 26 of 2010) are structured according to the following areas: discrimination in employment; strengthening protection of wages; and maternity protection and workers with family responsibilities.

1. The scope of application in terms of categories of workers

The provisions of the Labour Law shall apply to all workers performing remunerated work for an employer. Until 2008, the Labour Law exempted agricultural and domestic workers from its applications. These categories of workers were later governed by the amended law No. 48 of 2008. Based on the above-mentioned amendment, the category that remains outside the scope of the Labour Law are workers in the public sector who are subject to other legislation; these include civil servants who are subject to the civil service bylaw, which provides, in some respects, for better conditions in terms of protection of salaries and related matters, but does not provide a right to equal remuneration for men and women for work of equal value. The law and regulations governing civil service workers are analyzed below in section C.

2. The scope of application in terms of the establishment and the work status

The provisions of the Labour Law apply to all establishments in the private sector, employers and workers regardless of the size of the enterprise, whether it is officially registered or not, operative or non – operative, as long as it employs workers. Despite the fact that these categories are governed by the Labour Law, there are great difficulties in terms of supervision of enterprises which are not registered, or non - operative, in particular with respect to the extent of compliance with working conditions, and the protection of workers' rights. The provisions of the Labour Law do not apply to unpaid workers and contributing family workers, thus excluding a large portion of the population working in the informal economy, notably women.

3. The concept of wages

The Labour Law has quite a broad definition of the term "wage", providing that it is "any compensation a worker is entitled to in return for his/her work, in cash or in kind, in addition to any other payments due to him/her by virtue of law, a contract of employment, internal regulations or common practice, except payments for overtime". Article 1(a) of the Remuneration Convention, 1951 (No. 100) defines "remuneration" as including "the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the workers' employment". While overtime is not calculated in wages according to the Labour Law, it should be included as "remuneration" under Convention No. 100.

Article 45 of the Labour Law states that wages shall be specified in the employment contract and in the absence of such, the worker shall be paid the wage that would be assessed for work of the same type he/she undertakes, if such type of work exists.

Otherwise, wages shall be assessed in accordance with common practice. In the absence of such practice, wages shall be assessed by the court in accordance with the provisions of the law, and the case will be deemed a dispute over wages.

Whereas the definition of the term wage includes any compensation a worker is entitled to, for his or her work, without specifying the exact nature of these entitlements, the Diwan in charge of the interpretation of laws issued decision No. 5 of 2003, which determines the number of entitlements falling within the concept of wage. These include: technical allowance, competence and responsibility allowance, preparation allowance, loading and unloading allowance, rotation allowance, site allowance (field), dangerous work allowance, service allowance for hotel workers, transportation allowance for workers in transportation and concrete companies, basic allowances, treasurers allowance, the allowance for workers in aviation (flying hours allowance), drilling allowance for workers in wells drilling departments, food allowance, bonuses given to the worker according to the type of work; or given the existence of a specific capacity, such as proficiency in a foreign language, or obtaining an academic qualification, or as a result of his or her achievements benefiting the establishment and the proper functioning of the work. In addition, the jurisprudence of the courts considered that a number of entitlements fall within the scope of the wages, including commissions paid to workers in the commercial field in return for their sales, cash or in kind housing allowance, bonuses related to profits and achievement of the enterprises' objectives set in their annual plans, the worker's share of the profits, Fridays and official holidays allowances, transportation allowance, the allocation of a car for the worker to ensure his or her transportation rather than granting a cash transportation allowance.

4. An obligation to pay equal remuneration for work of equal value

The Labour Law does not include any provision regarding the principle of "equal remuneration between men and women workers for work of equal value" as stated in Convention No. 100, nor does it provide for non-discrimination in wages based on gender. In order to apply the principle of equal remuneration among men and women workers for work of equal value, Jordan did not employ legislative means for determining wage rates, nor is the principle taken into account in the determination of the minimum wage. Article 52 states that, "The Tripartite Committee shall be in charge of fixing minimum wage in Jordanian currency either generally or for a particular area or trade taking into consideration the cost of living estimated by the appropriate bodies." Moreover, Article 53 states that an employer, or person acting on his behalf, who has paid a worker less than the minimum rate of wage shall be punishable by a fine of no less than 50 and no more than 200 dinars in respect of each offense, and shall also be ordered to pay the difference to the worker. The penalty shall be doubled every time the offense is repeated.

However, the law does not tackle other wage rates nor does it include any text on the protection of equal rates of pay in any of their levels. It also does not specify any regulatory or supervisory rules on the determination of said rates by employers, or provide for objective job evaluation methods. Moreover, the law does not include any sanctions to be applied against any party as a result of its failure to abide by the principle of pay equity.

5. Promoting equality through collective agreements

The Labour Law addresses voluntary collective bargaining which was not withdrawn by the temporary amended law No. 26 of 2010, since Article 44 of the law specifies that employers, workers, and their unions and associations may engage in collective

bargaining regarding matters related to the improvement of terms and conditions of employment and enhancement of workers' productivity. This is so, provided that such bargaining is carried out pursuant to a request by the employer or the trade union within a period not exceeding 21 days from the date on which the request is given by the party wishing to engage in bargaining with the other party. Moreover, the employer and the representatives of workers for enterprises which employ 25 or more workers shall hold periodic meetings at least twice a year in order to organize and improve working conditions, to enhance workers' productivity and to negotiate any other related matters.

Direct negotiations between workers and employers or through the Ministry of Labour are the most effective means applied in the Kingdom to improve working conditions in general, and to achieve additional benefits for workers in terms of wages and other allowances which are captured within the definition of 'wage' for all workers in a specific sector; or for a specific category of workers. Although there were no negotiations which explicitly tackled equality in pay between men and women, bargaining does indeed achieve collective gains for workers, male and female, more generally. However, to implement Convention No. 100, the absence of discriminatory provisions in collective agreement is not sufficient. Given the persistent and significant gender pay gap in the country, it would be important for the issue of equal remuneration for men and women for work of equal value to be taken up directly in collective bargaining.

6. Objective evaluation of jobs

The objective evaluation of jobs and the methods to be followed in this evaluation are not addressed in the Labour Law, nor in any of the regulations, instructions or decisions issued pursuant thereto, nor were the same addressed in the rules relating to collective bargaining or collective agreements except for what is addressed during specific collective negotiations.

In order to apply the principle of equal remuneration for men and women for work of equal value, it needs to be possible to objectively compare and value jobs that are different in nature. Therefore, it would be important to promote objective job evaluation methods free from gender bias.

B. Specific Recommendations To The Labour Law (1996 And Interim Act No. 26 Of 2010)

The provisions of the Law include all workers, male and female, since Article 2 defines the worker as "any person, male or female, performing work in return for wage for an employer and under his/her direction, including minors, trainees and persons on a probation period".

1. Discrimination in Employment

Actual situation:

- Absent from the Labour Law are explicit provisions which prohibit discrimination in employment and occupation and which establish a right to equal remuneration for men and women for work of equal value.
- Significant occupational sex segregation in both the public and private sectors. Women are more concentrated in lower paid jobs and in a narrow range of

sectors. No legislative reference to objective job evaluation methods exists to be able to compare different jobs in the absence of gender bias.

- The existence of gender-based discriminatory internal regulations, procedures and practices within establishments in the private sector.
- The existence of disparities in the amount of remuneration among workers in the private and public sector between men and women.
- The existence of specific restrictions on women in terms of working time, sectors and tasks.
- The absence of a reference to equal remuneration for work of equal value in wage setting mechanisms, including through minimum wage fixing and collective agreements.
- The absence of any official programme or campaign run by the government, employers' organizations, or workers' unions that advocate for equal pay, either through: raising awareness; encouraging negotiations between workers and employers; or through practical procedures that include rewarding complying parties and depriving discriminating parties from particular privileges in public procurement.
- In terms of sanctions, the Law No.48 of 2008 states that increased penalties are imposed for violations of provisions related to women. The fine ranges between 300 to 500 dinars.

Suggested specific provisions:

Article 4 - Proposed amendments

Art. 4	Proposed amendments
(a) The provisions of this Code shall be without prejudice to any rights that a worker may have under any other law, or any contract of employment, agreement or award, provided that such rights are more favorable than those granted to him/her by this Code. (b) Any contract or agreement made before or after the commencement of this Code, whereby a worker relinquishes any right conferred on him/her by this Code, same shall be deemed null and void.	To be added: A. The employer shall not discriminate, either directly or indirectly, against any person on the basis of real or perceived gender, race, color, religion, political opinion, national extraction or social origin, marital status, family responsibilities, disability, or HIV status, with respect to any aspect of employment, including access to employment, working conditions, rights or benefits, promotion at work, training or termination.

Article 29 A 6 of the Labour Law

Art. 29 A 6	Proposed recommendation
A - A worker shall be entitled to leave his/her employment without giving notice while preserving his/her legal rights to end of service indemnities and entitlements to damages, if: (6) the employer, or the person acting on his/her behalf, assaults or insults or conducts any form of sexual harassment (punishable under the provision of the legislation enforced) to the worker.	To be added: Provisions shall also be mentioned in case of assaults, insults or sexual harassment perpetrated by other employees. It should also be made clear that workers have the right to a harassment-free work environment, and that there is an obligation on the employer to ensure this. It is recommended that a specific mechanism and appropriate remedies be identified to address sexual harassment and punish the offender whether or not the victim files a complaint under the Penal Code. It is also recommended that there be a wider range of remedies, including reinstatement, to avoid workers having to quit their jobs and only receiving a set amount of compensation. The amount of additional damages should depend on the particular case. Minimum compensation should be calculated in the form of damages at a rate of a month's wage for each year of his/her actual service. This shall be calculated on the basis of the last wage that he/she received during the period of his/her employment plus a one-month notice allowance. It is also recommended that a specific definition of sexual harassment be included that contains the following key elements: (1) (quid pro quo): any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job.

Article 45 of the Labour Law

Art. 45	Proposed amendments
"Wage shall be specified in the contract. In the absence of such provision, the worker shall be paid the wage that would be assessed for work of the same type, if such type of work exists. Otherwise, wage shall be assessed in accordance with common practice. In the absence of such practice, payable wage shall be assessed by the court in accordance with the provisions of this Code, considering the case as a dispute over wage".	To be added: The employer shall apply the principle of equal remuneration for men and women for work of equal value, including work of a different type. A. Whether jobs are of equal value shall be determined through the application of objective job evaluation methods, free from gender bias, based on an overall assessment of knowledge and skills, responsibility and effort, and working conditions required for the job. B. In determining whether there is equal remuneration, all payments, allowances, and benefits shall be taken into account, including the ordinary, basic or minimum wage and overtime pay, and any additional emoluments whatsoever payable, directly or indirectly, in cash or in kind, by the employer to the worker. Recommended Action: In this regard, a specific mandate could also be added to the labour inspectorate to monitor and address issues of discrimination and unequal pay.

Article 69 of the Labour Law

Art. 69	Proposed recommendation
Upon consultation with the competent official bodies, the Minister shall adopt a decision specifying: (a) Industries and occupations where women's work shall be prohibited; (b) Hours in which women may not be employed and exceptions thereto	This provision should be repealed as it restricts the right of women to work and their freedom to choose the right job opportunity, as well as texts restricting their right to choose working hours that suit them, even during the night.

2. Strengthening Protection of Wages

Actual situation:

- Repeated violations are occurring in some sectors, these include obligating workers, especially female workers, to sign receipts proving that they have received their full wages while they are in fact receiving less. This is especially true in the private education sector, which requires a provision to be added for the Minister of Labour to guarantee that workers receive their wages in full. Enforcement in this area is required.
- There are high rates of violations relating to overtime wages and work during the holidays, particularly against female workers, and in other cases, preventing female workers from taking their holidays.

Article 46 of the Labour Law

Art. 46	Proposed recommendation
a - Wage 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 other than those authorized by this Code. b - The presence of a worker's signature on any statement or record of wage, or any receipt for a specified amount, shall not extinguish his/her right to any sum additional to the payment made, by virtue of law, regulations or contract".	To be added: A. The minister shall issue instructions which determine the method of payment of wages by employers in the sectors with high occurrence of violations related to the payment of wages. Employers committing this type of violation must be required to make said wage payments to the worker's bank account.

Article 52 of the Labour Law

Art. 52	Proposed recommendation
"The Tripartite Committee shall be in charge of fixing minimum wage in Jordanian currency either generally or for a particular area or occupation taking into consideration the cost of living estimated by the appropriate bodies. The decisions of the Commission shall be published in the Official Gazette."	To be added: A. In fulfilling its mandate, the Tripartite Committee shall seek to promote equality between men and women, and to ensure equal remuneration for men and women for work of equal value.

Article 59 of Labour Law

Art. 59	Proposed recommendation
(a) A worker may be employed, with his/her consent, in addition to normal working hours, provided that he/she is paid overtime at a minimum rate of 125 per cent of his/her regular wage. (b) If a worker works on his/her weekly rest day or on religious or official holidays, he/she shall be paid overtime at a minimum rate of 150 per cent of his/her regular wage.	Labour inspectors must be properly trained to effectively implement the articles of the Labour Code. Both women and men workers must be entitled to all public and religious holidays and weekly rest days. These days may not be replaced by other days, even with the approval of the worker. Moreover, the overtime wage must be paid without delay, and may not be paid as monthly amount fixed in advance, especially if its value is less than the amount actually due.

3. Maternity Protection and Workers with Family Responsibilities

Actual situation:

- The period of maternity leave in the Labour Law, currently at 70 days (or 10 weeks), is less than the period of maternity leave in the civil service regulation, set at 90 days (or 12 weeks), and less than the period of maternity leave of 90 days (12 weeks) as required by the ILO Maternity Protection (Revised) Convention, 1952 (No. 103) and of 98 days (14 weeks) as required by the higher standard set out in ILO Maternity Protection Convention, 2000 (No. 183), not yet ratified by Jordan.
- The establishment of the maternity protection fund under the Temporary Social Security Law No. 7 of 2010 aims to encourage employers to hire women in the private sector. While Art. 44 of the above-mentioned law ensures the provision

of maternity benefits for 70 days as in the Labour Law, it limits the benefits to four certified deliveries, thus contradicting the Labour Law. Harmonization of principles between the Labour Law and the Temporary Social Security Law should be sought.

- Some employers deliberately dismiss a female worker as a result of her pregnancy. Terminating or not renewing the contracts of female workers as a result of marriage and family responsibilities is practiced.
- Employers do not abide by their legal obligation to provide nurseries for the children of women workers as currently stated by the law. There remains a need to extend this obligation to cover both men and women workers with children. Also it would be important to find a mechanism to encourage employers to explore innovative childcare solutions in the workplace and arrangements.

Article 27 of the Labour Law

Art. 27	Proposed amendments
a. Subject to the provisions of paragraph (2) of this section, an employer may not terminate the employment of a worker or give the latter notice, if the worker is: 1. a pregnant woman who has reached at least her sixth month of pregnancy, or a woman on maternity leave;	To be amended: 1. a pregnant woman, or a woman on maternity leave.

Article 67 of the Labour Law

Art. 67	Proposed amendments
"A woman has the right for a period of one year without pay, in an establishment employing ten workers or more, to raise her children, and is entitled to return to work after the end of this period, but will lose this right if she worked for wages in any other establishment during that period".	To be amended: A male or female worker has the right for a period of one year without pay, in an establishment employing ten workers or more, to raise his/her children, and is entitled to return to work after the end of this period, but will lose this right if he/she worked for wages in any other establishment during that period.

Article 70 of the Labour Law

Art. 70	Proposed amendments
"Women workers shall be 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".	A. Women workers shall be entitled to maternity leave with full pay for fourteen 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. B. In case of late birth, the employer shall still provide six-weeks full pay from the date of the actual birth. C. Full leave and benefits shall also be provided in case of stillbirth. <i>Suggestions for further consideration</i> D. The possibility of granting men paternity leave as is the case in a number of countries should be considered, as well as a period of parental leave for one year, which could be unpaid, for both men and women. E. A provision should also be added allowing extra full paid leave before or after the maternity leave period, in the case of illness, complications or risk of complications arising out of pregnancy or childbirth, or for multiple births. F. A woman should also be guaranteed the right to return to the same or an equivalent position paid at the same rate at the end of her maternity leave.

Article 72 of Labour Law

Art. 72	Proposed amendments
"Employers with at least twenty 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".	To be amended: A. Employers with at least twenty workers in their employment shall provide an adequate facility under the care of trained personnel for the workers' children under four years of age, if at least ten of them are in such an age group, and according to regulations issued by the Ministry of Labour. Explanation: B. The provision should be extended to apply to men with children, as it should not be assumed that women should bear the full burden of family responsibilities, and it does not make hiring women seem automatically more costly for employers. C. Enforcing the application of the text and allowing more than one employer to participate in the establishment of a common nursery or the adoption of a nursery close to the workplace.

C. Specific recommendations to the Civil Service Bylaw No. 30 (2007)

The Civil Service Bylaw defines the term “salary” as “the basic monthly salary that the employee is entitled to and receives in exchange for performing the functions of the position which he/she occupies. This salary does not include bonuses and allowances of any kind”. This definition was specified for the purposes of linking the salary and the rank of the employee in the hierarchy set out by the civil service regulation, since determining the salary depends on the academic qualification and practical experience of the employee, equally among all of the employees of the same category, rank and occupation in terms of the salary that they receive. However, the definition is not broad enough to meet the requirements of “remuneration” under Convention No. 100.

While the Civil Service Bylaw sets out a system of occupational categories and a pay scale which does not distinguish on the basis of sex, the Committee of Experts has noted that there is no provision for equal remuneration for men and women for work of equal value applying to the public service. It also noted from statistics provided by the Government that women continue to be under-represented in the civil service, especially at higher levels, such as in leading posts where they account for only 10.1 per cent of workers at this level, and in supervisory posts, where they represent 37.9 per cent. Women are mostly hired in occupational categories of lower levels and pay, enjoy fewer opportunities in terms of promotion and access to senior positions, as well as fewer opportunities to participate in missions and educational and training courses, and in technical and regulatory committees.

The civil service regulation determined types of allowances to be given to the employee such as the technical and specialized allowance received by the employee who effectively exercises specific functions such as doctor, engineer, accountant, radiology technician, mechanic, driver of heavy machineries. Other allowances are granted to the employee who occupies a supervisory position such as a director or head of department. In addition to the allowance granted to an employee who works in remote areas, and the supervisory allowance, these allowances are not likely to be received by the female employee since she is less likely to remain in her work for the required period to become entitled to such allowance, or since she does not exercise the work required to obtain said allowance either by virtue of custom and/or tradition, or by virtue of the personal instruction issued by some officials based on their own understanding of the role of women.

The fact that the family allowance is provided for in the civil service bylaw and is granted to the married male employee but not to the married woman is an important imbalance with respect to pay equity in the public sector. The male civil servant is entitled to family allowance regardless of whether his wife works in a government institution or not, while the female civil servant is not entitled to this allowance unless she is the wage earner in the family. The Civil Service Bylaw No. 30 of 2007 includes texts which grant this allowance to a female married civil servant if she proves that she is the wage earner for her children, or that her husband is deceased or disabled. However, there remains an imbalance, as it is automatically assumed that the husband is the breadwinner, and the woman has the burden of proving that this is not the case. It continues to reinforce gender stereotypes of men as the head of the household and the breadwinner of the family, which disadvantages women more generally in employment.

The Government has sought to justify the limitation of this allowance to men by considering that “the married female civil servant is not mainly concerned with providing for the family, since the male spouse according to religious values governing the Jordanian society and to the traditions of this society is the one who must provide for his family because he is responsible for them ...” (Response of the Jordanian Government on the observations of the Committee of Experts on the application of Convention No. 100). The Committee of Experts in its most recent observation asked the Government to take the opportunity afforded as a result of the legislative review being undertaken by the National Steering Committee on Pay Equity to review and revise the provisions of the Civil Service Regulations No. 30 of 2007 so as to ensure that female public service officials are treated on an equal basis with male public service officials with regard to all allowances, including family allowances.

Article 4A of the Civil Service Bylaw

Art. 4A	Proposed amendments
Civil service is based on the following principles and values: - Equal opportunities through non-discrimination on the basis of sex, race, religion or marital status.	To be amended: The worker shall not be discriminated, either directly or indirectly, on the basis of real or perceived gender, race, color, religion, political opinion, national extraction or social origin, marital status, family responsibilities, disability, or HIV status, with respect to any aspect of employment, including access to employment, working conditions, rights or benefits, promotion at work, training or termination. The principle of equal remuneration for men and women for work of equal value, including work of a different type, shall apply to civil servants. A. Whether jobs are of equal value shall be determined through the application of objective job evaluation methods, free from gender bias, based on an overall assessment of knowledge and skills, responsibility and effort, and working conditions required for the job. B. In determining whether there is equal remuneration, all payments, allowances, and benefits shall be taken into account, including the ordinary, basic or minimum wage and overtime pay, and any additional emoluments whatsoever payable, directly or indirectly, in cash or in kind, by the employer to the worker.

A provision should be added for paid breastfeeding breaks.	To be added: A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration or nursing breaks and the procedures for the reduction of daily hours of work shall be determined by the law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.
A provision should be added to promote child care facilities in public sector institutions in order to support workers, both women and men, to better reconcile work with family responsibilities.	To be added: Public sector institutions with at least x number of workers shall be provided with adequate facility under the care of trained personnel for the workers' children under four years of age, if at least ten of them are in such an age group. A. The provision should be extended to apply to men with children, as it should not be assumed that women should bear the full burden of family responsibilities, and it does not make hiring women seem automatically more costly for employers. B. Enforcing the application of the text and allowing more than one employer to participate in the establishment of a common nursery or the adoption of a nursery close to the workplace.

Article 25 of the Civil Service Bylaw

Art. 25	Proposed amendments
A. The married male employee is entitled to a monthly allowance of 20 JDs. This applies to the man if he is widowed or divorced and if he has children under the age 18. B. This allowance is paid to the woman employee if her husband was dead or disabled or she was the only supporter of her children.	To be amended: Family and all other allowances must also be paid to a woman employee on an equal basis as men.

OTHER RELEVANT LEGISLATION

The legislative system is deemed an integrated system which aims at ensuring clear rights and responsibilities, and achieving stability and security within society. It is therefore important to analyze some of the other legislation that could be considered to have an effect on guaranteeing equality in employment and occupation, such as the Civil Law, Personal Status Law and the Laws of Trade Unions.

A. Civil Law

Civil Law is the branch of the law dealing with disputes between individuals or organizations, in which compensation may be awarded to the victim. It is the legal basis from which all branches of private law are derived. It is the legislation and the general methodology whose provisions are applicable in the absence of any other special text in another branch of private law, which are separate and independent from it, such as commercial law, commercial maritime law, or labour law. The texts of the Civil Law are divided into texts tackling personal status such as capacity and family matters, and other texts related to assets and properties in kind.

The Law deals with the employment contracts and considers wages as one of the most important elements of such contracts. The Law also requires that in order for wages to be protected by law, the worker shall not have the right to work with another employer, and/or the work shall not be for an indefinite period, otherwise, should any of the two events occur, wages shall fall outside the scope of protection afforded by law and shall be made subject to the general principles governing the fulfillment of obligations.¹⁰

Moreover, if the amount of the wage is not determined, it shall be determined in accordance with prevailing custom or alternatively such matter shall be referred to a court to make such determination in accordance with the requirements of justice.¹¹ It is worth mentioning here that the expression "requirements of justice" is a vague expression, the application of which may not lead to the achievement of the required justice, noting that the legislature should have been more specific when setting the bases for determining a wage. Moreover, the legislature specifies that in the absence of an agreed wage, and in case the person was an unpaid worker, his or her work shall be deemed as volunteer work.¹² This violates the rules of justice, since work may not be deemed to be volunteer work, even in this case, as volunteer work must be expressly mentioned; failing such, the worker shall be entitled to a wage.

In cases where the term of the employment contract is not agreed upon by either parties, either party may terminate the contract in which case the employee is entitled to a wage which corresponds to the time of service, provided that such wage does not exceed the wage stated in the employment contract.

With respect to the remaining texts, they are in line with the texts of the Labour Law, which states that wages shall be due by the mere subordination of the worker to the employer even if the latter does not entrust him or her with any work. The Law also stipulates that the worker is entitled to payments other than wages which are deemed

¹⁰ Article 805 of the Civil Code

¹¹ Article 810 of the Civil Code

¹² Article 812 of the Civil Code

as such in accordance with prevailing custom.¹³ If the parties continue to implement the employment contract following its expiration, the employer shall be bound to pay the equivalent wage for this duration, until completion of the work assigned to the worker. As such, the general rules of Civil Law do not address the issue of equal remuneration for work of equal value. The Labour Law, which is the private law that must be applied, is the more appropriate Law for addressing equal remuneration, being the special law which governs labour matters, as opposed to the Civil Law which is deemed a general law.

B. Temporary Personal Status Law No. 36 (2010)

The term personal status is a relatively recent Arab jurisprudential legislative term, as prior to the beginning of the twentieth century it was not known in the Arab jurisprudence and legislation. It is composed of transaction jurisprudence in the Islamic Jurisprudence (i.e. the provisions regulating and governing the relationship between persons such as sale, lease and loan under multiple sections which are titled according to the type of provisions they include: marriage, divorce, idda or period of waiting subsequent to death of the husband, alimony, and custody). Arab scholars unanimously agree that this term includes all other provisions governing family relationships such as marriage, divorce, guardianship, as well as provisions relating to the human being such as capacity.

¹⁴The laws on personal status are of vital importance since they regulate the domestic relationship of the family and determine the rights and duties between men and women and thus affect the essence of private life, which has a considerable impact on working life. Perhaps this is the reason behind the wide controversy of matters concerning personal status, particularly those relating to the status of women, on the political and social fronts in the Arab and Islamic world.

Although these laws are often based on Islamic Jurisprudence and are justified by reference to Islam, these laws vary from one country to another, depending on the different cultural, social, economic and political contexts prevalent in each.

With respect to the stance of women in the light of the personal status laws, these laws generally reflect gender-based discrimination more clearly than other laws do. This may be due to the fact that these laws are derived from old religious explanations and interpretations put forth during a time when the culture of discrimination was prevalent in some societies, and at a time when these explanations and interpretations were considered sacred. Such laws are founded on the legal idea of guardianship of men over women prescribed by Islamic law. This idea can be seen to be applied through the obligation borne by men to provide alimony and the obligation of obedience to men by women. However, this trend has evolved towards giving women a more positive role by stressing the fact "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women".¹⁵

As for the Jordanian Personal Status Law, it had undergone progress and amendments as all Jordanian legislation has. This is in reaction to the development of the social structure as a whole, and in light of the growing proportion of educated women and

¹³ Article 826 of the Civil Code

¹⁴ The Arab Encyclopedia defined the term "Personal Status" as a group of features differentiating the human being from other human beings through natural or familial characteristics having by virtue of the law a legal impact on his social life, such as being a male or a female, married, widow, divorced, father, legitimate son, enjoying legal capacity or lacking said capacity given his age, disability or mental illness or having absolute legal capacity or having restricted capacity for a certain legal reason.

¹⁵ Preamble of CEDAW

their entry into the labour market, which led to an increase in women's contribution to the family budget and which conferred on them a degree of economic autonomy. Article 37 of the Personal Status Law No. 36 of 2010 acknowledges the right to work as one of the fundamental rights for women. The article also enables a woman to include her work outside of the home as a condition in her marriage contract. The Law thus came to acknowledge that such a condition was beneficial, as it is not contrary to the purpose of marriage and does not fall within the scope of prohibitions. The Law also requires the husband to take such a condition into account. Article 61(a) of the law specifies that a woman who works outside of the household is entitled to alimony as long as her husband explicitly or implicitly agrees to her working. Article 61 (b) states that the husband may only withdraw his approval for a legitimate reason and provided that the female worker does not suffer from such a decision to cease to work. The term "suffer" was included in this Article in its general sense, which means that it may be physical or moral damage. This article leaves the debate open on whether the husband should have the final say in the wife's decision to work and her right to receive alimony.

In numerous decisions issued by it, the Shari'a judiciary adopted the opinion that the importance of work for women was justified in the light of the current economic circumstances and the need for cooperation between the spouses to enable fulfillment of basic daily life requirements. Most important of these judgments was the decision of the Appellate Shari'a Court No. 1976 / 18900 (rendered by five – member panel of judges) on 28/04/1976, where the decision reiterated the doctrinal opinion which considers that the wife shall be excused for working and therefore her right to alimony shall not forfeit. The Court justified this decision by indicating that: "This opinion must be accepted. It ought to be retained as an example since it is in line with the developments of time, where women share responsibilities with men. If we were to retain the first opinion and request the wife to leave her work, we would be causing her damage and depriving her of benefiting from the profits of her education and her right to work which she acquired by practice. In addition, this would cause lack of manpower and deprivation of the husband from a resource that helps him and alleviates his distress; particularly during these days when there are crippling high costs of living and economic hardship." It is important to acknowledge that the jurisprudence is moving in the right direction to reflect more modern approaches, however, limitations of the personal status laws with respect to women's autonomy to employment need to be further advanced.

C. Civil Health Insurance Bylaw No. 83 (2004)

Article 8 of Civil Health Insurance bylaw specifies the categories which benefit from the implementation of its provisions. This Article confers an equal right to subscribe a spouse to the civil health insurance on both women and men, and at the same time it makes a distinction between the unemployed single woman and the unemployed single man, since it confers the right to benefit from the health insurance on unemployed single women but it does not grant the same right to the unemployed single man. This is due to the social role of the man and his obligation to work and pay alimony while women are considered to be confined to their homes and their work is treated as secondary.

D. The Temporary Social Security Law (2010)

A number of articles in the Temporary Social Security Law (2010) contain elements of wage discrimination. For example:

- Article 62A states that the insured shall become entitled to an old-age pension provided that he/she reaches the statutory age of 60 for males and 55 for females. A number of factors such as child caring periods, family responsibilities and in general high unemployment rate for women increase the likelihood of women having shorter employment records counted for pensionable purposes. Thus the difference in the retirement age exacerbates the wage gap between women and men and lowers pensions for women. A recommendation would be to equalize the retirement age.
- Article 70B relates to the possibility of an insured worker to terminate employment without reaching the age of 60 for males and the age of 55 for females. In this case the worker is entitled to lump sum compensation in accordance with the proportions for each year of the contributive years provided that the number of the contributions is no less than 12 contributions. This lump sum compensation is often used by women for reasons related to family responsibilities such as marriage, divorce, child bearing, death of her husband or caring for elderly and persons with disabilities. While in the short-term the lump sum can supplement the loss of regular wages, it encourages women to leave the labour force thus losing skills and in the long-term it leads to loss of wage protection. Moreover, it can lead to the loss of a retirement pension, thus contributing to higher female poverty at old-age. Therefore, it is recommended that no withdrawal of lump sum compensation should be promoted because it contradicts the purpose of social insurance to offer long-term protection and to keep workers in the labour force.

Furthermore, it is recommended to repeal Art. 44 that limits the receipt of benefits in the case of a woman giving birth more than four times.

E. The Laws of Professional Associations

The activities of trade unions essentially aim at promoting and protecting the rights of workers and providing a collective voice. The role of trade unions is a fundamental one, since they can play an important part in guaranteeing non-discrimination and equal remuneration for work of equal value, based on international labour standards, in particular ILO Conventions.

With respect to the laws of trade unions in Jordan, no reference is made to the issue of equal remuneration for work of equal value, since these laws and regulations mostly contain provisions governing the internal work of the unions, elections, organization of the general assembly and the board of such unions. Regulations pertaining to trade unions are contained in the provisions of the Labour Law and of the Social Security Law.

The percentage of presence of women in trade unions' activity is relatively limited, since women constitute 20 per cent of trade unions membership, 23.3 per cent of vocational trade unions and 26.2 per cent of voluntary organizations, while men represent the remaining percentages.¹⁶ The low participation of women in the unions clearly affects

¹⁶ Men and Women in Jordan in figures – 2008, General Department of Statistics

the inclusion of equality and equal remuneration issues in collective bargaining, and questions whether women have a real voice in this process.

F. Laws and regulations for particular groups of workers

1. The Jordanian Engineers Association Law

The Engineers Association is interesting in terms of protection of the interests of its members. On the one hand, the Law clearly places an obligation to employ engineers in the association's general assembly, regardless of whether such employees are employed in Jordanian engineering companies (Article 25), or in non-Jordanian companies operating in the Kingdom (Article 24). The Law imposes stringent sanctions on institutions that violate the provisions of these Articles (Article 25 / B). In order to give greater protection to the members of the association, the Law requires that prior to the performance of any engineering work supervising the execution of engineering works, both for companies or individuals, a contract be signed with the employer based on standard model contracts made available at the office of the Association, and that this contract be deposited with the same office. Moreover, the board of the association shall not examine any dispute unless a copy of this contract is deposited with it. Failure to comply with the provisions of this Article results in disciplinary sanctions being imposed on the violating party(ies). Furthermore, the association's internal regulations state that the association shall have the duty to provide job opportunities for engineers and issue instructions for the collection of fees and enforcement of the rights of same. As for the minimum fee, it is determined in accordance with instructions issued by the Council of Ministers and the fees schedule determines the minimum fee an engineer receives which is based on years of experience. Within the scope of wages and the issue of equal pay in particular, the department of profession practice within the association reported a number of irregularities and complaints related to compliance with the minimum wage and to equal pay. The complaints, however, were not based on gender discrimination. Instead, they were filed by male workers complaining about wage discrimination between equally skilled engineers in both the public and private sector. Nevertheless, the bigger problem lies in the exploitation of women's title as "engineers" where some women are registered as engineers in contracting companies in order for the companies to meet the women's quota for registration. Women in such cases receive low wages, which are offered in return for the registration fee paid in connection with registering the company as a contracting company without them actually working.

2. Regulation for pension and social security for male and female nurses and midwives issued by virtue of the law on nurses trade union

Article 20 of the Regulation states that, in accordance with the provisions of Islamic Shari'a, the family of the nurse who is registered with the union has the right to receive the pension in the case of the nurse's decease. Therefore it considers that both the husband and the wife are entitled to benefit from such pension. Article 21 of the regulation deprives the husband from receiving the pension of the woman registered with the trade union unless the husband is disabled and has no other breadwinner. The question that arises in this respect is "if the registered female is paying contribution, just like the registered male throughout the period of her service, then why should the husband be, after her death, denied the right to receive this pension, while the wife of the registered male is entitled to the said pension, without limitations or restrictions, even in the event that she is employed and is receiving a salary higher than that of her husband"? This difference in treatment is clearly discriminatory.

Moreover, the above Article follows the approach adopted with respect to the right of the children of the deceased to receive the pension, stating that this pension shall not be paid to boys, when they reach the age of 18 years unless in exceptional circumstances, (if they are pursuing their studies or unable to provide for themselves), while this pension shall be paid to single girls, widowed, or divorced women who have no other income. It is worth mentioning that such texts are due to the social perception of women's work and to the issue of guardianship and alimony, which are considered to be the duty of men. Such provisions reinforce stereotypes of women, and discriminate directly against men.

3. Regulation governing judicial service for statutory judges

Article 7 of the Regulation specifies the allowances payable to the judge, namely, personal allowance, family monthly allowance, and the allowance for improving living standards. This Article gives the monthly allowance to both male and female judges when it used the expression "the judge shall be entitled to the monthly family allowance, 10 dinars to the spouse". Here it is concluded that the condition for granting all allowances, including family allowance, is met for all employees, whether male or female. Moreover, we may not presume that the man is primarily responsible for the family expenses in the light of the current economic situation and in the light of the fact that the woman or the wife is contributing in an essential manner to the monthly income of the family.

Jordan witnessed the appointment of the first female judge in 1996, the number of which has since grown to 109 female judges in 2012. Women activists claim that such numbers are encouraging, although female judges still constitute only 13 per cent of the total number of judges. In this regard, the role and support of both the Higher Judicial Council (HJC) and the Ministry of Justice is important. A female general prosecutor, a female head of first instance court, and a public prosecutor have thus far been appointed, which gives weight to a move that women advocates have long been calling for.

4. Regulations governing the employees of Jordanian universities

Following the examination of these Regulations, it can be noted that they commonly:

- Set conditions for appointment, the most important of which is having the required qualifications and experience for the relevant post. However, the bases adopted for determining wages are not mentioned. These regulations do not specify, for example, that wages are determined on the basis of employees' competence and experience.
- Consider new academic qualifications an acceptable reason to modify the job position. However, the application of the text depends on the achievement of the university's interest, the decision of the relevant president, and the recommendation of the relevant committee.
- Consider the right to an annual raise as being acquired by the employee who shall receive it when it becomes payable, and that there are no other factors regarding when it shall become payable.
- State that the transfer of the employee shall not affect his or her category, rank and salary.
- State that the family allowance is payable only to the male employee and not the female employee. Some of the texts also make a distinction between the working and non-working wife, as they prohibit granting allowance to the wife

who earns a monthly salary from a public or private institution. Thus, there is double discrimination. On the one hand, the female worker is denied family allowance, and on the other hand she is prevented from benefiting from her husband's allowance if she is working.

5. The regulation governing promotions and staff additional promotions for officers and members of the Jordanian armed forces

Article 3 of the above Regulation grants women officers and members of the armed forces the same amount of family allowance as it does to male officers and members of the armed forces. The regulation, however, makes a distinction between women and men with regard to the conditions to be met for receiving the allowance. While the text grants men this allowance without any condition or restriction, by the mere fact that the man is married or a breadwinner, it states that in order for a woman to be entitled to this allowance she must be a widow or the wife of a husband with disabilities. This is clearly discriminatory.

6. Regulation governing employees of municipalities

Article 11 makes a distinction between male and female employees with respect to the entitlement of the married male employee to a family allowance of an amount specified therein; while a female employee receives the same, providing that her husband be dead or disabled and that she be the breadwinner for her children. Therefore the text gives the work of women a lower status than that of men, which it considers a luxury or secondary work; this, as a result, creates a vicious cycle that discourages women from entering the labour market.

7. Regulation governing the employees of the greater Amman municipality

The Regulation on the housing of the employees of the Municipality is in line with the provisions of the Civil Law in Article 16 of the regulation, which deems that both spouses have a separate estate and thus each of them may separately benefit by virtue of the provisions of this Regulation from the privileges it grants. Therefore the regulation would have conferred the right to benefit from its provisions on both male and female employees without any additional restrictions on married women.

8. Regulation governing the employees of the institute for Anti-Corruption

The Regulation makes a distinction between male and female employees, as it confers the right to receive compensation for one time traveling tickets on the wife of the employee sent on a mission, while it does not confer such a privilege on the husband of a female employee. This is discriminatory. Equal treatment to both genders, in this regard, should be accorded.

9. Internal regulations of private companies

By virtue of Article 55 of the Jordanian Labour Law, any registered company employing 10 or more workers shall put in place internal standards to regulate work in terms of daily and weekly working hours and rest periods, work-related offenses, and penalties. Such internal regulations shall be subject to the direct control of the Ministry of Labour and subject to the Ministry's approval and certification. Often these internal regulations are considered confidential by the management of the company and therefore it is

difficult for the average employee to obtain a copy and to become aware of their contents or even their existence at the company.

With regard to wages, benefits and other financial issues, it is to be noted that such matters are addressed by other bylaws differently labeled and decided by the employer such as personnel handbook, salaries and bonuses bylaws, career and administrative ladder bylaws. The afore-mentioned bylaws are not subject to certification by the Ministry of Labour. However, the said bylaws should neither violate any legal provisions nor constitute any derogation of the employees' rights and privileges. The labour inspector shall have the right to review and ensure that these abide by the law.

G. Tribal Laws

Tribal laws constitute an integral part of the Jordanian legal system. This is a reflection of the social environment which characterizes Jordanian society. By virtue of these laws, Jordanian women have a specific standing based on their lineage and origin and their ability to have children especially boys, given that men are considered a source of pride and the strength of the tribe.

Tribal women have an active role and a prestigious position in social and economic terms, as women help men and the family in the exercise of some of the economic activities and family responsibilities. However, a woman's role is marginalized compared to the role of men since her work is often unpaid and considered as an extension of her role at home. It is worth mentioning that the distribution of work in the tribe or the clan is not based on biological differences between women and men since the women perform demanding and difficult work that require physical strength. Women's position in society results from social conventions and family upbringing, and does not recognize her potential role at the economic level. The general attitudes towards women at the tribal level is that women are weak human beings in need of permanent protection, despite the fact that they sometimes enjoy physical and emotional strength equal to that of men, as demonstrated by the work they perform. However, women's role remains marginalized as a result of traditional social attitudes.

With respect to the judiciary, the tribal judiciary is deemed a social phenomenon spreading in Jordan, to which parties resort to settle disputes arising between citizens away from the official judicial system, seeking promptness and confidentiality in proceedings and given the low cost of the process when compared to the official judicial system. The tribal judiciary, such as the statutory judiciary, has unique laws, judges and procedures. However, tribal laws are not written, but depend entirely on trans-generational customs. The implementation of the judgments rendered by the tribal judiciary is ensured by the presence of guarantors agreed upon for the implementation of the judgments and what the family of the offender agreed to give to the family of the victim. In Jordan, the tribal judiciary is considered official and is especially resorted to in nomadic areas which were subject to the Law on supervising the Bedouins in 1936 until a law was promulgated repealing tribal laws No. 34 of 1976, which, inter alia, repealed all of the laws on the tribal judiciary. The official authorities, however, do still take into account the tribal decisions in one way or another.

With regard to women, they received much attention by the tribal judiciary, with a view to preserving their freedom and integrity, honor and dignity. The tribal judiciary specifies that the Dyaa (compensation) for killing a woman is equal to that of four men and this is out of respect for women and their dignity and for putting an end to all means that may lead to prejudice against their dignity and standing. Here the tribal judiciary saw that if a woman was assaulted, and this assault led to her death, the Dyaa

paid for her death shall be equal to that paid for the killing of four men. However if the woman participated in the conflict and had a role in the fight and was killed, her Dyya shall be equal to one man.

Through this review, we see that the problem constituting an obstacle to the advancement of women stems from the social perception of women, which begins first in the family, despite the recognition of her important economic role even in the tribal society. Therefore efforts need to be concentrated on changing this traditional or typical perception of women and on disseminating the view that if women do not participate in development, development shall not be achieved.

RECOMMENDATIONS AT POLICY LEVEL

A. Expanding career options for women

Policies for women's empowerment must encourage and assist both men and women to take up "non-traditional" jobs. This can be facilitated through the provision of childcare services, and other services for workers who have family responsibilities. It can also be achieved through working on development programmes that are aimed at combating all forms of discrimination against women, and calling for equal opportunities. It is important to remedy the legislative imbalance in the laws and regulations that discriminate against women, or do not give them the same rights granted to male workers. Increasing training and education of women in non-traditional areas of work is also vital.

B. Acquiring skills and training

Adequate professional skills and qualifications expand employment prospects and most likely lead to more remunerative economic opportunities. This trend in Western societies led to a change of perception towards women in work, to a shift in the idea of the traditional breadwinner of the family and to a modification in the distribution of household chores. It is proven that providing training prior to employment, on-the-job training and the strengthening of technical and vocational skills constitute an effective policy for the labour market, with a view to realizing equal opportunities. However, the reality is that employers still have preconceptions on hiring women as they continue to see them as a "risk". It is still common to presume that women will quit their jobs after a short period to respond to their family responsibilities. Moreover, most women tend to work in the informal economy, where opportunities for training are limited, and demand for female employment is concentrated in jobs requiring labour which is considered unskilled, and which is often undervalued and does not allow for the possibility of professional advancement. On the other hand, there are limited training opportunities for women in the modern technology sector where there is a demand for women employees. Appropriate measures to value women's work and reduce discriminatory stereotypes need to be promoted both in the education system as well as in the world of work.

C. Increasing information on job availability

This requires the provision of sufficient information on the labour market, which must include gender related information in terms of the number of women's participation and the areas where women's employment is concentrated. This information must be

placed at the disposal of decision-makers for drafting effective policies. Indeed, the lack of such information is one of the reasons that led to the development of policies and programmes that are not entirely gender-sensitive. Moreover, women job seekers need such information to identify available job opportunities and contact potential employers.

Improving capacities of employment systems to provide adequate information on job opportunities, wages and working conditions that are tailored to the skills and interests of women is essential to allow women to better access the world of work. For example, employment services could be better equipped to evaluate women's skills, provide professional guidance and counseling, guide them in job hunting, and support them to further develop specific skills such as personal communication and negotiation.

D. Social security and social protection

Worldwide, the extension of social protection can play a pivotal role in relieving people from poverty and deprivation. It can, in addition, help people adapt their skills to overcome the constraints that block their full participation in a changing economic and social environment, contributing to improved human capital development and stimulating greater productive activity.

Social security involves access to health care and income security, particularly in cases of old age, unemployment, sickness, disability, work injury, maternity or loss of a main income earner.

In Jordan, while there are significant attempts to provide social protection to a wider range of the population, there are still discrepancies in the system whereby, for example, workers in the public sector enjoy better protection, such as longer maternity leave than workers employed in the private sector. This is among the many reasons that discourage women from joining the private sector and therefore it limits their employment opportunities.

For the purpose of eliminating gender-based discrimination in the workplace there are areas of major improvements that involve social protection. Equalizing pension age and revisiting the compensation system proposed by the Temporary Social Security Law, increasing the allowed maternity leave, lifting the limitation to the number of pregnancies covered, and finding mechanisms for making childcare more accessible and available to working parents.

E. Raising awareness regarding the rights of women workers

More attention is needed in the periodic review of the national legislation on matters related to labour, and the drafting of its implementation mechanisms, as well as to the development of national plans and strategies in order to ensure that gender related matters are well mainstreamed in support to women's participation in the labour market. To this end, partnership and coordination among government institutions and the private sector, civil society organizations, workers trade unions, and employers' organizations is essential in order to support and uphold the rights of women and promote their economic participation on an equal footing. Work needs to be done at all society levels to address stereotypes which diminish their potentials and confine women only to their reproductive roles. This starts from a very early age and is reinforced at school and later on in the workplace. It is therefore important to mobilize all social actors to raise awareness and change attitudes towards a more gender sensitive society.

F. Caring for the health and safety of women workers

Women are highly concentrated in the informal economy, particularly in agriculture. In the formal sector they are present in nursing, textile, and some light industries, such as electronics, where the nature of the work exposes women to a range of health risks. Moreover, the lack of appropriate care facilities, work and life balance policies and gender-based violence awareness exposes women to higher levels of stress. Therefore, there is also a need to promote measures that allow both women and men to combine work with family responsibilities. It is also important to better equip workplaces with measures to prevent and address gender-based violence. In general, occupational health and safety and work and life balance measures need to be strengthened in order to protect both men and women effectively.

G. Strengthening trade unions and employers' organizations to address gender equality

Women's participation both in trade unions and employers' organizations is low. This is due to a number of reasons including family responsibilities, lack of time, and discouraging social attitudes. In general, workers' and employers' organizations are male dominated and tend to respond to the needs of male members. In the case of workers' organizations, they are often incapable of reaching out to all workers particularly those in vulnerable jobs, many of whom are women (i.e. rural, domestic workers). The same applies to employers' organizations where very few women make it through to the boards. Meanwhile stereotypes that women should not engage in public life persist. That said, when women participate, they are able to highlight issues related to the value of women's work, wages, discrimination, gender-based violence, promotion, etc.

If trade unions in Jordan are genuinely interested in enhancing their credibility and voice, they must intensify their actions towards achieving gender equality in the world of work and demonstrate that the advancement of equality is an integral part of their strategy and structure. In particular, trade unions should work more towards reaching out to women and support their participation in the labour market, especially in the private sector. Meanwhile, employers' organizations should be more advanced in promoting non-discrimination and diversity policies in the workplace to unlock talents and benefit from a diversified workforce. In general workers' and employers' organizations should increase women's participation in their organizations and provide them with the right space and movement to advance women's rights in the workplace through revisions of internal policies and structures.

H. Legislative protection

Careful scrutiny of national laws needs to continue in order to ensure that legal texts are free from provisions which discriminate on the basis of gender. Drafting of legislation that promotes equality at all levels, including pay equity, needs to be a priority to ensure legal rights and protection, and enable the judicial system to exercise its role in providing protection of wages and ensuring pay equity.

I. Labour inspection

The Department of Labour Inspections of the Ministry of Labour should be equipped with appropriate tools to detect, file and follow up instances of discrimination and unequal

pay in the workplace. A mechanism to appropriately compensate complainants, and sanction non-complainant parties should be implemented.

J. Finding efficient mechanisms to ensure implementation of the principle of equal opportunities in selection processes, promotion and training in public and private institutions

This is achieved through the promotion of measures aimed at better matching the requirements of the labour market with educational outcomes. To this end, it is important to continue to train new female and male graduates according to the standards and requirements of the modern labour market. It is also important to create job opportunities based on the principle of competence, qualifications and practical and scientific experience. Awareness on discrimination patterns in the workplace, especially when it relates to denial of promotions and training, as well as wages, shall be raised. Measures to encourage women to take up a wider range of jobs, including leadership positions should be integrated. The dissemination of good practices would also be important to inform and inspire others to take measures in this area.

K. Supporting the efforts of NGOs

NGOs have and continue to be active in promoting women's economic empowerment in Jordan. However, their efforts face limitations in terms of capacity to reach out and respond to the demands of women in all provinces and regions. NGOs' work is mainly based on provision of services. Projects that specifically address the economic empowerment of women rely on micro-finance services. This type of intervention is not sufficient to achieve the objective of strengthening women's employability and capacities to stand out strongly in the national labour market. NGOs' capacities should be strengthened to ensure women's empowerment approaches are well integrated in their projects. Partnerships with trade unions and employers' organizations in this area could be particularly useful.

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