



International
Labour
Organization

منظمة
العمل
الدولية



Compatibility of Jordanian legislation with Violence and Harassment Convention, 2019 (No. 190)

A Legal Gap Analysis

International Labour Organisation
Regional Office for Arab Countries

Made possible by support from the Swedish International Cooperation Agency (SIDA)

Copyright © International Labour Organization
2021 First published 2021

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Title: Compatibility of Jordanian legislation with Violence and Harassment Convention, 2019 (No. 190): A Legal Gap Analysis

ISBN: 9789220361528 (Print)

ISBN: 9789220361535 (Web PDF)

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm commercial product or process is not a sign of disapproval.

Information on ILO publications and digital products can be found at: www.ilo.org/publns. For ILO publications in Arabic, please contact:

The ILO in Jordan

P.O.Box 831201 Tayser Nana`ah Street, South Abdoun

Amman - Jordan

Website: www.ilo.org/arabstates

Printed in Jordan.

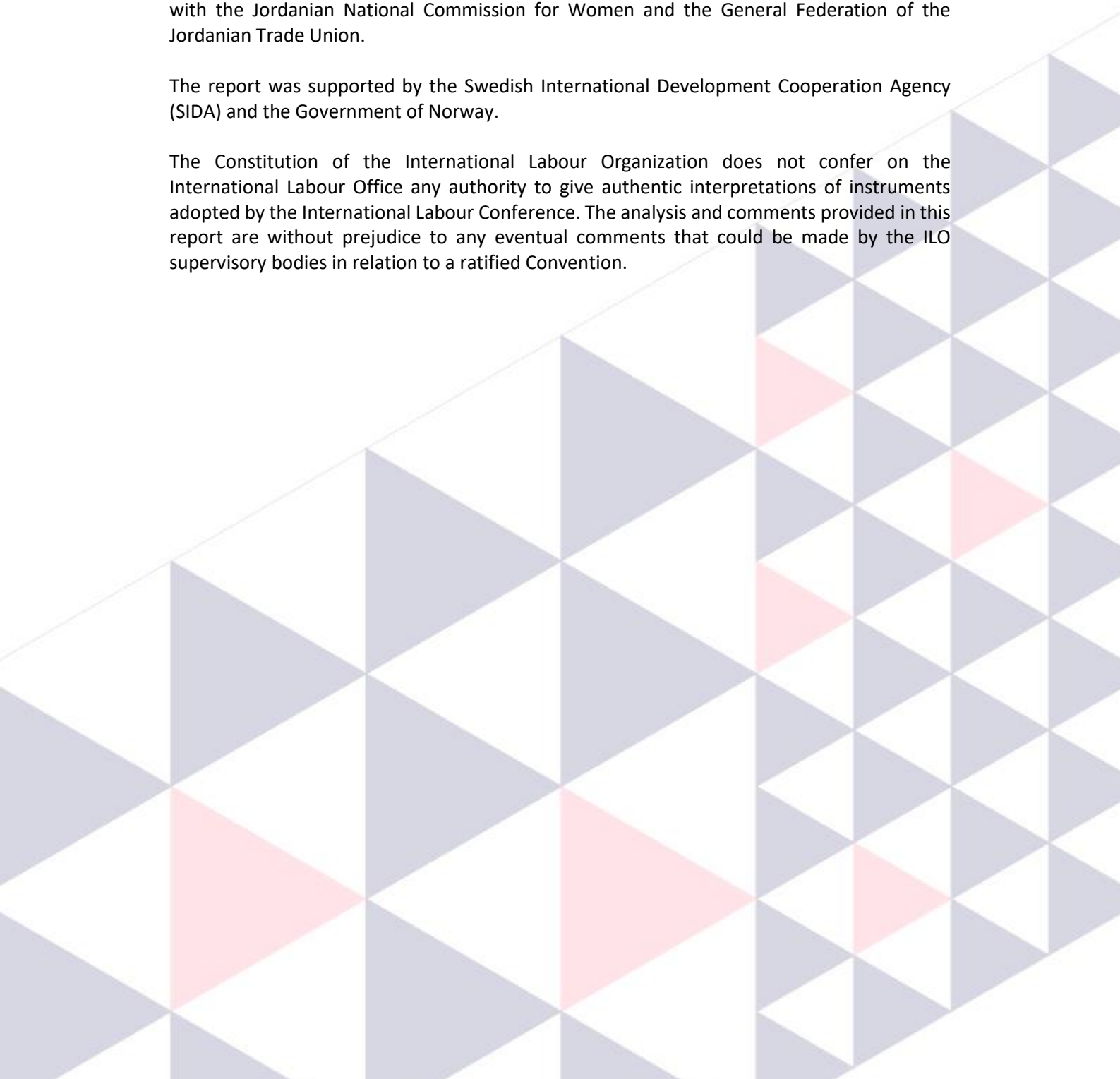
Acknowledgment

Commissioned by the International Labour Organization (ILO), this legal gap analysis report was prepared by Lawyer Noura Al-Saket and Lawyer Saddam Ibrahim Abu Azzam to present tangible recommendations on legislative amendments needed to align Jordanian legal framework with Convention No. 190, Recommendation No. 206 and international standards for human rights. The ultimate goal is to work on establishing a legislative framework conducive of creating world of work free from violence and harassment that enables women and men of all backgrounds and duties, irrespective of their employment status.

The report was technically designed and reviewed by ILO staff, Frida Khan, senior gender specialist, Miranda Fajerman, senior international labour standards and labour law specialist, and Reem Aslan, gender technical specialist. The research was prepared in close collaboration with the Jordanian National Commission for Women and the General Federation of the Jordanian Trade Union.

The report was supported by the Swedish International Development Cooperation Agency (SIDA) and the Government of Norway.

The Constitution of the International Labour Organization does not confer on the International Labour Office any authority to give authentic interpretations of instruments adopted by the International Labour Conference. The analysis and comments provided in this report are without prejudice to any eventual comments that could be made by the ILO supervisory bodies in relation to a ratified Convention.



Contents

Acknowledgment.....	3
PREFACE	6
1. Chapter 1: Conceptual Framework	8
1.1. Context in Jordan	8
1.2. Objective	10
1.3. Methodology.....	10
1.4. Scope of Analysis	10
2. Chapter 2: International Reports	12
3. Chapter 3: Constitutional Framework	16
3.1. The Ratification of C190	16
3.2. The Jordanian Constitution	16
4. Chapter 4: C190 Definitions	18
4.1. Article 1: Definition of Violence and Harassment in the World of Work	18
4.2. Violence and Harassment in Jordanian Legislation	20
5. Chapter 5: C190 Scope	29
5.1. Persons Protected Under C190.....	29
5.2. Scope of protected groups in Jordanian legislation	29
5.3. The World of Work	33
Relevant Legislation under Jordanian Law	33
6. Chapter 6: Core Principles	35
6.1. Article (4) of C190: the right of everyone to a world of work free from violence and harassment	35
Relevant Legislation/national policies.....	35
6.1.1. National strategy for prevention and elimination of violence and harassment in the world of work	35
6.1.2. Enforcement and monitoring mechanisms.....	36
6.1.3. Remedies and Compensations for Survivors of Violence and Harassment.....	37
6.1.4. Sanctions	40
6.2. Articles (5) and (6) of C190: realizing fundamental rights at work	42
6.2.1. Restrictions on women's employment	43
6.2.2. Freedom of Association and Collective bargaining	44
6.2.3. Protection of underage workers	44

6.2.4.	Rights of Domestic Workers	44
6.2.5.	Migrant Workers in the Textile and Clothing Industry	46
6.2.6.	Workers with disabilities	46
6.2.7.	Jordan's ratification of fundamental ILO conventions:	48
7.	Chapter 7: Protection and Prevention	51
7.1.	Articles (7) and (8) of C190: Primary role of the State	51
7.2.	Article (9) of C190: Complementary roles	53
	Relevant Legislation	53
7.2.1.	Internal Policy on Violence and Harassment	53
7.2.2.	Violence and Harassment from Occupational Safety and Health lens	54
8.	Chapter 8: Enforcement and Remedies	57
8.1.	Article (10) of C190	57
8.2.1.	Complaints and dispute resolution	58
8.2.2.	Access to Justice, Confidentiality and Protection of Whistle-blowers	59
8.2.3.	Legal Aid	59
8.2.4.	Domestic Violence	61
8.2.5.	General restrictions on imposing penalties by the employer	63
8.2.6.	Workers' right to remove themselves from unsafe work situations;	63
9.	Chapter 9: Findings and Recommendations	64
9.1.	Policy-Level Recommendations	64
9.1.1.	International Agreements	65
9.1.2.	Recommendations for a legislative framework compatible with C190	65
9.1.3.	Laws	66
9.1.4.	Regulations	69
9.1.5.	Instructions	69
9.1.6.	Comparison Summary Table: C190 and National Legislation	71

PREFACE

Women and men have the right to work in an environment free from violence and harassment. While this principle is generally accepted, the phenomenon of violence and harassment is still very much present, underreported, and understudied. Violence and harassment in the world of work exist in all countries irrespective of sector. However, it may be more prevalent in certain sectors, occupations or work arrangements such as ones that interact with third parties namely, healthcare, hospitality, customer service and the likes, in addition to sectors with pre-existing vulnerabilities such as domestic work and informal employment, among others. Additionally, women remain disproportionately affected by violence and harassment in the world of work “*especially that of sexual nature*”¹. Such disproportion is caused by existing social and legal power structures reinforcing systematic inequalities². However, men are not immune. These behaviours deprive people of their dignity, are incompatible with decent work requirements, and a threat to equal opportunities and the maintenance of safe, healthy, and productive working environments.

In 2015, the international community adopted the Sustainable Development Goals 2030 (SDGs), which form a “shared blueprint for peace and prosperity... now and in the future”³. Crucial elements of the SDGs are the four pillars of the Decent Work Agenda; employment creation, social protection, rights at work, and social dialogue.⁴ More notably, at the heart of the SDGs, is SDG 5, which focuses on gender equality and women empowerment. To achieve the SDGs and the Decent Work Agenda for productive and decent employment for both women and men, the international community needed to address the ever-increasing phenomenon of violence and harassment in the world of work, especially against women, that is hindering decent and productive employment, equal opportunity, as well as women’s economic participation.

Moreover, global efforts by trade unions for the past decade have been steered towards getting the international community to acknowledge that gender-based violence at work is a real threat to women and materially affects their economic participations; from entry to market, to advancement and promotion.⁵ The #MeToo movement helped expose the gravity of a problem that remains underreported.⁶

In 2018, the international community, through the ILO, initiated discussions on the first ever all-encompassing convention for addressing work related violence and harassment. On 21 June 2019, the Violence and Harassment Convention, 2019 (No. 190) was adopted by an overwhelming majority of 439 votes out of a total of 476 votes. Interestingly, only seven member states voted against the adoption of the Convention, none of which were Arab

¹ ILO and UN Women, Handbook: Addressing violence and harassment against women in the world of work , 5, <https://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work>

² ILO and UN Women, Handbook, p.5-6.

³ Transforming our World: the 2030 Agenda for Sustainable Development <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

⁴ Decent Work, <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

⁵ We Made History with the Violence and Harassment Convention, Equal Times, 2019, available at: <https://www.equaltimes.org/we-made-history-with-the-violence?lang=en#.YExGV9yxW00>

⁶ Two Years After MeToo Erupts, New Treaty Anchors Workplace Shifts, Human Rights Watch, available at: <https://www.hrw.org/world-report/2020/country-chapters/global-1>

countries.⁷ The Convention No. 190 (**C190**) and its accompanying recommendation No. 206 (**R206**) recognizes the right of everyone to a world of work free from violence or harassment, including gender-based violence and harassment. We note here that C190 establishes legal binding obligations to members states, while R206 provides non-binding recommendations⁸.

To this end, C190 adopts an ***inclusive, integrated and gender responsive approach***, and sets out key measures to tackle violence and harassment in the world of work, by:

- a. **defining key terms**; “Violence and Harassment” in the world of work and “gender-based violence and harassment”.
- b. **challenging the traditional concept of “workplace”**. It expands protection from “workplace” violence and harassment, to include protection from violence and harassment which occurs in the course of, is linked with or arising out of work by introducing a new concept; the “**World of Work**”.
- c. **identifying persons protected by the Convention**, to include not only “employees” and “workers” as defined by national laws, but also “persons working irrespective of their contractual status” and⁹:
 - persons in training, including interns and apprentices,
 - workers whose employment has been terminated,
 - volunteers, jobseekers and job applicants,
 - individuals exercising the authority, duties or responsibilities of an employer.”
- d. recognising violence or harassment **by or against third parties and workers** is a world of work issue too.
- e. recognizing the link between **domestic** violence and the world of work, and attempting to (i) mitigate against the impact of domestic violence on workers employment; and (ii) use the world of work as an avenue to identify and respond to domestic violence¹⁰.
- f. emphasizing **applicability of C190 to all private and public sectors**, whether in regulated or unregulated economy and in all urban and rural areas¹¹.

⁷ Final Record Vote on the Adoption of the Convention [No. 190], ILO, available at:

https://www.ilo.org/ilc/ILCSessions/108/WCMS_711349/lang-en/index.htm

see also “ILO Adopts New Treaty”, Human Rights Watch, available at: <https://www.hrw.org/news/2019/06/21/ilo-new-treaty-protect-workers-violence-harassment>

⁸ Convention C190 - Violence and Harassment Convention, 2019 (No. 190),

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190.

⁹ Article 2 (1) of Convention No. 190 “This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer.”

¹⁰ Convention No. 190 does not define what constitutes “domestic violence”. However, the term is defined in the Istanbul Convention of 2011 (Article 3 (b)) for the protection from Gender Based Violence as “All physical, sexual, psychological, or economic violence that occurs within the family or home or between a former or present couples or partners, regardless of whether the perpetrator resided or is residing with the victim in the same place”, see also Article 4(2) of Convention No. 190.

¹¹ Article 2 (2) of Convention No. 190

1. Chapter 1: Conceptual Framework

In this section, we present a general background on the context of work-related violence and harassment in Jordan. We also present the scope of the analysis provided in this report, the methodology used, and the objectives the report seeks to achieve.

1.1. Context in Jordan

To date, Jordan has recorded one of the lowest economic participation for women globally, despite their very high education attainment, whereby their economic participation averages between 14- 15% in the last decade.¹² Women's rights organizations have been heavily advocating for the removal of barriers hindering women's entry to and advancement in the labour market.¹³ Their efforts have been shown to be "the single most effect measure in the reduction of violence against women".¹⁴ These aspects include providing day care facilities, equal pay, flexible work arrangements, safe and reliable transportation, rights to paid maternity leave and parental leave, to name a few.¹⁵ Most recently, and since His Excellency the Minister of Labour presided over the ILO conference on Violence and Harassment in the World of Work in June 2018, efforts have shifted locally to understanding the reality of violence and harassment in the world of work, primarily on women.

In alignment with the global context, women are disproportionately affected by violence and harassment in the world of work.¹⁶ However, the nature of Jordan's society can make men who do not conform to societal expectations of masculinity also likely to be subjected to violence and harassment in the world of work. Studies have shown that fear of sexual harassment is "*among the key barriers contributing to low rates of economic activity among women in Jordan*".¹⁷ Moreover, around 41% of the workers in Jordan, both male and female, have experienced one or more forms of workplace violence or harassment¹⁸. The majority of perpetrators of harassment against women were male co-workers (29.1%), followed by clients/customers (21.7%), administrative staff (12.3%), and managers (11.6%). Moreover, 75.3% of women who experienced workplace harassment did not consider taking legal action.¹⁹ "Around 90% of the survivors of cyber harassment crimes are women and girls"²⁰. It

¹² Jordanian Department of Statistics, Employment and Unemployment Survey, women labor force participation, ages 15+. See also ILO, Promoting Decent Work in Jordan, 2016, http://www.ilo.org/beirut/countries/jordan/WCMS_474549/lang-en/index.htm

See also Higher Population Council, "Activating Women Participation in the Labour Market", 2014, 6.

2015. Global Gender Gap Index, 2016-2020, World Economic Forum Global Gender Gap Report. Al Khatib, Facilitating Female Employment in Jordan." UNESCO and UNEVOC, 2020 <https://unevoc.unesco.org/yem/Female+unemployment+in+Jordan+YEM+Blog&context=>.

¹³ Dr. Sawas Et Al, the Justice Deficit For Women in Jordan: A Case Study of Violence and Harassment in the Workplace, Action Aid, 2019, 12.

¹⁴ Dr. Sawas Et Al, the Justice Deficit, 12.

¹⁵ The Labour Law was amended in 2019 and now includes the principle of gender pay, flexi-work arrangements and flexi-hours, paternity leave as well as day care facilities for the children of workers with family responsibilities. The amended law was published on May 16, 2019.

See ILO report, Promoting Women's Economic Empowerment in Jordan (2019). Available at:

https://www.ilo.org/beirut/information-resources/factsheets/WCMS_730743/lang-en/index.htm

¹⁶ ILO and UN Women, Handbook, p.5-6.

¹⁷ How legal reforms in Jordan can combat sexual harassment, World Bank, <https://www.worldbank.org/en/news/feature/2020/02/19/how-legal-reforms-in-jordan-can-combat-sexual-harassment>

¹⁸ Study on Harassment in Jordan, the Jordanian National Committee for Women, 2017. See also, Sisterhood is Global Institute, On Legal Amendments relating to Harassment at the Workplace, <https://www.sigi-jordan.org/?p=10380>

¹⁹ Arab Renaissance for Democracy and Development (ARDD) "Silent Women: an ARDD report on harassment in the workplace", 2018.

²⁰ Dr. Sawa Et Al, the Justice Deficit, 11. See also Sisterhood is Global Institute, Cyber Harassment, <https://www.sigi-jordan.org/?p=6211>

also has been found that those falling within the (18-25)²¹ age group are more prone to harassment, a fact which reflects global findings that young women and men are more prone to violence and harassment in the world of work.²²

Legislative efforts specific to violence and harassment in the world of work are novel in many parts of the world. **In Jordan**, there have been efforts to address some forms of violence and harassment, such as sexual harassment and assault, and gender-based violence. That said, the current legislation **does not clearly define or comprehensively prohibit** or address **violence and harassment** in the world of work, nor does it take it into account in occupational safety and health measures. There are several procedural and institutional obstacles that may hinder those efforts, including

- (i) the absence of intentional legislative drafting and review processes that are sensitive to violence and harassment in the world of work and that aim to align with international standards;
- (ii) the **lack** of legislative framework and mechanism for **offering protection, including protection from retaliation, to victims/survivors, whistle blowers or witnesses or others involved in cases of violence and harassment** whether internally within institutions or externally on a sectoral or national level and whether in civil or criminal claims²³. It is imperative to develop a comprehensive national legislative framework that allows for protecting persons reporting violence and harassment in the world of work
- (iii) the lack of effective coordination between institutions with a mandate and/or interest in addressing violence and harassment in the world of work.

On 7 December 2020, the national stakeholders, led by the General Federation for Jordanian Trade Unions, the Jordanian National Commission for Women and the International Labour Organization have discussed a preliminary “National Strategy for Eliminating Violence and Harassment in the World of Work” in alignment with the objectives of C190. This proposed strategy was discussed with the presence and participation of key stakeholders including trade unions, employers’ representatives, CSOs, INGOs, women rights activists, as well as representatives from the legal and judiciary system. This strategy remains a working draft among stakeholders hoping for its endorsement by representatives of the government.

Furthermore, the Jordanian parliament is currently reviewing a proposed amendment to the Labour Law offering termination with compensation as a remedy for acts of violence and harassment in the world of work. The Secretary General of the Jordanian National Commission for Women, Dr. Salma Nims, noted to the authors when discussing the proposed amendments to the Parliament on violence and harassment, “it is very important to acknowledge harassment explicitly in the legislation, which is as a step forward towards a more comprehensive and gender responsive legislation to address violence and harassment in the world of work, including sexual harassment. We are hoping we can later focus on

²¹ Study on Harassment in Jordan, the Jordanian National Committee for Women, 2017.

²² Studies in Australia, UK, Angola, Azerbaijan, and others. (ILO Handbook, pages 26, 50, 55) , See Chart of Risk Factors for Harassment and Responsive Strategies: https://www.eeoc.gov/eeoc/task_force/harassment/riskfactors.Cfm

²³ As lawyers, authors receive complaints regularly from victims/survivors and witnesses whose employment has been terminated following reporting of incidents of violence and harassment. ILO Decent Work for Women Program also received complaints of retaliation for reporting against both victims/survivors and witnesses.

implementing the national strategy for preventing and eliminating violence and harassment in the world of work, and ultimately push for the adoption of C190”²⁴.

1.2. Objective

This analysis serves to lay a foundation for collective efforts aimed at raising awareness on C190 and R206, as well as to identify legislative gaps in Jordanian legislation and to present tangible recommendations on legislative amendments needed to align Jordanian legal framework with C190 and international standards for human rights. The ultimate goal is to work on establishing a legislative framework conducive of creating world of work free from violence and harassment that enables women and men of all backgrounds and duties, irrespective of their employment status, where no one left behind.

1.3. Methodology

The report adopted the following methodology:

- Full review of C190 and R206;
- laws and legislation relevant to C190 and R206;
- General analysis of the relevant laws and legislation;
- Identify alignment, gaps, inconsistencies, and shortcomings between national legislation and C190; and
- Provide recommendations on legislative amendments needed to align with C190.

1.4. Scope of Analysis

After the initial process of literature review, the scope of this study included the analysis and review of the following Jordanian national legislations:

1.4.1. Laws

- The Jordanian Constitution of 1952
- The Penal Code No. (16) of 1960
- The Civil Code No. (43) of 1967
- Telecommunications Law No. (13) of 1995
- Labour Law No. (8) of 1996
- Domestic Violence Protection Law No. (15) of 2017
- Cybercrimes Law No. (27) of 2015
- Social Security Law No. (1) of 2014
- The Criminal Procedures Law No. (9) of 1961
- Anti-Corruption Law No. (13) of 2016
- Personal Status Law No. (15) of 2019
- Law on the Rights of Persons with Disabilities No. (20) of 2017

1.4.2. Regulations

- Civil Service Regulation No. (9) of 2020
- Establishing Occupational Safety and Health Committees Regulation No. 7 of 1998
- Labour Inspectors Regulation and its Amendments No. (56) of 1996
- Instructions for Sectors Subject to Provisions of the Establishing Supervisory Safety Committees Regulation of 1998
- Flexible Work Regulation of 2018

²⁴ Dr. Salma Nims, Secretary General of Jordanian National Committee for Women.

- Domestic Workers, Chefs, Gardeners and those of Similar Status Regulation of 2009
- Agricultural Workers Regulation No. (19) of 2021
- Legal Aid Regulation No. (119) of 2018
- Protection of Whistle-blowers, Witnesses, Informants, Experts in Corruption Cases, along their Relatives, and Persons Close to Them Regulation of 2014

1.4.3. Instructions

- Occupational Safety and Health Instructions of 2011
- Instructions for the Protection of Workers and Institutions from Work Environment Risks of 1998
- Instructions for Classifying Enterprises in the List of Enterprises Non-Compliant with the Provisions of the Labour Law of 1998
- Instructions for Sectors Subject to the provisions of the Regulation on Forming Supervisory Health and Safety Committee
- Instructions for General Health Conditions Requirements for Industries No. (2) of 2019
- Instructions for Conditions and Procedures for the Recruitment of Non-Jordanian Workers in the Qualified Industrial Zones of 2007
- Instructions for Regulating Vocational Training Contract of 1999
- Executive Instructions for Work-Related Injuries and diseases of 2000
- Instructions for Flexible Work Arrangements in the Public Sector of 2018

1.4.4. Other Decisions and Policies

- Jordanian Labour Standards Annex of 2009
- Decision issued by the Minister of Labour regarding the assignment and approval of a medical reference for the year 2002
- Decision issued by the Minister of Labour pursuant to Article (69) regarding the determination of the hours and sectors in which women are not permitted to work
- Decision issued by the Minister of Labour to amend the previous decision issued pursuant to Article (69) regarding the determination of the hours and sectors in which women are not permitted to work - not published to date
- Decision issued by the Minister of Labour regarding the form that is required to be filled by the employer or manager to report any occupational diseases or suspicions of the same among workers for the year 1999
- Table of occupational injuries and estimation of disability rates that arise from it, an annex to Labour of 1996
- Table of the list of industrial diseases that entail compensation attached to Labour Law of 2015
- Template policy for addressing violence, harassment, and discrimination in the world of work issued by the Ministry of Labour
- Collective Bargaining Agreement for workers in the textile and apparel sector executed in November 2019

2. Chapter 2: International Reports

At the outset, Jordan has ratified 7 of the 8 fundamental ILO conventions;

- C029** - Forced Labour Convention, 1930 (No. 29)
- C098** - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- C105** - Abolition of Forced Labour Convention, 1957 (No. 105),
- C100** - Equal Remuneration Convention, 1951 (No. 100)
- C111** - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- C138** - Minimum Age Convention, 1973 (No. 138);
- C182** - Worst Forms of Child Labour Convention, 1999 (No. 182).

Notably, the Committee of Experts on the Application of Conventions and Recommendations (CEACR), in 2002, identified sexual harassment as a form of workplace discrimination based on sex prohibited under Convention No. 111²⁵. It further clarified that sexual harassment can be in one of two forms; quid pro quo, or hostile work environment. Both forms involve unwanted or unwelcome behaviour or conduct, which has the “effect of violating the dignity of a person, and/or creating an intimidating, hostile, degrading, humiliating or offensive environment”²⁶.

CEACR’s most recent observations and requests as well as Committee on Freedom of Association (CFA) most recent recommendations to Jordan, include²⁷:

- Explicitly defining and prohibiting direct and indirect discrimination based on at least all grounds enumerated in Article (1)(1)(a) of Convention No. 111, in all areas of employment and occupation, and covering all workers.
- Providing protection and remedies with respect to quid pro quo and hostile environment sexual harassment.
- Ensuring that any restrictions on women’s employment are limited to maternity in the strict sense.
- Encouraging the Government to pursue its efforts to ensure that migrant domestic workers are fully protected from abusive practices and conditions of employment that could amount to forced labour.
- Government to provide information on the number of complaints and the specific penalties applied in case of violations of national legislation regulating migrant domestic workers.

²⁵ International Labour Organization (ILO), “Report of the Committee of Experts on the Application of Conventions and Recommendations, (articles 19, 22 and 35 of the Constitution) General Report and observations concerning particular countries,” General observation, Convention No. 111, 2003, p. 463, [http://www.ilo.org/public/libdoc/ilo/P/09661/09661\(2003\)1A.pdf](http://www.ilo.org/public/libdoc/ilo/P/09661/09661(2003)1A.pdf)

²⁶ ILO, UN Women, Handbook “Addressing violence and harassment against women in the world of work”, page 6. See also, European Union Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Recast) (OJ L 204, 26.7.2006, pp. 23–36)

²⁷ Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Jordan (Ratification: 1963), available at [Comments \(ilo.org\) 05-EN-ILS-Country-Profile-Jordan.pdf](https://www.ilo.org/public/libdoc/ilo/P/05-EN-ILS-Country-Profile-Jordan.pdf); 2020 and 2017 CEACR observations on Convention No 98; Observation (CEACR) - adopted 2017, published 107th ILC session (2018), Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - Jordan (Ratification: 1968) available at [Comments \(ilo.org\)](https://www.ilo.org/public/libdoc/ilo/P/05-EN-ILS-Country-Profile-Jordan.pdf); and ILO Freedom of Association Cases, Interim Report - Report No 393, March 2021, Case No 3337 (Jordan) - Complaint date: 15-SEP-18, available at: [FOA case text \(ilo.org\)](https://www.ilo.org/public/libdoc/ilo/P/05-EN-ILS-Country-Profile-Jordan.pdf)

- Government to take the necessary legislative measures to ensure that foreign workers may become founding members and leaders of trade unions and employer association;
- Government to take the necessary measures, including legislative, to ensure that all workers in all sectors in the country, with the only possible exception of the armed forces and the police enjoy the right to establish and join organizations of their own choosing.
- Government to take the necessary measures, to amend the Labour Code so as to ensure that more than one trade union organization per sector or industry can be established if the workers so desire
- Government to enforce legislation recognising the right to collective bargaining in the public sector (public servants not engaged in the administration of the State);
- Government to take the necessary measures to amend the Labour Code so as to ensure that minors who have reached the legal age for employment, whether as workers or trainees, are fully protected in their exercise of the freedom of association rights.
- Government to take measures, in order to strengthen the sanctions against anti-union interference
- Government to provide detailed information on the manner in which the principle of equal remuneration for work of equal value is applied to groups of workers excluded from the scope of the Labour Code, and particularly domestic workers and agricultural workers.
- Government to provide information on the impact of the measures taken to enhance employment opportunities for persons with disabilities in the open labour market

To strengthen its commitment to protecting and promoting human rights and decent work conditions, Jordan has adopted a ten-year Comprehensive National Human Rights Strategy 2016 – 2026, which covers a broad range of human rights-related matters, including violence against women. The following year, Jordan adopted a National Plan for the Implementation of the Sustainable Development Goals 2030²⁸. Jordan has further adopted a National Strategy for Women in Jordan 2013-2017, and most recently an updated version of the strategy 2020-2025, which was ratified by the Council of Ministers early 2020²⁹. The national strategy reaffirms the importance of active participation of women and their involvement and inclusion in the development process. This strategy was developed in close consultation and cooperation with all stakeholders including civil society organizations, with the Jordanian National Commission for Women leading on this effort.

The High Commissioner for Human Rights highlighted key recommendations from Jordan's Universal Periodic Review (UPR) outcome report, which includes summary of UN information and stakeholders' submissions, adopted by the Human Rights Council at its 40th session.

The recommendations issued following the UPR, encompass 30 work-related issues, including:

- providing all workers with the “right to work and right to just and favourable conditions of work”, “alignment of labour law with international labour standards, including allowing foreign workers to form trade unions”, and “strengthening labour protection with a focus on migrant workers”;

²⁸ See letter by the High Commissioner for Human Rights addressed to the Minister of Foreign Affairs about the summary of the Universal Periodic Review for Jordan on April 19, 2019, published at the link: <https://lib.ohchr.org/>

²⁹ Jordan National Commission for Women, National Strategy for Women in Jordan, <https://women.io/~women/ar/node/7935>

³⁰ See letter by the High Commissioner for Human Rights addressed to the Minister of Foreign Affairs regarding Universal Periodic Review for Jordan on April 19, 2019, <https://lib.ohchr.org/>

- prohibiting all forms of slavery and combating human trafficking, protecting the rights of migrant workers and domestic workers; and
- “advancement of the role of women in economic and political life”, and strengthening laws protecting women from violence.
- ratifying relevant conventions, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which enables workers, especially non-Jordanians, to form unions, and the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women;
- implementing all national action plans in close consultation and collaboration with stakeholders,

There were 226 recommendations in total, 131 of which Jordan officially endorsed. Of the remaining recommendations, 74 were “noted” and 21 were “referred for further study”.³¹ The Prime Minister at the time Dr. Razzaz later issued a letter on 10 April 2019 requesting that all official entities implement the endorsed recommendations, which by then were a total of 149.³² More than one third of the recommendations relate to women and girls. Accepted recommendations on women and girls cover 16 topics including human trafficking, women economic empowerment, protection from violence, domestic workers, domestic violence, child marriage.³³

Among the recommendations that were rejected by the Jordanian government were: recommendations to implement reforms to ensure that Jordanian women are able to pass on nationality to their children and husbands on an equal basis with men; take necessary measures to investigate and punish discriminatory practices against women and girls, such as early marriage or honour killings; and ensuring that every detained person has access to legal representation and legal aid from the moment of arrest, regardless of the crime.

Jordan also rejected the recommendation to withdraw its reservations on The Convention on the Elimination of All Forms of Discrimination Against Women³⁴, with an aim to end discrimination against women and all non-citizen children of Jordanian women. Additionally, the Committee on the Elimination of All Forms of Racial Discrimination also expressed that domestic workers continue to suffer from many violations, withholding wages, harassment, physical, verbal and sexual abuse, and long working hours. Workers who tried to report to the police were abused and returned to their employers or imprisoned or deported. The Committee further emphasized that Labour policies and laws must be applied consistently, without exceptions, to protect workers in general, and domestic workers in particular, from abuse and exploitation, from the moment they are employed until they return to their countries of origin³⁵. Jordan was encouraged to also (i) provide protection for all victims of harmful and exploitative work practices, (ii) facilitate their access to complaint mechanisms and resort to the judiciary and shelters; (iii) ratify the International Labour Organization C189 - Domestic Workers Convention, 2011 (No. 189)³⁶. The committee also highlights that non-

³¹ Jordan endorses 131 human rights recommendations out of UPR's 226, Jordan Times,

<https://jordantimes.com/news/local/jordan-endorses-131-human-rights-recommendations-out-uprs-226>

³² UPR Info, Jordan 3rd Review: the Way Forwards, 17 April 2019, <https://www.upr-info.org/en/news/jordan-3rd-review-the-way-forward>

³³ Analysis of UPR recommendations, SIGI (Sisterhood is Global Institute), published at: <https://www.ammonnews.net>

³⁴ Articles 9, Paragraph (2) of CEDAW states the following: "States parties grant women an equal right to men with regard to the nationality of their children."

³⁵ The Synthesis Report of the Universal Periodic Review Team on Human Rights, 15-16 November 2018, available at: <https://documents-dds-ny.un.org/>

³⁶ Concluding observations on the combined eighteenth to twenty periodic reports of Jordan for the year 2017.

Jordanian workers are excluded from the minimum wage protections and are prohibited from forming unions or registering for social security. Another concern flagged by the committee, was that some groups (domestic workers, cooks, gardeners, and the like) were excluded from the general protection provided by the Labour Law, bearing in mind the pressing need for protection in these sectors.³⁷

Furthermore, the Committee on the Elimination of All Forms of Discrimination Against Women called for strengthening protection for women from domestic violence. This was flagged due to concerning increase in domestic violence cases in Jordan. According to data published by the Public Security Directorate,³⁸ cases of domestic violence are on the rise, reaching in 2018 (11,923) cases and complaints. Noting that the recent COVID-19 response measures have resulted in an increase in domestic violence cases by 33%, especially the first few months with full lockdowns and very limited access to any social protection services.³⁹ The Committee also noted the need to establish inspection arms and provide them with adequate human and financial resources to enable them to monitor discriminatory practices against women in the field of employment, and provide adequate sanctions and penalties, especially in the private and informal sectors.⁴⁰

The Committee on Torture and Other Cruel, Inhuman or Degrading Treatment conveyed concern that “administrative detention is used in particular against women and girls who are victims of violence, under the pretext of protecting them, as well as against migrant workers fleeing abusive employers”. The Committee’s recommendations stressed the need to “ (i) Intensify its measures to combat all forms of violence against women and ensure that all such cases are thoroughly investigated, perpetrators are prosecuted, and victims provided with redress, including fair and adequate compensation; (ii) Finalize the enactment of the draft law on protection against domestic violence and take effective measures to ensure its implementation in practice, including by issuing the necessary implementation mechanism and raising awareness among law enforcement personnel, the judiciary, prosecutors, lawyers and social (iii) Repeal without further delay any mitigating and exculpatory provisions in the Penal Code concerning rape and “honour” crimes and promptly take measures to end impunity for rape, so-called “honour” crimes and other gender-based violence⁴¹.

The Committee on Economic, Social and Cultural Rights affirmed the concern that violence against women remains a serious problem in Jordan. Among the crimes that target women are so called “honour” crimes. In addition, non-Jordanian workers are excluded from the provisions of the minimum wage, are prevented from participating in union activities and excluded from the social security system, as well as the failure to provide them with protection under the labour law for persons working in projects owned by families, agricultural projects and domestic work. The need for protection while working in these areas is heightened due to the often-hazardous working conditions involved and because people who work in them are often females and children⁴².

³⁷ Concluding observations of the Economic, Social and Cultural Committee on the second periodic report of Jordan in the year 2000.

³⁸ The Family Protection Department received 11,923 cases and complaints during the year 2018, the cases accounted for 47.3% and the number of 5,640 cases were referred to the Social Services Office, 16.9% of them were referred to the administrative governors, while cases of physical assaults accounted for 22.3%, and sexual assaults 13.5% of the total number of complaints and cases received by the department, according to the Public Security Directorate’s Achievements Report for 2018.

³⁹ Dr. Amawi, Higher Population Council, <https://www.almamlakatv.com/news/51501>

⁴⁰ Final recommendations on the sixth periodic report of Jordan (CEDAW / C / JOR / 6) February 16, 2017

⁴¹ UN Committee Against Torture (CAT), Concluding observations on the third periodic report of Jordan, 29 January 2016, CAT/C/JOR/CO/3, available at: <https://www.refworld.org/docid/58beafe04.html> [accessed 1 March 2021]

⁴² Concluding observations of the Economic, Social and Cultural Committee on the second periodic report of Jordan in the year 2000.

The Committee on Torture and Other Cruel, Degrading and Inhuman Treatment indicated the need to strengthen measures related to combating all forms of violence against women and to ensure that accurate investigations are carried out in all relevant cases, to provide assistance and fair compensation, and to review the Law on Protection from Domestic Violence⁴³.

3. Chapter 3: Constitutional Framework

This section will deal with the status of C190 at the national level and analyse relevant constitutional provisions in addition to the extent of the possibility of interpreting constitutional provisions to ensure the incorporation of the convention into national legislation.

3.1. The Ratification of C190

C190 was adopted by the International Labour Conference on 21 June 2019 and will come into force on 25 June 2021. As for the date of commencement for members of the International Labour Organization (ILO), C190 enters into force 12 months after the date a member registers its ratification⁴⁴.

The Jordanian government, an active member in the ILO, has not ratified C190 to date nor has it taken any legislative measures that would imply the intention to do so. However, requests have been made to Jordanian government to ratify C190, including an official request by the General Federation of Jordanian Trade Unions (GFJTU) on 6 August 2019.

3.2. The Jordanian Constitution

The Jordanian Constitution resides at the highest level of national legislation. It sets up the general framework of institutions in the state and defines the rights and duties of citizens vis-à-vis the government, the system of government, and the financial, administrative and political powers of these institutions.⁴⁵ Below we cite a few constitutional provisions relevant to C190:

Article (6) of the Constitution states that “Jordanians shall be equal before the Law. There shall be no discrimination between them as regards to their rights and duties, on grounds of race, language or religion.” The Constitution does not however mention non-discrimination based on gender, which is a fundamental foundation for gender equality. In addition, within the same provision, paragraph five stipulates that the legal protection should encompass “motherhood, childhood and old age, and also caters for children and people with disabilities and protects them from abuse and exploitation.”

Article (23) of the Constitution stipulates that:

1. It is the right of every citizen to work, and the State shall provide opportunities for work to all citizens by directing the national economy and raising its performance level.

⁴³ The final recommendations issued by the Committee against Torture on the third periodic report regarding Jordan for the year 2015, published at the link: <https://documents-dds-ny.un.org/>.

⁴⁴ In accordance with the provisions of Article (14), paragraph 3, of C190 published at the following link: <https://www.ilo.org/ilc/ReportsavailableinArabic>.

⁴⁵ The Constitution of the Hashemite Kingdom of Jordan of 1952. English translation published by the Jordanian Constitutional Court, www.cco.gov.jo/en-us/Jordanian-Constitutional

2. the State shall protect labour and enact legislation to this effect based on the following principles:
 - (a) every worker shall receive wages commensurate with the quantity and quality of their work.
 - (b) The number of hours of work per week shall be limited. Workers shall be given weekly and annual days of paid rest.
 - (c) Special compensation shall be given to workers supporting families and on dismissal, illness, old-age and emergencies arising out of the nature of their work.
 - (d) Special conditions shall be stipulated for the employment of women and juveniles.
 - (e) Factories and workshops shall be subject to health rules.
 - (f) Free Trade unions shall be formed within the limits of law.

Based on Article (23) of the Constitution, we note the following:

Women's work: the aforementioned article explicitly requires that labour legislation include special conditions for the work of women and juveniles. Given that the language stipulating this requirement is generic, therefore, labour legislation must address all key issues related to enabling women to work, including the protection of women from violence and harassment in the world of work.

Occupational Safety and Health: Article (23) also addresses factories' compliance with health rules with no reference to occupational safety. Accordingly, Labour law has to subject factories certain health related requirements. Given that the constitutional text did not limit "health" to physical health, therefore, it is arguable that "health" requirements encompass both physical and psychological. The implication of this conclusion is that labour legislation can be used to enforce certain requirements relating to workers' physical and psychological health.

Compensation for Work Injuries: The aforementioned Article (23) provides that the labour law is to include provisions governing compensation in conditions workers' lay-off, sickness, incapacity and "emergencies" arising from work. The term "emergency" is generic and can be interpreted to include work-related harm and injury resulting from violence and/or harassment.

Workers in the Public Sector (Public Employees): Public employees are governed by the Civil Service Regulation. A regulation is a bylaw issued solely by the executive authority without presenting it to the chambers of the Parliament (Senate and Representatives).⁴⁶ The Civil Service Regulation is issued by virtue of Article (120) of the Constitution which states that "the administrative divisions of the Hashemite Kingdom of Jordan, the establishment of the Government departments, their classification, designations, operations as well as process of appointment of civil servants, their dismissal, their discipline, supervision and the limits of their authorities and powers shall be determined by regulations issued by the Council of Ministers with the approval of the King".⁴⁷ The Constitution does not clearly outline matters to be governed by the Civil Service Regulation other than what is mentioned in Article (120) above. Therefore, from a constitutional standpoint, in light of lack of clear prohibition on addressing matters of violence and harassment in the Civil Service Legislation, it remains legal to amend the relevant legislation to address such matters in line with C190. It is noteworthy

⁴⁶ As the High Council for the Interpretation of the Constitution had previously issued a decision on the unconstitutionality of the Civil Service Regulation, considering that the matters that it regulates fall within the scope of Article (120) of the Constitution, in its Resolution No. 1 of 1965.

⁴⁷ Likewise, the municipalities, where Article (121) referred to "Municipal affairs and local councils administered by municipal or local councils in accordance with special laws.

that this legislation does in fact address certain forms of sexual violence and harassment that inflict physical, psychological, or sexual harm⁴⁸.

The Constitution as a document, only provides the general foundation for the legal framework of the Kingdom. All other legal matters are governed by lower ranking laws and legislation. Following review, we note the Constitution neither expressly addresses matters governed in C190, nor prohibits addressing the issue of violence and harassment at the world of work. On the contrary, the role of regulating work-related matters and managing its risks is explicitly assigned to the Labour Law, in line with the spirit of C190.

However, despite the aforementioned, a legislative gap still exists in Article (6) of the Constitution by not including different grounds for discrimination and the impact of intersectionality, including discrimination based on gender, which is among the fundamental principles of C190, decent work standards, and international framework of Human Rights.

4. Chapter 4: C190 Definitions

This section commences with an analysis of national legislation as they relate to the definitions and scope of C190 to highlight the extent to which such legislation aligns with C190. It is to be noted that provisions under the Convention impose legal obligations, whereas those under R206 provide non-binding guidance.

4.1. Article 1: Definition of Violence and Harassment in the World of Work

Article 1 (a) of Convention No. C190 defines "**Violence and Harassment**" in the world of work as "a **range of unacceptable** behaviours and practices, or threats thereof, whether a single occurrence or repeated, that **aim at, result in, or are likely to result in** physical, psychological, sexual or economic **harm**, and includes gender-based violence and harassment".⁴⁹

Article (1)(b) defines "**Gender-Based Violence and Harassment**" as "violence and harassment directed against persons on the basis of their sex or gender, or which disproportionately affects persons belonging to a certain sex or gender, and includes sexual harassment"⁵⁰.

Article (1) allows countries to address the aforementioned in a single concept or separate concepts.

If we unpack these definitions using international law and framework, beyond C190, we can identify key concepts encompassed within the aforementioned defined terms:

- **Sexual violence** is "any sexual act or any attempt to obtain a sexual act or any comments, affinities or actions to pressure individuals for a sexual purpose or any other behaviour directed at a person as a result of their sexual orientation through violence or coercion,

⁴⁸ Please see section 4.2.1 below on Harassment in the Jordanian Penal Law.

⁴⁹ Article (1) of C190.

⁵⁰ According to the Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly on December 20, 1993, violence against women is defined as:

"any act of gender based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life". It encompasses, but is not limited to, "physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs."

regardless of the relationship of the aggressor to the victim”⁵¹. Sexual violence includes rape, any sexual act that includes penetration whether on males and females, inducing a person to commit a sexual act without their will, sexual harassment⁵², and sexual violence against people with a physical or mental disability⁵³.

- **Sexual Harassment** is a sexualized form of unwanted or unwelcome behaviour or conduct⁵⁴ which has the “effect of violating the dignity of a person, and/or creating an intimidating, hostile, degrading, humiliating or offensive environment”⁵⁵. Sexual harassment can occur through (i) Quid Pro Quo; or (ii) conduct creating a hostile work environment. “Quid pro quo” being “any physical, verbal or non-verbal conduct of a sexual nature” which is “unwelcome, unreasonable, and offensive to the recipient” that may reasonably be interpreted to constitute a requirement of sexual nature on the worker for employment, promotion, training, or for any other opportunity” 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”⁵⁶ “Hostile working environment” harassment covers conduct that creates an intimidating, hostile, or humiliating working environment⁵⁷.
- **Economic Violence, Violence and/or Harassment with economic harm** is any act that may result in economic harm, such as withholding salaries, unequal pay, deprivation of income, control of income or economic opportunities. In context of domestic violence, economic violence concerns the attempt to create a victim’s economic dependence on the perpetrator⁵⁸.

Sexual violence is defined as: “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.”

It also clarifies that “Coercion can cover a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats – for instance, the threat of physical harm, of being dismissed from a job or of not obtaining a job that is sought. It may also occur when the person aggressed is unable to give consent – for instance, while drunk, drugged, asleep or mentally incapable of understanding the situation.”

⁵¹ World Health Organization. Violence Against Women – Intimate Partner and Sexual Violence Against Women, World Health Organization, Chapter 6 (Sexual Violence), 2012, p. 149.

⁵² The same reference is the World Health Organization, and see also the Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (Istanbul Convention).

Article (36) – Sexual violence, including rape

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalized: (a) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;

(b) engaging in other non-consensual acts of a sexual nature with a person; causing another person to engage in non-consensual acts of a sexual nature with a third person.

⁵³ Understanding and addressing violence against women, WHO, 2012, WHO/RHR/12.37.

⁵⁴ ILO, UN Women, Handbook “Addressing violence and harassment against women in the world of work”, page 6.

⁵⁵ European Union Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Recast) (OJ L 204, 26.7.2006, pp. 23–36)

⁵⁶ International Labour Organization (ILO), “Report of the Committee of Experts on the Application of Conventions and Recommendations, (Articles (19), (22) and (35) of the Constitution) General Report and observations concerning particular countries,” General observation, Convention No. 111, 2003, p. 463, [http://www.ilo.org/public/libdoc/ilo/P/09661/09661\(2003\)1A.pdf](http://www.ilo.org/public/libdoc/ilo/P/09661/09661(2003)1A.pdf)

⁵⁷ *Violence and Harassment at Work: The Case of Global Standards*, Human Rights Watch, 2018

(United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), General Recommendation No. 19, Violence against Women, paragraph 18, XI session, 1992.). See also See International Labour Organization (ILO), “Report of the Committee of Experts on the Application of Conventions and Recommendations, (Articles (19), (22) and (35) of the Constitution) General Report and observations concerning particular countries,” General observation, Convention No. 111, 2003, p. 463, [http://www.ilo.org/public/libdoc/ilo/P/09661/09661\(2003\)1A.pdf](http://www.ilo.org/public/libdoc/ilo/P/09661/09661(2003)1A.pdf)

⁵⁸ ILO 2020, Domestic violence and its impact on the world of work, [wcms_738117.pdf \(ilo.org\)](https://www.ilo.org/public/libdoc/wcms_738117.pdf), see also The Istanbul Convention Article (3)(B), another definition for Economic Violence is: “specific form of psychological violence where the partner impedes access to employment, non-family or even family

- **Psychological Violence and Harassment:** that includes bullying, threats of violence or harassment, verbal and non-verbal harassment, stalking and tracing⁵⁹.
- **Physical Violence:** that includes hitting, kicking, strangling, and other actions that cause bodily harm⁶⁰.

4.2. Violence and Harassment in Jordanian Legislation

In addition to Article (1) of C190 that defines Violence and Harassment and Gender Based Violence and Harassment, Article (7) stipulates “without prejudice to and consistent with Article (1), each Member shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment”⁶¹. This means violence and harassment in the world of work should be clearly defined and prohibited in a manner that aligns with C190.

4.2.1 Penal Code

The Penal Code criminalizes many forms of violence and harassment. However, it does not use the terms “harassment” or “sexual harassment” nor penalizes some forms of violence or harassment that aim at, result in, or are likely to result in psychological harm”.

In addition to the above, as a general principle, the Penal Code stipulates that any crime must be committed with a **criminal intent** as the law stipulates that “no person shall be punished unless such person had committed the criminal act **consciously and intentionally**”⁶². Therefore, for an act of violence and harassment to constitute a crime the perpetrator must also have a criminal intent. It should be noted that this is in contrast to C190, which does not require “intent” for an act or a behaviour to constitute violence and/or harassment as defined therein.

Harassment in the Penal Code

Although the Penal Code does not use the term “harassment” or “sexual harassment”, many forms of harassment and sexual harassment are penalized under different terminology. These crimes are as follows:

Indecent Fondling (305), Violation of Honour (296, 297, 298, 300), Display of Indecent Act (306), Indecent Public Act (320), Extortion (425), Contempt (190) and (360).

Crimes Associated with Sexual Harassment: Indecent fondling (305):

“Whoever fondles in an indecent manner any person whether male or female under the age of 18, or above 18 years of age without consent, shall be punished with imprisonment for a period of no less than a year”.

⁵⁹ Eurofund, Physical and Psychological Violence at the Workplace, Cornell University ILR School, 2011, p.

The Tunisian Law on the Elimination of Violence against Women defines psychological violence as:

Every verbal assault, such as slandering, insulting, coercion, threatening, neglect, denial of rights or freedoms, insult, disregard, ridicule, or insult, and other acts and words that undermine human dignity or aim to intimidate or control such as verbal abuse and threats.

The terms “mobbing” and “bullying”, and sometimes “harassment”, have come to be used interchangeably in some countries, regardless of who initiates these acts (Einarsen, 2005, page 3; Einarsen and Skogstad, 1996, page 187; Zapf and Leymann, 1996, page 162).

⁶⁰ Canada Divorce Act clarifies that physical violence includes: punching, slapping, kicking, shoving, dragging, choking, hair-pulling, biting, stabbing, locking someone in a confined space

⁶¹ Article (7) of C190.

⁶² Article (71) of the Penal Code.

Violation of Honour Article (296):

“Whoever violates the sexual integrity of a person with the use of violence or threats shall be punished with imprisonment with labour for a period not less than four years”.

The Distinction between the crimes of Indecent Fondling and Violation of Honour:

The Court of Cassation highlighted that the jurisprudence and courts have settled on the difference between crimes of Violation of Honour in Articles (296 - 299) and Indecent Fondling in Article (305) lies in the gravity of the act committed by the perpetrator against the victim:

- If the act extends to places that the society deems as part of the private areas that people are keen to cover and spare no effort to protect, then the crime is violation of honour.
- If the act is limited to touching, caressing, and fondling without touching private areas as considered by the society, then the crime is Indecent Fondling (Article (305)).

Determining the gravity of the act and whether or not it constitutes Violation of Honour or Indecent Fondling is a matter left to the court’s discretion which it evaluates based on legal reasoning and social norms⁶³.

Indecent Public Act (306):

“A prison sentence for a period up to six months, shall be imposed upon any person who had displayed an immoral act, made any statements, or committed immoral acts in an immoral manner in way whatsoever through statements, actions, gestures, expressly or implicitly if such act(s) are committed against any person under 15 years of age, and/or any person, male or female, who has completed eighteen years of age without consent”.

In recent amendments to the Penal Code in 2017, the penalty was doubled for Indecent Fondling and Display of Indecent Act, and the substitution of imprisonment with a fine was prohibited in case of repetition. In addition to the above, the penalty is doubled if the crime is committed:

- **by certain individuals**, including: "If the perpetrator ... is the director of the recruitment office or a worker in it and commits such act while abusing the power or privileges granted to him/her"⁶⁴;
- **against certain persons** who "cannot defend themselves due to a physical disability, cognitive impairment, or as a result of any form of deception used, or forces the latter to commit such an act"⁶⁵; or
- If the act was committed by more than one person⁶⁶.

Indecent Public Acts (320):

“A penalty of imprisonment for a period not exceeding one year and a fine of two hundred JOD shall be imposed on whoever commits an indecent act or expresses an indecent sign in a public place⁶⁷ or in a public society or in a manner that can be seen by someone in a public

⁶³ The decision of the Court of Cassation in its penal capacity No. 1918/2020 and Decision No. 1806/2020

⁶⁴ Article (295) of the Penal Code

⁶⁵ Article (297) of the Penal Code

⁶⁶ Article (206) bis of the Penal Code

⁶⁷ Article (2) of the Penal Code defines the term: (public place or public space) to include:

"Every public road and every place or passage that the public is allowed to pass through or enter it at all times without restriction or was restricted to paying a sum of money and every building or place used, then, for any public or religious gathering or ceremony or as an open square."

place, and the penalty is doubled if the act is committed... by more than one person or in case of repetition".

It is evident through judicial precedents that the scope of this provision extends to include acts of harassment in public places, such as someone throwing his phone number to a woman in a car or driving behind a woman and asking her to ride with him in the car several times.⁶⁸ It also includes a person displaying his genitals in front of people in a public place⁶⁹ and holding or caressing genitals from over the clothes in a place where people can see, and touching a woman over her clothes and in areas other than those which are considered "private and shameful", such as on the thigh in a public place⁷⁰.

The need to amend legal provisions to explicitly address Sexual Harassment

In light of the above, acts, words, movements, or gestures of a sexual nature, whether explicit or implicit, direct or through insinuations, are punishable by law. However, there are shortfalls in the legal text as noted below:

- The use of terms, "**modesty/decency**" as criteria to determine whether the act constitutes a crime or not grants the court a broad discretion and authority to determine whether acts committed are "indecent" or "immodest", and such criteria are subjective and depend on the judge's convictions and community standards, and are not measured based on victims convictions or lack of consent, or based on an objective standard.
- The legislator stipulated in Article (306) that the expressions and actions must be "**immoral**". Determining morality depends on the judge's interpretation and the standards of society, and not on the standards of the victim who was subjected the act without consent. In the same Article (306), the legislator linked immoral acts, expressions and actions on the condition that they are **immodest/indecent**.
- The law does not explicitly punish other unacceptable behaviours of a sexual nature (such as making certain inappropriate sounds denoting sexual gestures), noting that the Article (306) may cover some of these incidents. However, the purpose of the Penal Code is to expressly and clearly address these matters in terms consistent with international standards and be independent from the judge's personal convictions and community conditioning.
- With regard to the crimes of indecent fondling, display of indecent act, and indecent public acts, the law does not punish the attempts or threatening of such acts. Those crimes qualify as misdemeanours and therefore are subject to the general principles of the Penal Code, where misdemeanours require an express stipulation for any punishment of attempts or threats thereof. Notwithstanding the foregoing, the law punished any threat of committing a misdemeanour only if such threats are done "in writing or through a third person"⁷¹

It is hence noted that the provisions in the Penal Code addressing different forms of violence and/or harassment are not consistent with the principles and provisions of C190.

Crimes Associated with Non-Sexual Harassment

The Penal Code criminalizes some acts that constitute non-sexual harassment through the crime of "contempt".

⁶⁸ Court of Cassation's decision on its criminal affiliation No. 4307 of 2019

⁶⁹ The Court of Cassation's decision on its criminal affiliation No.

⁷⁰ Court of Cassation's decision on its criminal affiliation No. 1564 of 2020

⁷¹ Article (353) of the Penal Code.

Contempt: Article (190) of the Penal Code stipulates that contempt is "any insult or cursing - other than slander - directed to the victim face to face by words or gestures or in writing or through drawings that have not been made public, or through a telegram or telephone call, or by rough treatment"⁷².

Contempt of Public Office: The legislator granted additional protection to public employee⁷³ by increasing the penalty for contempt when the action is committed against a public employee to become from one month to six months if it is directed to a public employee, three months to a year if the employee was exercising public authority when subjected to the act, and six months to two years if it occurs on a judge in court⁷⁴.

Cyber Harassment: Cybercrime Law criminalizes defamation that occur using the internet, a website, or any information system⁷⁵ which, by interpretation, may encompass acts of harassment in the world of work that occur through modern communication networks.

Forms of violence criminalized by the Penal Code

Psychological Violence

Threat as a Crime: The Penal Code criminalizes the following forms of threat:

- Verbal threat if associated with a felony⁷⁶
- Threatening with a weapon⁷⁷
- A written threat or a threat through a third person if associated with a felony⁷⁸ or misdemeanour⁷⁹
- A threat that occurs in public and has a psychological impact on the victim⁸⁰, bearing in mind that the Penal Code links the word "public" with the ability of others (who have no stake in the conflict) to read it or view it without restriction⁸¹.

⁷² Article (360) also stipulates: Whoever despises a person out of slander in words or deeds face to face or by writing he addressed him with it or intends to show it to him, or by speaking offensive words or a specific gesture or with harsh treatment, he shall be punished with imprisonment for a period not exceeding a month or with a fine not more than ten dinars

⁷³ Article (169) of the Penal Code

An employee within the meaning intended in this chapter is every public employee in the public sector or judiciary, every officer of the civil or military authority or one of its members, and every worker or employee in the state or in a public administration

⁷⁴ Article (196) of the Penal Code

Contempt is punished:

1. Imprisonment from one to six months, or a fine of fifty to one hundred dinars, or with both of these two penalties together if it is directed at an employee while performing his job or for what he has done by virtue of the job.
2. If the offended employee was insulted while performing his job, or for what he did by virtue of the job, those who exercise public authority, the penalty shall be from three months to one year.
3. If the insult is committed by words or threatening movements against a judge at the bench, the penalty shall be from six months to two years.

⁷⁵ Article (11) of the Electronic Crimes Law

⁷⁶ Article (351) of the Penal Code

⁷⁷ Article (349) of the Penal Code

The threat:

1. Whoever threatens another with a weapon against him, he shall be punished with imprisonment for a period not exceeding six months.
2. If the weapon is a firearm and the perpetrator uses it, the penalty is imprisonment for a period of no less than six months.

⁷⁸ Article (350) and (352) of the Penal Code

⁷⁹ Article (353) of the Penal Code

⁸⁰ Article (354) of the Penal Code

⁸¹ Article (73) of the Penal Code states:

The word public actions mean:

1. Actions and movements if they take place in a public place, a place open to the public, or open to public view, or they take place in a place not from the aforementioned places, except that they took place in a space which can be seen by any person present in the aforementioned public spaces.
2. Speech or shouting, whether spoken out or transmitted by mechanical means, so that in both cases it is heard by those who have no part in the act.

The Crime of Extortion

The Penal Code punishes the Crime of "Extortion" in its two forms:

- Threatening a person to "expose, disclose, or inform on a matter that would harm this person's status, honour, or the status and honour of one of their relatives."
- The blackmail of a person "to obtain an unlawful benefit for themselves or for someone else"⁸²

Physical Violence

Many forms of physical violence fall under "Harm" crimes in the Penal Code. Such crimes range from a misdemeanour to a felony based on the gravity of the harm inflicted on the victim; that is if it results in a disruption of victim's life for more than ten days or less than ten days, if the act caused permanent disability, or if harm was through the use of sharp tools and directed to the face or neck.

It is important to note that the law also punishes for unintentional harm as an exception of the general principle of requiring criminal intent in all crimes⁸³.

Sexual Violence/Assault

In addition to the sexual harassment crimes cited above, rape and acts of threatening and intimidating a female that leads to the unlawful sexual intercourse also constitutes crimes.⁸⁴

However, the legislator must single out a clause specific to the crime of rape that is committed against males - and separate it from the crime of "Violation of Honour".

4.2.2 Labour Law

At the outset, violence and harassment in the world of work are concepts that remain largely unaddressed in the Jordanian labour legislation. The Labour Law does not explicitly define nor prohibit violence and harassment in the world of work. Moreover, the Law does not explicitly recognize the right to a world of work free from violence and harassment, nor does it address violence and harassment at the world of work from an occupational health and safety lens.

In the current legislation, only certain forms of violence and/or harassment in the world of work have been addressed under different terminology and **were only mentioned in the specific context of termination of employment**. The Labour Law grants:

- **the employer the right to terminate** an employment contract (without prior notice or compensation) pursuant to Article (28) of the law in specific cases, including:
 - If the worker is convicted of a crime that "violates honour and public morals"⁸⁵
 - If the worker "commits an act that violates public morals at the workplace"⁸⁶

3. Writing, drawings, hand and photographic pictures, films, badges and pictures of all kinds if they are displayed in a public place or a place open to the public, or exposed to attention, or sold, offered for sale, or distributed to more than one person, or published by electronic means that enable the public to read or view them without restriction.

⁸² Extortion Article (425) of the Penal Code

1. Whoever threatens a person to expose, disclose, or inform about a matter that was liable to affect that person's status, his honour, or the status and honour of one of his relatives, he shall be punished with imprisonment from three months to two years and a fine from fifty to two hundred dinars.

2. Whoever blackmails a person in order to compel him to bring an unlawful benefit to himself or to another person shall be punished by imprisonment for a period of no less than three months and a fine of not less than fifty dinars and not more than two hundred dinars.

⁸³ Article (344) of the Penal Code

⁸⁴ Article (292) and (311) of the Penal Code

⁸⁵ Article (28) Paragraph (g) of the Labour Law

⁸⁶ Article (28), Paragraph (H) of the Labour Law

- If the worker assaults the employer, the responsible manager, one of their superiors, or any colleague, or any other person during work or because of it, by beating or contempt⁸⁷
- **the worker the right to terminate** employment while maintaining all of their rights, *inter alia* pursuant to Article (29) of the law:
 - If the employer or their representative assaulted the worker during work or because of it, by beating, contempt, or any form of sexual assault that is punishable by law.⁸⁸

The aforementioned legal provisions relating to termination of employment include **the only reference to forms of violence and/or harassment**, and specify the only redress available to workers/employers. The aforementioned provisions allow for termination of employment with remedy for worker, or without notice on the part of the employer, for specific forms of violence and harassment, which are:

- Beating
- Contempt (the definition of contempt is found in the penal code as shown above)
- Sexual assault
- An act that violates public morals

On sexual assault, the law referred to other laws, namely the penal Code, for the definition of sexual assault. Any assault that is not punishable pursuant to other legislation does not constitute sufficient grounds for terminating employment. Noting that the term “sexual assault” is not defined in the Penal Code, crimes cited in section 4.2.1 concerning “Sexual Harassment and Sexual Violence” encompass acts of sexual assault, such as the crime of “Violation of Honour”⁸⁹.

Concerning "acts that violates public morals" - The legislator used a broad term that relies on an employer’s discretion and judgement on what constitutes “acts that violate public morals”, which may constitute prejudice to workers and expand the powers of the employer to terminate employment without compensation. Nevertheless, the employer’s right is not absolute and final in such cases, as the worker has the right to challenge arbitrary dismissal by the employer before courts.

Legislative gap and deficiency

At the outset, there is **no clear definition or prohibition** of work-related violence and harassment in the Labour Law. Incidents of violence and harassment need to be addressed in the Labour Law through a rights’ based, non-discrimination, and occupational health and safety lens⁹⁰.

With regards to Articles (28) and (29) of the Labour Law, they only provide one remedy and sanction for specific forms of violence and harassment in the world of work, through termination of employment with compensation.

A violence and harassment free world of work should be a right to all actors in the world of work, and the Labour Law should address it as such. Moreover, violence and harassment should be clearly defined and prohibited in line with C190. Based on an analysis of the Labour

⁸⁷ Article (28), Paragraph (I) of the Labour Law

⁸⁸ Article (29)(A)(6) of the Labour Law

⁸⁹ Article (296) of the Penal Code “Whoever violates the sexual integrity of a person with the use of violence or threats shall be punished with imprisonment with labour for a period not less than four years”.

⁹⁰ Articles (1) and (7) of C190. Paragraph (2) of R206.

Law and provisions in C190, it is recommended that new comprehensive provisions defining and prohibiting different forms of violence and harassment be introduced into legislation governing the world of work, through:

- (a) introducing **definition(s)** for violence and harassment and gender-based violence and harassment in the world of work;
- (b) such definition(s) to encompass **sexual harassment** (including quid pro quo or hostile work environment), and non-sexual harassment (mobbing, bullying, cyber bullying, aggression etc);
- (c) acknowledging the right of all actors in the world of work to a world of work free from violence and harassment; and
- (d) provide a **clear prohibition** of all forms of violence and harassment in the world of work.

It is worth noting that C190 provides flexibility to members in defining violence and harassment as a single concept or as two standalone concepts provided such definition(s) align with Article (1) of C190⁹¹, in that any definition includes both “single or repeated” occurrences of “unacceptable” behaviours or practices which “aim at, result or are likely to result in physical, psychological, sexual, or economic harm”⁹².

In addition to the aforementioned, in the context of Article (28) which grants the employer the right to dismiss the worker without notice or compensation when certain acts of violence and harassment in the world of work are committed by such worker; such as beating, contempt or acts violating public morals. This article does not include other forms of violence and harassment that may warrant termination as an appropriate sanction, such as certain cases of mobbing and bullying and creating a hostile work environment, where appropriate. Noting that C190 **only requires the provision of sanctions** and does not specify the form of sanctions to be imposed, so long as they are imposed “where appropriate”⁹³.

Moreover, even within the context of Article (29) as it relates to termination of the employment relationship by the employee with compensation as a remedy for specific acts of violence and/or harassment, the text does not address incidents of violence and/or harassment **committed by co-workers, third parties, or any person other than the employer** or their representative. In which case, the only recourse available to workers would be the provisions and protections of the Penal Code if such act(s) constitute a crime.

It is worth noting that pursuant to C190, sanctions and remedies for acts of violence and harassment are not confined to termination⁹⁴. In fact, Article (10) stipulates that that members shall take measures to “(b) ensure easy access to appropriate and effective remedies”, and “(d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work”. Paragraph (14) of the non-binding R206 elaborates on Article (10)(b) by setting out a range of remedies, among which is “the right to resign with compensation”. Accordingly, remedies and sanctions for violence and harassment should not be confined to termination of employment and should be fair, proportionate to the act, and effective.

⁹¹ Article (7) of C190 provides: “Without prejudice to and consistent with Article 1, each Member shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment.”

⁹² Article (1) of C190.

⁹³ Article (10)(d) of C190.

⁹⁴ Article (10)(d) of C190.

Violence and harassment in the world of work, including gender-based violence and harassment, should be clearly defined and comprehensively addressed in the Labour Law in line with Articles (1) and (7) of C190 as explained above, for it to become the general frame of reference on issues of violence and harassment in the world of work.

4.2.3 The Civil Service Regulation

The Civil Service Regulation applies to employees in the public sector, and this includes ministries and public institutions and institutions with public interest that are not considered independent institutions with special laws that govern them.

Chapter ten of the Civil Service Regulation sets out the rules of conduct for public employees. It includes provisions on public employee's obligations, which, pursuant to Article (68), include abiding by the following:

- the provisions of the Code of Conduct and Ethics for the Public Service, adopted by the Council of Ministers.
- Treating the public with courtesy and respect, on the basis of impartiality, neutrality, objectivity and fairness without discrimination between them on the basis of sex, race, religious beliefs, or any form of discrimination.
- "[...] dealing with their superiors and subordinates with respect and embracing participatory work and building team spirit t work."
- Show honesty, bravery and transparency in expressing opinion, disclosing and reporting work problems without attacking anyone's character.
- Maintaining and embracing the spirit of collegiality, cooperation, exchange of knowledge and respect for the professional partnership at work between men and women⁹⁵.

Article (69) of the Regulation also expressly prohibits public employees from the following:

- (e) Engaging in behaviour, practices or actions that offend public morals, ethics, conduct, or are otherwise offensive to political and religious beliefs and opinions or inciting against them.
- (f) Conducting any physical or verbal behaviour of a sexual nature or the threats thereof in a manner which is degrading, humiliating, and results in inflicting physical, psychological or sexual harm.
- (g) inflicting any physical punishment in any form on any of the children present in the departments, including educational, rehabilitative or training institutions, care or protection homes, or inflicting harm on any of them.
- (h) Photocopying or leaking any document, publishing any information or article, or re-publishing any of it by any means in a way that offends the state or its workers.

The Regulation does not clearly or comprehensively define or prohibit violence and harassment in the world of work which may occur in the public sector, whether by or on employees or the public, but it explicitly states that public employees are prohibited from conducting, displaying, or in any way engaging in acts or practices or behaviours of a sexual nature, or threatening to do so, with the condition that inflicts actual harm (physical, psychological or sexual) on the victims.

The behaviour of the public servant is also governed by a code of conduct issued by the Council of Ministers. The code imposes certain commitments on public employees, including:

⁹⁵ According to the provisions of Article (69) of the Civil Service Regulation, which was published in the Official Gazette No. 5619 on page 697 on 2/2/2020.

- Article (6)(f) "to refrain from any behaviour, practices or actions that violate public behaviour and morals, and to refrain from offending or inciting against the opinions and beliefs of others. (h) Not to exploit his position to serve personal purposes or interests."
- Article (7)(a) "Respecting the rights and interests of others without exception, and dealing with them with respect, courtesy, politeness, impartiality, neutrality and objectivity without discrimination on the basis of race, gender, religious or political beliefs, social status, age, or any form of discrimination."⁹⁶

The legislative gaps and deficiency

- The Civil Service Regulation addresses acts - or threats thereof - of a sexual nature that lead to physical, psychological, or sexual harm, but does not address acts of harassment that do not have a sexual connotation (such as bullying) and inappropriate treatment (but not considered immoral).
- It does not address acts of a sexual nature that are likely to lead to harm but have not actually "led" to harm - as required by C190 - which may place the burden of proof of harm on the victim. This might be particularly relevant in cases of psychological harm, where the harm or its extent are difficult to establish. Covering the likelihood of harm might mitigate this gap, as it can be assessed by reference to more objective standards agreed upon by the professional community.
- It does not define violence and harassment in the world of work, but rather refers to some behaviours that constitute some forms of violence and/or harassment, as noted above.

4.2.4 Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status, and its Amendments

These regulations regulate the work of domestic workers, cooks, and persons with similar status ("domestic workers")⁹⁷. The provisions of the Labour Law are not applicable to workers falling under the scope of these regulations. Their provisions are not in line with the Decent Work for Domestic Workers Convention, 2011 (No. 189), nor the provisions of C190 and the non-binding guidance in R206 as they do not define nor comprehensively prohibit work related violence and harassment. The scope of legal protection for incidents of violence and harassment only covers **sexual** or **physical assault**. These two terms are not defined in the regulations or in the Penal Law. Violence and harassment need to be comprehensively defined and prohibited in line with Articles (1) and (7) of C190.

The provision relating to violence and harassment in the aforementioned regulations stipulate that "If the violation committed by the homeowner constitutes a sexual or physical assault on the worker or a serious violation of any of their basic rights, the worker has the right to immediately terminate employment and to claim their rights". There are no court precedents on this subject matter to shed more light on how this provision is implemented in practice, the burden of proof, or any protections offered to this victim.

⁹⁶ To view the blog, please visit the following link: <http://www.csb.gov.jo/web>

⁹⁷ The Regulation defines **domestic work** as "work that is related to household tasks such as cleaning, cooking, ironing clothes, preparing food, taking care of family members, buying household needs, accompanying the sick and people with disabilities, gardening and the like."

4.2.5 Agricultural Workers Regulation

On May 2nd, 2021, a new regulation was passed for Workers in Agriculture. These regulations do not provide a comprehensive definition or prohibition to violence and harassment in the world of work, or gender-based violence, however it does include key provisions relating to violence, harassment, and non-discrimination, namely:

- Prohibition of physical and sexual assault⁹⁸
- Prohibiting forced labour or child labour⁹⁹.
- Wage protection including non-discrimination in pay for work of equal value¹⁰⁰.
- Enrolment with social security¹⁰¹
- The requirement to comply with occupational health and safety instructions issued by the Minister of Labour for this purpose¹⁰².

5. Chapter 5: C190 Scope

5.1. Persons Protected Under C190

According to C190, the scope of protection should extend to protecting workers and other people in the world of work, including those to whom the definition of “worker” in accordance with national laws applies, as well as “persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer ”¹⁰³.

C190 applies to all sectors, whether private or public, and in the formal and informal economy, in both urban and rural areas¹⁰⁴.

5.2. Scope of protected groups in Jordanian legislation

Labour Law

The Labour Law defines a “worker” as every person, male or female, who performs work for a wage and is subordinate to the employer and under their authority, this includes juveniles¹⁰⁵ and those in probation or rehabilitation. An “employer” is defined as every natural or juristic person who employs in whatever capacity one or more persons for wage¹⁰⁶.

The law explicitly excluded public employees and municipal employees from the provisions of the Labour Law, and stipulated that the provisions to which agricultural workers, domestic workers, cooks, gardeners, and the like, are to be governed by a regulation that sets out the conditions of their work contracts, working hours, rest and inspection, and any other matters related to their employment¹⁰⁷.

⁹⁸ Article (13) of the Agricultural Workers Regulation No (19) of 2021.

⁹⁹ Article (13) and 6 of the Agricultural Workers Regulation No (19) of 2021.

¹⁰⁰ Article (8) of the Agricultural Workers Regulation No (19) of 2021, in line with C100.

¹⁰¹ Article (12) of the Agricultural Workers Regulation No (19) of 2021.

¹⁰² Article (11) of the Agricultural Workers Regulation No (19) of 2021.

¹⁰³ Article (2) of C190.

¹⁰⁴ Article (2) of C190.

¹⁰⁵ Article (2) of the Labour Law stipulates that a juvenile is every person, male or female, who reached the age of seven and not yet eighteen.

¹⁰⁶ Article (2) of the Labour Law.

¹⁰⁷ Article (3) of the Labour Law.

We hereby note the following:

Categories of workers offered the protections of the labour law:

- Those who meet the definition of "worker"
- Workers under "probation" or "rehabilitation", and
- Within the scope of certain provisions¹⁰⁸, the labour law includes trainees in vocational training¹⁰⁹.

Categories of workers not offered protection of Labour Law:

- **Public sector employees and municipal employees.** The Court of Cassation also clarified that "relations arising from work performed for the benefit of the state or public legal persons of the state and its institutions are not subject to the labour law"¹¹⁰.
- Any person to whom the definition of "worker" does not apply, meaning they do not work for wage under the supervision and instruction of the employer, and this includes consultants, contractors, volunteers, trainees, workers whose employment has terminated or expired, and those looking for a job, as is the case for apprentices and industrialists in the event they do not meet the definition of "worker", among others; and
- Workers in illicit industries.

Categories to which the definition of "worker" applies, but are regulated by special legislation:

The Labour Law stipulates that the work of agricultural workers, domestic workers, cooks, gardeners and workers with similar status will be regulated by a special regulation that governs their contracts, work hours, rest and inspection, and any other matters related to their employment¹¹¹. In May of 2021, the legislator issues the Workers in Agriculture Regulation that stipulates that the provision of the Labour Law shall apply to "matters not governed under the regulation".

The law does not explicitly exclude these groups from its provisions but has referred matters of their employment to a special regulation. This aligns with the Government's report to CEACR on Convention No. 98., where the Government notified the CEACR on the 2008 amendments to the Labour Law, which were aimed at extending protection to domestic and agricultural workers, "especially in matters relating to the Convention"¹¹².

However, the Court of Cassation ruling makes reference to previous jurisprudence by the Court of Cassation which determines that "It appears that the legislator excluded agricultural workers, domestic servants and gardeners, home cooks and those of similar status [home drivers] from the scope of Labour Law."¹¹³ Although the text of the law does not explicitly exclude agricultural workers, domestic workers, and those in similar status from its scope, the jurisprudence of the Court of Cassation has settled on this matter. We hereby note that

¹⁰⁸ Articles (36), (37) and (38) of the Labour Law and the Instructions for Organizing the Vocational Training Contract of 1999 published in the Official Gazette No. 4393.

¹⁰⁹ The vocational training instructions included defining the work site as the various establishments of the public and private sectors through which the trainee would receive practical training in his field of specialization.

¹¹⁰ Court of Cassation Decision No. 4127 of 2019.

¹¹¹ Article 3 of the Labour Law.

¹¹² Observation (CEACR) adopted 2014, published 104th ILC session (2015), Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

¹¹³ Court of Cassation Decision No. 3753 of 2015

decisions of the Court of Cassation do not carry the force of law but are respected by other courts and legal professionals.

In order to comply with the provisions of the Convention (190), these workers should benefit from the protection from violence and harassment in the world of work once necessary amendments are introduced to the Labour Law. Moreover, basic rights stipulated in the Labour Law in alignment with ratified conventions on fundamental rights of equality and non-discrimination at work should also be applicable to these workers¹¹⁴.

Civil Service Regulation

The Civil Service Regulation is applicable to persons who acquire the status of "employee", which is: "the person appointed by a decision of the competent authority, in a job listed in the job formation schedule issued under the General Budget Law or the budget of one of the departments, and an employee appointed pursuant to a contract and does not include day labourers."¹¹⁵ This definition also includes employees on probation¹¹⁶.

Any person to whom the definition of "employee" does not apply is excluded from the scope of the Civil Service Regulation, which persons include:

- workers in the private sector
- day labourers in the public sector
- persons in search of work opportunities and volunteers
- consultants, advisors and experts, unless they enter into appointment contracts for a specific period
- employees whose contracts have expired or whose employment has been terminated
- trainees and apprentices

The Penal Code

The Penal Code applies to every Jordanian who commits a misdemeanour or felony, whether inside or outside the Kingdom. The Penal Code also applies to every foreigner residing on Jordanian land who commits a felony or misdemeanour in whatever capacity¹¹⁷, and therefore we find that the legislator expanded the protection to include all those present on Jordanian territory which is consistent with C190.

Social Security Law

The Social Security Corporation Law (**SSC Law**) identifies workers, from "Establishments" registered with the SSC, who fall under the scope of the SSC Law and benefit from its provisions:

¹¹⁴ In alignment with Articles (5) and (6) of the C190.

¹¹⁵ Article (2) of the Civil Service Regulation. Also, Article (3) of the Civil Service Regulation stipulates: Notwithstanding anything else stipulated in any other legislation, the provisions of these regulations shall apply to the employees of departments whose jobs, titles, and salary are listed in the list of employment formulations issued pursuant to the Public Budget Law or the Public Departments Budget or the Budget of any public department".

¹¹⁶ According to the provisions of Article (63) of the Civil Service Regulation, the duration of the trial period is two years.

¹¹⁷ As Article (10) of the Penal Code stipulates "The provisions of this law apply - to every Jordanian - whether an accomplice or a partner instigating or interfering with - who committed a felony or misdemeanour outside the Kingdom that is punishable by Jordanian law. The aforementioned provisions shall also apply to the aforementioned, even if he loses Jordanian nationality or acquired it after committing a felony or misdemeanour. For crimes committed outside the Kingdom by any Jordanian employee while exercising his job or in connection with exercising it. For crimes committed outside the kingdom, officials of the foreign corps and Jordanian consuls did not enjoy the immunity that is entitled to them under general international law. Every foreigner residing in the Hashemite Kingdom of Jordan, whether as an accomplice or partner, instigating or interfering with, committed a felony or misdemeanour outside the Hashemite Kingdom of Jordan, punishable by Jordanian law.

The SSC Law applies to anyone who has completed sixteen years of age without any discrimination due to nationality, contract period or form, or the nature of the wage, provided that the wage on which contributions are calculated upon is not less than the minimum wage. This applies irrespective of whether the work is performed mainly inside or outside the Kingdom (without prejudice to international agreements on duality of insurances). Categories of workers subject to the SSC Law are:

- all workers subject to the provisions of the Labour Law in force;
- workers who are not subject to retirement under the provisions of the Civil Retirement Law or the Military Retirement Law;
- Jordanians working for regional and international missions, Arab and foreign political or military missions in the Kingdom, attachés, and their technical and educational centres; and
- self-employed workers, employers, and joint liability partners working in their own Establishments.

The “Establishment” has also been defined for the purposes of this SSC Law as: any ministry, government department, official or public body or institution, or any company, institution, association, or any natural or juristic person who employs one or more workers subject to the provisions of this law or any natural person working for their own account or any other party specified by the regulations issued pursuant to this SSC Law¹¹⁸.

Subject to the provisions of Article (3) of the SSC Law, insurances may be applied to domestic workers and those of similar status by a decision of the Council of Ministers upon the recommendation of the SSC board of directors. In which case, all matters related to their coverage in the insurance schemes shall be regulated pursuant to special regulations to be issued pursuant to this SSC Law.

The Social Security Law also allows trainees under the age of sixteen to benefit from its provisions, without the Establishment bearing any contributions on their behalf¹¹⁹.

The Social Security Law excluded the following workers from its scope:

- individuals who pay pension contributions pursuant to the Civil Retirement Law or the Military Retirement Law;
- non-Jordanians working for regional and international missions, Arab and foreign political or military missions in the Kingdom, and attachés and their technical and organizational centres;
- workers with “irregular” employment relationship with employer.

The relationship between the worker and the employee is deemed “regular” if the following applies¹²⁰:

- for day labourers, if such labourer works sixteen days or more in a single month.
- for workers whose wage is tied to performance of work on an hourly basis, per piece, per shipment, or similar worker, if such worker(s) work for sixteen days or more in a single month, regardless of the number of work hours, pieces, or shipments per day.

¹¹⁸ Article (2) (B) of the Social Security Law

¹¹⁹ Article (5) of the Social Security Law

¹²⁰ Article (4), Paragraph (b) (3) of the Social Security Law

- for workers with a monthly wage, the relationship is deemed regular regardless of the number of days they work in a single month, except for the first month of them joining in which they should work for at least sixteen days in that first month.

It should be noted that the Jordanian government, according to official statements, is currently working on developing a special system that would expand the umbrella of coverage of the SSC Law and the insurance schemes available pursuant to it.

5.3. The World of Work

C190 defined the spatial protection for the violence and harassment that are in any way connected to work, by adopting the concept of the “World of Work”¹²¹. The World of Work is intended to expand protection from violence and harassment to include that which occurs in the course of, is linked with, or arising out of work¹²²:

- in the workplace, including public and private spaces where they are a place of work;
- in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- during work-related trips, travel, training, events or social activities;
- through work-related communications, including those enabled by information and communication technologies;
- in employer-provided accommodation; and
- when commuting to and from work.

Relevant Legislation under Jordanian Law

5.3.1. Labour Law

The Labour Law does not define what constitutes a workplace. However, the Labour Law makes reference to the workplace in its definition of a “work injury”. Work Injury is defined as that which occurs as a result of an accident during the performance of work or because of it, and it includes accidents occurring while on route to and from work.¹²³

The definition of what constitutes a workplace embedded within the definition of “work injury” is broad to cover incidents which occur in the course of, are linked with, or arising out of work.

Creating a safe world of work would necessitate Government introducing sufficient measures to ensure safety of public spaces, places, and transportation.

5.3.2. Penal Code

The Penal Code does not require for the crimes of indecent fondling or indecent act to be committed within a certain space or place. However, in certain crimes of similar nature, the act being committed “in public” is a material requirement for the act to be incriminated. Therefore, in the event such acts are committed in a place where the conditions of publicity¹²⁴

¹²¹ Article (3) of C190.

¹²² Article (3) of C190.

¹²³ Article (2) of the Labour Law

¹²⁴ Article (320) of the Penal Code states: “Anyone who commits an indecent act or expresses an indecent gesture in a public place or in a public society or in a manner that is possible with it for someone who is in a place shall be punished with imprisonment for a period not exceeding one year and a fine of two hundred dinars.

are not fulfilled, such acts may no longer constitute a crime at all, and may qualify as a different crime (such as indecent act, rather than indecent public act).

5.3.3. Social Security Law

The law defines a work injury as:

- **Occupational disease** (physical illness as shown in the tables annexed to the Law)
- **Accidents** during performance of work: includes "the period that the worker spends at the workplace or during which s/he is present to do the work."
- **Accidents due to work**, meaning that the injury occurs due to work conditions or its nature (that is, had it not been for work, the injury would not have happened).
- **Accident while on the way to and from work**, provided that this occurs on the worker's usual commute to and from work.¹²⁵

5.3.4. Civil Service Regulation

The Civil Service Regulation only applies to public sector employees¹²⁶, and also identifies prohibited behaviour and conduct. It is not always a requirement that such behaviours take place in a specific place of work, including acts referenced in Article (69) of the Regulations:

- Engaging in behaviour, practices or actions that offend public morals, ethics, conduct, or are otherwise offensive to political and religious beliefs and opinions or inciting against them.
- Conducting any physical or verbal behaviour of a sexual nature or the threats thereof in a manner which is degrading, humiliating, and results in inflicting physical, psychological or sexual harm.
- Inflicting any physical punishment in any form on any of the children present in the departments, including educational, rehabilitative or training institutions, care or protection homes, or inflicting harm on any of them.
- Photocopying or leaking any document, publishing any information or article, or re-publishing any of it by any means in a way that offends the state or its workers.

Moreover, there are many independent public-benefit institutions that have their own laws and regulations and are excluded from the scope of this Regulation.

5.3.5. Cybercrimes Law

The Cybercrimes Law criminalizes defamation that occurs using the information network, websites, or any information systems¹²⁷, which may encompass acts of harassment in the world of work that occur through modern means of communication.

5.3.6. Communications Law

The Telecommunications Law criminalizes anyone who, by any means of communication, "transmits threatening, insulting, or immoral messages."¹²⁸ which may encompass acts of

¹²⁵ Article (2) of the Social Security Law.

¹²⁶ Article (3) of the Civil Service Regulation of 2020 states that:

"The provisions of the Civil Service Regulation shall apply to employees of the departments whose posts, ranks and salaries are listed in the job formation schedule issued under the General Budget Law or the Government Units Budgets Law or the budget of any of the other departments."

¹²⁷ According to Article (11) of the Cybercrime Law

¹²⁸ According to Article (11) of the Cybercrime Law

harassment or psychological violence in the world of work that occur through the means of communication.

6. Chapter 6: Core Principles

6.1. Article (4) of C190: the right of everyone to a world of work free from violence and harassment

Article (4), paragraph 1 of C190 provides: “Each Member which ratifies this Convention shall respect, promote and realize the right of everyone to a world of work free from violence and harassment.”

As noted above, Jordanian legislation does not holistically regulate the right of all to a world of work free from violence and harassment.

Article (4), paragraph 2, of C190 stipulates that “each Member shall adopt, in accordance with national law and circumstances and in consultation with representative employers’ and workers’ organizations, **an inclusive, integrated and gender-responsive approach** for the prevention and elimination of violence and harassment in the world of work. Such an approach should take into account violence and harassment involving third parties, where applicable, and includes:

- **prohibiting** in law violence and harassment;
- ensuring that relevant **policies** address violence and harassment;
- adopting a **comprehensive strategy** in order to implement measures to prevent and combat violence and harassment;
- establishing or strengthening **enforcement and monitoring** mechanisms;
- ensuring access to **remedies and support** for victims;
- providing for **sanctions**;
- developing tools, guidance, education and training, and raising awareness, in **accessible formats** as appropriate; and
- ensuring effective means of **inspection and investigation** of cases of violence and harassment, including through labour inspectorates or other competent bodies.”

R206 further suggests that “In adopting and implementing the inclusive, integrated and gender responsive approach referred to in Article (4), paragraph 2, of the Convention, Members should address violence and harassment in the world of work in labour and employment, occupational safety and health, equality and non-discrimination law, and in criminal law, where appropriate” ¹²⁹.

Relevant Legislation/national policies

6.1.1. National strategy for prevention and elimination of violence and harassment in the world of work

On 7 December 2020, the national stakeholders led by the General Federation for Jordanian Trade Unions, the Jordanian National Commission for Women and the ILO have discussed a preliminary “National Strategy for Eliminating Violence and Harassment in the World of Work” in alignment with C190, in the presence of key stakeholders including trade unions, employers’ representatives, CSOs, INGOs, as well as representatives from the legal and

¹²⁹ Basic Principles, Recommendation No. 206

judiciary system. This strategy remains a working draft among stakeholders hoping for adoption upon endorsement by representatives of the government.

6.1.2. Enforcement and monitoring mechanisms

Jordanian national legislation does not yet clearly address violence and harassment in the world work. Therefore, no clear enforcement, monitoring, inspection, and data collection mechanisms are in place.

That said, R206, in non-binding guidance, clarifies that labour inspection can be a tool for monitoring and enforcement¹³⁰.

Inspection within the Scope of the Labour Law and Occupational Safety and Health Instructions. Labour inspection forms currently adopted by the Ministry of Labour to monitor a facility's compliance with the provisions of the Labour Law have a few indicators relating to some forms of violence and harassment which are explicitly mentioned in Article (28) of the Labour Law; namely beating or any form of sexual assault. The inspection forms were made to ensure that workers are protected against occupational diseases and bodily harm by providing equipment, tools, means of prevention and public safety, as well as some measures related to decent work standards, such as having a separate place for food, lockers and bathrooms for workers.

Accordingly, it is necessary to review and revise labour inspection forms and standards to encompass other forms of violence and harassment in the world of work once these concepts are defined and more comprehensively addressed including through managing occupational health and safety measures¹³¹.

In addition to the above, it is integral to create a **gender-responsive labour inspection**, through measures that may include¹³²:

- The appointment of more female labour inspectors
- Training of inspectors on decent work standards, gender and gender-based violence, as well as violence and harassment
- Developing standards and indicators for violence and harassment in the world of work
- Training of inspectors on these indicators

Moreover, **for Domestic Workers**, the Government clarified the non-judicial route for complaints processing and investigation, noting:

"In case of incoming complaints, or information relating to a violation of workers' rights, or to an employer's (homeowner) commitments, the Ministry of Labour may recall each party to amicably resolve the dispute. Both a male and a female labour inspector can undertake the inspection of the accommodation of the worker if the complaint relates to a worker's accommodation. In case of any violation, the employer shall be given a warning so as to remedy the violation within one week as of the day of its notification. Moreover, a Domestic Workers' Affairs Committee had been set up in order to resolve any issue related to the employment and recruitment of foreign domestic workers. In case of conflict, it could invite

¹³⁰ paragraphs 20 and 21 of non-binding recommendations in R206.

¹³¹ See non-binding guidance, paragraph 21 of R206

¹³² ILO and UN Women, Handbook, p. 27,28. See also paragraphs 20 and 21 of non-binding recommendations in R206.

the employer, the domestic worker, as well as the recruitment agency in order to reach appropriate solutions.¹³³

6.1.3. Remedies and Compensations for Survivors of Violence and Harassment

Jordanian Constitution

The constitutional provisions stipulate that the law should include compensation in conditions of lay-off, sickness, incapacity and "emergencies" that arise from work. And as noted earlier the term "emergency" from work may, in the lack of language restricting it, be interpreted to include work-related injuries, including those arising from violence and/or harassment in the world of work.

Penal Code

According to the general rules, the victim may make a claim for damages in connection with psychological and / or physical harm suffered, among others, pursuant the provisions of the Civil Law, which states the following:

"All damages to others give rise to indemnity by perpetrator notwithstanding the perpetrator's age or capacity.¹³⁴"

Accordingly in criminal cases, the aggrieved party may make a claim for damages pursuant to the aforementioned Civil Law provision, which is referred to as a "personal damages" claim, either:

- Concurrently in the same criminal lawsuit; or
- To file a separate lawsuit with the competent courts once the indictment ruling is issued. In the event the Personal Damages claim was filed separately prior to the criminal lawsuit with the competent civil court, the civil lawsuit will be suspended until a ruling is issued in the criminal case. If the criminal ruling bears an indictment, the civil courts will pursue the personal damages claim.¹³⁵

Noting that the Penal Code requires, in certain crimes which are fundamentally based on harm inflicted such as defamation, that the criminal lawsuit is coupled with the Personal Damages claim as a condition for accepting the lawsuit.

The Labour Law

Currently, as highlighted in 4.2.2, the Labour Law does not clearly and comprehensively address and prohibit violence and harassment in the world of work.

Under the Labour Law, the only remedy available for workers who are subjected to certain forms of violence and/or harassment listed in Article (29) of the Labour Law is termination of employment with compensation, noting that Article (29) does not address incidents of violence and/or harassment **committed by co-workers, third parties, or any person other than the employer** or their representative.

For the purposes of Article (29) which offers termination with compensation as one of the remedies available to survivors of violence and harassment, it is suggested to introduce a new paragraph offering workers that the right to terminate employment with compensation (as one of the remedies available) in cases of violence and harassment **committed by co-workers,**

¹³³ C29, Jordan, Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019) [Comments \(ilo.org\)](#). See also Article (11) of Domestic Workers, Chefs, Gardeners and those of Similar Status Regulation of 2009

¹³⁴ Article (256) of the Civil Law

¹³⁵ Article (3)(1) (a) of the Code of Criminal Procedure

third parties, or any person other than the employer or their representative that warrant termination in line with the non-binding recommendation set out in R206¹³⁶. Authors note that any such amendment should balance between the rights and interest of the worker and the employer and the nature of the act committed, whether or not it warrants termination, noting that not all forms of violence and harassment warrant termination.

Moreover, court rulings document repeated violations by employers of wage payment¹³⁷. It is not explicitly stipulated in the law that workers may lawfully terminate their employment and pursue damages in event of non-payment of wages. That said, court rulings have interpreted Article (29) to allow for termination of employment with damages in events of non-payment of wages in full¹³⁸. These rulings do not specify the period for non-payment that would allow a worker to resign with compensation. Moreover, authors highlight that, in practice, lack of such clarity in legal text would lead to worker needing to resort to a court of law to get such compensation. In cases where such non-payment is a form of violence and/or harassment that may lead to economic harm, the lack of appropriate protections as explained, notwithstanding the right of recourse to wage authorities, may constitute non-compliance with C190.

Compensation as one of the remedies for Work-Related Injuries and Occupational Diseases

The Labour Law referred the issue of **compensation for work injuries** and reporting them to the provisions of the Social Security Law for establishments governed by it. The provisions of the Labour Law shall apply to those not subject to the Social Security Law.

In the labour law:

- The Labour Law does not encompass violence and/or harassment in the world of work within the parameters of “work injuries” in connection with which the employer may be obliged to compensate the worker.
- The Labour Law also prohibits the injured worker from claiming any additional compensation from the employer not expressly provided for in the Law on matters relating to work injuries, unless the injury resulted from the employer “being at fault”¹³⁹.

In the Social Security Law and its executive instructions¹⁴⁰, **work injury includes** the following:

- **Occupational disease** (physical illness as shown in the tables annexed to the Social Security Law)
- **Accidents during performance of work:** includes “the period that the worker spends at the workplace or during which s/he is present to do the work.”
- **Accidents due to work:** “This means that the injury occurs due to work conditions or its nature (that is, had it not been for work, the injury would not have happened).
 - Accident while **on the way to and from work**.
 - The instructions also stipulated that for any accident to be considered a “work accident”, the **accident should result in bodily harm** to the human body (such as wounds, fractures, burns, etc.), and that the accident occurs suddenly and in a short time.

¹³⁶ Paragraph 14 of R206

¹³⁷ Court of Cassation Decisions (No. 1595/2021, 2994/2020, 1635/2020, 8219/2019).

¹³⁸ Court of Cassation Decision No (3176/2019)

¹³⁹ Article (89) of the Labour Law

¹⁴⁰ Article (3) of the executive instructions for work injuries issued in the Official Gazette No. 4455 dated 09/17/2000

- The Social Security Law (Article (37)) prohibits the injured worker from claiming any additional compensation, not provided for in the law, from the employer in relation to work injuries unless the injury resulted from “a material fault by the establishment [employer].”

We conclude from the above that work injuries that give rise to compensation are only those that **inflict bodily harm** according to the provisions of the Labour Law and the Social Security Law. In addition to the foregoing, as an exception to this rule, the worker may pursue damages through a claim against the employer in the event the employer is at “fault” or “materially at fault”. However, the Court of Cassation made clear that, for the purposes of invoking this exception, the burden of proof of the employer being “at fault” or “materially at fault” falls on the injured worker¹⁴¹.

The provisions limiting claims to compensation for work injuries to those inflicting bodily harm are inconsistent with the definition of work injury under the Labour Law and the Social Security Law, as they define “**work injury**” to include accidents occurring “**due to**” work or “**during its performance**” and do not limit work injuries to only those causing bodily harm. Victims/survivors of violence and harassment should have recourse and the right to pursue damages, where appropriate, through (i) Social Security for acts qualifying as a “work injury”; (ii) a claim against employer in the event of failure to act to address acts of violence and harassment, or if employer is in violation of Occupational Safety and Health requirements; (iii) a claim against perpetrator pursuant to general principles of liability under Civil Code and Penal Code, as applicable.

Noting that C190 and non-binding guidance in R206 provide the following:

- violence and harassment to be taken into account in the management of occupational safety and health¹⁴²;
 - violence and harassment include acts committed that “aim at, result in, or are likely to result in, physical, psychological, sexual or economic harm”¹⁴³;
 - Victims/survivors of violence and harassment in the world of work should have access to:
 - as per C190, “appropriate and effective remedies”¹⁴⁴
 - as per non-binding guidance in R206¹⁴⁵, a range of remedies including:
 - (a) “the right to resign with compensation;
 - (b) reinstatement;
 - (c) appropriate compensation for damages;
 - (d) orders requiring measures with immediate executory force to be taken to ensure that certain conduct is stopped or that policies or practices are changed; and
 - (e) legal fees and costs according to national law and practice; and
- compensation in cases of psychosocial, physical or any other injury or illness which results in **incapacity to work** not only incidents resulting in bodily harm”¹⁴⁶.

¹⁴¹ Decision of the Court of Cassation in its legal capacity (a public body) No. 349 of 2007, and the decision of the Court of Cassation in its legal capacity No. 7326 of 2019.

¹⁴² Article (9) (b) of C190

¹⁴³ Article (1) of C190

¹⁴⁴ Article (10) (b) of C190

¹⁴⁵ Recommendation 206, paragraph (14)

¹⁴⁶ Recommendation 206, paragraph (15)

As mentioned above, pursuant to the Labour Law and Social Security legislation, work injuries that give rise to a claim for compensation are the injuries that cause bodily harm according to the. In addition to the foregoing, as an exception to this rule, additional compensation may be claimed in the event that the damage is caused to the worker as a result of the employer being "at fault" or "materially at fault". However, the Court of Cassation placed the burden of proof of employer being "at fault" or "materially at fault" on the worker for the purposes of invoking this exception¹⁴⁷.

Domestic Workers, Chefs, Gardeners and those of Similar Status Regulation of 2009

Remedies for violence and harassment in these Regulations include immediate termination of employment with compensation if the violation constitutes physical or sexual assault or any other grave violation of workers' rights¹⁴⁸.

Agricultural Workers Regulation No. (19) of 2021

These regulations do not expressly govern remedies for being subjected to acts of violence and harassment, but rather refer any matters not expressly included in these regulations to the general provisions of the Labour Law¹⁴⁹.

6.1.4. Sanctions

Sanctions for Employers

Penal Code

Article (306) bis of the Penal Code provides that the penalties stipulated in Articles (305) and (306) shall be doubled in any of the following cases: a. If the perpetrator was one of the persons referred to in Article (295) of this law, and among them is "the director of a recruitment office." The legislator took into consideration the possibility of abusing work authority to commit a crime that violates the worker. However, the authors consider that the legislator ought to have also included the employer or any of their workers who have effective authority over the worker, such as the employer for domestic workers (not just the director of the recruitment office) and also employers of migrant workers who live in work housing, among others.

Article (36) of the Penal Code stipulate that among the penalties that can be imposed on employers, whether a company, trade union, association, or any other corporate body except for public institutions, is suspension in the event its directors, management members, representatives, or workers commit, in its name using any of its means, an intentional felony or misdemeanour punishable by at least two years of imprisonment. However, this text is not applicable to a wide range of violence and harassment cases, as it requires that the crime has a punishment of no less than two years, which is not the case for many of the harassment crimes cited in section 4.2.1 above¹⁵⁰.

Labour Law

¹⁴⁷ Decision of the Court of Cassation (general assembly) No. 349 of 2007, and the decision of the Court of Cassation No. 7326 of 2019.

¹⁴⁸ Article (11) of Domestic Workers, Chefs, Gardeners and those of Similar Status Regulation of 2009

¹⁴⁹ Article (16) of the Agricultural Workers Regulation No. 19 of 2021.

¹⁵⁰ The basic principle is that the minimum limit or a special text be drawn up includes the possibility of imposing this punishment in the event that it is related to violence and harassment in the world of work in the event of recurrence or in the event of failure of the employer to take the measures for this or failure to impose deterrent penalties against those who commit them.

- Article (9) (c), in the event a labour inspection report identifies violations of the labour law by an employer, the court shall order the violator to rectify the violation and pay a fine of not less than fifty dinars and not more than five hundred dinars.
- Article (29) (b): If the Minister finds that the employer or its representative have assaulted or practiced any form of sexual assault against any of its employees, the Minister may opt to close the establishment for any period deemed appropriate, taking into account the provisions of any other relevant legislation in effect.

Regulation for Domestic Workers, Cooks, Gardeners, and those of similar status

Article 11, in the event the labour inspectors identify violations to the regulations, they have the authority to issue a violation report and prohibit the employer from sponsoring or employing domestic workers for the period determined by the Minister of Labour.

The regulations also grants the Ministry of Labour the right to forcibly enter the premises in which the domestic worker is employed in the event:

- Its has grounds to believe that a serious crime may be committed
- the employer does not consent to an inspection; and
- the Ministry obtains approval from the judiciary.

Workers in Agriculture Regulation

Article (14), in the event labour inspectors identify a violation of the provisions of the regulation, the Ministry may take action that includes:

- (2) a warning to employer with a remedy period of one week;
- (3) issue a violation report and take legal action in accordance with the provisions of the Labour Law;
- (4) prohibit the employer from sponsoring or employing non Jordanians for the period determined by the Minister of Labour.

Sanctions for perpetrators (other than employer)

The Labour Law

Pursuant to the provisions of the Labour law, Article (28), termination without compensation is the only sanction to be imposed on perpetrators and in very specific forms of violence and/or harassment enumerated in Article (28).

If perpetrator of “sexual assault” or “beating” was the employer or their representative, the Labour Law grants the Minister of Labour authority to shut down the institution for a specified period of time.

The Labour Law should more comprehensively and holistically address violence and harassment in the world of work and provide different sanctions to perpetrators proportionate to the act committed.

Specifically with regards to Article (28) of the Labour Law, it may also prove to be deficient in offering termination as one of the sanctions for certain acts of violence and/or harassment that warrant termination. Authors note that employers should have the option to terminate employment of perpetrator in incidents of violence and/or harassment that warrant termination, however, any expansion to the grounds for termination of employment as one

of the sanctions available in response to violence and harassment, will need to have certain controls, such as:

- placing the burden of proof on the employer that the nature of the act committed by the terminated worker warrants dismissal¹⁵¹. This entails employer receiving sufficient evidence to support complainant claim that acts of violence and/or harassment were committed by alleged perpetrator, and that such acts were sufficiently grave to warrant dismissal; or
- mandating that an internal investigation be launched by a committee or an independent third-party and based on the results of such investigation, it is determined that the relevant act(s) of violence/harassment warrant(s) dismissal. Authors of this report acknowledge that this requirement may not be possible to implement due to resources of employer and nature of their work.

Civil Service Regulation

The Civil Service Regulation governs administrative disciplining in the event of violation of the laws or code of conduct which can range from verbal warning to suspension and termination. If the act constitutes a criminal offense, the matter may be referred to the public prosecution office and/or the competent courts, and these procedures shall not constrain or delay disciplinary actions¹⁵².

6.2. Articles (5) and (6) of C190: realizing fundamental rights at work

Articles (5) of C190 stipulate that “each Member shall respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote decent work”.

Furthermore, Article (6) of C190 provides an obligation to adopt legislation and policies ensuring **“the right to equality and non-discrimination in employment and occupation, including for women workers**, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work.”

R206, which provides non-binding guidance, also emphasized the importance of ensuring that “all workers and employers, including those in sectors, occupations and work arrangements that are more exposed to violence and harassment, fully enjoy freedom of association and the effective recognition of the right to collective bargaining consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)”¹⁵³. Thereby recognizing the role of “collective bargaining at all levels as a means of preventing and addressing violence and harassment and, to the extent possible, mitigating the impact of domestic violence in the world of work”. The Recommendation also requires Members to “ensure that provisions on

¹⁵¹ This measure is proposed by the authors. It aligns with non binding guidance in paragraph (16) of R206 “shifting of the burden of proof, as appropriate, in proceedings other than criminal proceedings”

¹⁵² Article (142) of the Civil Service Regulation, which stipulates: “If the employee commits a violation of the laws, regulations, instructions and decisions in force in the civil service or in its application, or undertakes an act or behaviour that violates the responsibilities and powers entrusted to him, or obstructs them or offends the ethics of the job And the duties and behaviour of the employee, or negligence or neglecting the performance of his duties, or assaulting state funds and interests, then one of the disciplinary penalties shall be imposed on him.

¹⁵³ Paragraph 3, R206

violence and harassment in national laws, regulations and policies take into account the equality and non-discrimination instruments of the International Labour Organization”, including C100 - Equal Remuneration Convention (No. 100), C111 - Discrimination (Employment and Occupation) Convention (No. 111), and the associated recommendations¹⁵⁴.

Relevant Legislation

6.2.1. Restrictions on women’s employment

C190 highlights that women and others in situations of vulnerability are disproportionately affected by violence and harassment. Therefore, the connection with equality and anti-discrimination laws, regulations and policies become of paramount importance towards creating a world of work free from violence and harassment, including to those more vulnerable to it. Paragraph 12 of R206 provides as non-binding guidance that “Members should ensure that measures to prevent violence and harassment do not result in the restriction of the participation in specific jobs, sectors or occupations, or their exclusion therefrom, of women and the groups referred to in Article (6) of the Convention.”

The Labour Law, pursuant to Article (69), excludes women from working in certain industries and occupations, and allows women to work at night, after approval, only in a limited number of sectors and jobs. This explicit exclusion is a form of discrimination against women, and is in direct violation of the provisions of Convention No. 111¹⁵⁵ to which Jordan is a signatory, and deprives women of income generating opportunities¹⁵⁶. The law granted the Minister of Labour the authority to determine the times and jobs at which women are not permitted to work. Currently, women’s employment is prohibited in many sectors, including mining and nuclear energy generation facilities, and women cannot be employed in night work from 7 pm to 7 am¹⁵⁷. The Minister’s ordinance also prohibits employment of pregnant and breastfeeding women in certain hazardous occupations. In late 2018, the Minister of Labour issued an ordinance narrowing the scope of the restriction to provide protection to pregnant and breastfeeding women in the strict sense. However, this ministerial ordinance has not been published in the Official Gazette to date. However, notwithstanding any decisions issued in this regard, it is of high priority to amend article (69) as its current language clearly discriminates against women and such provisions are not in line with ratified ILO Convention No.111. Amendments to Article (69) should also address:

- **Providing Protections for pregnant and breastfeeding women in the strict sense¹⁵⁸**, through stipulating that it is not permissible for pregnant and breastfeeding women to be working at hazardous sites, provided that an alternative measure is taken to ensure the continued employment of pregnant or breastfeeding working women (such as working remotely or working in administrative offices far from hazardous sites).

¹⁵⁴ Paragraph 5, R206.

¹⁵⁵ In this regard, see the Committee of Experts on the Application of Conventions and Recommendations (CEACR) latest observation (2020), under Article (5-):

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4062297

¹⁵⁶ Article (69) “By a decision of the Minister, after consulting the competent official authorities, the following shall be determined:

A- Industries and businesses in which it is prohibited to employ women.

B- The times during which women may not be employed and the cases excluded from them.

¹⁵⁷ Ordinance No. 6828 of 1 December 2010

¹⁵⁸ Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Jordan (Ratification: 1963), available at [Comments \(ilo.org\)](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4062297)
[05-EN-ILS-Country-Profile-Jordan.pdf](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4062297)

- **Creating enabling conditions for women** to participate in labour force. This can be done by placing an obligation on owners of establishments to take additional measures to enable women to work. This will necessitate creating a safe environment, through different measures, including without limitation:
 - Gender sensitive OSH frameworks and mitigating measures;
 - Identifying key barriers to women economic participation, such as transportation, and ensuring that such is provided to the extent possible and commensurate with the employer's degree of control;
 - taking all preventative measures and response plans to violence and harassment in the world of work to the extent possible and commensurate with the employer's degree of control, including zero tolerance policies; and
 - ensuring women returning from maternity are not disadvantaged in terms of career progression and opportunities.

6.2.2. Freedom of Association and Collective bargaining

Article (5) establishes links between C190 and other international labour standards, as reinforced by the non-binding guidance in R206.

As mentioned in Chapter 2, compliance by Jordan with ratified Convention No. 98 and with the principles of freedom of association and the effective recognition of collective bargaining have given rise to recent observations from the CEACR and recommendations from the Committee on Freedom of Association (see in particular case number 3337¹⁵⁹), both of a substantial nature. The mentioned observations and recommendations set key orientations and actions to ensure that effective social dialogue and collective bargaining in relation to measures to combat and prevent violence at work are carried out by strong and independent social partners.

6.2.3. Protection of underage workers

The Labour Law provides special protections for minors, prohibiting the employment of minors below sixteen years of age, as well as prohibiting the employment of minors (even if they are above 16 years of age) in dangerous industries and occupations and in evening hours. Employers shall also be prohibited from having minors work on official holidays without the consent of the guardian¹⁶⁰.

Jordan has also adopted the National Framework for Combating Child Labour, which was adopted in 2011, and has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Minimum Age Convention, 1973, (No.138).

6.2.4. Rights of Domestic Workers

Domestic workers work is governed by the Regulation for Domestic Workers, Cooks, Gardeners, and those of similar status, and its amendments. This regulation is aimed at providing legal protection for domestic workers and achieving decent working conditions. However, studies show that it has not yet achieved its purpose, especially that the general provisions and protections of the Labour Law do not apply to workers falling under the scope of these Regulations. An ILO report noted that "This reinforcement of the legal apparatus to

¹⁵⁹ CFA case number 3337, March 2021 : [FOA case text \(ilo.org\)](https://www.ilo.org/foa/case/text/3337)

¹⁶⁰ Articles (73-76) of the Labour Law

protect domestic workers has not altogether curbed labour exploitation and trafficking practices in the sector. Hundreds of complaints are submitted each year to the Ministry of Labour and the joint trafficking inspection unit hotline as well as through assistance channels at NGOs and the embassies of countries of origin. Grievances include unpaid and illegal deduction of wages, forced overtime, restrictions on freedom of movement, identity papers retention, threats and physical violence”¹⁶¹

This regulation is deficient in that it does not address the matters identified below. The absence of such provisions, rights, and protections from national regulations can result in increased vulnerability of workers to harassment and violence in the world of work and limit their ability to report such acts and seek redress¹⁶². The deficiencies include lack of protection and measures to ensure the following:

- freedom of association and recognition of the right to collective bargaining.¹⁶³;
- elimination of all forms of forced or compulsory labour¹⁶⁴;
- elimination of discrimination in employment and occupation;
- the transfer of a worker from one employer to another without the need of a waiver from the first employer¹⁶⁵
- taking real and effective measures to ensure that domestic workers enjoy effective protection from all forms of abuse, harassment, and violence and access to justice¹⁶⁶;
- that there be continuous monitoring and periodic visits to employers, bearing in mind that there is no follow up by the Ministry or by the recruiting agency following employment of domestic workers¹⁶⁷;
- the right to negotiate residency arrangements with the employer prior to commencement of employment¹⁶⁸;
- not to oblige workers to remain in the residence of the employer during their daily and weekly breaks or annual leaves;
- to have the right to keep travel documents and identity cards in their possession¹⁶⁹;
- the right to freely communicate with family and persons outside of work. This would necessitate amending the text related to the worker's right to communicate with their family from (once a month) and replace it with "the employer shall provide the worker with access to internet from the start of employment."

¹⁶¹ ILO 2017, Migrant Domestic and Garment Workers in Jordan: a baseline analysis of trafficking in persons and related laws and policies, [wcms_554812.pdf \(ilo.org\)](#), see also Domestic workers: between unemployment and work pressures, Tamkeen for legal aid and human rights, June 2020, [Tamkeen \(tamkeen-jo.org\)](#)

¹⁶² Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jo.org\)](#)

¹⁶³ According to Article (98) of the Labour Law, non-Jordanians are legally excluded from the right to establish unions, and the domestic workers sector is dominated by non-Jordanians

¹⁶⁴ C29, Jordan, Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019) [Comments \(ilo.org\)](#); *The Committee requests the Government to continue to take measures to ensure that migrant domestic workers are fully protected from abusive practices and conditions of employment that could amount to forced labour.*

¹⁶⁵ Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jo.org\)](#)

¹⁶⁶ Workers noted “the **increased work pressure** as a result of the family staying in the house all day, and the need to continuously disinfect and clean the house., which resulted in them working for **16 hours a day** without any breaks. Another group reported similar working conditions, but also added that their exhaustion was further **compounded by the stress of their employers** which affected their treatment of the workers as well”

“Tamkeen also followed up on 4 cases concerning domestic workers whose cases were reported by neighbours of their employers as being subjected to violations. Tamkeen then contacted the Combatting Human Trafficking Unit (CTU) regarding 3 of these cases, which resulted in CTU removing them from these houses.” Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jo.org\)](#)

¹⁶⁷ This follow up is not required by law unless a complaint was filed. Tamkeen report also recommended “Inspections should be implemented on the working and living conditions of Domestic Workers” Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jo.org\)](#)

¹⁶⁸ Recruitment agencies confirm placement using the national identification card of the employer. There is no direct communication between workers and employers prior to placement.

¹⁶⁹ Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jo.org\)](#)

- an electronic payment mechanism for the purposes of controlling payment of wages to avoid human trafficking, exploitation, and other acts with economic harm¹⁷⁰.

6.2.5. Migrant Workers in the Textile and Clothing Industry

Three collective agreements were concluded for the Textile, Garment & Clothing Sector (The “Garment Sector”). The most recent collective bargaining agreement concluded in November 2019 addresses the following¹⁷¹:

- Preventing discrimination in all its forms
- Preventing violence and harassment
- Adopting an internal policy on violence and harassment at the world of work
- Training employees on the content of the violence and harassment policy and on the grievance mechanism

Multiple employers in the Garment Sector have adopted internal policies to address violence, harassment and discrimination within their institutions¹⁷². The Better Work Jordan Gender Strategy progress report of 2020 also affirms that “Better Work Jordan programme has worked to ensure that all factory bylaws follow the Collective Bargaining Agreement” which requires that factories “take the necessary steps and adopt policies that ensure protection from violence, harassment and discrimination in the workplace”¹⁷³. Following meetings with several employers in the Garment Sector, authors note that internal efforts by employers to adopt and comply with the adopted policy on violence, harassment, and discrimination, include several measures such as (i) hiring a gender expert; (ii) creating investigation committees (iii) training workers and middle management on what constitutes gender based violence and harassment with a focus on sexual harassment; (iv) creating awareness campaigns on the content of the policy; and (v) working on establishing a clear process for receiving and processing violence, harassment, and discrimination complaints while ensuring safety and non-retaliation for victims¹⁷⁴.

6.2.6. Workers with disabilities

Jordan had ratified **C159** - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)¹⁷⁵ and the UN Convention on the Rights of Persons with Disabilities.

The UN Convention on the Rights of Persons with Disabilities provides for equality and non-discrimination in employment; Article (27) stipulates “States Parties recognize the right of persons with disabilities to work, on an equal basis with others [...] and shall safeguard and promote the realization of the right to work, including to those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to:

“(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal

¹⁷⁰ Tamkeen report also recommends enacting “a mechanism that protects the wages of domestic workers” Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jordan.org\)](https://tamkeen-jordan.org)

¹⁷¹ The collective agreement for the textile and apparel sector was signed on November 21, 2019.

¹⁷² Better Work Jordan have received several copies of internal policies on violence, harassment, and discrimination from employers in the Garment Sector, ratified by the Ministry of Labour.

¹⁷³ [Better-Work-Jordan-Gender-Strategy.pdf \(betterwork.org\)](https://betterwork-jordan.org/Better-Work-Jordan-Gender-Strategy.pdf)

¹⁷⁴ Authors conducted one on one interviews with a number of key employers in the Garment Sector employing more than 30,000 workers. Interviews involved employers, human resources department, and groups of workers.

¹⁷⁵ [C159 - Vocational Rehabilitation and Employment \(Disabled Persons\) Convention, 1983 \(No. 159\)](#)

remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others¹⁷⁶.

The Convention further places an obligation on the states to “take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects”¹⁷⁷

The rights of persons with disabilities, including in employment, was addressed nationally through:

- the Labour Law;
- the Law on the Rights of Persons with Disabilities no. (2017) which mirrors to a large extent the UN Convention on the Rights of Persons with Disabilities;
- the Strategy of Employment, Training, Vocational and Technical Education;¹⁷⁸
- the National Strategy for Human Resource Development 2016 – 2025;¹⁷⁹
- the National Strategy for Persons with disabilities - Phase II (2010 – 2015)¹⁸⁰.

Article (13) of the Labour Law provides that employers shall employ persons with disability as per the percentages stipulated in the Rights of Persons with Disabilities Law and should regularly report to the Ministry on the jobs assumed by and the corresponding pay for persons with disabilities. In practice, In Jordan, 16.1 percent of persons with disabilities are employed, 1.7 percent are unemployed and 82.2 percent are reported as being not economically active¹⁸¹. Estimates further indicate that the persons with disability employment rate does not exceed 1.0% in the public sector and stands at 0.5% in the private sector¹⁸². A mechanism should be established to follow up on the reporting requirements by employers and to further advance efforts to economically empower persons with disability and increase their participation in the labour market¹⁸³.

Jordanian Civil Society Shadow Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan 2012 highlighted that the lack of data “is the biggest concern and principal barrier to assessing the reality and policy, and to bringing about change and real transformation, including strengthening the right of Persons with Disabilities to work on the basis of equal opportunities and non-discrimination”¹⁸⁴. The shadow report further notes the pervasive “culture of shame” which has many ramifications, including lack of reporting of harassment by women. The report further reveals forms of discrimination in employment persons with disability are frequently subjected to including “discriminatory practices, starting with the belittling of the person’s ability, attempting to isolate them, not

¹⁷⁶ Article (27) UN Convention on the Rights of Persons with Disabilities, available at [Article 27 – Work and employment | United Nations Enable](#)

¹⁷⁷ Article (16), UN Convention on the Rights of Persons with Disabilities, available at [Article 16 – Freedom from exploitation, violence and abuse | United Nations Enable](#)

¹⁷⁸ https://unevoc.unesco.org/wtdb/worldvetdatabase_jor_en.pdf

¹⁷⁹ [The National Strategy for Human Resources Development | Royal Hashemite Court \(rhc.jo\)](#)

¹⁸⁰ [Jordan National Strategy for People with Disabilities 2010—2015.pdf \(un.org\)](#)

¹⁸¹ [Persons with disabilities in Jordan.pdf \(publishing.service.gov.uk\)](#)

¹⁸² Report entitled “Employment of Persons with Disability in Jordan,” Jordan Labor Watch, Phenix Center for Economics & Informatics Studies, 2015. See: <http://www.phenixcenter.net/ar/paper/200>

¹⁸³ Shadow Report on the Status of Implementation of the Convention of the Rights of Persons with Disabilities in Jordan, 2017.

¹⁸⁴ Shadow Report on the Status of Implementation of the Convention of the Rights of Persons with Disabilities in Jordan, 2012.

assigning them real functional tasks, and possibly ending with arbitrary dismissal on the basis of disability.”¹⁸⁵

CEACR’s latest Direct Request in 2015 to the Government to provide information on the impact of the measures taken to make employment services, vocational guidance and vocational training available to persons with disabilities

6.2.7. Jordan’s ratification of **fundamental** ILO conventions:

In addition to the conventions referenced in above sections, Jordan has ratified:

- **The Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105)**

The two sectors with serious concerns over forced labour in Jordan over the past decade or more have been the garment sector and that of domestic workers. The former had been improved over the past decade jointly through local and international efforts, including efforts led by the garment sector workers union, ILO’s Better Work Jordan, and employers’ representatives, the Ministry of Labour, among others. As of 2016, the Garment Sector has been removed from the US forced labour listing¹⁸⁶. However, the sector for domestic workers remains one where serious concerns of forced labour remain.

In alignment with the C29 and C105, several measures have been taken in Jordan to address forced labour, including:

- Regulating the work of domestic workers;
- Strengthening oversight over recruitment agencies through the Domestic Workers Directorate at the Ministry of Labour, as well as imposition of criminal penalties for abuse of power by such agencies.
- Issuing an anti-human trafficking law, the most recent version was passed by parliament on March 3, 2021. This law sets out an entire mechanism for reporting, enforcement, and monitoring;
- Central coordination unit for issues of forced labour and trafficking comprising different stakeholders representing civil society organisations, governmental entities, and law enforcement;
- Strengthening law enforcement capacity to identify, investigate, and prosecute offences of forced labour and human trafficking;

A recent study published by the Jordanian Women’s Union in 2020 found that “the number of human trafficking cases in Jordan that the police had dealt with between 2009 and 2019 was 224.” Of these cases, “forced domestic labor topped the figures with 55.8 percent”. This number seems low compared to the number of migrant workers in Jordan, especially that there are more than 800,000 undocumented migrant workers¹⁸⁷.

As per the recent comments on C29, the situation of migrant workers in Jordan remains of concern. “The Committee requests the Government to continue to take

¹⁸⁵ Shadow Report on the Status of Implementation of the Convention of the Rights of Persons with Disabilities in Jordan, 2012.

¹⁸⁶ [Jordan’s garment sector removed from US forced labour listing \(ilo.org\)](https://www.ilo.org/jordan/news/press-releases/2016/05/16/Jordan's-garment-sector-removed-from-US-forced-labour-listing-ilo.org)

¹⁸⁷ [Combating Human Trafficking in Jordan | The Borgen Project](https://www.borgenproject.org/combating-human-trafficking-in-jordan/)

measures to ensure that migrant domestic workers are fully protected from abusive practices and conditions of employment that could amount to forced labour¹⁸⁸.

Relatedly, Jordan was noted as one of the few countries in the Middle East that enters into bilateral agreements with the countries of origin for Migrant Workers before it begins the recruitment process¹⁸⁹. This is in line with ILO Recommendation No. 198 on the employment relationship which recommends concluding bilateral agreements “to prevent abuses and fraudulent practices which have as their purpose the evasion of the existing arrangements for the protection of workers in the context of an employment relationship”¹⁹⁰.

Legal aid and human rights organisation, Tamkeen, notes that the pandemic exacerbated the situation for migrant workers. They received various by workers who reported “various forms of mistreatment by their employers. Workers also highlighted the increased work pressure as a result of the family staying in the house all day[...]which resulted in them working for 16 hours a day without any breaks. Another group reported similar working conditions, but also added that their exhaustion was further compounded by the stress of their employers which affected their treatment of the workers as well”¹⁹¹.

- **Equal Remuneration Convention, 1951 (No. 100)**

Jordan is one of the first countries in the Arab region to establish a National Committee for Pay Equity with a multi-stakeholder membership in 2011¹⁹². This led to introduction of laws and policies promoting and enforcing pay equity. The latest of which is a prohibition of wage discrimination, which introduced into the Labour Law. The Labour Law applicable to workers in the private sector prohibits “wage discrimination” which is defined as “discrimination in workers’ pay for work of equal value based on sex”¹⁹³. A penalty of up to 1,500 Jordanian dinars (JOD) can be imposed for violations of the relevant Article (53).

The CEACR on C100 latest comment on Jordan is in reference to section 25(b) of the Civil Service Regulation No. (82) of 2013, which provides that “a family allowance is granted to a married man and in exceptional cases to a woman (if her husband is incapacitated, or if she supports her children or is divorced and does not receive a child allowance for her children below 18 years of age”, stressing that this “constitutes direct discrimination with respect to remuneration contrary to the Convention”. The Committee “asks the Government to clarify whether the wording of section 25(b) of Regulation No. 82 of 2013, expressly grants the family allowance to the main “breadwinner”, whether male or female. If the provision presumes that the man is the “breadwinner” and that women are entitled to the family allowance in exceptional circumstances only, the Committee urges the Government to take steps without delay to amend the Regulation and to ensure that women and men are entitled to all allowances, including the family allowance, on an equal basis”¹⁹⁴.

¹⁸⁸ C29, Jordan, Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019) [Comments \(ilo.org\)](#)

¹⁸⁹ Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jo.org\)](#)

¹⁹⁰ ILO Recommendation No. 198 on Employment Relationship, 2006, Article (7) (b)

¹⁹¹ Tamkeen 2020, Domestic Workers, [Tamkeen \(tamkeen-jo.org\)](#). see also ILO 2017, Migrant Domestic and Garment Workers in Jordan: a baseline analysis of trafficking in persons and related laws and policies, [wcms_554812.pdf \(ilo.org\)](#).

¹⁹² [EPIC \(equalpayinternationalcoalition.org\)](#)

¹⁹³ Article (2) and (52) of the Labour Law.

¹⁹⁴ Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Equal Remuneration Convention, 1952 (No. 100) - Jordan [Comments \(ilo.org\)](#)

Notably, a new Civil Service Regulation was issued in 2020 and the same text remains, now as Article (24)(b) of the new regulation¹⁹⁵.

- **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

The Labour law does not explicitly define and prohibit discrimination in employment and occupation, save for prohibition of discrimination in pay based on sex¹⁹⁶. The National Steering Committee for Pay Equity (NSCPE) conducted a legal review of relevant laws as they relate to C111 and recommended defining and prohibiting direct and indirect discrimination based on at least all the grounds enumerated in *Article 1(1)(a)* of the Convention in all areas of employment and occupation, and covering all workers¹⁹⁷.

Notable steps taken by Jordan in an effort to address discrimination based on sex, include developing “a guide to raise awareness of sexual harassment in the workplace” by the social partners and the labour inspectorate, and “(1) the preparation and adoption of a guiding policy relating to protection against violence and harassment in the world of work under which employers undertake to provide a safe and healthy work environment that is free from all forms of violence, threats of violence, discrimination, harassment, intimidation and any other abusive behaviour; and (2) the introduction of a special clause into enterprise rules requiring them to adopt a policy on protection against violence and harassment in the world of work, in the absence of which the internal rules will not be validated by the labour inspectorate”¹⁹⁸.

In its most recent observation, the CEACR on C111 urged “the Government to take the necessary measures without delay to amend the Labour Law No. 8, 1996, in order to: (i) prohibit direct and indirect discrimination on at least all of the grounds enumerated in Article (1)(1)(a) of the Convention with respect to all aspects of employment and occupation; and (ii) cover all categories of workers, in both the formal and informal economies, including domestic workers”¹⁹⁹.

On Article (1)(a) discrimination based on sex - the CEACR notes the lack of a clear definition and prohibition of sexual harassment in laws governing the world of work, and therefore “asks the Government to: (i) step up its efforts to ensure that a comprehensive definition and a clear prohibition of both forms of sexual harassment in employment and occupation (quid pro quo and hostile work environment) is included in the Labour Law and to ensure the use of gender-neutral language; (ii) continue taking preventive measures, including awareness-raising initiatives on sexual harassment in employment and occupation and on the social stigma attached to the issue, for workers, employers and their respective organizations, as well as law enforcement officials, specifying the procedures and remedies available; and

¹⁹⁵ Civil Service Regulation No. (9) of 2020

¹⁹⁶ Articles (2) and (53) of the Labour Law.

¹⁹⁷ Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Jordan (Ratification: 1963), available at [Comments \(ilo.org\)](https://www.ilo.org/Comments/ilo.org)

¹⁹⁸ Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Jordan (Ratification: 1963), available at [Comments \(ilo.org\)](https://www.ilo.org/Comments/ilo.org)

¹⁹⁹ Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Jordan (Ratification: 1963), available at [Comments \(ilo.org\)](https://www.ilo.org/Comments/ilo.org)
[05-EN-ILS-Country-Profile-Jordan.pdf](https://www.ilo.org/Comments/ilo.org). On workers with disability, see section 6.2.6 above.

(iii) provide information on the number, nature and outcome of any complaints or cases of sexual harassment in employment and occupation detected by labour inspectors and dealt with by the courts or any other body”²⁰⁰

The CEACR on C111 further requested from the Government of Jordan “to review its approach to restrictions on women’s employment and to take the necessary steps to ensure that section 69 of the Labour Code and the corresponding Ordinance No. 6828 are modified so that any restrictions on the work that can be done by women are limited to maternity protection in the strict sense, and are not based on stereotypical assumptions regarding their capacity and role in society”²⁰¹. Please see section 6.2.1 above.

7. Chapter 7: Protection and Prevention

7.1. Articles (7) and (8) of C190: Primary role of the State

Article (7) of C190 stipulates: “Without prejudice to and consistent with Article (1), each Member shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment.”

This Article provides flexibility for governments to define the key terms under C190, so long as concepts introduced ultimately define and prohibit all forms of violence and harassment in alignment with Article (1) of C190.

As highlighted in Chapter 4, the legislative framework relating to violence and harassment in the world of work remains largely fragmented. Jordan needs to comprehensively define and prohibit violence and harassment in the world of work.

Article (8) of C190 further highlights the role of the state in the informal economy: “Each Member shall take appropriate measures to prevent violence and harassment in the world of work, including:

- (a) recognizing the important role of public authorities in the case of informal economy workers;
- (b) identifying, in consultation with the employers’ and workers’ organizations concerned and through other means, the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment; and
- (c) taking measures to effectively protect such persons.”

Paragraph 11 of R206 also explains “In facilitating the transition from the informal to the formal economy, Members should provide resources and assistance for informal economy workers and employers, and their associations, to prevent and address violence and harassment in the informal economy.”

On the informal economy, Jordan, in 2015, adopted a national framework for regulating the informal economy titled “Towards a National Framework for a Transition to Formal Economy in Jordan”²⁰². A recent study in 2020 highlights that “Jordan’s informal economy contributes around 25 per cent of the national income and employs around 46 per cent of the Kingdom’s

²⁰⁰ Observation (CEACR) - adopted 2020, published 109th ILC session (2021), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Jordan (Ratification 1963), available at [Comments \(ilo.org\)](https://www.ilo.org/Commentary/en/?id=323376)

²⁰¹ C29, Jordan, Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019) [Comments \(ilo.org\)](https://www.ilo.org/Commentary/en/?id=323376)

²⁰² [Informal economy: Jordan endorses a national framework for regulating the informal economy \(ilo.org\)](https://www.ilo.org/Commentary/en/?id=323376)

total workforce”²⁰³. Recently, marking significant progress, Jordan passed a Regulation for Workers in Agriculture who were previously excluded from the scope of the Jordanian Labour Law and did not have a regulation governing their rights²⁰⁴.

The Committee on the Elimination of Discrimination Against Women also noted the need to establish inspection arms and provide them with adequate human and financial resources to enable them to monitor discriminatory practices against women in the field of employment, and provide adequate sanctions and penalties, especially in the private and informal sectors²⁰⁵.

Domestic workers remain outside the umbrella of the Social Security Corporation. The Prime Minister has the authority to issue directives stipulating that domestic workers are to be included in the scope of coverage of the SSC²⁰⁶. Issuing these directives is very important for achieving decent work conditions for domestic workers.

Relatedly, for domestic workers and other workers in the informal economy, the Jordanian National Commission for Women further recommends that SSC deductions, currently at 21.75%, are reassessed for such workers with an aim of reducing them²⁰⁷. The Jordanian National Commission for Women further emphasizes that the right to organise, form unions, and collective bargaining is key to protecting the rights of workers in the informal economy and to achieving and ensuring decent work standards²⁰⁸.

Among the recommendations presented to the Jordanian Government by the Jordanian National Commission for Women for enforcing protections for women in the informal economy also include:

- A call to enforce the national framework for regulating the informal economy titled “Towards a National Framework for a Transition to Formal Economy in Jordan”, by creating an implementation plan and roadmap.
- Amending the Flexible Work Arrangements Regulation to allow for worker to have flexible work arrangements in “coordination” with employer, rather upon the “approval of the employer”;
- A call to enforce the inspection tools and to increase sanctions against non-compliant employers;
- The necessity of conducting a baseline study on the informal economy to determine baseline conditions against which improvements and results may be measures and adopt clear monitoring and evaluation mechanisms by the Department of Statistics; and
- Supporting women entrepreneurs in small and micro businesses.

²⁰³ Al Quds Centre for Political Studies, 'Informal economy constitutes around 25 per cent of national income' | Jordan Times, see Jordan Strategy Forum, Informal Employment in Jordan: Lessons from COVID- 19, 20 April 2020 [Informal Employment in Jordan.pdf \(jsf.org\)](https://www.jordanstrategyforum.org/jordan.pdf).

²⁰⁴ Agricultural Workers Regulation No. (19) of 2021.

²⁰⁵ The Committee on Elimination of Discrimination Against Women, Final recommendations on the sixth periodic report of Jordan (CEDAW / C / JOR / 6) February 16, 2017.

²⁰⁶ Article (4) of the SSC Law

²⁰⁷ Women in the Informal Economy, Policy Paper, 2018, Jordanian National Commission for Women, [تعزيز حماية النساء في الاقتصاد غير المنظم في الأردن | اللجنة الوطنية الأردنية لشؤون المرأة \(women.io\)](https://www.women.io/)

²⁰⁸ Women in the Informal Economy, Policy Paper, 2018, Jordanian National Commission for Women, [تعزيز حماية النساء في الاقتصاد غير المنظم في الأردن | اللجنة الوطنية الأردنية لشؤون المرأة \(women.io\)](https://www.women.io/)

7.2. Article (9) of C190: Complementary roles

Article (9) of the C190 provides that each Member shall “adopt laws and regulations requiring employers to take **appropriate steps commensurate with their degree of control** to prevent violence and harassment in the world of work, including gender-based violence and harassment”, in particular and ‘so far as **reasonably practicable**”:

- adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;
- take into account violence and harassment and associated **psychosocial risks**²⁰⁹ in the management of occupational safety and health;
- identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and
- provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned in relation to the policy referred to above.

When assessing employers’ responsibilities pursuant to Article (9), these should be assessed taking into consideration whether they meet the following criteria: **appropriateness, control, and practicability**.

Relevant Legislation

7.2.1. Internal Policy on Violence and Harassment

The Ministry of Labour, in 2019, **adopted a model internal policy for addressing violence, harassment, and discrimination in the world of work** largely in alignment with C190 although its adoption preceded the C190²¹⁰. The Ministry of Labour now requires that any company with 10 or more workers adopt this model policy as part of its internal bylaws. This “model policy” is a guiding document employers are free to deviate from so long as they provide the Ministry of Labour with a workplace policy that offers protection from violence, harassment, and discrimination that is deemed satisfactory to the Ministry of Labour.

Under the Labour Law, the legal obligation is for employers with ten or more workers to adopt internal bylaws governing matters relevant to the workplace in accordance with Article (55)²¹¹. These bylaws need to be ratified by the Minister of Labour. The Ministry is currently invoking the authority granted to the Minister of Labour under Article (55) to conditioning their ratification with evidence of adoption of an internal policy addressing violence, harassment, and discrimination. In practice, employers develop internal bylaws at the early stages

²⁰⁹ Psychosocial factors (hazards) were defined by the ILO in 1984 as the “interactions between and among work environment, job content, organizational conditions and workers’ capacities, needs, culture, personal extra-job considerations that may, through perceptions and experience, influence health, work performance and job satisfaction”.

“While stress in itself does not constitute a physical or psychological injury, when prolonged and/or severe it can cause both psychological and physical injuries” ILO 2020, [Workplace violence and harassment: Safe and healthy working environments free from violence and harassment \(ilo.org\)](#)

²¹⁰ In June of 2019 and after several social dialogues, the Ministry of Labour adopted a policy model to address violence, harassment, and discrimination in the world of work, to be adopted by employers as part of their companies’ internal bylaw (in accordance with the provisions of Article (55) of the Labour Law).

²¹¹ Article (55) of the Labour Law states: “Any employer having ten or more workers in their employment shall draw up internal regulations governing daily and weekly work and rest periods, work offenses, and penalties and measures taken to that effect including dismissal, as well as the manner in which such measures are implemented and any other details relevant to the nature of the work of the establishment. Such internal regulations shall be submitted to the Minister for ratification and shall be in force from the date of ratification.”

following their registration. In the event employers fail to present such policy along with the proposed bylaws, the Ministry of Labour will not ratify their internal bylaws.

7.2.2. Violence and Harassment from Occupational Safety and Health lens

The non-binding recommendations in R206 establish a direct link between C190 and other occupational health and safety (“OSH”) ILO Standards. It states that “occupational safety and health provisions on violence and harassment in national laws, regulations and policies should take into account relevant occupational safety and health instruments of the International Labour Organization, such as the Occupational Safety and Health Convention, 1981 (No. 155)²¹², and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)²¹³.”²¹⁴

Jordan has not yet ratified the aforementioned OSH ILO conventions²¹⁴. Furthermore, Jordanian legislation does not yet address violence and harassment through an OSH lens. However, as explained below, the existing language in the Labour Law provisions on OSH (Articles 78-84) does not preclude further rulemaking to explicitly address violence and harassment in the world of work as part of the larger OSH framework.

OSH management: Psychosocial Risks

Many factors contribute to violence and harassment at work, including psychosocial risks and occupational stress. “While stress in itself does not constitute a physical or psychological injury, when prolonged and/or severe it can cause both psychological and physical injuries”²¹⁵. Anything in the design or management of work that increases the risk of work-related stress can be understood as a psychosocial hazard²¹⁶.

The ILO recently shared a compilation of key and interrelated psychosocial hazards that have been identified “as ones that lead to work-related stress thus increasing the risk of violence and harassment or that directly lead to situations of violence and harassment, or that are in and within themselves expressions of harassment” including without limitation, job demands, job control, task design, role clarity, workplace relationships, leadership styles, organizational justice, organizational change management, and physical working environment²¹⁷.

Jordanian law has not yet recognized the link between psychosocial risks and hazards and the occurrence or prevalence of violence and harassment in the world of work.

OSH management: Work Hazards

Jordanian Labour Law dedicates a section to OSH. Current OSH framework does not require employers to take precautions and measures relating to prevention of violence and harassment in the world of work²¹⁸.

Pursuant to the provisions of the Labour Law, Article (78), employers are required to:

²¹² [Convention C155 - Occupational Safety and Health Convention, 1981 \(No. 155\) \(ilo.org\)](#)

²¹³ [Convention C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\) \(ilo.org\)](#). See paragraph 6 of R206.

²¹⁴ [Up-to-date Conventions not ratified by Jordan \(ilo.org\)](#)

²¹⁵ ILO 2020, Safe and healthy working environments free from violence and harassment, [wcms_751977.pdf \(ilo.org\)](#)

²¹⁶ ILO 2020, Safe and healthy working environments free from violence and harassment, [wcms_751977.pdf \(ilo.org\)](#)

²¹⁷ ILO 2020, [Workplace violence and harassment: Safe and healthy working environments free from violence and harassment \(ilo.org\)](#)

²¹⁸ Article (5) of the Occupational Safety and Health Instructions of 2011

- "Take the necessary precautions and measures to protect workers from the risks and diseases that may result from work and the machines used in it"²¹⁹.
- "Inform the worker prior to employment of the risks and dangers of the work and the measures of protection that must be taken. The law also requires that workplace instructions and guidelines are posted in a public and visible location within the institution explaining the risks of the work and the recommended measures for protecting against them, in accordance with the regulations and decisions issued for this purpose."²²⁰

In addition to the above, the Occupational Safety and Health Instructions of 2011²²¹ applicable to establishments registered with the Social Security Corporation²²² stipulate in Article (2) that establishments must uphold OSH standards. The commitment of the senior management in the establishment to OSH through written policies, objectives, programs, plans and the measures taken for effective management

- Identification of occupational hazards and preventative and mitigative measures
- The participation of workers and their representatives in the aspects of OSH
- The efficiency of workers and training on OSH for all types of workers
- Monitoring, measuring and evaluating OSH performance
- Management and documentation of the OSH system and program

In accordance with the aforementioned legal provisions on OSH, we note the following:

- Labour Law does not expressly address nor rule out violence and harassment as a work hazard. Therefore, authors are of the view violence and harassment may be deemed as a work hazard. **This would hence enable issuing complementary instructions to address violence and harassment as a work-related risk/hazard.** Authors note that this can be a more expedient legal route to addressing violence and harassment from an OSH lens until comprehensive legislative amendments are introduced to the Labour Law on violence and harassment in line with C190.
- Although the regulations and instructions on OSH only cover the physical health of workers (such as providing a helmet, ventilation and lighting), the provisions of Articles (78) and (79) **explicitly oblige the employer to provide means of protection and prevention from work hazards**, and violence and harassment in the world of has been globally shown to be "a work hazard"²²³.
- Accordingly, measures to address violence and harassment in the world of work from an OSH lens should be introduced holistically. The Jordanian OSH framework should aim at "protecting workers' physical and mental health and well-being and should

²¹⁹ Article (78) of the Labour Law

²²⁰ Article (78) of the Labour Law

²²¹ The Occupational Safety and Health Instructions were adopted pursuant to a Council of Ministers decision in its session held on 5/3/2011. The Council of Ministers issued its decision following review of the letter of His Excellency the Minister of Labour / Chairman of the Board of Directors of the Social Security Corporation issued No. 140/2938 on 4/14/2011 and based on the recommendation of the Economic Development Committee issued in its session held on 4/26/2011.

²²² Article (2) of the Social Security Law states: "The word establishment means: any ministry, governmental department, official or public institution, or any company, institution, association, or any natural or legal person who employs one or more workers who are subject to the provisions of this law. Or any natural person who works for his own account or any other body specified by the regulations issued under the provisions of this law.

²²³ "Workplace violence and harassment is a significant and ongoing threat to worker health and safety, as well as to organizational productivity and reputation". "The OSH laws of a number of countries stipulate that employers must protect both the physical and mental health of their workers at the workplace" See ILO 2020, [Workplace violence and harassment: Safe and healthy working environments free from violence and harassment \(ilo.org\)](https://www.ilo.org/public/english/standards/relm/ilc/ilc96/a/1.htm)

focus on the prevention, management and remedy of all work-related risks, including psychosocial risks and workplace violence and harassment.²²⁴

Until required legislative amendments are introduced to the Labour Law, authors recommends that certain measures relating to prevention and protection from violence and harassment be introduced by invoking the Minister of Labour's authority granted in Article (78) to issue instructions on health and safety. Through the instructions, measures relating to prevention and protection from violence and harassment in the world of work may be introduced and developed. R206, through its non-binding recommendations, calls for particular focus on hazards:

- "arising from working **conditions and arrangements**, work organization and human resource management, as appropriate;
- involving **third parties** such as clients, customers, service providers, users, patients and members of the public;
- arising from **discrimination, abuse of power** relations, and gender, cultural and social norms that support violence and harassment".

In the proposed legislation, authors highlight key things to consider²²⁵:

- risk assessment on violence and harassment be conducted with the participation of the workers and/or their representatives;
- risk assessment to include physical and organisational characteristics of the workplace/occupation;
- industry and sector trends on violence and harassment;
- environmental measures to be introduced based on risk assessment, such as redesigning physical spaces, cameras, guarding, lighting, and transportation;
- organisational measures to be introduced based on risk assessment, such as clearly defining roles, clear communication channels, trainings, information and supplemental resources on how to execute the job effectively and safely, project management software, mental health awareness and support.
- employers to provide information and trainings in accessible formats to workers and others concerned with oversight and implementation on risks, prevention, and response measures to violence and harassment, as well as rights and obligations of workers²²⁶.

Once such legislation have passed, measures proposed in non-binding R206 may be implemented, in that "Labour inspectors and officials of other competent authorities, as appropriate, should undergo gender-responsive training with a view to identifying and addressing violence and harassment in the world of work, including psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of worker"²²⁷.

To allow for the imposition of sanctions for perpetrators²²⁸, individual accountability of workers for compliance with OSH requirement may arise pursuant to Article (82) of the Labour

²²⁴ ILO 2020, [Workplace violence and harassment: Safe and healthy working environments free from violence and harassment \(ilo.org\)](https://www.ilo.org/public/english/standards/relm/relm0/relm0.htm)

²²⁵ Ibid, [Workplace violence and harassment: Safe and healthy working environments free from violence and harassment \(ilo.org\)](https://www.ilo.org/public/english/standards/relm/relm0/relm0.htm)

²²⁶ Article (9)(d) of C190. See also, paragraph 16 (d) of non-binding guidance R206.

²²⁷ paragraph 20, R206.

²²⁸ Articles (4)(2)(f) and 10(d) of C190

Law, which stipulates that a worker may be held “liable to disciplinary measures prescribed by the establishment's internal regulations” in the event such workers fails to comply with OSH standards.

Furthermore, the Instructions for Forming Occupational Safety and Health Committees and Supervisors²²⁹ specify the requirements of forming internal OSH committees in companies employing more than 20 workers²³⁰. The role of these committees is oversight from within the facility, including the setting of appropriate policies, monitoring compliance, recording instances of non-compliance, and issuing related decisions and recommendations. Currently, since violence and harassment is not yet regulated as part of the OSH framework, such committee’s mandate does not yet encompass violence and harassment. Once the necessary amendments are introduced to the Labour Law and relevant legislation, such committees could act as internal implementing arm.

8. Chapter 8: Enforcement and Remedies²³¹

8.1. Article (10) of C190

Articles (10) of Convention states that each member state shall take appropriate measures to:

- (a) monitor and enforce national laws and regulations regarding violence and harassment in the world of work;

- (b) ensure easy access to **appropriate and effective remedies** and safe, fair and effective **reporting and dispute resolution mechanisms** and procedures in cases of violence and harassment in the world of work, such as:

- (i) **complaint and investigation** procedures, as well as, where appropriate, **dispute resolution** mechanisms at the workplace level;

- (ii) dispute resolution mechanisms **external** to the workplace;

- (iii) courts or tribunals;

- (iv) protection against **victimization of or retaliation** against complainants, victims, witnesses and whistle-blowers; and

- (v) **legal, social, medical and administrative support** measures for complainants and victims;

- (c) protect the **privacy** of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused;

- (d) provide for **sanctions**, where appropriate, in cases of violence and harassment in the world of work;

- (e) provide that victims of gender-based violence and harassment in the world of work have effective **access to gender-responsive, safe and effective complaint and dispute resolution** mechanisms, support, services and remedies;

- (f) recognize the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work;

- (g) ensure that workers have **the right to remove themselves** from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life,

²²⁹ For the year 1998 in the Official Gazette No. 4274, page 1259, dated 4/16/1998.

²³⁰ Article (2) of the Instructions for sectors subject to the provisions of the Instructions for Forming Occupational Safety and Health Committees and Supervisors

Sectors include the mining and quarrying, the stevedoring and storage, the agricultural and veterinary, health, petroleum, utilities and public authorities for sanitation, water, electricity and gas, and their distribution companies

²³¹ Article (10) of C190

health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management; and

(h) ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment in the world of work, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life, health or safety, subject to any right of appeal to a judicial or administrative authority which may be provided by law.”

8.2. Jordanian Legislation

8.2.1. Complaints and dispute resolution

Labour Law

As highlighted in 4.2.2 of this report, the Labour Law does not clearly and comprehensively address and prohibit violence and harassment in the world of work. Furthermore, it does not have a reporting system for incidents of violence and harassment in the world of work, and consequently, does not have an effective monitoring mechanism.

The Jordanian Labour Law should provide clear complaints and dispute resolution mechanisms internal and external to the workplace for issues of violence and harassment in the world of work. Some employers in Jordan have adopted the model policy on protection from violence, harassment, and discrimination in the world of work published by the Ministry of Labour and referenced in section 7.2.1 below. Also, it should provide remedies (other than termination with compensation) as well as sanctions appropriate to the act committed, not confined to termination.

Article (10) (b) of C190 requires that states provide **appropriate and effective remedies**, and **safe and effective reporting and dispute resolution mechanisms** for violence and harassment. Under the Labour Law, the only option available for workers who are subjected to certain forms of violence and/or harassment listed in Article (29) of the Labour Law is termination of employment with compensation, noting that Article (29) does not address incidents of violence and/or harassment **committed by co-workers, third parties, or any person other than the employer** or their representative.

Other than the remedy of termination of employment with compensation in specific cases of violence and harassment, the Labour Law does neither provides other remedies, nor reporting channels and non-judicial grievance redress mechanisms, internally or externally.

Moreover, Article (10) (d) stipulates that sanctions should be imposed on perpetrators. In the Labour law, this was only addressed in Article (28) providing termination without compensation as the only sanction to be imposed on perpetrators and in very specific forms of violence and/or harassment enumerated in Article (28). If perpetrator of “sexual assault” or “beating” was the employer or their representative, the Labour Law grants the Minister of Labour authority to shut down the institution for a specified period of time.

The Labour Law should more comprehensively and holistically address violence and harassment in the world of work and provide different sanctions to perpetrators proportionate to the act committed.

Civil Service Regulation

Complaints and dispute resolution. The Civil Service Regulation grants employees the right to file a complaint if ²³²

- there were acts or violations in contravention to the ethics of the public office and the rules of professional conduct, or breaches the principles of justice and integrity.
- they were subjected to any pressure, coercion, or presented with any unlawful requests from any employee, whether such employee is a superior, colleague, or subordinate, to act illegally or to perform or refrain from carrying out a specific action that would constitute a violation of the employee's duties related to integrity and confidentiality.

From a procedural perspective, the minister establishes a special committee in each relevant department to look into grievances²³³. Submitting grievances is subject to specific procedures and periods. We note here that the Regulation does not provide a clear complaints' and dispute resolution mechanism for issues of harassment and violence in the world of work, or gender-based violence and harassment or investigation by a committee with expertise in gender-based violence and harassment. This is not a requirement under C190, but is included in the non-binding guidance of R206²³⁴.

Furthermore, it does not provide compensation or other clear remedies for persons harmed by acts of violence and/or harassment in the world of work in contravention to Article (10) (b).

8.2.2. Access to Justice, Confidentiality and Protection of Whistle-blowers

The Regulation for the Protection of Whistle-blowers, Witnesses, Informants, Experts in Corruption Cases, along their Relatives, and Persons Close to Them No. (62) of 2014²³⁵ provides means for protecting persons identified therein as they relate to corruption crimes punishable pursuant to the Anti-Corruption Law No. (13) of 2016. This Law also excludes conflicts and complaints among individuals and others not qualifying as "corruption". As per the Law, "Corruption" includes: abuse of power of authority. It does not cover violence and harassment expressly, leaving a legislative gap that needs to be addressed expediently.

The Code of Criminal Procedure No. (9) of 1961

The Code of Criminal Procedures lays out the process for reporting, processing, reviewing, and ruling on criminal cases, including who to submit a complaint to, how to file a lawsuit, timelines for submitting claims and defence, as well as witness statements etc. However, these rules do not address witness protection or protection of whistle-blowers or complainants. It needs to be revised to address confidentiality and protection measures for cases on violence and harassment in the world of work.

8.2.3. Legal Aid

The Criminal Procedure Law No (9) of 1961

Pursuant to Article (208) of the Criminal Procedures Law, free legal representation is offered for crimes amounting to felonies with a death penalty, labour for life, life imprisonment or temporary labour for a period of ten years or more, in the event the defendant is unable to

²³² Article (163) of the Civil Service Regulation

²³³ Confirmed by the head of complaints department at the Civil Service Bureau

²³⁴ The CSB website included an icon for complaints that was not built with sensitivity to violence and harassment at the link: <http://www.csb.gov.jo/>.

²³⁵ Issued in the Official Gazette No. 5286, on page 3100, on May 15, 2014.

appoint counsel for financial considerations. In crimes amounting to “felonies punishable with temporary labour for a period of *less than ten years*”, the public prosecutor or the competent court, “may at any stage of the criminal case” refer the accused’s request to the Minister of Justice to provide them with legal aid, in coordination with the Bar Association, if there are justifications to support the referral²³⁶.

The Code of Criminal Procedure also allows any competent official authority, relevant institution, or any citizen or resident in Jordan who is unable to appoint a lawyer, to submit a request to the Minister of Justice to provide legal aid in coordination with the Bar Association in accordance with applicable legislation²³⁷.

In light of the above, the aforementioned Article (208) needs to be revised to extend Legal aid services to victims of violence and harassment in the world of work, as required by Article (10) of the Convention.

Legal Aid Regulation No. (119) of 2018

The Legal Aid Regulation²³⁸ sets specific criteria an applicant should meet to qualify for legal aid:

- applicant’s total family monthly income does not exceed (400) Jordanian Dinars.
- the applicant does not possess any immovable or moveable property except for the primary residence and the family monthly income not exceeding (400) Jordanian Dinars.
- the crime qualifies as a felony.
- the applicant does not have a criminal record with a felony or a misdemeanour by a final court ruling.

Notwithstanding the specific criteria stipulated for receiving legal aid, the Minister of Justice may, in special and justified cases, agree to provide legal aid to those who own immovable assets other than their primary residence²³⁹.

Article (4) of the Legal Aid Regulation sets an order of priority for qualifying for legal aid which takes into account vulnerability of applicant, as per the following:

- underage defendants
- elderly
- women
- individuals with disabilities; and
- any other category decided by the Minister of Justice.

In felonies, priority is given to a felony with the longer sentence. Lastly, priority is given to applicants for legal aid within bigger nuclear families.

In light of the above, we note that many forms of violence and harassment, such as Indecent Fondling, qualify as misdemeanours. Therefore, they do not qualify for legal aid. Moreover, the aforementioned prioritized categories do not include victims and survivors of violence and harassment, as well as gender based violence and harassment, at the world of work. The system should also prioritize legal aid for workers in the informal economy or vulnerable employment.

²³⁶ Article (208) Paragraph (3) of the Code of Criminal Procedure

²³⁷ Article (208) Paragraph (4) of the Code of Criminal Procedure

²³⁸ Legal Aid Regulation No. 119 of 2018, published in the Official Gazette No. 5541 on page 6675, dated 11/1/2018.

²³⁹ Article (3) of the Legal Aid Regulation of 2018.

8.2.4. Domestic Violence

Domestic Violence Protection Law No. (15) of 2017

Domestic violence has a proven spill over effect into the world of work²⁴⁰. It can have a significant impact on a person's ability to enter into, continue, and advance in the labour market and can increase victim's dependence on perpetrator. Work resources may also be used to commit acts of domestic violence²⁴¹. On the enterprise level can increase absenteeism, lower productivity, and increased leave and sick days²⁴². It is therefore important to use the world of work as an avenue to mitigate the effects of domestic violence.

In Jordanian legislation, domestic violence was first regulated through the Law on Protection from Domestic Violence No. (6) of 2008. Due to the criticisms raised, the version of this law was repealed and the current Protection from Domestic Violence Law No. 17 was passed in 2017²⁴³. This law includes many provisions for protection from domestic violence, and it covers "Crimes against persons that a family member commits against any of their family members". "Crimes against persons" means the crimes committed among persons as listed in the Penal Code, some of which are cited in section 4.2.1 above. Such crimes need to be committed by a family member against of its other members as specified in the law; the law does not list former spouses/partners as family members²⁴⁴.

The Law on Protection from Domestic Violence provides for certain protections that may be invoked to protect against domestic violence in the world of work:

- Article (11) states that the competent court may take any of the following measures as part of the settlement arrangement in cases of domestic violence, which includes "prohibiting perpetrator of domestic violence from going to any place or space for a period not exceeding six months."
- Article (16) provides that the court may issue a "protection order": When the competent court is convinced of the need to protect the victim and any of the family members, and upon the request of either of them, the court issues a protection order that includes :
 - "prohibiting the perpetrator from approaching the victim or any of their family members or enticing others to do so."
 - "any other measures the court deems suitable for protecting the victim and/or any of the persons likely to be exposed to harm because of their relationship with the perpetrator."

To mitigate the spill over effect of domestic violence into the World of Work, R206 provides non-binding guidance on measures that may be introduced. Also, UN Women and ILO have compiled best practices on tools for supporting victims of domestic violence in the world of work²⁴⁵.

²⁴⁰ ILO 2020, Domestic Violence and its impact on the world of work, [wcms_738117.pdf \(ilo.org\)](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/0/2020/wcms_738117.pdf)

²⁴¹ Perpetrator may use work technologies to intimidate or harass their partner. ILO 2020, Domestic Violence and its impact on the world of work, [wcms_738117.pdf \(ilo.org\)](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/0/2020/wcms_738117.pdf)

²⁴² ILO 2020, Domestic Violence and its impact on the world of work, [wcms_738117.pdf \(ilo.org\)](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/0/2020/wcms_738117.pdf)

²⁴³ Issued in the Official Gazette No. 5460 on page 3345 on May 15, 2017.

²⁴⁴ Article (3) of the Domestic Violence Protection Law sets out family members to be the: husband and wife, relatives by lineage up to the third degree, relatives by intermarriage up to the second degree, relatives by lineage of the fourth degree and relatives by marriage of the third and fourth degrees, provided that they reside in the family home, and the families of the child included in the custody of a natural person or an alternative family in accordance with the provisions of legislations in effect. However, the law does not include former spouses or partners.

²⁴⁵ Paragraph 18 of R206, see also ILO and UN Women, Handbook, p. 25 and 26, <https://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work>.

Given that the labour law does not recognize the connection between domestic violence and the world of work, Recommended measures which may be introduced in Jordanian legislation include:

Through the Domestic Violence Protection Law:

- allowing the employer, in consultation with and with the consent of the victim, to apply for a protection order that includes the world of work under strict conditions²⁴⁶;
- expanding the geographical scope of the protection order to include the world of work²⁴⁷;

Through the Labour Law²⁴⁸:

- recognizing domestic violence as a world of work issue;
- To the extent possible and reasonable, including domestic violence as part of the OSH risk assessment;
- recognizing that workers have the right to support and protection in employment;
- prohibiting discrimination and retaliation against employees based on their status as a victim of domestic violence;
- providing paid and/or unpaid domestic violence leave;
- ensuring continuity of employment, even after leave;
- providing support services to victims within the organisation, and referral to external services when needed/available;
- establish employers' obligation to take steps to ensure workers' safety in the world of work (to the extent reasonable, possible, and commensurate with their level of control).

Flexible Work Regulation No. (22) of 2017²⁴⁹

This regulation applies to:

- workers who have been in employment (with the same employer) for three consecutive years;
- workers with family responsibilities, including pregnant women, worker caring for a child, or for an elderly by reason of disability or illness;
- worker enrolled in a university; and
- workers with disability.

This Regulation makes no mention to victims of domestic violence.

There is a more recent draft of the Regulation that has been put forward by the Legislation and Opinion Bureau following a social dialogue, which is now being reviewed by stakeholders. The Regulation could also include victims of domestic violence, and should grant them the right to flexible work arrangements by law and not by employer's discretion.

Instructions for Flexible Work in the Civil Service for the year 2018²⁵⁰

These Instructions apply to public employees that have finished their probation period. As an exception to the rule, pregnant employees, as well as employees with family obligations, or those committed to university studies, or otherwise with disability, may benefit from these Instructions without finishing their probation period. These instructions do not apply to

²⁴⁶ Promising practices can be found in Germany. See ILO and UN Women, Handbookp. 25, <https://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work>.

²⁴⁷ ILO and UN Women, Handbook, p. 25 and 26, <https://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work>.

²⁴⁸ Ibid. See also paragraph 18 of R206,

²⁴⁹ Issued in the Official Gazette No. 5450 for the year 2017.

²⁵⁰ It was issued in 2018 in the Official Gazette No. 5530 page 5779.

employees working in shifts as opposed to full time, as well as those working in senior jobs or those who hold leadership and supervisory positions. All workers should have been allowed to benefit from these Instruction based on the nature of their work, and to also explicitly include victims of domestic violence exempted from the requirement to have completed their probation period.

8.2.5. General restrictions on imposing penalties by the employer

Article (55) of the Labour Law²⁵¹ requires employers with ten or more workers to adopt internal bylaws for organizing work that govern working hours, daily and weekly rest periods, work violations, list of penalties and measures taken in their regard, including dismissal from work. The bylaws should then be submitted to the Ministry of Labour for approval and ratification by the Minister of Labour or an appointee, and shall come into force from the date of its ratification.

The Labour Law also stipulates that the employer may not take any disciplinary action or impose a fine on the worker for a violation not stipulated in the list of penalties approved by the Ministry of Labour²⁵².

Moreover, the list of penalties in the internal bylaws includes a certain order for which penalties may be imposed on workers violating the internal bylaws or the Labour Law. In the event employers do not comply the order set out in the list of penalties, noncompliant employers shall be subject to penalties ranging from a fine not less than (300) Jordanian Dinars and not more than (1000) Jordanian Dinars, to shutting down the establishment while taking measures to ensure uninterrupted pay for all workers. The court may not exercise its discretionary authority to reduce the penalty²⁵³. The penalty depends on the violation committed by the employer.

8.2.6. Workers' right to remove themselves from unsafe work situations;

Article (19) of the Labour Law stipulates that workers shall comply with employers' work-related instructions within the limits that do not expose them to danger or violate applicable laws or public morals. The law does not clarify whether worker(s) or witnesses are subject to a duty to inform management of any such incident(s). Legislation and the internal policy template on violence, harassment, and discrimination do not place any obligation on witnesses to report incidents and violation in light of legislative gap in extending protection to whistleblowers, witnesses, and others reporting work related violations from retaliation or liability.

This provision is not in conformity with the Article (10) (g) of C190 which stipulates that employers must "ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management"

²⁵¹ Article (55) of the Labour Law.

²⁵² Article (48) of the Labour Law.

²⁵³ In accordance with the provisions of Articles (77) of the Labour Law, paragraph B of it stipulates: "In addition to any penalty stipulated in the legislation in force, the employer shall be punished for any violation it commits by using any worker forcibly, under threat, fraud or coercion, including seizing their travel document with a fine not less than (500) five hundred dinars (and not exceeding (1000) one thousand dinars, and the same penalty applies to the partner, instigator, and interference in this use. See also Article (84) of the Labour Law.

9. Chapter 9: Findings and Recommendations

In light of the findings of the legal gap analysis, we note the following:

- The labour law does not define nor comprehensively prohibit or address violence and harassment in the world of work.
- The Labour Law does not provide options for workers to address incidents of violence and harassment at the world of work without terminating employment.
- There are no protections for persons involved in cases of violence and harassment, including victims/survivors, whistle-blowers, witnesses, etc.
- There is no centralized mechanism for collecting data, monitoring, and evaluation.
- The Comprehensive National Plan for Human Rights does not tackle violence and harassment in the world of work. We believe this is the case due to the novelty of C190, but will most likely be covered in any future plans.

9.1. Policy-Level Recommendations

Accordingly, we present the following recommendations that aim to ensure alignment of national legislation with C190, to create a legislative framework that enables a world of work free from violence and harassment, as follows:

- Adopting a definition of violence and harassment in the world of work and gender based violence and harassment as a single concept or two separate concepts. The definitions should be consistent with the content of C190 in that it includes a “range” of behaviours and practices, and “threats” thereof, whether “single occurrence” or “repeated” that “aim at, result in, or are likely to result in” physical, psychological, sexual, and economic harm.
- Placing a general obligation on employers to take steps, commensurate with their degree of control, to prevent violence and harassment in the world of work.
- Creating a safe world of work would necessitate Government introducing sufficient measures to ensure safety of public spaces, places, and transportation.
- Taking into account violence and harassment in OSH frameworks.
- Addressing violence and harassment through a rights-based and non-discrimination lens.
- Extending the scope of the Labour Law to include the groups excluded in Article (3)(b), with regards to domestic workers and the likes, and to expressly stipulate that they shall be subject to the provisions of the Labour Law on matters not expressly regulated in their legislation. The same should be introduced to the Social Security Law²⁵⁴. This is to ensure basic rights at work, freedom of association, non-discrimination, and others in line with Articles (5) and (6) of C190. This direction was adopted with agricultural workers through the legislation governing agricultural workers issued in May 2021.
- The government taking a proactive role in extending protection to workers in the informal economy. We here acknowledge the notable efforts and progress resulting from issuing the Agricultural Workers Regulation.
- Putting in place an effective mechanism for protection of persons involved in violence and harassment claims/complaints including victims, whistle-blowers, witnesses, among others.

²⁵⁴ domestic workers, gardeners, and the like.

9.1.1. International Agreements

- Ratify and adopt ILO conventions:
 - C190 and R206 and ensure its incorporation within the national legislation.
 - ILO Freedom of Association and Protection of the Right to *Convention*, 1948 (No. 87).
 - Maintenance of Social Security Rights Convention, 1982 (No. 157), and the Maternity Protection Convention, 2000 (No.183).
 - Convention C155 - Occupational Safety and Health Convention, 1981 (No. 155)
 - Convention C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
- Ratify and adopt the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990,
- Adopt clear national legislative mechanism to ensure incorporation of international agreements into national legislations, and work on a comprehensive harmonization of the content of national legislation with the conventions.

9.1.2. Recommendations for a legislative framework compatible with C190

- Developing a national complaints and grievances redress mechanism for violence and harassment in the world of work, ensuring that existing mechanisms are equipped and have the mandate to address cases of violence and harassment in the world of work.
- Developing support services for those affected by violence and harassment in the world of work that provide legal and medical (including mental health) support.
- Reviewing and developing the inspection standards and indicators to include violence and harassment in the world of work, and the extent to which protection and prevention measures have been taken to prevent such acts.
- Working on creating a gender-responsive labour inspection.
- Empowering labour inspectors to deal with violence and harassment in the world of work.
- Reviewing existing collective bargaining agreements to take into account violence and harassment in the world of work.
- Training and capacity building of union members on collective bargaining and the value of addressing violence and harassment in the world of work.
- Strengthening channels and mechanisms for social dialogue between all parties.
- Ensuring the right of freedom of association in Jordan of workers and employers without distinction whatsoever.
- Stipulating that the internal bylaws of institutions include decent work standards, as well as a policy for prevention of and protection from violence and harassment in the world of work.
- Identifying groups that are most vulnerable to abuse and to violence and harassment in the world of work; and to strengthen their protection frameworks, especially for people with disabilities and women, victims of domestic violence, refugees and other vulnerable groups, taking into account the impact of intersectionality. The rules for protecting these groups should remain under continuous monitoring and evaluation.
- Expanding the scope of those covered by the Labour Law regarding measures to prevent and protect against violence and harassment, to include all groups of domestic workers, gardeners, cooks and those of similar status, and other new and developed work frameworks such as small and micro enterprises.

9.1.3. Laws

Labour Law
Protecting groups in the informal economy and vulnerable employment - To apply the provisions of the Labour Law regarding violence and harassment to the domestic workers, gardeners, who have special regulation governing their work. (Article 3 /b) - Grant migrant workers the right to form and join unions, and be part of their administrative bodies (Articles 3/b, 98).
Comprehensive definition for the following: (Article 2) - Discrimination (within the scope of Convention No. 111) - Defining violence and harassment in the world of work and gender-based violence and harassment in line with Article (1) of C190 (in a single concept or separate concepts) - Defining the “world of work” (or using expressions that are in line with the law - "during or because of work)
The right of every worker to a world of work free from violence and harassment - Express prohibition of violence and harassment in the world of work To add a new provision stipulating employers’ obligation to take appropriate steps, commensurate with their degree of control, to prevent violence and harassment in the world of work - Expand scope of protection to include protected groups listed in the convention (such as apprentices, trainees etc.) in the scope of protection measures from violence and harassment in the world of work - Grant the workers an internal complaints mechanism, where appropriate, for violence and harassment in the world of work without having to terminate employment. (Articles 55, 78) - Grant the worker the right to terminate her/his employment in certain cases of violence and harassment where there has been failure to prevent or address it, while maintaining all of her/his rights and the right to compensation (Article 29)
Violence and harassment as part of occupational safety and health, and grievance redress mechanism The employer shall: - Take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work - Conduct risk assessment (including violence and harassment) (Article 78) - Develop a prevention and response plan regarding violence and harassment in the world of work (Article 78) - Inform workers of risks (including VHW) prior to commencement of employment (Article 78) - Inform worker and raise awareness about the prevention, protection and complaints mechanisms. - Adopting a policy for protection from violence and harassment in line with the template adopted by the Ministry of Labour following social dialogue with representatives of workers and employers (Articles 55 and 79) including: ○ clarifying what constitutes violence and harassment including gender-based violence and harassment

○ identifying supporting services to the victim ○ complaints mechanism (internal and external) ○ confidentiality and informants' protection ○ protection against reprisals ○ compensations ○ sanctions
The workers shall: - have the right to remove themselves from situation of harm. Amend Article (19) to grant workers the right to "remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management" - Abide by sexual harassment and violence rules, codes of conduct, policies and be subject to disciplinary measures when in violation (Article 82) To enforce the above, the law must also be amended so that: - The employer has the right to dismiss the worker if s/he commits an act of violence or harassment in the world warranting termination under certain controls and restrictions (as per section 6.1.4) (Article 28) - The employer is allowed to impose penalties that are in line with the policy on violence and harassment (Article 48)
Enabling Women. (Article 69) Remove prohibition on women's right to work in certain sectors/occupations and replace with: - basic protections for pregnant and breastfeeding women without impacting their job security - an obligation on employers to enable women to participate in all sectors and businesses by providing appropriate prevention and protection measures, such as lighting, safe transportation, guarding and more
Domestic Violence as a World of Work issue - Grant domestic violence leave without affecting job security (article 65) - Adopt different forms of flexi work arrangements for victims of domestic violence (as part of the revised flexi work arrangements regulation)
Violence and Harassment as a work injury - Expand the scope of compensation for work injuries to include non-physical harm resulting from VHWW (Article 88)
Workers right to establish unions To amend legal provisions limiting workers' rights to form unions, to allow for real representation of workers through unions (and end the disproportionate representation of workers vs employers) (Article 98 (c) and (d))
Exemption from fees To expressly state the VHWW cases are part of labour disputes and hence will be exempt from all fees of filing lawsuits and enforcing decisions relating thereto. (Article 137)
Social Security Corporation Law Expand the scope of coverage of the SSC Law, to include workers in informal economy and vulnerable employment (article 4/B/3) Issue regulations stipulating that domestic workers are included in the scope of coverage of the SSC Law. (Article 4)

Amend provisions relating to compensation for work injury to include all incidents qualifying as a work injury pursuant to Article (3) of the regulations on work injuries, which includes non-physical injury and VHWW.

(Article (4) of the Executive Instructions on Work Injuries)

Criminal Law

Sexual Harassment

Clearly define sexual harassment as a crime without using subjective criteria such as “morality” and “indecenty” and link the necessity that the actions or behaviours have a "sexual connotation" or "linked to the sex of the person". (currently addressed under Articles (306) and (320) of the Criminal Law)

Aggravating Circumstances

Expand the scope of aggravating circumstances in relation crimes of sexual harassment and assault to include acts committed by the employer or a person with effective authority arising from the work relationship. (Such as employer for domestic workers) (Article 295, 306 (ibid))

Family Protection Law

Expand the scope of protection

Expand the scope of the law to include other forms of violence (physical, sexual, psychological, and economic violence) as well as violence committed by former spouses or partners. (Article 2)

Protect from Domestic Violence in the World of Work

- Allow employer to request a protection order that includes the World of Work. (Article 16)
- To expand the geographical scope of the protection order to include the world of work (Articles 11 and 16).
- With consent of the victim, inform employer of the issuance of a protection order concerning one of his/her workers (Whether victim or perpetrator) if courts determine there's a threat to victim or employer and fellow workers. In the case of the perpetrator, employer can prevent worker from using work resources to do acts of domestic violence and may provide psychosocial support. (Article 16)

Training official personnel that domestic violence is interconnected with the world of work

Train judiciary and family protection workers on economic violence as one of the causes of domestic violence and how to handle it.

Code of Criminal Procedures

Revising the Law to Include the Following:

- Developing a unified national complaints mechanism for acts of harassment or violence in the world of work and providing support services for the victims.
- Stating explicitly that complaints of violence and harassment are confidential and no exceptions may be made unless with the consent of the victim.

Civil Service Regulation

Defining key terms

Adopting clear definitions of:

- Discrimination (within the scope of Convention No. 111)
- Violence and harassment in the world of work and gender-based violence and harassment in line with Article (1) of C190 (in a single concept or separate concepts)
- Defining the “world of work” (or using expressions that are in line with the law - "during or because of work")

Protecting all workers from violence and harassment
Expand the scope of protection from violence and harassment to all workers in the public sector irrespective of their employment status, including day labourers, consultants etc.
Grievance Redress Mechanism
Develop and adopt a clear and effective complaints mechanism for violence and harassment in the world of work. This should include the process with which such complaints are received, reviewed, and assessed, all while maintaining confidentiality.
Prevention, Response and Protection Measures
To stipulate institutions' obligation to set all prevention, response, and protection measures for violence and harassment in the world of work.
Monitoring and Documentation
To include an effective monitoring and documentation system (in which the type of complaint, its subject matter and the mechanism for dealing with it are clearly identified)
Amending procurement rules
Amendment to procurement rules to mandate that third party suppliers/bidders adopt policies and procedures for addressing violence and harassment in the world of work.

9.1.4. Regulations

Flexible Work Regulation
Revise regulation to include workers who are subjected to domestic violence as a measure for empowering them to ensure their job security notwithstanding incidents of domestic violence.
Domestic Workers, Chefs, Gardeners and those of Similar Status Regulation
To stipulate that the provisions of the Labour Law shall apply to them on matters regarding violence and harassment not explicitly governed by their special regulation.
Legal Aid Regulation
Considering victims/survivors of violence and harassment in the world of work among the protected categories covered by this regulation which benefit from legal aid services
Protection of Whistle-blowers, Witnesses, Informants, Experts in Corruption Cases, along their Relatives, and Persons Close to Them Regulation
- Expanding the scope of those included in this regulation to become a national protection framework for the protection of whistle-blowers and witnesses in crimes of a special nature including in crimes of violence and harassment in the world of work. - Or expand the scope of this regulation to cover violence and harassment in the public sector. In such case, a new legislation needs to be enacted to afford protection to informants and witnesses in cases of violence and harassment in other sectors and occupations.

9.1.5. Instructions

Occupational Safety and Health Instructions:
To revise Occupational Safety and Health Instructions to include standards relating to prevention from and response to violence and harassment in the world of work (including policy on violence

and harassment, as well as infrastructure, lighting, private spaces etc.). These standards are to become part of the inspection process on the establishment.

Instructions for Flexible Work Arrangements in the Public Sector

To explicitly state that victims/survivors of violence and harassment, including domestic violence, may benefit from the flexible work arrangements offered pursuant to these instructions.

Instructions for the Protection of Workers and Institutions from Work Environment Risks of 1998

To amend the instructions as follows:

- Identify violence and harassment in the world of work as part of the environmental risks
- Require employers to set adequate prevention plans as they relate to the infrastructure and layout of work spaces to ensure they are not conducive of violence and or harassment.

Instructions for Classifying Enterprises in the List of Enterprises Non-Compliant with the Provisions of the Labour Law

Revising these instructions to include measures for assessment that relate to violence and harassment.

Instructions for General Health Conditions Requirements for Industries

Reviewing and updating the standards and specifications to include metrics and standards relating to violence and harassment in the world of work.

Instructions for Regulating Vocational Training Contract

Stipulate an employer's obligation to provide a world of work free from violence and harassment for trainees. And to offer trainees the right to terminate employment and claim compensation if they are subjected to violence and harassment in the world of work as it relates to their training.

9.1.6. Comparison Summary Table: C190 and National Legislation

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
(1) and (7)	Definition & prohibition Article 1 (1): "violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment Article 7:	No definition	No definition or clear prohibition. Article (28) and (29) only mentions specific forms of violence and/or harassment (beating, contempt, acts violating public morals) in the articles providing workers and employers right to terminate the employment relationship as a remedy or sanction.	No definition or clear prohibition	Article (69) of the Regulation also prohibits public employees from: - Engaging in behaviour, practices or actions that offend public morals, ethics, conduct, or are otherwise offensive to political and religious beliefs and opinions or inciting against them. - Conducting any physical or verbal behaviour of a sexual nature or the threats thereof in a manner	No clear definition. Prohibition through a range of crimes that include Sexual Harassment: Indecent Fondling (305), Violation of Honour (296, 297, 298, 300), Display of Indecent Act (306), Indecent Public Act (320), Extortion (425), Contempt (190) and (360). Non sexual harassment. The Penal Code criminalizes some acts that constitute non-sexual harassment through the crime of "contempt". Contempt: Article (190) of the Penal	Article (11) of Domestic Workers Regulation "If the violation committed by the homeowner constitutes a sexual or physical assault on the worker or a serious violation of any of their basic rights, the worker has the right to immediately terminate employment and to claim their rights" Agricultural Workers Article (13) prohibits physical and sexual assault.	In the Labour Law: adopting definition(s) of violence and harassment in the world of work including gender-based violence in line with C190, as it is broader and victim cantered; it includes a "range" of "unacceptable" behaviours including "Threats" "which are likely result in" physical, sexual, psychological, and economic "harm". No weight is given to intent. It is also recommended - that the right to a world of work free from violence and harassment is recognised in the Labour Law.

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
	Without prejudice to and consistent with Article 1, each Member shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment.				which is degrading, humiliating, and results in inflicting physical, psychological or sexual harm. • inflicting any physical punishment in any form on any of the children present in the departments, including educational, rehabilitative or training institutions, care or protection homes, or inflicting harm on any of them.	Code stipulates that contempt is "any insult or cursing - other than slander - directed to the victim face to face by words or gestures or in writing or through drawings that have not been made public, or through a telegram or telephone call, or by rough treatment"²⁵⁵. Contempt of Public Office (Article 196) of the Penal Code. Threat as a Crime: The Penal Code criminalizes the following forms of threat:	- Violence and harassment to be prohibited. Legislation governing work of domestic workers and agricultural workers only prohibit sexual and physical assault. Need to align with C190 and proposed amendment to Labour Law. In Penal Code, sexual harassment crimes are gaged against a subjective standard of "morality" and "decency" It is recommended that instead of indicating that those actions or behaviours	

²⁵⁵ Article 360 also stipulates: contempt against a person that does not qualify or defamation or slander, whether in words or deeds face to face or in writing addressed to such person or is intended for him to see, or by speaking offensive words or a targeted gesture or with harsh treatment, s/he shall be punished with imprisonment for a period not exceeding a month or with a fine not more than ten dinars

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
					Photocopying or leaking any document, publishing any information or article, or re-publishing any of it by any means in a way that offends the state or its workers.	- Threatening with a weapon²⁵⁶ - A written threat or a threat through a third person if associated with a felony²⁵⁷ or misdemeanour²⁵⁸ - A threat that occurs in public and has a psychological impact on the victim²⁵⁹, bearing in mind that the Penal Code links the word "public" with the ability of others (who have no stake in the conflict) to read it		are "immoral" and "indecent", address the issue of sexual harassment in all its forms and link the necessity that the actions or behaviours have a "sexual connotation" or "linked to the sex of the person"²⁶⁴ The Civil Service Regulation does not define violence and harassment in the world of work, but rather refers to some behaviours that constitute some

²⁵⁶ Article (349) of the Penal Code

The threat:

- Whoever threatens another with a weapon against him, he shall be punished with imprisonment for a period not exceeding six months.
- If the weapon is a firearm and the perpetrator uses it, the penalty is imprisonment for a period of no less than six months.

²⁵⁷ Article (350) and (352) of the Penal Code

²⁵⁸ Article (353) of the Penal Code

²⁵⁹ Article (354) of the Penal Code

²⁶⁴ A standard adopted internationally and in several countries, including Canada and Belgium

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
						or view it without restriction²⁶⁰. Verbal threat if associated with a felony²⁶¹ Physical Violence Many forms of physical violence constitute a crime by virtue of the crime of "Harm" in the Penal Code. Such crimes range from a misdemeanor to a felony based on the gravity of the harm inflicted on the victim. The law also punishes for unintentional		forms of violence and/or harassment, as noted above. does not address acts of harassment that do not have a sexual connotation (such as mobbing and bullying) and inappropriate treatment (but not considered immoral). It does not address acts of a sexual nature that are likely to lead to harm but have not actually "lead" to harm - as permitted required by

²⁶⁰ Article (73) of the Penal Code states:

The word public actions mean:

1. Actions and movements if they take place in a public place, a place open to the public, or open to public view, or they take place in a place not from the aforementioned places, except that they took place in a space which can be seen by any person present in the aforementioned public spaces.
2. Speech or shouting, whether spoken out or transmitted by mechanical means, so that in both cases it is heard by those who have no part in the act.
3. Writing, drawings, hand and photographic pictures, films, badges and pictures of all kinds if they are displayed in a public place or a place open to the public, or exposed to attention, or sold, offered for sale, or distributed to more than one person, or published by electronic means that enable the public to read or view them without restriction.

²⁶¹ Article (351) of the Penal Code

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
						harm²⁶² as an exception of the general principle of requiring criminal intent in all crimes. Sexual Violence/Assault In addition to the sexual harassment crimes cited above, rape and acts of threatening and intimidating a female that leads to the perpetration of unlawful sexual intercourse also constitute crimes.²⁶³.		C190 - which may place the burden of proof of harm on the victim. This might be particularly relevant in cases of psychological harm, where the harm or its extent are difficult to establish. Covering the likelihood of harm might mitigate this gap, as it can be assessed by reference to more objective standards agreed upon by the professional community.
2	Persons protected under C190		The law applies to workers and employers. The Labour Law defines a “worker” as every person, male or female,	The SSC Law applies to anyone who has completed sixteen years of age without any discrimination due to nationality, contract	The law applies to public employees. An “employee” is defined as “the person appointed	Penal applies to crimes committed on Jordanian territories irrespective of the nationality of the perpetrator.	Applies to domestic workers, chefs, and others with similar status.	The Labour Law does not apply to any person to whom the definition of “worker” or to categories explicitly excluded

²⁶² Article (344) of the Penal Code

²⁶³ Article (292) and (311) of the Penal Code

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
			who performs work for a wage and is subordinate to the employer and under their authority. This includes juveniles²⁶⁵ and those in probation or rehabilitation. An "employer" is defined as every natural or juristic person who employs in whatever capacity one or more persons for wage²⁶⁶. Categories of workers excluded: 1. Public sector employees and municipal employees. 2. Any person to whom the definition of "worker" under the Labor Law does not apply, i.e. those who do not work for wage under the	period or form, or the nature of the wage, provided that the wage on which contributions are calculated upon is not less than the minimum wage. This applies irrespective of whether the work is performed mainly inside or outside the Kingdom (without prejudice to international agreements on duality of insurances). Categories of workers subject to the SSC Law are: • all workers subject to the provisions of the Labour Law in force;	by a decision of the competent authority, in a job listed in the job formation schedule issued under the General Budget Law or the budget of one of the departments, and an employee appointed pursuant to a contract and does not include day laborers.²⁶⁸ This definition also includes employees on probation²⁶⁹.		The Regulation defines "domestic work" as "work that is related to household tasks such as cleaning, cooking, ironing clothes, preparing food, taking care of family members, buying household needs, accompanying the sick and people with disabilities, gardening and the like." Agricultural Workers	from its scope (such as public employees and domestic workers). It is recommended to expand scope of protection to include persons who are performing work irrespective of their employment relationship in addition to person specified in Article 2. The Civil Service Regulation does not apply to any person to whom the definition of "employee" is inapplicable, which persons include: 1. Workers in the private sector.

²⁶⁵ Article 2 of the Labour Law stipulates that a juvenile is every person, male or female, who reached the age of seven and not yet eighteen.

²⁶⁶ Article 2 of the Labour Law

²⁶⁸ Article (2) of the Civil Service Regulation

²⁶⁹ According to the provisions of Article (63) of the Civil Service Regulations, the duration of the trial period is two years.

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status	Gaps and recommendations
			supervision and instruction of the employer. This includes consultants, contractors, volunteers, trainees, workers whose employment has terminated or expired, and job seekers, as is the case for apprentices and industrialists, among others. 3.domestic workers, cooks, gardeners and workers with similar status.	- workers who are not subject to retirement under the provisions of the Civil Retirement Law or the Military Retirement Law; - Jordanians working for regional and international missions, Arab and foreign political or military missions in the Kingdom, attachés, and their technical and educational centres; and - self-employed workers, employers, and joint liability partners working in their own Establishments.			Agricultural Workers Regulation MISC regulations and policies Regulation applies to any "natural person performing agricultural work for pay for an employer".	2.Day labourers in the public sector. 3.Persons in search of work opportunities and volunteers. 4.Consultants, advisors and experts, unless they enter into an appointment contract for a specific period. 5.Employees whose contracts have expired or whose employment has been terminated.

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status	Gaps and recommendations
				The "Establishment" has also been defined for the purposes of this SSC Law as: any ministry, government department, official or public body or institution, or any company, institution, association, or any natural or juristic person who employs one or more workers subject to the provisions of this law or any natural person working for their own account or any other party specified by the regulations issued pursuant to this SSC Law.²⁶⁷			Agricultural Workers Regulation MISC regulations and policies	

²⁶⁷ Article 2 (B) of the Social Security Law

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
3	Protection to cover "World of Work"		The Labour Law does not define what constitute a workplace, but rather, makes reference to the workplace in its definition of a "work injury". Work Injury is defined as that which occurs as a result of an accident during the performance of work or because of it, and it includes accidents occurring while on route to and from work.	The Social Security Law embeds the definition of the spatial parameters of what constitutes a workplace within the definition of work injury which includes: - Accidents during performance of work: includes "the period that the worker spends at the workplace or during which s/he is present to do the work." - Accidents due to work, meaning that the injury occurs due to work conditions or its nature (that is, had it not been for	It identifies prohibited behaviour in Article (29) and does not require that they are committed in a certain place/space. See Article (69) above.	In certain crimes the act being committed "in public" is a material requirement for the act to be incriminated. Such as in crimes of Display of Indecent Act (306), Indecent Public Act (320). Therefore, in the event such acts are committed in a place where the conditions of publicity ²⁷¹ are not fulfilled, such acts may no longer constitute a crime at all or may qualify as a different crime. Some of the crimes that qualify as violence and harassment, require that they are committed at certain	The laws prohibit sexual and physical assault and does not link them to certain special parameters.	Creating a safe world of work would necessitate Government introducing sufficient measures to ensure safety of public spaces, places, and transportation.

²⁷¹ Article 320 of the Penal Code states: "Anyone who commits an indecent act or expresses an indecent gesture in a public place or in a public society or in a manner that is possible with it for someone who is in a place shall be punished with imprisonment for a period not exceeding one year and a fine of two hundred dinars."

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status	Gaps and recommendations
				work, the injury would not have happened). Accident while on the way to and from work, provided that this occurs on the worker's usual commute to and from work.²⁷⁰		places/times. Such as the Crimes of "Display of Indecent Act (306)", "Indecent Public Act (320)", The Cybercrimes Law criminalizes defamation that occurs using the information network, websites, or any information systems²⁷², which may encompass acts of harassment in the world of work that occur through modern means of communication. The Telecommunications Law criminalizes anyone who, by any means of	Agricultural Workers Regulation MISC regulations and policies	

²⁷⁰ Article 2 of the Social Security Law.

²⁷² According to Article 11 of the Cybercrime Law

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
						communication, "transmits threatening, insulting, or immoral messages." ²⁷³ which may encompass acts of harassment or psychological violence in the world of work that occur through the means of communication.		
4	The obligation to respect, promote and realize the right of everyone to a world of work free from violence and harassment.	The constitutional provisions stipulate that the law should include compensation in conditions of lay-off, sickness, incapacity and "emergencies" that arise from			Sanctions. The Civil Service Regulations governs administrative disciplining in the event of violation of the laws or code of conduct which can range from verbal	Remedies: According to the general rules, the victim may make a claim for damages in connection with psychological and / or physical harm suffered, among others, pursuant the	the non-judicial route for complaints for processing and investigation: the Ministry of Labour may recall each party to amicably resolve the dispute. In case	To adopt and endorse the "National Strategy for Eliminating Violence and Harassment in the World of Work" that was proposed and endorsed by national stakeholders including the JNCV

²⁷³ According to Article 11 of the Cybercrime Law

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
	Each Member shall adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. Such an approach should take into account violence	work. And as noted earlier the term "emergency" from work may be interpreted to include work-related injuries, including those arising from violence and/or harassment in the world of work.	Monitoring & Inspection: Labour inspection forms include a few indicators on some forms of violence and harassment mentioned in Article (28) of the Labour Law; namely beating, contempt, or any form of sexual assault. Remedies and support for victims: the only remedy available for workers who are subjected to certain forms of violence and/or harassment listed in Article (29) of the Labour Law is termination of employment with compensation, noting		warning to suspension and termination. If the act constitutes a criminal offense, the matter may be referred to the public prosecution office and/or the competent courts, and these procedures shall not constrain or delay disciplinary actions ²⁷⁴ .	provisions of the Civil Law Sanctions: Article (306) bis of the Penal Code provides that the penalties stipulated in Articles (305) and (306) shall be doubled in any of the following cases: a. If the perpetrator was one of the persons referred to in Article (295) of this law, and among them is "the director of a recruitment office." Article (36) of the Penal Code stipulate that among the penalties that can be	of any violation, the employer shall be given a warning so as to remedy. Moreover, a Domestic Workers' Affairs Committee had been set up in order to resolve any issue related to the employment and recruitment of foreign domestic workers. In case of conflict, it could invite the employer, the domestic worker, as well as the recruitment agency in order to reach appropriate solutions. ²⁷⁵	and the GFJTU with the support of the ILO. Revise labour inspection forms and standards to encompass other forms of violence and harassment in the world of work once these concepts are defined and more comprehensively addressed including through managing occupational health and safety measures it is integral to create a gender-responsive labour inspection . Also, empower labour inspectors to deal with violence and

²⁷⁴ Article (142) of the Civil Service Regulation, which stipulates: "If the employee commits a violation of the laws, regulations, instructions and decisions in force in the civil service or in its application, or undertakes an act or behaviour that violates the responsibilities and powers entrusted to him, or obstructs them or offends the ethics of the job And the duties and behaviour of the employee, or negligence or neglecting the performance of his duties, or assaulting state funds and interests, then one of the disciplinary penalties shall be imposed on him.

²⁷⁵ C29, Jordan, Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019) [Comments \(ilo.org\)](https://www.ilo.org/public/libdoc/ceacr/2019/2019029.pdf). See also Article (11) of Domestic Workers, Chefs, Gardeners and those of Similar Status Regulation of 2009

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
	and harassment involving third parties, where applicable, Recognizing the complementary roles and functions of government, employers and workers and their respective organizations, taking into account varying nature and extent of their responsibilities		that Article (29) does not address incidents of violence and/or harassment committed by co-workers, third parties, or any person other than the employer or their representative. Compensation as one of the remedies for Work-Related Injuries. Work injuries that give rise to compensation are only those that inflict bodily harm according to the provisions of the Labour Law and the Social Security Law. In addition to the foregoing, as an exception to this rule, the worker may pursue damages through a claim against the employer in the event the employer is at "fault" or "materially at fault".			imposed on employers, whether a company, trade union, association, or any other corporate body except for public institutions, is suspension in the event its directors, management members, representatives, or workers commit, in its name using any of its means, an intentional felony or misdemeanor punishable by at least two years of imprisonment	Remedies for violence and harassment in these Regulations include immediate termination of employment with compensation if the violation constitutes physical or sexual assault or any other grave violation of workers' rights ²⁷⁶ .	harassment in the world of work. Remedies and sanctions for violence and harassment should not be confined to termination of employment and should be fair, proportionate to the act, and effective.

²⁷⁶ Article 11 of Domestic Workers, Chefs, Gardeners and those of Similar Status Regulation of 2009

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status	Gaps and recommendations
			However, the Court of Cassation made clear that, for the purposes of invoking this exception, the burden of proof of the employer being "at fault" or "materially at fault" falls on the injured worker. The provisions limiting claims to compensation for work injuries to those inflicting bodily harm is inconsistent with the definition of work injury under the Labour Law and the Social Security Law, as they define "work injury" to include accidents occurring "due to" work or "during its performance" and do not limit work injuries to only those causing bodily harm. Sanctions: On worker: Article (28) allows employer to				Agricultural Workers Regulation MISC regulations and policies	

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
			terminate employment of a perpetrator of the specific forms of violence and/or harassment included in Article (28). On employer: Sanctions can range from fines to closure of facility.					
5 and 6	Respecting, promoting, and realizing fundamental principles and rights at work Ensuring the rights to equality and non-discrimination in employment and occupation.	Article (23): the State shall protect labour and enact legislation to this effect based on the following principles: (g) every worker shall receive wages commensurate with the quantity and quality of their work. (h) The number of hours of work per week shall be limited. Workers shall be given	Article (69) restricts women from working in certain sectors and occupations and at certain times. The Labour law offers protections for minors, including prohibition of employment of minors below 16 years of age or in dangerous industries. Jordan has also adopted the National Framework for Combating Child Labour, which was adopted in 2011, and has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) and the				Migrant workers are not permitted to establish unions or be part of its administration. Domestic Workers are excluded from the scope of the Labour Law and do not benefit from the general rights and protections, such as freedom of association, wage protections, right to terminate with compensation, etc. Three collective agreements were	Restriction in Article (69) should be lifted and restrictions on the work that can be done by women are limited to maternity protection in the strict sense in line with C111 as this constitutes direct discrimination against women. the right of freedom of association in Jordan of workers and employers without distinction whatsoever.

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status	Gaps and recommendations
		weekly and annual days of paid rest. (i) Special compensation shall be given to workers supporting families and on dismissal, illness, old-age and emergencies arising out of the nature of their work. (j) Special conditions shall be stipulated for the employment of women and juveniles. (k) Factories and workshops shall be subject to health rules. (l) Free Trade unions shall be	Minimum Age Convention, 1973, (No.138). Article (13) of the Labour Law provides that employers shall employ persons with disability as per the percentages stipulated in the Rights of Persons with Disabilities Law				Agricultural Workers Regulation MISC regulations and policies concluded for the Textile, Garment & Clothing sector. The most recent collective bargaining agreement concluded in November 2019 addresses the following²⁷⁷: • Preventing discrimination and violence and harassment • Adopting an internal policy on violence and harassment at the world of work and training workers on such mechanism.	

²⁷⁷ The collective agreement for the Garment Sector was signed on November 21, 2019.

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
		formed within the limits of law.						
8	Role of state in taking appropriate measures to prevent violence and harassment in the world of work, including in informal economy. State's role in identifying (in consultation with employers and workers' organizations) sectors, occupations, and work arrangements in which workers and other persons concerned more exposed to violence and harassment.			The Prime Minister has the authority to issue directives stipulating that domestic workers are to be included in the scope of coverage of the SSC ²⁷⁸ .			Marking significant progress, Jordan passed a Regulation for Workers in Agriculture who were previously excluded from the scope of the Jordanian Labour Law. Domestic workers remain outside the umbrella of the Social Security Corporation. a national framework for regulating the informal economy titled "Towards a National Framework for a Transition to Formal Economy in Jordan" endorsed	A call to enforce the national framework for regulating the informal economy titled "Towards a National Framework for a Transition to Formal Economy in Jordan" and ensure such plan encompasses protection from violence and harassment in the world of work.

²⁷⁸ Article (4) of the SSC Law

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
							by the MOL, SSC, and GFJTU and JCI in 2015 aims to foster a more integrated approach to formalise Jordan's informal sector, so as to ensure decent work and living conditions, social justice, increased productivity and economic growth ²⁷⁹	
9	Complementary roles: "adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment"		Internal violence policy on and harassment: The Ministry of Labour, in 2019, adopted a model internal policy for addressing violence, harassment, and discrimination in the world of work largely in alignment with C190 ²⁸⁰ . This policy is required as	SSC Law does not address violence and harassment in the OSH framework.				Authors note the Labour Law does not expressly address nor rule out violence and harassment as a work hazard. Therefore, authors are of the view that violence and harassment may be interpreted to constitute "work risks/hazards" and

²⁷⁹ [Informal economy: Jordan endorses a national framework for regulating the informal economy \(ilo.org\)](https://www.ilo.org/public/english/mediacentre/news/news/20190620-jordan-endorses-a-national-framework-for-regulating-the-informal-economy)

²⁸⁰ In June of 2019 and after several social dialogues, the Ministry of Labour adopted a policy model to address violence, harassment, and discrimination in the world of work, to be adopted by employers as part of their companies' internal bylaw (in accordance with the provisions of Article (55) of the Labour Law).

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status	Gaps and recommendations
	in the world of work, including gender-based violence and harassment"		part of the internal bylaws which are mandatory pursuant to Article (55) of the Labour Law for companies with ten (10) or more workers. The requirement is being enforced in practice using the Ministry's authority to ratify the internal bylaws – to conditioning their approval of the internal bylaws to presenting evidence of adopting a policy on violence and harassment in the world of work. Violence and Harassment from an OSH lens: Current OSH framework under the Labour Law does not require employers to take precautions and measures relating to				Agricultural Workers Regulation MISC regulations and policies	hence the possibility of issuing complementary instructions to address violence and harassment as a work-related risk/hazard ²⁸² .

²⁸² Article (78) of the Labour Law.

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
			prevention of violence and harassment in the world of work. However, it requires employers to "Take the necessary precautions and measures to protect workers from the risks and diseases that may result from work and the machines used in it" ²⁸¹					
10	Enforcement and remedies: Monitoring and enforcing legislation, ensuring access to appropriate remedies, and safe, effective, and gender responsive reporting and dispute resolution mechanisms		No reporting system for incidents of violence and harassment in the world of work, and consequently, it does not have an effective monitoring mechanism. the only recourse available for workers who are subjected to specific forms of violence and/or harassment listed in Article (29) of the Labour Law is termination of employment with compensation. , the	The law does not provide a clear dispute resolution mechanism. Furthermore, it does not provide compensation or other clear remedies for persons harmed by acts of violence and/or harassment in the world of work		The Penal Code (or relevant legislation) do not offer protection to victims, witnesses, and whistleblowers in cases of violence and harassment. Pursuant to Article (208) of the Criminal Procedures Law, free legal representation is offered for crimes amounting to felonies with a death penalty, labour for life, life		Developing a national complaints and grievances redress mechanism for violence and harassment in the world of work or expanding mandate of existing mechanisms. The Labour law should provide remedies (other than termination with compensation) as well as sanctions

²⁸¹ Article (78) of the Labour Law

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
	and procedures in cases of violence and harassment. Providing for sanction, ensuring privacy and confidentiality. Also acknowledging the effects of domestic violence on the world of work. Workers to have the right to remove themselves from work situations which present imminent danger; empower labour inspectors and authorities.		Labour Law does neither provides other remedies, nor reporting channels and non-judicial grievance redress mechanisms, internally or externally. The labour law does not recognize the connection between domestic violence and the world of work. Article (19) of the Labour Law stipulates that workers shall comply with employers' work-related instructions within the limits that do not expose them to danger or violate applicable laws or public morals. Labour law (or relevant legislation) do not offer protection to victims, witnesses, and whistle-blowers in cases of violence and harassment.			imprisonment or temporary labour for a period of ten years or more, in the event the defendant is unable to appoint counsel for financial considerations.		appropriate to the act committed, not confined to termination. Labour Law to be amended to grant workers the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management. Developing support services for those affected by violence and harassment in the world of work that provide legal and medical (including

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status Agricultural Workers Regulation MISC regulations and policies	Gaps and recommendations
								mental health support) Including an obligation to inform management, as well as an obligation on witnesses to report while ensuring sufficient protection of whistle-blowers and witnesses from retaliation.
11	Violence and harassment are addressed in national policies, including OSH and non discrimination. Guidance, training, and awareness raising		The Labour Law is the main legislation dealing with working conditions and occupational safety and health in Jordan. Chapters 9 (occupational safety and health) and 10 (work injuries) lay down fundamental provisions on these issues. Besides, there are several other orders/decrees relating to OSH matters that regulate aspects such as OSH supervisors and committees at the workplace, medical services at work, and protection from				the National Strategy for Persons with disabilities - Phase II (2010 – 2015) addresses some forms of violence, harassment, and exploitation. A new policy is about to be issued by the Higher Council for Persons with Disabilities.	To define and prohibit violence and harassment in legislation governing the world of work, including from an OSH lens, and to include violence and harassment in OSH risk assessment. To provide supporting material and tools to employers and other stakeholders to support in implementation.

Article	C190 Article	Constitution	Labour Law	Social Security Corporation Law (SSC Law)	Civil Service Regulation	Penal Code	Regulations for Domestic Workers, Cooks, Gardeners, and those of Similar Status	Gaps and recommendations
			environmental hazards, among others. Current OSH policies do not clearly address violence and harassment from an OSH lens.				Agricultural Workers Regulation MISC regulations and policies	To adopt proposed national strategy for addressing violence and harassment in the world of work. To include violence and harassment in national policies governing the world of work, including OSH. To more comprehensively address work related violence and harassment in the upcoming National Strategy for Persons with disabilities.