



# REGULATORY FRAMEWORK GOVERNING MIGRANT WORKERS<sup>1</sup>

Updated November 2019



International  
Labour  
Organization

## PRIVATE SECTOR WORKERS

(other than domestic workers)

## DOMESTIC WORKERS

<u>KEY LEGISLATION</u>	Jordan Labour Law of 1996 as amended by Law No 14 of 2019. <sup>2</sup>	Regulations No 90/2009 <sup>3</sup> concerning Domestic Workers, Cooks, Gardeners and Similar Categories.
<b>RECRUITMENT</b>		
<u>RECRUITMENT FEES</u>	<p><u>The Rule</u> It is not prohibited to charge recruitment fees to workers.</p> <p><u>The Exception</u> The Qualified Industrial Zones (QIZs), where workers are not required to pay any fees except for the “fees stipulated by the law in the country of origin of the worker”.<sup>4</sup></p>	It is prohibited for recruitment agencies to charge fees to workers. <sup>5</sup>
<u>PASSPORT CONFISCATION</u>	It is prohibited for employers to confiscate workers’ passports. <sup>6</sup>	
<b>WORKING CONDITIONS</b>		
<u>CONTRACT</u>	An employment contract may be written or verbal. Written contracts should be drafted in Arabic in 2 copies, one for each party. If a worker does not understand Arabic, a copy of the contract must be made in a foreign language.	<p>An employment contract is written and drafted in four copies in Arabic and in a language the worker understands.</p> <p>The employer, the worker, the Ministry of Labour and the recruitment agency shall each have a copy.</p>
<u>MINIMUM WAGE</u>	The minimum wage is 220 JD (310 US\$) for nationals and 150 JOD (210 US\$) for migrant workers, except for migrant workers in the QIZs. For workers in the QIZs the minimum wage is 125 JOD (USD 177) plus 95 JOD (USD 134) comprising in-kind wages (food and accommodation).	None applicable.

1 This fact sheet was prepared by the ILO FAIRWAY Project, supported by the Swiss Agency for Development and Cooperation. It was reviewed by representatives of Migrant Forum Asia and Migrant Rights.Org.

2 The amended law introduced amendments to numerous articles of the Labour Law, the most relevant fields are the following: wages; overtime, paternity leave, annual leave, childcare, retirement and disputes.

3 Regulation No 11/2013 amending Regulation No. 11 of 2009 concerning Domestic Workers, Cooks, Gardeners and Similar Categories.

4 Instructions for the conditions and procedures of bringing and employing non-Jordanian workers in the QIZs, article 3(a). Additionally, along with their work permit application, employers in the QIZs must submit a certificate authenticated by the worker’s embassy stating that the worker has been recruited through a licensed recruitment agency and that s/he has not paid any fees along with a certified copy of the job announcement published in a newspaper in the worker’s home country outlining the terms and conditions of employment.

5 Regulation No. 12 of 2015 on the organization of the private offices for recruiting non-Jordanian house workers is issued pursuant to paragraphs B and C of article 10 of the Labour Law No. 8 of 1996.

6 Passport Act No 2 of 1969.

<u>WORKING HOURS</u>	<p><b><u>The Rule</u></b> 8 hours per day, excluding breaks and 48 hours per week.</p> <p><b><u>The Exception</u></b> It is possible to increase daily working hours up to 11 as long as the total of weekly hours does not exceed 48 hours per week.</p>	8 hours per day, excluding breaks.
<u>REST PERIODS</u>	<p>1 day per week, usually Friday. Official national holidays.<sup>7</sup></p> <p>Women are entitled to a minimum 10 hour rest between each working day.<sup>8</sup></p>	<p>1 day per week agreed upon between the worker and employer.</p> <p>A minimum of 8 hour sleep per day.</p>
<u>OVERTIME</u>	<p>Overtime provision are rated as follows:</p> <ul style="list-style-type: none"> <li>• 125 per cent of normal wages for all ordinary overtime hours worked.</li> <li>• 150 per cent of normal wages for all overtime hours worked on weekly rest days, religious feasts, and public holidays.</li> </ul>	<p>Overtime is not provisioned by law.</p> <p>The domestic worker is entitled to a compensatory leave if asked to work on the weekly rest day by their employer.</p>
<u>PAYMENT OF WAGES<sup>9</sup></u>	Employers may pay wages paid in cash or in kind within seven days of becoming due. <sup>10</sup>	Employers must pay wages on a monthly basis. Employers must keep evidence of the salary payments.
<u>ANNUAL LEAVE</u>	<p>14 days of fully paid annual leave and 14 days of sick leave.</p> <p>Workers who have worked with the same employer for at least five years are entitled to at least 21 days of paid annual leave. Workers who have worked for less than a year are entitled to paid leave calculated in proportion to the period of employment for that year.<sup>11</sup></p> <p>The new amended law has also introduced the paternity leave, which grants fathers a three day leave after the birth of a child.</p>	14 days of fully paid annual leave and 14 days of sick leave.
<u>OTHER REQUIREMENTS</u>	<p>It is prohibited for women to work between 09:00pm and 06:00am.</p> <p>Exceptions require a decision from the Minister of Labour.</p>	<p>Workers are entitled to call their family abroad at the expense of the employer once a month.<sup>12</sup></p> <p>Employers must purchase workers' return ticket to the country of origin after two years of employment.</p>
<u>END OF SERVICE GRATUITY</u>	At least one month per year.	N/A

7 With the employer's consent, workers may accumulate weekly rest days so long as they are used within one month.

8 Minister of Labour Decision in Respect to Activities and Times During Which it is Prohibited to Employ Women, 2010.

9 The amended law introduces the concept of "discrimination of wages", which can be explained as the inequality in payment of wages based on gender. The law imposes a penalty on the employer ranging between 500-1000 JDs (which is approximately equivalent to US\$ 700-1400) and that is in the event the employer discriminates between the employees based on their gender.

10 Wages include all entitlements provided for under the law, employment contract, or bylaws, such as:

- cash or in kind housing allowance
- allowances for Fridays and official holidays
- medical allowance (medical insurance)
- life insurance allowance
- technical, specialist, and liability allowance
- monthly or annual allowances, and
- food allowances.

11 Workers are entitled to an additional 14 days of paid leave per year if they: • participate in a labour education course approved by the Ministry of Labour or the General Federation of Trade Unions, or • go on pilgrimage (only once during their period of employment, after 5 years of continuous service).

12 Workers can also make extra calls at their own expense and exchange letters.

## FREEDOM OF ASSOCIATION

### ABILITY TO JOIN TRADE UNION

All workers can join a trade union.

## GRIEVANCES AND DISPUTE RESOLUTION

### LODGING COMPLAINTS/ RESOLVING DISPUTES

#### Conciliation

Labour inspectors from the Ministry of Labour can receive and help to mediate individual labour disputes.

#### Judicial remedy:

Individual labour disputes, excepted the ones related to wages, can be raised before the Magistrate Court Complaints and should be considered within three months of filing. Labour cases are exempt from Court fees the first time they are filed.

Disputes can also be filed before the Labour Court.<sup>13</sup>

If the dispute relates to wages, the Wages Authority has the jurisdiction to look over it as long as the employee is still under the umbrella of the employment. The Wage Authority looks over disputes regarding late payment, discrimination in payment, unjustified deductions and other elements. As for the new amendment, the legislator has widened the jurisdiction of the Wage Authority to include claims filled by employees. Whereby, the claim is lodged within six months after termination given that the contract is unilaterally terminated by the employee.

#### Conciliation:

Either the employer or the worker may file a complaint before the Domestic Workers Department at the Ministry of Labour for amicable settlement. Whilst in the legislation, labour inspectors can be allowed to enter the house with the consent of the employer, in practice, no household inspections are carried out.

#### Judicial remedy:

Workers may file a dispute before Courts.

### SHELTER AND PROTECTION SERVICES

There is a shelter run by the Ministry of Social Development, "Al Karamah Shelter". There is another shelter run by the Jordanian Women's Union for victims of trafficking. There are also shelters in certain embassies.

## SPONSORSHIP

### SPONSORSHIP AND CHANGING EMPLOYERS

#### With permission of employer

Workers can transfer their sponsorship to another employer anytime or terminate the contract.

#### Without permission of employer

After one year of service with the original employer, except for QIZ workers.

#### Penalties for non-compliance

Overstay penalties/fines and/or deportation.

#### With permission of employer

Workers can transfer their sponsorship to another employer anytime or terminate the contract.

#### Without permission of employer

After two years of service with the original employer.

#### Penalty for non-compliance

Overstay penalties and/or deportation

### LEAVING THE COUNTRY

There is no requirement for an exit permit to leave the country.

<sup>13</sup> The Labour Court consists of three regular judges appointed by the Judicial Council to settle the collective labour dispute. The court is required to review the case within seven days of referral, and issue a decision within 30 days. The decision is not subject to appeal, and must be published in a local newspaper.