

■ **JUSTICE** for **ALL**

The **Struggle**
for **Worker Rights**

IN JORDAN

A REPORT BY THE SOLIDARITY CENTER



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Note: This report discusses some situations and events in a general context. This reflects our foremost concern, which has been to exercise sensitivity and discretion toward organizations and workers in Jordan. Many workers were interviewed for this report by field researchers, who conducted wide-ranging discussions about labor issues in Jordan from May 24 to May 30, 2004. They spoke with Jordanian and foreign workers, union leaders, government officials, representatives of foreign embassies, business leaders, and several journalists. Throughout the report, any quotations that are not otherwise cited were from these interviews.

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The American Center for International Labor Solidarity (Solidarity Center) is a non-profit organization established to provide assistance to workers who are struggling to build democratic and independent trade unions around the world. It was created in 1997 through the consolidation of four regional AFL-CIO institutes. Working with unions, non-governmental organizations, and other community partners, the Solidarity Center supports programs and projects to advance worker rights and promote broad-based, sustainable economic development around the world.

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FOREWORD

By **John J. Sweeney**
President, AFL-CIO

In this report from the Solidarity Center series *Justice for All: The Struggle for Worker Rights*, a team of field researchers examines the status of worker rights in Jordan. *Justice for All: The Struggle for Worker Rights in Jordan* holds Jordanian labor law and practice up to international standards enshrined in International Labor Organization conventions and the ILO's 1998 Declaration on Fundamental Principles and Rights at Work.

Jordan's union federation, the General Federation of Jordanian Trade Unions, is an ally of the AFL-CIO and a member of the global labor movement. The Solidarity Center is one of many international labor solidarity organizations, including the International Confederation of Free Trade Unions, that have established a presence in Amman, which has become a learning center for labor leaders from around the Arab world.

Jordan plays a crucial role in Middle East regional politics, especially with regard to the Palestinian and Israeli conflict. In 1994, Jordan became the second country—after Egypt—to sign a peace treaty with Israel, ending nearly 50 years of war. Jordan is home to hundreds of thousands of refugees, most recently from Iraq.

Jordan's labor law contains some protections that American workers do not enjoy, such as on-the-job child care and paid maternity leave for women workers. But the law is far from comprehensive. Major restrictions on freedom of association unfairly limit workers' ability to form and join unions, as well as unions' ability to represent workers. Migrant workers are specifically denied the right to organize. Many of these workers are refugees from war-torn countries. Others have come from Egypt, Syria, and as far away as South Asia to seek better lives for themselves and their families.

Thousands of migrant workers are employed in Jordan's free trade zones. Known as Qualified Industrial Zones, these huge factory complexes were designated by Congress to support the Middle East peace process. But the reality of the QIZs belies their original intent. When

I met with Jordanian labor leaders, they described how men and women in QIZs are forced to work long and arduous shifts for below-poverty wages, how bosses withhold their paychecks and passports, and how the workers become virtual prisoners far from home. Migrant women often end up in the informal economy as domestic servants. Here, too, Jordanian labor law fails them.

Jordan's workers are linked directly to American workers through the groundbreaking U.S.-Jordan Free Trade Agreement (FTA). Signed in the waning days of the Clinton administration, it is the first bilateral trade pact to incorporate worker rights into its enforceable provisions. The AFL-CIO worked closely with the Jordanian labor movement to advocate for its passage. The Jordan FTA holds great promise for helping to promote much-needed foreign investment while protecting Jordan from the “race to the bottom.”

Unfortunately, the agreement has not yet lived up to its promise. Despite hundreds of clearly documented worker rights violations, neither country has ever tested the enforcement mechanisms included in the labor provisions; in fact, through an exchange of letters, both governments have virtually promised not to do so.

Jordan can use this critical moment to establish itself more firmly along a path toward democracy and social justice.

Workers in Jordan are in danger of being left behind by the changes that are shaping the new economy—not just in Jordan but worldwide. The Jordanian labor movement needs a renewed commitment to develop concrete proposals that address these concerns in tandem with a vigorous organizing campaign. And because American workers also are facing these challenges, the need for global labor solidarity is paramount.

Jordan has an opportunity to be a role model for other countries in the region. It can use this critical moment to establish itself more firmly along a path toward democracy and social justice. The report lays out a number of steps that the Jordanian government, Jordanian unions, multinational enterprises, and actors on the international stage can take to ensure respect for and enforcement of worker rights in Jordan. By following this path, Jordan can give working people a chance to share in the prosperity they are helping to create.



CHAPTER 1

4

CHAPTER 1

Standing at the Crossroads: Jordan's Worker Rights History

The Hashemite Kingdom of Jordan is a constitutional monarchy with a rich history.¹ From biblical times through the early 20th century, the land was ruled successively by nomadic tribes, the Roman and Byzantine Empires, Arab Muslim authorities, and finally the Ottoman Empire, which lost territorial control as a result of its defeat in World War I. After the war, the United Kingdom administered the lands east and west of the Jordan River under the British mandate of Palestine. In 1921, the British subdivided the lands into eastern and western portions. The eastern portion, named Transjordan, was made a monarchy. The British enthroned Abdullah, the son of Sharif Husayn, a Hashemite leader from Mecca who had assisted the Allied effort, as emir. Through 1945, the British had considerable influence over Transjordan's foreign policy.

In March 1946, Jordan was formally granted independence, with a new constitution (although Britain maintained military bases there until 1957). Abdullah took the title of king. The following year, he changed the country's official name to the Hashemite Kingdom of Jordan.²⁻³

Jordan's Labor Law 21 of 1960 did little to expand workplace protections, continued the ban on union organizing in the government sector, and repressed union leaders engaged in political activities.

Jordan has had a rocky political and social rights history. Political policies have fluctuated from striving for a relatively liberal system that includes separation of powers to imposing martial law and suspending Parliament along with civil and political rights.

Jordan's Labor Movement: The First 50 Years

Jordanian workers' early efforts to establish unions were thwarted by their own inexperience, the lack of protective legislation, unsympathetic officials, and a weak industrial base. The labor movement was invigorated after the 1948 war between Arab forces and the newly formed state of Israel forced out approximately 750,000 Palestinians, mostly to neighboring Arab countries. Some 500,000 Palestinians took refuge in Jordan and the land west of the Jordan River, known as the "West Bank," which Jordan formally annexed in 1950. As a result, Jordan's population more than doubled, absorbing urban and rural dwellers—including trade unionists—into its largely Bedouin and agricultural demography. The Palestinian trade unionists brought expertise to a nascent Jordanian labor movement.⁴

But developing a stable political and economic system was not an easy task. Frequent border incidents occurred between Israeli forces and Palestinian guerrillas, leftists challenged the legitimacy of the Hashemite monarchy, and British subsidies evaporated. In 1952, a new constitution attempted to incorporate Jordan's new population by giving parliamentary representation to Palestinian refugees. It also guaranteed many personal freedoms, including freedom from compulsory labor

and the freedom to form political parties, trade unions, and associations. Article 23 declared work to be a right of all Jordanian citizens. Trade Union Law 35, passed in 1953, confirmed workers' right to unionize and established unions' right to strike.⁵

This environment provided a fertile ground for unions. In 1954, six unions that had formed in the wake of the new constitution joined together in a national federation, the General Federation of Jordanian Trade Unions (GFJTU). In the mid-1950s, Jordanian unions won the right to compensation for work-related injuries, severance pay for terminated workers, and many other worker protections. In 1956, however, an administrative council excluded civil service employees from the right to form unions and bargain collectively, forcing a number of new unions to disband. This restriction still applies to some government workers.



As Arab nationalism became the dominant political ideology in the late 1950s, Jordan's unions emerged as a political force. In 1956, the GFJTU and its counterparts from Egypt, Lebanon, and Syria created the International Confederation of Arab Trade Unions (ICATU), which remains the official confederation of Arab trade union federations. Egypt's nationalization of the Suez Canal that year, along with Egyptian President Gamal Abdel Nasser's defiance of a subsequent British, French, and Israeli invasion, heightened Arab nationalist sentiments and placed increasing political pressure on Jordan's monarchy, still widely seen as pro-British. The resultant turmoil prompted King Hussein, who had acceded to the throne in 1952 at the age of 17, to enter into a treaty with Great Britain that brought the final withdrawal of British troops. In 1957, the king imposed martial law, persecuting and arresting progressive leaders and activists, including union activists. Many labor leaders fled the country. The number of unions fell sharply from a peak of 39 in 1955 to 16 by 1961.

Jordan's Labor Law 21 of 1960—the first in the country—reflected the weakness of the union movement. It did little to expand workplace protections, continued the ban on union organizing in the government sector, and repressed union leaders engaged in political activities. It did facilitate collective bargaining, however. This provision enabled the labor movement to keep growing as individual local and national unions successfully negotiated improvements in workers' wages and benefits.

Ongoing tensions between Israel and its Arab neighbors sparked the 1967 war, in which Jordan lost East Jerusalem and the West Bank to Israel. The subsequent pro-Palestinian political activism on Jordanian soil led the government to crack down harshly on militias and political parties; homegrown left-wing parties and eventually Islamist movements were also abolished.

The loss of the West Bank was a blow to Jordan's economic development. Approximately 400,000 refugees from the West Bank and Gaza flooded Jordan's East Bank, increasing the population there by about one-third. Many migrants were poor and unskilled, requiring government-provided food, shelter, and basic services.

At first, fleeing Palestinian union activists brought renewed energy to Jordan's labor movement. The number of workplace struggles increased dramatically. Union membership grew as new locals and federations formed. In 1970, however, Jordanian authorities began to repress Palestinian militants, and many of the most active unionists left Jordan the following year. As a result, union membership declined, and the GFJTU split over internal disagreements.

The Jordanian government seized the opportunity to install a temporary executive committee and empower it to rewrite the GFJTU constitution. The state had the power to mandate unions' structure, interfere in their elections, and dissolve them for political activities or the dissemination of "destructive" ideologies. Article 84, a 1976 amendment to the Labor Law of 1960, limited the number of national unions to 17, forcing unions to disband or merge. It also banned organizing in previously unorganized industries. These measures reduced the vigor of progressive elements in the union movement.⁶

During the 1980s, regional instability and economic setbacks combined to keep workers down and hinder democratic progress. Martial law continued while Cold War polarization in the region and ongoing Arab-Israeli conflict exacerbated internal political tensions. The Jordanian government regarded union organizing efforts as threats to political stability rather than economic conflicts between workers and employers, and unions went into further decline.

A mid-decade downturn in oil prices led oil exporters to withdraw Arab aid. At the same time, remittances from migrant Jordanian workers fell. In 1988, under severe economic pressure, Jordan turned to the International Monetary Fund (IMF) for assistance. As part of its stabilization and structural adjustment program, the IMF reduced many subsidies. Jordan was hard pressed to repay its debt, and in 1989, was forced to restructure its payments with the IMF. When the government announced the IMF's new conditions, including further subsidy reductions, Jordanians rioted throughout the kingdom.

The 1990s: Worker Rights and Liberalization

As the Cold War ended and public pressure increased, King Hussein took steps to open the political system. He announced that parliamentary elections would resume after a 22-year hiatus. The government released political prisoners, lifted martial law, and changed the electoral law. Political parties were formally legalized and participated openly for the first time in the 1993 parliamentary elections.⁷⁻⁸

Taking advantage of the more permissive social and political environment, many opposition labor leaders returned to Jordan and regained positions in the GFJTU. The reenergized federation became active in ICATU. The 1994 GFJTU General Congress further consolidated power in the federation's executive committee, at the expense of more representative bodies.⁹

Progress was not seamless. In the mid-1990s, the government again cracked down on political rights, partly in response to Jordan's normalization and peace treaty with Israel, which many Jordanians rejected and actively protested.

Additional pressure on democratic participation came from economic initiatives. Under existing law, state sector workers could be fired only for grave fault. By 1990, according to official statistics, the public sector comprised 55 percent of industry, and state-owned enterprises held about 32 percent of total capital. Part of Jordan's economic reform program aimed at relaxing some labor law protections, and in 1991, government and federation officials began to discuss modifications. But union representatives, adamantly opposed to sacrificing job security provisions, walked out.¹⁰

The revised law, which contains new benefits for workers but allows employers to fire workers without cause, was passed in 1996 without GFJTU participation. The 1996 Labor Code stands today. Labor leaders note that the law's few protective provisions are still not systematically enforced.

Another component of Jordan's economic reform strategy was fuller integration into the global marketplace. In 1996, the peace process between Jordan and Israel



increased Jordan's participation in the global economy. New free trade zones (known as Qualified Industrial Zones, or QIZs) allowed duty-free access to the United States for Israeli and Jordanian products that used labor and materials from both countries.

The decade of economic reform measures did not yield the sought-for growth, however, and Jordan's economic condition worsened in the late 1990s. The IMF's structural adjustment program had mandated, among other things, a new round of reductions in subsidies on certain basic goods as well as privatization of public enterprises. As a result, living standards dropped. Studies showed that by the end of the decade, one-third of Jordanians were living below the poverty line. Unemployment rose to an unofficial but recognized rate of 27 percent. The advent of privatization heightened public sector workers' insecurity. In 1996 and 1998, Jordanians mounted mass protests against economic austerity.¹¹

Reform in Jordan Today: Opportunity and Peril

In 2003, King Abdullah, who had succeeded his father upon Hussein's death in 1999, vowed to initiate a true era of political reform. Jordan has made visible progress toward that goal. Domestic and international observers judged the 2003 parliamentary elections reasonably free and transparent. Seats are now reserved for women in both upper and lower houses of Parliament, and the government has pledged that it will stop the practice of imprisoning journalists for exercising freedom of speech.¹²

But persistent shortcomings in the government's commitment to democratization continue to undermine the Jordanian labor movement and Jordanian people's freedom. Between 2001 and 2003, elections were again postponed and Parliament was again dissolved. The government banned public demonstrations when Jordanians

began to rally in support of the second Palestinian Intifada.¹³ In early 2005, the government came under domestic and international fire for attempting to prevent professional associations from expressing their political views (see Chapter 2). Despite many advances, unions still do not have the right to full freedom of association in law or practice.

Today, Jordan stands at a crossroads between opportunity and peril. Like other nations in the global community, Jordan must resolve a modern dilemma—how to achieve economic reform without undermining political progress. Jordan is a small, resource-poor country. Manufacturing, industry, and agriculture represent only a small percentage of its economy. Jordan's main natural resources are phosphates and potash; it has no oil, the "black gold" that has provided growth and investment resources for many Arab countries.

Jordan's continued dependence on external aid is driving its economic reforms. Whether funded by loans from the World Bank or grants from USAID, activities in Jordan encourage private sector-led growth and development, privatization, and a shrinking government sector. Most of Jordan's external debt derives from bilaterally negotiated loans, although a portion still comes from IMF and World Bank sources. In 2003, external debt represented 84 percent of gross domestic product (GDP).¹⁴⁻¹⁵

An additional challenge is building a stable, strong economy in a politically unstable region. Throughout Jordan's history, its economy has been vulnerable to its neighbors' state of war and peace. Its precarious location amid countries that have been conflict zones for generations—Israel and the Palestinian Territories to the west, Iraq and Saudi Arabia to the east, and Syria and Lebanon to the north—guarantees that Jordan will remain vulnerable for the foreseeable future.

Another economic factor is migration into and out of the country. Migration in Jordan and throughout the region is directly related to war and poverty. Since 1980, successive ongoing Iraqi wars have brought to Jordan hundreds of thousands of Iraqis looking for temporary and even permanent work and homes. More than 20,000 South and Southeast Asians have jobs in the QIZ textile industry, and thousands more work as domestic servants. Depressed economies in Egypt and Syria continue to push tens of thousands of workers into Jordan. In 2003, more than 120,000 foreigners held work permits; the number of undocumented foreign workers could be double.¹⁶

At the same time, Jordan's economic growth is struggling to match local employment needs, leaving large numbers of Jordanians with no option but to migrate outside the country to look for work, especially in the oil-rich Gulf states. Although GDP has been growing at approximately 4 percent since 1999, it has had no impact on employment rates. The repatriated wage earnings of the 350,000 Jordanian workers abroad account for more than 20 percent of GDP.¹⁷

Recent developments have thrust Jordan more than ever into the world economy. Privatization is contributing to increased foreign investment. Jordan's accession to the World Trade Organization (WTO) in April 2000, along with the free trade agreements signed with the United States and the European Free Trade Association in 2001, have helped establish Jordan as a full global trading partner in the international community.

The U.S.-Jordan Free Trade Agreement (hereafter Jordan FTA) is a landmark bilateral pact. Signed on October 24, 2000, it is the first trade agreement concluded by the United States that, within the text of the agreement itself, conditions trade privileges upon the

parties' continuing enforcement of their respective domestic labor laws and their adherence to the core labor standards outlined in the International Labor Organization's (ILO) Declaration on Fundamental Principles and Rights at Work. The agreement represents an opportunity for Jordanian and American unions to promote improved enforcement of labor standards, although the present U.S. administration's commitment to enforcing the labor provisions is as yet untested.

Challenge for Jordanian Unions

The GFJTU remains the center of Jordan's labor movement. Unifying all 17 Jordanian unions (see list on p. 12), it is Jordan's largest civil society organization. But globalization also poses special challenges and opportunities for the GFJTU. It, too, stands at a crossroads, facing the potential consequences of its success or failure to increase union membership.

Statistics prepared for the GFJTU's 2004 congress indicate a union membership of around 95,000, while informal studies by outside organizations operating in Jordan suggest a figure closer to 45,000. The actual unionization rate is more likely to be between 10 and 15 percent of Jordan's workforce. Membership in the country's 14 professional associations was reportedly 140,000 in 2004, up from 85,000 in 2000.¹⁸⁻²⁰

Several of Jordan's largest and most effective unions represent workers in the smallest economic sector, industry and manufacturing. Since the creation of the QIZs in 1996, manufacturing—especially textile manufacturing—has become a new source of economic expansion, and clothing is one of Jordan's top 10 export commodities. In 2003, some 50,000 workers—only half of them Jordanian nationals—were employed in QIZ textile factories. In addition, thousands of Jordan's 1.41 million

member workforce are employed in state-owned enterprises in the potash and phosphates industries, which may be slated for privatization under current plans. Unions will need to be strong and effective advocates, and the government will need to cooperate, to prevent the large membership losses that other unions have experienced in privatizing industries worldwide.²¹

A shrinking public sector will mean growing uncertainty for workers who were formerly accustomed to prolonged job security. The largely non-union service sector, which employs approximately 80 percent of all Jordanian workers (including many government workers), generated nearly three-fourths of GDP in 2004.²²

The lack of union representation for such a large percentage of the workforce threatens to undermine the ability of Jordanian unions to maintain and increase their space for political participation. Public school teachers and hospital workers, for example, do not have collective bargaining rights under current laws. Even in service industries where workers can join unions, such as hotels, restaurants, commercial establishments and warehouses, unions have made little effort to recruit workers, and these enterprises are consequently almost union-free in Jordan.

The government's influence over the GFJTU has left unions with only limited power and independence in national politics. The federation's inability to develop an effective and comprehensive approach to privatization, coupled with the shortcomings of the 1996 Labor Code (see Chapter 2), have led some civil society elements to regard the union as a conservative and marginal force. Because of its centralized and bureaucratized authority, especially pronounced since 1994, critics charge that the union lacks a mandate from the workers it purports to represent.

Nevertheless, many observers cite signs of hope at the crossroads. As workers' economic insecurity has increased, some federation members are looking at trade unionism in a more favorable light, and the new millennium has witnessed a modest upsurge in labor activism. Several unions are continuing the struggle for independence from government interference and for greater influence over the privatization program. For example, collective bargaining does take place in the petrochemical, garment, and mining industries, and as a result, working conditions have improved for thousands of union members.

The Jordanian labor movement's increasing interest in international core labor standards and its growing connections with the international worker rights community provide opportunities to secure better protection for Jordan's workers. As unions explore these opportunities, they may join the rising numbers of professional associations and other civil society organizations in Jordan that seek to hold the government accountable for adhering to its democracy initiatives.

Endnotes

- ¹ The general history of Jordan presented here is drawn primarily from Helen C. Metz, ed., *Jordan: A Country Study*, 4th ed. (Federal Research Division, Library of Congress, 1991); Albert Hourani, *A History of the Arab Peoples* (Cambridge, MA: Belknap Press of Harvard University Press, 1991); and Don Peretz, *The Middle East Today*, 6th ed. (Westport, CT: Praeger, 1994).
- ² Jordan's first constitution was adopted by the Legislative Council on November 28, 1947, and later updated. The Constitution of the Hashemite Kingdom of Jordan ratified on January 1, 1952, remains in place today. See www.kinghussein.gov.jo/charter-national.html for an English-language translation of the Jordanian constitution.
- ³ The Hashemites are a family clan that ruled over parts of the Hijaz region of Arabia (western coastal region of the Arabian Peninsula, located in today's Saudi Arabia) for 1,000 years, until 1925. The holy cities of Mecca and Medinah are located in this region. The Hashemites governed and protected Mecca for much of Islamic history. The Prophet Mohammed's ancestors are also the ancestors of the Hashemites. The royal family in Jordan claims direct descent from the Prophet Muhammad through this lineage.
- ⁴ The trade union history draws extensively upon Hani al-Hourani, *The Jordanian Labor Movement: History, Structure, and Challenges* (Bonn, Germany: Friedrich-Ebert-Stiftung, 2001). See also Haydar Rashid, *Dirasat fil-Iqtisad wal-Qadiya al-'Ummaliyya* (Studies in the Economy and Workers' Issues) (Amman, 1992), pp. 59-63.
- ⁵ Ira Lapidus, *A History of Islamic Societies* (Cambridge, UK: Cambridge University Press, 1988), p. 649.
- ⁶ Marwan Kardoosh, *The Jordanian Economy into the Third Millenium* (Amman: The Higher Council for Science and Technology, 2003), p. 12.
- ⁷ See, for example, Malik Mufti, "Elite Bargains and the Onset of Political Liberalization in Jordan," in *Comparative Political Studies*, vol. 32, no. 1 (February 1999), pp. 100-129.
- ⁸ See also the National Democratic Institute for International Affairs, *Democracy and Local Government in Jordan* (Washington, DC, September 1995), at www.accessdemocracy.org/library/309_jo_localgovt_1_1_30.pdf.
- ⁹ See Laurie A. Brand, *Women, the State and Political Liberalization*, (New York: Columbia University Press, 1998), Chapter 4.

- ¹⁰ Marsha Posusney, "Globalization and Labor Protection in Oil-Poor Arab Countries: Racing to the Bottom?" in Ibrahim Saif, ed., *The Jordanian Economy in a Changing Environment* (Amman: Center for Strategic Studies, 2004), pp. 115-155.
- ¹¹ Hamid El-Said, "The Political Economy of Reform," in George Joffe, ed., *Jordan in Transition* (New York: Palgrave, 2002), p. 268.
- ¹² See, for example, Freedom House, "Freedom in the World," Jordan report for 2004, at www.freedomhouse.org/research/freeworld/2004/countryratings/jordan.htm.
- ¹³ Intifada is an Arabic word that, in its verb form, means to be shaken, or to rise. Politically, the word as proper noun has taken on the meaning of uprising and is used specifically to describe the Palestinian uprising against the Israeli occupation. It was coined as such in 1987 when the first Intifada against Israeli military rule began. In 1993, the Oslo Accords between Israel and the Palestinians were signed. They were meant to signify the beginning of the end of the Israeli occupation, and by extension, of the Intifada. In 2000, however, Israeli Prime Minister Ariel Sharon's visit to a religious site in Jerusalem (called the Al-Haram Ash-Sharif in the Muslim tradition and the Temple Mount in the Jewish tradition) backed by hundreds of armed Israeli soldiers sparked clashes that became known as the "second Intifada," or the "Al Aqsa Intifada" after the name of the holy mosque on the site. The second Intifada continues today.
- ¹⁴ "Jordan at a Glance," prepared by the World Bank, at www.worldbank.org/data/countrydata/aag/jor_aag.pdf
- ¹⁵ See, for example, World Bank Country Assistance Strategy for the Hashemite Kingdom of Jordan, 2003, at <http://lnweb18.worldbank.org/mna/mena.nsf/0/D4D46C2B71E7CA6C8525694D0056435D?OpenDocument>.
- ¹⁶ Riad al Khouri, "Migrant Workers in the Jordanian Context," April 2005, paper commissioned by the International Confederation of Free Trade Unions, Amman, Jordan, regional office.
- ¹⁷ See, for example, Yahoo! Finance, International Finance Center, Jordan country fact sheet, at <http://biz.yahoo.com/ifc/jo.html>.
- ¹⁸ One reason for this discrepancy is differing definitions of "member." The GFJTU's report on union membership in 2004 included commercial drivers, but other organizations' statistics do not, as membership in that union is compulsory.
- ¹⁹ The World Bank, *Unlocking the Employment Potential in the Middle East and North Africa: Towards a New Social Contract* (2004), recently suggested a total labor force of 1.62 million in 2000, not counting foreign workers. However, the *CIA World Factbook* (2003) gave a figure of only 1.36 million in 2002, which suggests that the 2000 figure would have been several hundred thousand workers lower.
- ²⁰ Hussein Abu Rumman, "Internal Democracy in the Professional Associations: Realities and prospects for the Future," in Warwick M. Knowles, ed., *Professional Associations and the Challenges of Democratic Transformation in Jordan* (Amman: Al-Urdun al-Jadid Research Center, 2000), pp. 17-62. The 2004 estimate is used by professional associations and trade unions in Jordan, as reported by field researchers. Membership in a professional association is theoretically required to practice in several professions, which partially explains the high number of members. However, compulsory membership is not strictly enforced by all the associations.
- ²¹ In August 2004, the two largest unions in Jordan were the mineworkers and electricity unions, followed by textile, petrochemical, air transport, and construction workers unions. Together these six unions make up 80 percent of the total "non-compulsory" union membership in the country.
- ²² See, for example, Yahoo! Finance, Note 17 above.

Unions of The General Federation of Jordanian Trade Unions

General Trade Union of Air Transport and Tourism Employees

General Trade Union of Commercial Stores Employees

General Trade Union of Construction Workers

General Trade Union of the Employees of Banks, Insurance and Auditing

General Trade Union of Electricity Employees

General Trade Union of Food Industries Employees

General Trade Union of Health Services Employees

General Trade Union of Land Transport Employees and Mechanics

General Trade Union of Mines and Mining Employees

General Trade Union of Municipality Employees

General Trade Union of Petroleum and Chemicals Employees

General Trade Union of Ports and Clearance Employees

General Trade Union of Printing, Photography and Paper Employees

General Trade Union of Private Education Employees

General Trade Union of Public Services and Free Professions

General Trade Union of Railway Employees

General Trade Union of Textile Industry

“General Federation” is the literal translation of the Arabic (*ittihad ‘amma*) used by the organization itself, and we adopt that English name here. Its constituent units are typically known in Arabic as *niqaba ‘amma* (literally “general union”), and their formal names are translated as such. In text we refer to them as unions. The Labor Code allows only the 17 unions listed above, and the worker categories that each union is allowed to represent are carefully prescribed. For example, a worker in a retail establishment cannot join the General Trade Union of the Textile Industry because the only union retail workers legally may join is the General Trade Union of Commercial Stores Employees.

Jordan and International Worker Rights Instruments

Jordan has ratified all of the principal United Nations covenants on human and worker rights:

- International Covenant on Economic Social and Cultural Rights (ICESCR): January 3, 1976
- International Covenant on Civil and Political Rights (ICCPR): March 29, 1976
- International Convention on the Elimination of all Forms of Racial Discrimination (CERD): June 29, 1974
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): July 31, 1992
- Convention on the Rights of the Child (CRC): June 23, 1991

Jordan has ratified seven ILO fundamental conventions reflected in the 1998 Declaration on Fundamental Principles and Rights at Work:

- Convention 29 on Forced Labor
- Convention 98 on the Right to Organize and Collective Bargaining
- Convention 100 on Equal Remuneration
- Convention 105 on the Abolition of Forced Labor
- Convention 111 on Discrimination (Employment and Occupation)
- Convention 138 on Minimum Age for Admission to Employment
- Convention 182 on the Worst Forms of Child Labor

Jordan has not ratified:

- Convention 87 on Freedom of Association and Protection of the Right to Organize

CHAPTER 2

Freedom of Association and the Right to Organize and Bargain Collectively

14

CHAPTER 2

Jordan has ratified ILO Convention 98 on the Right to Organize and Collective Bargaining, and its constitution contains strong language that protects freedom of association and the right to organize. The Jordan FTA recognizes freedom of association and the right to organize and bargain collectively among the international worker rights to be promoted by its formation. The 1996 Labor Code includes basic protections for collective bargaining and against anti-union discrimination in QIZs. For most middle-class professions, a separate body of laws governs professional associations, which are empowered to represent their members' economic interests.¹⁻²

However, Jordan has critical shortcomings in its recognition of these fundamental worker rights principles. For example, Jordan has not ratified ILO Convention 87 on Freedom of Association and Protection of the Right to Organize. Nonetheless, like other countries that have not ratified one or both of these conventions (including the United States, Brazil, China, and Mexico), Jordan is obliged to comply with the principles of freedom of association by virtue of membership in the ILO. In addition, the ILO's 1998 Declaration on Fundamental Principles and Rights at Work says that "all members, even if they have not ratified the Conventions in question, have an obligation...to respect, to promote, and to realize...the principles concerning the fundamental rights which are the subject of those Conventions..." Conventions 87 and 98 are first among the four principles cited.

Jordan's 2001 Public Assemblies Law and other recent legislation limit workers' rights to freedom of associa-

tion and collective bargaining. The 1996 Labor Code places numerous restrictions on the right to strike (see Right to Strike, page 19). It also excludes civil servants, domestic workers, gardeners, cooks, and agricultural workers, in clear violation of ILO standards, which state that standards on freedom of association "apply to all workers without distinction whatsoever." The ILO expressly gives public sector employees the right to form and join unions.³

"[P]ublic servants, like all other workers... have the right to form and join organizations of their own choosing, without previous authorization, for the promotion and defence of their occupational interests. Further, the ILO confers collective bargaining rights on all public service workers "other than those engaged in the administration of the State..."

In addition, the Labor Code and union by-laws limit union membership to citizens, thus officially excluding Jordan's hundreds of thousands of registered migrant workers from the right to representation, collective bargaining, and participation in strikes.⁴

Freedom of Association

Legal Restrictions

Government regulation of labor unions in Jordan contravenes ILO Conventions 87 and 98 in several ways. First, restrictions on the number of unions, which was capped at 17 in 1976, continue to limit union formation. Thus, registration applications for unions outside

of the mandated structures are routinely denied, and worker appeals to the High Court are unsuccessful.⁵

Workers in some state-owned enterprises, civil service agencies, and new private companies have been denied organizing rights under this provision. In April 2000, for example, the government turned down a registration application submitted by 200 employees at the recently privatized Jordanian telecommunications company, explaining that post office and telecommunications employees must be represented by an already established union. Likewise, workers in skilled occupations, such as teachers, paramedics, and assistant engineers, have been denied the right to form professional associations. The GFJTU has recently challenged some of these prohibitions, seeking in particular the right to organize teachers.⁶⁻⁷



Jordan permits only one national labor federation—the GFJTU. It is empowered, after consultation with the labor ministry, to determine member unions’ internal operating procedures, and its executive committee has sought to impose a unified constitution on all 17 unions. The government is known to subsidize GFJTU leaders’ salaries and closely monitor their activities, and unionists have complained about government oversight of GFJTU elections. These actions are in clear violation of principles of freedom of association, which give workers, not their government, the right to decide—without interference—what unions they will either form or join and how they will structure them.⁸⁻⁹

The Labor Code also specifies that a minimum of 50 employees is required to establish a union, a number much higher than the 20 deemed an acceptable minimum by the ILO. To be compliant with ILO principles on this issue, the government would have to lower its numerical standard for forming a union. However, in practice, new unionization is hindered much more by other forms of government control and interference than by this restriction.¹⁰

Union membership in Jordan is voluntary, with a partial exception. During the 1980s and much of the 1990s, Traffic Department policy required commercial drivers to join the union representing land transport workers in order to obtain a license; the department also collected union membership fees. Because many members felt that this arrangement compromised the union’s legitimacy, however, it was modified in 1998; today, the requirement applies only to taxi drivers.¹¹

In professions that are permitted to have professional associations (also called “syndicates”), membership is often compulsory. Workers in those professions, many of whom are public employees, are not free to join any

of the 17 unions that comprise the GFJTU. The associations carry out political and advocacy functions similar to those conducted by traditional trade unions, but face political barriers to collective bargaining.

Some Jordanian analysts and professional association activists believe that the compulsory membership provision contravenes the UN International Covenant on Economic, Social, and Cultural Rights (ICESCR), to which Jordan is a signatory. In the late 1990s, social scientists and association members debated the issue in a series of workshops, but no consensus emerged.

Early in 2005, the Jordanian government considered changing the provision. Most outside observers, however, regarded this as an attempt to weaken the associations, which for decades have strongly challenged the Jordanian government's political decisions—especially those on foreign policy—as being out of step with the majority opinion in the kingdom and too close to U.S. policy in the region. The associations' sharp and unabashedly public critiques of Jordan's relations with Israel, which the majority of Jordanian citizens still reject, have angered and embarrassed the government, as has their opposition to the U.S. war on Iraq. They have organized and led mass demonstrations in the streets of Amman to protest both of these issues.¹²

The government has publicly committed to political reform. It is especially proud of expanding the executive branch and Parliament to be more inclusive, promoting women's rights, and reforming the intelligence and police services. However, these initiatives can be hard to reconcile with other political developments. The dispute with professional associations began in January 2005, when the government overtly attempted to stifle their political free speech. It ended with the police forcibly removing banners from the Professional

Despite provisions in Jordan's constitution that guarantee the right to free speech, expression, and assembly, workers do not fully enjoy these rights.

Association complex, which houses several professional syndicates in Amman. The banners carried slogans praising Palestinian resistance and supporting political Islamic tendencies in the Palestinian Territories.

Apparently to keep this opposition in check, the government is trying to further regulate professional associations. Human Rights Watch asserts that a draft law before the parliament would “create a government-controlled disciplinary structure with the authority to punish and suspend members from the practice of their profession for a variety of vague, ill-defined infractions.” The draft bill would also require the associations to adopt a new, indirect method of leadership selection, depriving members of the ability to directly elect their officers. The new rules prevent the direct election of association leadership by members in two ways. First, intermediary institutions, to be called “local elections councils,” would elect the governing council and president. Second, each member would be allowed to vote for only one candidate. Candidates would be prohibited from running on a slate—a technique that had enabled opposition groups (such as the Islamic Action Front) to dominate some professional associations. It is precisely for that reason, critics charge, that the government is trying to directly control the procedures that govern elections in professional associations.¹³

Freedom of Expression and Assembly

Despite provisions in Jordan's constitution that directly or indirectly guarantee the right to free speech, expression, and assembly, workers do not fully enjoy these rights. Amnesty International recently expressed its concern

regarding “the lack of precision and the breadth of new laws [that] create uncertainty about which sorts of conduct are prohibited, may criminalize peaceful activities, and infringe unduly upon rights to freedom of expression and assembly.”¹⁴

The Public Assemblies Law, passed in August 2001 (nearly a year after the United States and Jordan signed the Jordan FTA) and renewed in 2004, is a good example. In direct contravention to the UN International Covenant on Civil and Political Rights (ICCPR), it bans organizing and/or holding rallies and public meetings without the government’s prior written consent. Violators can be fined and jailed for months. The government uses the law as an aggressive control mechanism, generally granting permits only to government-sponsored organizations and “preferred” non-governmental organizations (meaning those that support government policies). The law’s enactment has paved the way for crackdowns, including hundreds of politically motivated arrests, on activities critical of the government.^{15–18}

The law is no more lenient toward syndicate activities. In November 2001, police halted an indoor rally supporting the people of Afghanistan that was being held at the Professional Association complex. The president of the Professional Associations Congress (PAC) later said he had held the rally inside the building because he thought that a less visible event would be less likely to invite repression under the Public Assemblies Law. The president of the Jordanian Bar Association, the syndicate that represents Jordan’s lawyers, charged that government interference with the gathering violated the rights of professional associations.¹⁹

The government assault on professional associations continues. In early 2005, it banned four planned political events by professional associations, including one to

protest a new, even more restrictive draft associations law. The new law would require that any gathering or meeting of professional associations could cover only topics that the government specifically designated “professional matters,” such as “cultivating scientific research,” “publishing specialized scientific publications,” and “providing advice to official bodies in relation to the practice of a profession and its development.” Any subject matter that fell outside these highly specific designations would require pre-approval and could be denied.²⁰

In May and June 2002, unions canceled demonstrations under similar pressure. But unions have not refrained entirely from voicing their demands in public. The General Union for Workers in Food Industries (GUWFI) has been particularly active. In 2002, the union conducted 12 protests. In November 2003, nearly 170 workers from the national Agricultural Marketing Processing Company (AMPCO) staged a multi-day sit-in before Parliament to protest the government’s disregard for their concerns about the company’s privatization plans. The AMPCO workers won promises of assistance from the Minister of Labor and other officials in mitigating layoffs.^{21–22}

The bank workers’ union also has become more assertive. On May 22, 2004, it staged one of Jordan’s largest labor rallies in years to protest the Arab Bank’s refusal to raise salaries, increase severance pay, and improve health care coverage. More than 2,000 workers participated, including some from other unions who came in solidarity. Like the PAC event, the rally was held indoors to reduce the chances that the Public Assemblies Law would be invoked to prevent it. But on June 8, the union stepped up its pressure with a mass rally outside the bank’s headquarters in Amman. It was the largest outside assemblage of workers in more than

five years, and it occurred without a permit; union organizers had not applied for one, knowing that it would not be granted. One union speaker openly challenged the official restrictions on public gatherings, framing the event as consistent with the government's stated commitment to political development and pledging that unions would persevere. At first, police tried to push union leaders off the sidewalks and demanded that they leave, but eventually they relented. However, police maintained a wall formation on the other side of the street for the duration of the rally.²³

Prohibitions on gathering publicly without permission not only deny workers their fundamental right to protest for better working conditions, but also can interfere with their daily efforts to earn a living. Day laborers in Amman's Sweileh neighborhood face constant pressure from authorities. "Sometimes the police track us and put us in jail because we are congregating in the streets," one laborer reported. Another concurred: "The police say, 'You animals. Don't gather.'" An interview with field researchers was itself cut short as a police car slowed and bullhorned, "No gatherings," and workers fled in every direction.

Freedom of Speech

Equally troublesome is the legacy of the Press and Publications Law. Passed in 1998, it barred newspapers from publishing news, opinions, and reports that, among other things, instigated unauthorized strikes, sit-ins, and public assemblies. Although its harshest provisions were modified in 1999, similar prohibitions still exist in the Penal Code and other laws, and government censorship of the press continues in practice. At least once in 2002, the government pressured newspapers not to run paid advertisements placed by a subcommittee of the GFJTU to announce upcoming demonstrations.^{24–26}

More recently, however, unions have experienced some success through media access. Describing a planned job action involving 1,300 janitors, security guards, and nutritionists employed by a health services contractor at four Amman hospitals, a representative of the General Union of Health Services Employees (GUHSE) noted that the union had placed advertisements in newspapers condemning the company's actions. "We can escalate by using the media," he said.

Checks on Political Participation

Laws against political participation also curb Jordanian citizens' freedom of association. Article 149 of the Penal Code allows hard labor for "anyone engaged in any individual or collective action with intent to change the economic or social nature of the state or basic conditions of the society"—a clear violation of ILO core labor standards. Article 150 describes vaguely worded offenses, such as disturbances, sit-downs, and unauthorized public meetings. The Political Parties Law requires that political parties and other associations obtain government licenses. Separate



laws impose up to two years' imprisonment for membership in illegal associations and up to six months for distributing leaflets. The only legally authorized activity for a professional association is work on "professional" issues.²⁷⁻²⁹

The government has invoked all of these provisions to punish labor unions and professional associations for political activism. In November 2002, it dissolved the council of the Engineers Association, the richest and most powerful of Jordan's professional associations; threatened to dissolve other professional associations that engaged in illegal political activities; and targeted the PAC's Anti-Normalization Subcommittee. In December 2004, a member of the Engineers Association was detained after giving a lecture at the Professional Association complex that recommended a boycott of U.S. goods and companies.³⁰⁻³²

Union leaders also have been persecuted for political activism under these laws. In 2002, Hisham Bustani, a trade unionist and member of the Arab Organization for Human Rights, was detained twice on suspicion of "disseminating rumors harmful to the reputation of the state."³³

The effect of the Political Parties Law has been to hinder unions' growth. Unions have been more reticent than the professional associations about challenging these restrictions. "Workers don't like organizing," said a leader of the General Trade Union of Workers in Textile, Garment, and Clothing Industries (GTUWT-GCI), "because they think it is like a political party. If you join a political party, you go to jail." Another union leader stated, "Unions [in Jordan] were first controlled by one 'color.' There is always a big conflict between the government and the left. If workers join the union, they [think they] will be against the government. They believe they will lose their freedom and their jobs."

Right to Strike

The right to strike, guaranteed under ILO Conventions 87 and 98, is limited in Jordan. The Labor Code requires that unions give employers 14 days' advance strike notice, doubled to 28 days in the case of public services. In practice, unions are expected to obtain permission from the government before a strike can occur. The labor ministry can impose mediation at first and then, if the dispute remains, binding court proceedings. Strikes are prohibited during and after both of these processes, and the restrictions apply to all industries.³⁴⁻³⁶

The law specifies individual fines for workers engaged in illegal strikes and allows the Ministry of Labor to initiate dissolution proceedings against unions that call for strikes in violation of the law. However, unions generally do not seek approval for work stoppages, while using the threat of strikes regularly. Illegal strikes in Jordan are used tactically. In 2004, for example, GUWFI locals conducted strikes that were technically illegal but nonetheless successful. A GUWFI representative told field researchers, "We've done strikes without notification—they are illegal, but we've had some success in convincing political leaders that such strikes are a reaction to an action of employers—and that those [employer] actions were injustices." Anti-strike rulings in the courts are not prevalent, and police do not attack or arrest strikers.³⁷⁻³⁸

Occasionally, the government has intervened positively in labor disputes to protect workers' interests. In one high-profile 2003 case, unions applauded the government for helping them secure overdue pay from four factories. In another, an 11-day worker sit-in ended after the government decided to postpone indefinitely its privatization of an agricultural processing company.³⁹⁻⁴⁰

Inconsistently applied government intervention, however, can have negative consequences for worker rights. Jordan's

laws on strikes take a toll on the country's workers, leaving them little effective recourse for challenging employers or the government. In September 2003, the Minister of Labor condemned a two-hour sit-in by 1,600 workers at the Jordan Cement Factories Company, calling it illegal because workers did not give the company advance notice and because the action occurred during the ministry's mandatory mediation process. In March 2004, the Labor Court, in a binding decision, denied most of the bargaining demands of the electricity workers' local at the Jordan Electric Power Company. Although a leader of the General Union for Workers in the Electricity Sector threatened an open-ended work stoppage, the Minister of Labor warned that any such stoppage would be illegal in light of the decision. Even when strikes are allowed, the approval process can take several weeks.⁴¹⁻⁴²

As with other union activity in Jordan, evidence suggests that workers who go on strike are inadequately protected from employer retaliation. In 2000, female employees at Al Sari, a textile factory in the Ramtha QIZ with mandatory overtime and sub-minimum wages, were escorted from the premises "by force" and suspended for a week following their participation in a strike. If workers feel that they cannot strike or otherwise participate in union activity for fear of employer retribution, and have little hope of legal protection, the rights to organize and bargain collectively are severely undermined.⁴³

Improved legal systems and better government enforcement of protections for workers who attempt to exercise their rights would enhance the strike environment in Jordan. Such measures, coupled with Jordanian unions' increasing efforts to use their existing legal rights fully and consistently to defend workers' bargaining rights, could help build a robust industrial relations climate where worker rights are respected.

Right to Organize and to Bargain Collectively

Anti-Union Retaliation

Although Jordanian law prohibits anti-union discrimination, the International Confederation of Free Trade Unions (ICFTU), which maintains a regional office in Amman, has alleged that the 1996 Labor Code does not shield unions from acts of interference by employers and government officials. The ICFTU also reported that the government has not adequately protected employees from anti-union discrimination and has dismissed public sector employees for political reasons. Many workers do not speak out for fear of retaliation.⁴⁴⁻⁴⁶

In 2002, the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) reiterated a standing request to Jordan's government that it amend the Labor Code to "provide expressly for rapid appeal procedures, coupled with effective and dissuasive sanctions against acts of interference," apparently unconvinced by the government's claim in 2000 that protection against such acts was "implicitly recognized in the legislation." The government responded that it noted the observation and would "take it into account" in amending the Labor Code. However, as of late 2005, the government had not amended the law.⁴⁷⁻⁴⁸

As in many countries, the practical effect of weak protections against anti-union discrimination in Jordan is reflected in the stories of individual workers. In 2000, managers at the Jordan Food Industry Factory fired 28 women after the women demanded to be paid the minimum wage. "My boss told me it is impossible to pay... the minimum wage, which made us more determined to get that money," said one worker. "After we insisted, he decided to fire us, just like that."⁴⁹

Women from a textile factory in Irbid's QIZ described their recent attempt to get higher wages. They signed a petition addressed to their union, the GTUWTGCI, requesting bargaining on their behalf. One worker testified, "The company found out. The administrative manager said, 'I have a paper with signatures.' I told him that we didn't do anything wrong. He replied by saying, 'We will not allow you to do this.'" The woman reported that thanks to the union's backing, she was able to keep her job—but the supervisor now watches her closely from a nearby window.

The suppression of worker voices can extend to workers who merely attempt to maintain product quality. Although not anti-union discrimination per se, the story of a union member from an adjacent factory is illustrative. When the worker asked that a number of bags be re-stitched, her supervisor filed a false report to the authorities, saying that she had insulted the king. As a result, she spent nearly seven weeks in jail.

Two female janitors employed by a health services contractor at a hospital in Amman reported that anti-union discrimination there is common:

"The medical company, sometimes they see keen and smart people who might join the union, and they will kick them out... One of the guys who worked in security was fired during a [government-approved] strike because he was telling workers to go to the strike. He was working in two jobs, [and] he was fired out of both. He now sells vegetables in the market. I told the union leader about this case, but they couldn't do anything. [Another worker], just because he was standing with his friends near the strike, was also fired.

"The police came to the last strike and told us we could not leave the hospital. We declared the strike for one hour but the police came from 7 a.m. to 2 p.m. and did not let us leave. We didn't stop work—'Anyone who will stop work will be fired,' said the project manager. [Our employer] called the general manager of the hospital and said that if [we] encouraged others to stop work [we] would be fired, because we are the union committee."

Leaders of the textile and health care workers' unions report that companies often try to evade the law, not by firing workers outright, but instead by shifting them from position to position and making their jobs difficult. One union leader explained, "If a worker favors the union, they will push her to leave the job. They put them in the corner. If they fire them, it will be a violation. So instead, they shift locations and give warnings." A GUHSE representative said, "If the company knows that someone is keen to get information on worker conditions they will cause problems—they will shift the worker's position of work."

The threat of retaliation—including firing—forces union supporters to keep a low profile. "If they find out I'm coming to the union," said a textile worker employed in Irbid's QIZ, "they will fire me." The GUHSE leader said, "Retaliation against workers occurs in our sector—when a worker comes to join us as a member, he knows he can never bring this to work."

Limitations on Certain Worker Categories

Jordan's 1996 Labor Code does not protect civil servants, domestic workers, gardeners, cooks, or agricultural workers, nor does it apply to non-Jordanian citizens. These provisions obstruct the right to organize for entire categories of workers.⁵⁰⁻⁵²

they are not affiliated.” To remedy this situation, a couple of unions in Jordan recently initiated efforts to extend their collective bargaining agreements to cover all workers in a plant, regardless of citizenship status.⁵⁷

The abuse of domestic workers, many of whom are migrants, also may partly reflect their lack of collective power. As a Ministry of Labor official pointed out, “For domestic workers, nothing has been changed—because it is a private thing between employer and employee in the home. They are in a certain relationship. My personal perspective is that because I brought [the domestic worker], I should have some control.” He went on to say that domestic workers who face problems with their employers can go to the police or embassies if their situations become dire. But many employers forbid their domestic workers to venture out and may lock them in the house, in part to prevent communication with others.⁵⁸

Challenges for Undocumented Workers

In Jordan, as in many countries, workers without employment authorization face even greater challenges in using collective efforts to better their working conditions—including the prospect that such efforts will be met with threatened or actual deportation.

Members of a crew of young Iraqi migrant workers who were digging ditches on the highway between Amman and Kerak reported that they have had problems with employers. “Some employers cut our pay or don’t pay us,” said a 17-year-old. “Some will use the lack of a work permit against us.... They will say, ‘We will deport you—you have no permit.’ If we protest as a group, they will threaten to take us to the police.”

The *Jordan Times* reported that domestic workers without permits also face an uphill battle in fighting for fair treatment (see Chapter 3).⁵⁹

“Some employers purposely neglect arranging the [immigration] paperwork in full knowledge that they can then hold an employee hostage. If they have any problems or if a worker challenges the terms of employment, all an employer has to do is contact Immigration, who will then detain, fine, and deport the worker, usually without being paid.”

According to an official at the Ministry of Labor, “When there is the threat of deportation, the worker will come to complain to the ministry, and even though he has no work permit, we will go to the employer and we will say that the worker has a right from [the employer] despite not having a work permit. We will not deport the worker, because it was the employer’s fault.” But day laborers and stonemasons in Amman’s Sweileh neighborhoods haven’t yet heard that message; several complained about lack of concern among government agencies. One said, “The Ministry of Labor will only check the documents—legal or illegal.”

The government has taken preliminary steps to halt the abuse of undocumented workers. In 2004, some 145,000 migrant workers were registered in Jordan. The *Jordan Times* reports that rectifying the workers’ status is part of the ministry’s inspection campaign to ensure that public and private sector establishments abide by labor laws and regulations.^{60–61}

Jordan has begun to open political space for democratic participation and provides limited protections for worker rights. However, the government must substantially change the law and significantly improve its enforcement of that law before Jordan can be considered fully compliant with core labor standards on freedom of association and the right to organize and bargain collectively.

Endnotes

- ¹ U.S. Department of State, *Country Reports on Human Rights Practices 2003: Jordan*, Section 6b (2004), at www.state.gov/g/drl/rls/hrrpt/2004/41724.htm.
- ² Hani al-Hourani, "The Development of the Political Role of the Professional Associations: A Historical Survey 1950-1989," in Warwick M. Knowles, ed., *Professional Associations and the Challenges of Democratic Transformation in Jordan* (Amman: Al-Urdun al-Jadid Research Center), 2000, pp. 17-62. Note that in the Jordanian context, both professional associations and trade unions are organizations that represent and defend the interests of different categories of workers. The distinction between "trade unions" and "professional associations" is proscribed by Jordanian law as well as by political culture.
- ³ This principle is expressed in multiple ILO findings, such as the ILO Digest of 1985, paragraph 213; the 238th Report, Case No. 1189, paragraph 260(a); and the 291st Report, Case No. 1557, paragraph 285(a).
- ⁴ U.S. Department of State, Note 1 above.
- ⁵ International Confederation of Free Trade Unions, *Jordan: Annual Survey of Violations of Trade Union Rights* (2000), at www.icftu.org/displaydocument.asp?Index=991210700&Language=EN.
- ⁶ ICFTU, *Jordan: Annual Survey of Violations of Trade Union Rights* (2001), at www.icftu.org/displaydocument.asp?Index=991213862&Language=EN.
- ⁷ Hussein Abu Rumman, "Internal Democracy in the Professional Associations: Realities and prospects for the Future," in Knowles, Note 2 above, p. 93.
- ⁸ Noha El-Mikawy and Marsha Pripstein Posusney, "Labor Representation in the Age of Globalization: Trends and Issues in Non-oil-based Arab Economies," in Zafiriz Tzannatos and Heba Handoussa, eds., *Employment Creation and Social Protection in the MENA Region* (Cairo: American University in Cairo Press), 2001, p. 59; Hani al-Hourani, *The Jordanian Labour Movement: History, Structure and Challenges* (Bonn, Germany: Friedrich-Ebert-Stiftung, 2001), p. 73.
- ⁹ U.S. Department of State, Note 1 above, Section 6a.
- ¹⁰ Jordanian Labour Law No. 8 for the Year 1996, published in al-'Amal (Ministry of Labour magazine), No. 80, 1997, also at www.mol.gov.jo/Index.asp?id=138; *Justice for All: A Guide to Worker Rights in the Global Economy* (Washington, DC: American Center for International Labor Solidarity, 2003).
- ¹¹ Zaid Hamzeh, "Membership of the Associations," in Knowles, Note 2 above, p. 121.
- ¹² Knowles, Note 2 above.
- ¹³ Human Rights Watch, "Jordan: Draft Bill Would Muzzle Civil Society," press release, April 6, 2005, at <http://hrw.org/english/docs/2005/04/06/jordan10430.htm>; "PAC Urges Parliament to Reject Draft Law," *Jordan Times*, March 8, 2005.

- ¹⁴ Amnesty International, *Jordan: Security Measures Violate Human Rights*, Feb. 5, 2002, at <http://web.amnesty.org/library/Index/ENGMDE160012002?open&of=ENG-JOR>.
- ¹⁵ Article 21 of the ICCPR states: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” (Article 21 of ICCPR). See Amnesty International, Note 14 above.
- ¹⁶ *Ibid.*; “Withstanding Scrutiny,” *Jordan Times*, Feb. 20, 2004.
- ¹⁷ U.S. Department of State, Note 1 above, Section 2b.
- ¹⁸ Amnesty International, *2003 Report: Jordan* (2003), at <http://web.amnesty.org/report2003/Jor-summary-eng>.
- ¹⁹ Human Rights First, *Human Rights Defenders in Jordan: Government Undoing a Decade of Reform* (2002), at www.humanrightsfirst.org/middle_east/jordan/hrd_jordan.htm.
- ²⁰ Human Rights Watch, Note 13 above; *Jordan Times*, Note 13 above.
- ²¹ U.S. Department of State, *Country Reports on Human Rights Practices 2002: Jordan*, Section 2b (2003), at www.state.gov/g/drl/rls/hrrpt/2002/18279.htm.
- ²² See Khalid Dalal, “AMPCO workers stage sit-in in front of Lower House,” *Jordan Times*, Nov. 10, 2003.
- ²³ Reported by field researchers in Amman, July 24, 2004.
- ²⁴ Amnesty International, *Jordan: An Absence of Safeguards*, Nov. 1, 1998, at <http://web.amnesty.org/library/Index/ENGMDE160111998?open&of=ENG-JOR>.
- ²⁵ See U.S. Department of State, Note 1 above, Section 2a.
- ²⁶ Freedom House, *Country Ratings: Jordan* (2003), at www.freedomhouse.org/research/freeworld/2003/countryratings/jordan.htm.
- ²⁷ See Amnesty International, Note 14 above.
- ²⁸ See Human Rights First, Note 19 above.
- ²⁹ See Amnesty International, Note 14 above; U.S. Department of State, Note 1 above, Section 2b.
- ³⁰ Freedom House, Note 26 above.
- ³¹ Human Rights Watch, Note 13 above.

- ³² After subcommittee members disseminated leaflets critical of Jordan's relationship with Israel, the Court of Cassation's Special Bureau for the Interpretation of Laws found that the subcommittee was an illegal association and threatened to dissolve it if it continued to "practice political activities." Sana Abdallah, "Amman for All Seasons," *Al-Ahram Weekly*, Nov. 20, 2003; Amnesty International, *Report 2004: Jordan* (2004), at <http://web.amnesty.org/report2004/jor-summary-eng>.
- ³³ Amnesty International, *Jordan: Right to Freedom of Expression and Association Denied*, press release, Nov. 11, 2002, at <http://web.amnesty.org/library/Index/ENGMDE160202002?open&of=ENG-JOR>.
- ³⁴ See International Labor Organization, *General Survey, Freedom of Association: Collective Bargaining and Agreements*, Report III, Part 4B, 81st Session, 1994.
- ³⁵ El-Mikawy and Posusney, Note 8 above, p. 60.
- ³⁶ ICFTU, *Jordan: Annual Survey of Violations of Trade Union Rights* (2004), at www.icftu.org/displaydocument.asp?Index=991219457&Language=EN; U.S. Department of State, Note 1 above.
- ³⁷ El-Mikawy and Posusney, Note 8 above, p. 60; Jordanian Labour Law No. 8 for the Year 1996, Note 10 above.
- ³⁸ U.S. Department of State, Note 1 above.
- ³⁹ See "Jordan: Union Secures Overdue Salaries for Textile Sector Workers, Pressure on Remaining Companies Grows," *Global NewsWire*, June 30, 2003.
- ⁴⁰ See "Jordan: Ampco Workers End Protest as Gov't Postpones Privatization Plans," *Global NewsWire*, Nov. 13, 2003.
- ⁴¹ Khalid Dalal, "1,600 Cement Workers Stage Sit-in, Protesting Management 'Disregard'; Muhaisin Criticises Action, Calling it 'Illegal'," *Jordan Times*, Sept. 9, 2003.
- ⁴² Khalid Dalal, "Union Unhappy over Labour Court Decision," *Jordan Times*, Mar. 16, 2004.
- ⁴³ Mohammad Ben Hussein, "Textile Workers Suspended Following Strike against 'Poor Treatment and Low Wages,'" *Jordan Times*, June 3, 2000.
- ⁴⁴ ICFTU, Note 5 above.
- ⁴⁵ U.S. Department of State, Note 1 above, Section 6a. The State Department notes, however, "[W]orkers may lodge complaints of anti-union discrimination with the Ministry of Labor, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of anti-union discrimination lodged with the Ministry of Labor during the year."
- ⁴⁶ ICFTU, *Jordan: Annual Survey of Violations of Trade Union Rights* (2003), at www.icftu.org/displaydocument.asp?Index=991217759&Language=EN.

- ⁴⁷ ILO CEACR, *Individual Observation Concerning Convention No. 98, Right to Organize and Collective Bargaining: Jordan* (2002).
- ⁴⁸ ILO CEACR, *Individual Observation Concerning Convention No. 98, Right to Organize and Collective Bargaining: Jordan* (2000).
- ⁴⁹ Mohammad Ben Hussein, “Women Last to Benefit from Minimum Wage,” *Jordan Times*, Jan. 24, 2000.
- ⁵⁰ ICFTU, Note 46 above.
- ⁵¹ U.S. Department of State, Note 1 above, section 6a; ICFTU, *Jordan: Annual Survey of Violations of Trade Union Rights (2004)*; see also *Human Rights Watch, World Report 2003*.
- ⁵² This chapter (and indeed the entire report) considers the special circumstances and conditions under which non-Jordanians work in Jordan. Non-citizen workers are referred to throughout the text as “migrant workers.” The non-Jordanian workforce is diverse and includes citizens of surrounding countries and countries as far away as Sri Lanka and China, as the report describes. Some of these workers are in Jordan for short periods of time, but many stay and work, and live, for years. For the purposes of this report, “migrant workers” is used according to the definition provided by the International Convention on the Protection of Rights of All Migrant Workers and their Families, which was approved by the UN General Assembly in 1990 and came into force in 2003: A migrant worker is “a person to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.” See www.ohchr.org/english/law/cmw.htm
- ⁵³ ILO CEACR, Notes 47 and 48 above.
- ⁵⁴ U.S. Department of State, Note 1 above.
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- ⁶⁰ Riad al Khouri, “Migrant Workers in the Jordanian Context,” April 2005, paper commissioned by ICFTU Amman, Jordan, regional office.
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CHAPTER 3

Discrimination in the Workplace

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Jordan has ratified ILO Convention 111 on Discrimination and Convention 100 on Equal Remuneration, as well as the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Over the past 50 years, Jordanian women have achieved substantial gains and now enjoy full political rights.

However, the United States and Jordan did not include non-discrimination among the enforceable provisions of the Jordan FTA—even though it commits both countries to respect non-discrimination as one of the core labor standards outlined in the ILO Declaration on Fundamental Principles and Rights at Work. Moreover, while the Jordanian constitution holds discrimination illegal on grounds of race, language, or religion, it makes no mention of gender. Jordan’s labor laws exclude informal workers and cover non-citizens only in certain sectors, and the laws themselves are not always enforced. In practice, Jordan has failed to prevent violations of workers’ right to be free of discrimination in the workplace; non-citizen workers, workers in the informal economy, women, and marginalized populations are often either illegally discriminated against or not protected by Jordanian labor laws.¹

The United States and Jordan did not include non-discrimination among the enforceable provisions of the U.S.-Jordan Free Trade Agreement.

Women in the Workplace

Jordanian women have employment opportunities in many occupations, yet they constitute only 14.7 percent of the total workforce. In 2000, female workers held approximately 52 percent of jobs in the education sector and 30 percent of those in health care, but they made up only 10 percent of all private sector employment and held only 7.5 percent of managerial posts. Unemployment is not only higher among females than males, but also growing more rapidly. In 2002, female joblessness was at 21.9 percent and had increased by 6.8 percent over the previous year; for males the comparable figures were 14.0 percent and 2.1 percent, respectively.²⁻³

Cultural and legal barriers hinder the expansion of female employment. Social mores discourage many women from working as waitresses, tour guides, and secretaries in small, private firms; from traveling long distances to work; and from working after dark (before 1996, the Labor Code actually prohibited women from working at night). Article 69 of the current Labor Code still allows the Minister of Labor to ban female work in certain industries and jobs and at certain times.⁴⁻⁵

On the other hand, Articles 70-72 specify that employers must provide women workers with “special benefits,” such as maternity leave, breaks for nursing children, and (for firms with more than 20 married female employees), child care. These provisions represent a significant achievement for women workers, one not universally shared around the world. But they are expensive to implement, and some private sector employers actually

use them as an excuse not to hire women. Partly for this reason, most Jordanian women workers are found in the public sector. In 2000, almost 50 percent of women workers, but only 37 percent of men, were government employees. In establishments with five or more employees, 68 percent of women, versus 55 percent of men, worked in the public sector.⁶

Jordan's QIZs were partly intended to generate new private sector employment opportunities for women, and to a certain extent they have succeeded. Nearly 15,000 Jordanian women are now employed in the country's six zones. Many are single, from rural areas, and new entrants to the labor force. Living at home with parents who lack work, they are making a significant contribution to their families' household incomes. But for many reasons, women comprise only 30 percent of the total



48,000-member QIZ workforce. Working conditions are difficult. Commutes can be long and dangerous. Employers tend to prefer non-citizen labor.⁷

Although Jordan's laws reflect basic principles of the right to work and equality for all its citizens, including equality in the workplace, the laws are not always applied, and women continue to experience discrimination at work. According to the ICFTU, fewer than half the companies in Jordan complied with the minimum wage legislation in 1999.

A January 2000 newspaper investigation found that some women's wages did not exceed half the minimum wage. "We heard the news about the minimum wage, but we never felt its impact on our life," said a mother of four working as a kindergarten teacher in Wadi Seer. Most sub-minimum wage workers were women who did not speak out for fear of losing their jobs. A female worker in a textile factory told a reporter that her employer had forced her to lie to Ministry of Labor inspectors who had inquired about her pay. "[The employers] always tell us there are too many [women like] us," she said. "If you do not take [the job], others will,' they say."⁸

These practices were still taking place several years later. However, the Jordanian government and some NGOs launched public relations and educational campaigns aimed at enforcing non-discrimination and encouraging gender equality. In 2003, the ILO's CEACR noted the adoption of a Civil Service Act that created a policy of non-discrimination in government employment, although it also observed that the government had yet to show how non-discrimination in employment is ensured in law and practice. More recently, the United Nations Development Fund for Women (UNIFEM) released a joint report with Jordan's Department of Statistics and the Jordanian National Commission for Women. The

UN Resident Coordinator in Jordan commended the country's efforts to achieve gender equality and stated that the report showed that the country is "on the right track."⁹⁻¹¹

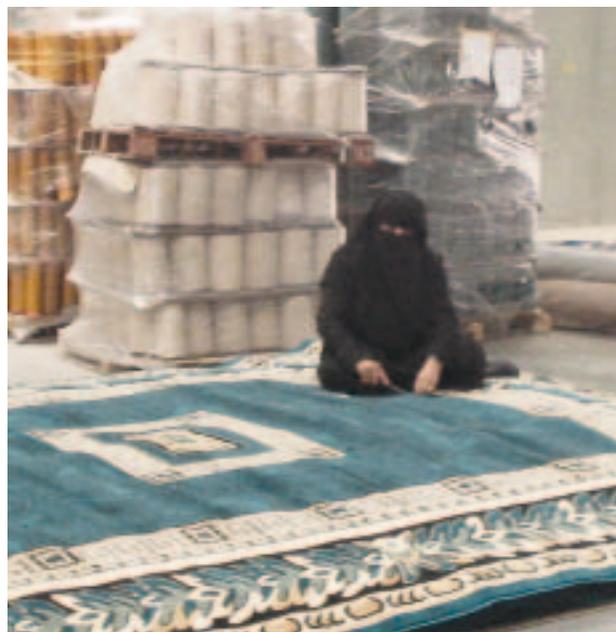
Today, Jordanian working women are organizing through their unions to defend and protect their rights in the workplace as never before. Almost every active union with a significant membership base has a dedicated department, run by women trade union activists who are pushing to educate women workers and union members at large about women's rights at work. Their combined efforts have already built an activists' cadre of union women who are beginning to influence the way their employers—and their unions—consider and enforce these rights.¹²

Women hold non-traditional positions in many professions, especially in large factories with union presence. A married mother of two who works as an engineer at a cement factory in Amman said that she enjoys her job greatly. "Six women work in the office and outside as engineers," she explained. "I work with equipment and engines to control problems—I create a team to analyze problems, and I contact the company to explain any stoppages. In this plant it is the same for women and men. In technical meetings, even with 30 men and one woman, no one becomes angry. I have the same salary, the same promotions, and 70 days for maternity leave won by the union. We are not afraid of retaliation, we have good situations."

Nevertheless, violations occur. Women who are less educated and/or working in the service sector are particularly vulnerable. Two female supervisors for cleaning and services at a hospital in Amman said, "Our salary is less than males' but we work harder. We get 110 JD (\$154) a month, they get 130 JD (\$182), and we get no raises or allowances."

Traditional resistance to change that threatens the patriarchal order cannot be underestimated. Jordan is still grappling with the crucial area of sexual harassment, which often leaves women with little option but to quit their jobs. A female hospital janitor described one co-worker's plight:¹³

"We used to have a worker, a woman with six children, who was divorced, and very beautiful. They pushed her too much to use her [sexually], both the men of the medical company and the hospital. She resigned. When both the men were asking, she had to quit because she had no one to complain to. There is a proverb: To whom will we go if the judge is corrupt? And out of dignity we will not go to the courts because of gossip."



Two female supervisors for cleaning and services at a hospital in Amman said, “Our salary is less than males’ but we work harder.”

To prevent women from being harassed by their male co-workers, managers at i-Textil garment factory decided to segregate jobs by sex. One manager explained, “Our policy is that sewing is for women only. We had men before but they were creating problems in the sewing section for the other women.”

Women face sexual harassment on the job and violence when traveling to and from work. Several QIZs are located in remote and sparsely populated areas. Travel after dark can become dangerous for women, especially during the winter when the sun has already set before their shift is over. Some buses service QIZs, and a few factories provide transportation for their workers, but even these conveniences can be dangerous. A female QIZ employee told an interviewer that on many occasions, drivers had kidnapped and assaulted her co-workers.¹⁴

Discrimination Based on National Origin

Jordan has a large Palestinian population with varying degrees of legal rights. Most Palestinians who live in Jordan are Jordanian citizens and hold passports. While many have excelled and thrived in Jordan, discrimination is still widespread, and can be seen in the application of citizenship laws, in appointments to positions in the government and the military, in admittance to public universities, and in the granting of university scholarships.

Almost 1.7 million Palestinian refugees are registered in the country with the UN Relief and Works Agency for Palestine Refugees (UNRWA). UNRWA counts another 800,000 Palestinians as displaced persons from

the 1967 war, arrivals following the 1967 war, or returnees from the Gulf between 1990 and 1991.¹⁵⁻¹⁶

A group of Palestinian construction workers from the Bakaa refugee camp, waiting on an Amman street for work, expressed their frustration to field researchers over earning only 8 JD [\$11.20] for a day’s work that comes only every few days. They have little documentation; one man in his thirties said, “I have a temporary [expired] passport but no ID.” He explained, “When my father got citizenship, we were all over 18 years old,” and he and his siblings have not been able to obtain citizenship on their own. One man, whose child is in the hospital, said, “We have no rights and are not respected. No social security, nothing. What rights do we want? Health insurance and social security. There is no democracy, we cannot speak openly—there are no rights for us.... We work very hard, for nothing.” The lack of a non-discriminatory, adequate legal process for documentation keeps many such workers out of the formal, regulated economy, both depriving them of their basic rights and setting them against groups of other workers who do not suffer such discrimination.

Migrant Labor

Non-Jordanians are a growing presence in the country’s workforce. All migrant workers in Jordan must have valid work permits, for which they must pay an annual fee or risk deportation. In 2003, the Ministry of Labor issued work permits to 127,000 non-Jordanian workers. By March 2004, that number had increased to 145,000 registered migrant laborers, most of them Egyptians and Syrians working in the agricultural, construction, and service sectors. The QIZs also attract migrant workers; more than 50 percent (nearly 25,000 of 48,000) of all QIZ workers are non-Jordanian, and close to 16,500 are women. According to the Ministry

of Labor, almost 15,000, or 45 percent, of the jobs in the clothing industry are held by non-Jordanian workers. Work and residency permits are an important source of revenue for the Jordanian government. In 2003, they generated 26.3 million JD (\$36.82 million); in 2004, estimated revenue increased to 27.5 million JD [\$38.5 million].^{17–20}

As discussed in Chapter 2, non-Jordanian citizens, even those with work permits, are legally excluded from union membership and therefore have little recourse for fighting discrimination (although some unions informally represent migrant workers' interests). Migrant workers, particularly those in the textile industry, must depend on their employers for food, housing, and transportation home, as well as for their monthly wages. Unscrupulous employers take advantage of their vulnerability by withholding wages and denying work permits. In one case, 50 Indian workers at the Al-Tajamout QIZ claimed that their employer had failed to pay them for three months, refused to feed them for a week, and then fled the country. The workers also were subsequently forced to leave the country, without having obtained any relief.^{21–22}

Because employers normally issue QIZ workers an airline ticket back to their home country only upon completion of their work permit, if employers flee, workers have no work permit and no way to return to their native countries. This is not an uncommon practice. In 2002, three clothing factories were shut down after their owners failed to pay workers' salaries. In 2003, a Pakistani businessman who owned a clothing factory at Irbid's Al Hassan QIZ left the country owing his 383 employees nearly 500,000 JD (\$700,000). The Pakistani and Indian workers fared worse than the Jordanian workers; while the Jordanian workers received no wages for nearly three months, the non-Jordanians went unpaid for five months.^{23–24}

Migrant workers from certain countries can call on their embassies for assistance in negotiating employment disputes and work permits. For example, employment and welfare counselors at the Sri Lankan Embassy may intervene on behalf of Sri Lankan domestic and textile workers in disputes between employers, employees, and the government. "In some cases, workers call us," said a Sri Lankan embassy official. "I visit the factory, and speak to them in my language—I have got positive stories."

Egyptian nationals also can appeal for help from their embassy. A 36-year-old Egyptian stone worker told Solidarity Center interviewers, "I stay with my current employer because he is fair and pays good wages, but not all employers support us. I worked at more than one place in 11 years and not all of them respected my rights. If someone violated my rights I would go to the Egyptian Embassy. The embassy lawyer would help to bargain the wages."

Nationals of other countries may not be as fortunate, especially if they cannot obtain work permits. In part because of the country's recent economic troubles, Jordan has adopted immigration policies that deny work permits to refugees and asylum seekers. Such policies contravene the United Nations High Commission for Refugees (UNHCR) general recommendations to allow asylum seekers and refugees to work legally.²⁵

Tens of thousands of Iraqi migrants entered Jordan in the 1990s, fleeing economic hardship due to UN sanctions imposed on the country as a result of Iraq's invasion of Kuwait. Many of the first Iraqi immigrants were poor and without financial resources. The plight of these workers shows the distressing effects of discriminatory immigration practices. As described in a UNHCR Working Paper, "most Iraqi migrants survive at the margin of Jordanian society, engaging in menial jobs in

the informal sector, and facing an extremely precarious economic situation.” Iraqi migrants reported being exploited by employers without any legal recourse and being underpaid in comparison with other laborers. The UNHCR report stated that the hourly rate for a Sri Lankan housemaid is 1.5 times the rate for an Iraqi woman performing the same job; similarly, the hourly rate is lower for Iraqi male laborers than for Egyptians.²⁶

Hundreds of thousands more Iraqis entered Jordan after the U.S. invasion of 2003, seeking to escape violence, political turmoil, and economic insecurity. By late 2005, as increasing violence and deteriorating conditions continued to drive people out of Iraq, an estimated 500,000 Iraqis were living in Jordan. The latest wave of immigration includes wealthy Iraqi investors; average, middle-class Iraqi citizens with the education and skills to work in numerous professions; and well-connected Iraqi politicians from both the régime of Saddam Hussein and the opposition.²⁷



Iraqis working on the roads near the Dead Sea complained to field researchers about their difficulties:

“We have no rights. Look what is happening to the Iraqi people. Even in Jordan, we have passports but no work permits. Egyptians can work easily, but we cannot—It seems between the regions there is an agreement with Egypt and Jordan. If they catch us without permits they will deport us. We get 7 JD a day but Egyptians take 10, sometimes 12. But we can do a lot of [kinds of work], like restaurants or hotels, but some don’t pay us. Some will use the lack of a work permit against us. Who can we complain to? They will deport us. Even though the employer took a lot of my money, we have no rights because we have no permits. If we ask them as a group they will go to the police, and the police will deport us.”

So far, it is unclear how long the new Iraqi immigrants will stay in Jordan. It is also uncertain how their entrance into the local political and economic scene will affect the country in the near or long term. However, while they reside in Jordan, the failure of the government to afford them their fundamental worker rights and to enforce those rights will postpone the attainment of economic, political, and social stability that Jordan’s citizens desire.

Improving Inspections?

One way to reduce gender and ethnic inequities in the workplace is through strong enforcement of labor law, using a system of consistent inspection. But Jordan’s labor inspection service is ineffective and not always enforced. Inspections of private sector workplaces began only in February 2004. A union president welcomed this positive move, crediting it to “complaints made by an increasing number of workers in the private sector that do not receive their rights as stipulated by law.”

Domestic servants have no legal redress for labor grievances and cannot sue in court for nonpayment of wages.

Unfortunately, the 72 inspectors dispersed around the country may be inadequate to enforce all labor laws in the country's more than 55,000 companies and factories. An official at the Ministry of Labor's Inspections Unit explained, "There are two times for inspections: morning and night. They are [supposed to be held] monthly. But if the same company has two inspections in a year, it will be an achievement."²⁸

Workers in the Informal Economy

The informal economy comprises all non-standard wage and dependent employment, including sweatshop production, homework, temporary and part-time work, and unregistered work. In Jordan, as in many countries, legal and regulatory systems exclude informal workers; Jordan's labor laws specifically exclude workers in domestic service, small family-owned businesses, and agriculture. These workers are often at the mercy of their employers. They cannot legally exercise or defend their fundamental rights. They may not be covered by minimum wage regulations or by social protections such as health, vacation, sick leave, and pension benefits. The ILO has repeatedly asked Jordan to correct the situation through new legislative measures.²⁹

The Jordanian Ministry of Labor estimates that more than 25,000 female migrants work in Jordan as domestic servants; most of these are Sri Lankan, Filipino, or Indonesian nationals who work in Jordan for two years at a time. Denied coverage of the labor laws and also subject to gender discrimination, women in domestic labor are extremely vulnerable to exploitation—the

ICFTU claims that they are "often treated as virtual slaves." Abuse of these workers, including beatings, rape, long work hours, and inadequate food, is pervasive. Meanwhile, many domestics fail to report this abuse for fear of deportation. According to a 2004 U.S. State Department report:^{30–33}

"Domestic servants have no legal redress for labor grievances and cannot sue in court for nonpayment of wages. Abuse of domestic servants, most of whom were foreign and many of whom were working without legal status in the country, was widespread. Imprisonment of maids occurred, and illegal confiscation of travel documents by employers was common. Victims, who fear losing their employment and being returned to their home country, generally did not report complaints to government officials. Domestic servants often were not given days off and frequently were called upon to work at any hour of the day or night."

In 2001, the *Jordan Times* reported that agencies bringing domestic servants to Jordan "actually recommend" that maids be denied movement, forbidden to venture out, and locked in the home when their employers leave for the day." The article went on, "Not only does this restrict freedom but it also prohibits communication with others."

Chithra (not her real name), a Sri Lankan maid who works part-time cleaning houses in Amman, agreed. She explained that when she meets other Sri Lankan women in the street and tries to speak with them about their situations, some are hesitant to talk: "When one girl throws garbage away, she bumps into me.... She looks straight ahead of her, not at me, when she speaks, so people do not know we are talking together."³⁴

The Sri Lankan Embassy in Jordan works to aid Sri Lankans who find themselves in abusive situations. A Sri Lankan Embassy official discussed the situation of the Sri Lankan domestic workers who live and work in Jordan, whose numbers he estimated at 35,000—some 10,000 more than the official estimate for the total number of non-Jordanian domestic workers. He said that most domestic workers are in Jordan on two-year contracts negotiated by agencies and that most problems arise when the workers wish to return home, either before or after their contracts are up:

“There are problems mainly when they want to go back to Sri Lanka before their contract is finished and they realize they owe 540 JD per year in fees to the [Jordanian] government. The case is handled by the government of Jordan, which contacts all employers for the fees. Until all is settled, the employee remains in custody. The maximum is 3 to 4 weeks, and if not settled then they are deported. But a worker might work here 3 or 4 years and have to go back without being paid. Sri Lankans will work so many years without salary, expecting to be paid at the end—but sometimes this doesn’t happen.”

In 2003, Jordan’s Ministry of Labor asserted more oversight in the recruitment and employment of non-citizen domestic workers. Under the recently amended labor law clause on household help, new guidelines regulate

the activities of local recruiting agencies. Article 3(a) states that agencies must apply for a license from the Ministry of Labor and must provide a bank guarantee of 50,000 JD (\$70,000), which the ministry may use to settle employment disputes. This measure will help eliminate the illegal employment offices that have played a role in the exploitation of domestic workers.

In cooperation with UNIFEM, the Ministry of Labor also introduced a new standard work contract with greater protections. Since July 1, 2003, it has been applied to all newly arrived non-citizen domestic workers. “The special working contract guarantees migrant workers’ rights to life insurance, medical care, rest days, and repatriation upon the expiration of the contract,” said a coordinator for UNIFEM’s Amman-based project Empowering Migrant Women Workers in Jordan. The contract specifies that the parties “shall treat each other in a humane way that complies with Jordanian laws and the International Conventions ratified by Jordan,” an important clause that may offer domestic workers the protections of national and international law.^{35–36}

The new contract and regulations are not, however, a panacea. They apply only to workers who have arrived since the 2003 regulations were put into place—barely 10 percent of all Sri Lankans in Jordan. Nevertheless, as new workers arrive, the population of protected workers should steadily increase.

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CHAPTER 4

Child Labor and Forced Labor

Jordan has ratified ILO Convention 138 on the Minimum Age for Admission to Employment, Convention 182 on the Worst Forms of Child Labor, Convention 29 on Forced Labor, and Convention 105 on the Abolition of Forced Labor. Nevertheless, problems persist in all of these areas.

Child Labor

Although child labor is not as prevalent in Jordan as in many other countries, it is still significant, particularly in informal occupations not protected by the 1996 Labor Code (see Chapter 2, pages 14, 21–23). Jordan’s Ministry of Labor claims that the country is free from the worst forms of child labor—including slavery, trafficking, and prostitution—and the U.S. Department of State confirms that they are “virtually nonexistent.” But working children’s rights are violated nonetheless: 70 percent earn less than the national minimum wage, almost half work nine hours or more per day, and nearly 98 percent are not registered as students.¹⁻²

Children can be seen on the streets of Amman carrying tires, hawking trinkets to tourists, and selling pens, candy, and flowers at intersections. Field researchers saw Iraqi teens digging roadside ditches in southern Jordan.

A 1997 survey by Jordan’s Department of Statistics estimated that 13 percent of boys and 1.1 percent of girls aged 15 or 16 work. It did not estimate the number of working children under 15, although the Ministry of Labor reported more recently that they comprise fewer than 25 percent of child laborers in Jordan.³⁻⁴

Children can be seen on the streets of Amman carrying tires, hawking trinkets to tourists, and selling pens, candy, and flowers at intersections. Field researchers saw Iraqi teens digging roadside ditches in southern Jordan.

The primary factors driving child labor in Jordan are low wages and high unemployment. One-third of child laborers interviewed by the labor ministry belonged to families whose fathers were out of work. A vast majority of families reported monthly incomes under 300 JD (\$450) per month. More than half of child laborers said that they had left school to assist their families financially. Children were engaged not only in street vending and rummaging, but also in auto repair, carpentry, sales, blacksmithing, tailoring, construction, and food services.⁵⁻⁷

In the past few years, child labor has been on the rise. The *Jordan Times* recently reported that child labor is increasing in Aqaba, a major town in the south. This trend appears to be spreading. The U.S. Department of State reported, “[S]tagrant economic conditions and social disruption have caused the number of [child vendors] to increase over the last ten years. Child vendors sell newspapers, tissues, small food items, or gum, and other children who pick through trash dumpsters to find recyclable cans to sell, sometimes [are] the sole source of income for their families.”⁸⁻⁹

The government and the international community have devoted considerable energy to combating child labor in Jordan. The 1996 Labor Code, for example, raised the minimum working age from 13 to 16 (except for apprentices). Amendments in 2003 prohibited children under 18 from working in hazardous occupations, banned night and weekend work, and set maximum hours for working teens.¹⁰

In 2001, the government created a unit within the Ministry of Labor, charged with receiving and investigating specific child labor complaints, as well as developing policy initiatives to address the problem. In 2002, as a member of the ILO's International Program for the Elimination of Child Labor (IPEC), Jordan received \$1 million from the United States to implement a three-year pilot program aimed at removing 3,000 children from child labor and providing them with educa-



tional services. The Ministry of Education proposed steps to address child labor in its 2003–2015 educational development plan. In 2004, Queen Rania initiated a campaign against child abuse and child labor.^{11–12}

But implementing these promising advances has been problematic. No mechanisms exist for receiving, investigating, or addressing complaints associated with the worst forms of child labor. For several years, the Ministry of Labor has failed to enforce employer sanctions relating to child labor. Even though child workers are widely dispersed—88 percent work in institutions with five or fewer employees—only a few dozen poorly trained inspectors are charged with enforcing child labor regulations nationwide.^{13–14}

These shortcomings are primarily due to underfunding, but they also may reflect fears that enforcement efforts, in the absence of other steps, would hurt children and families. As Jordan's Ministry of Labor states, “[U]nless compensation for the loss of benefits [associated with work] is provided, and attempts are made to prevent children from being pushed into [the] worst forms of employment, banning children from work through trade sanctions is not the answer.”¹⁵

Jordan will not succeed in eliminating child labor unless it works in tandem with other comprehensive efforts to improve education, job growth, and adult labor standards. Some progress is evident. In 2003, for example, government officials acted “to ameliorate the situation of involved families [of child laborers] when appropriate, including directing some adult family members toward job training programs.” The Ministry of Labor has recognized that the participation of many different types of institutions—including schools, employers, NGOs, and unions—will be crucial to combating child labor. Some such partnerships are forming.^{16–19}

Forced Labor

Article 13 of Jordan's constitution bans forced labor except in a state of emergency such as war or natural disaster. Even in such circumstances, its use has been rare. The law does not specifically prohibit forced or bonded labor for children, but such practices are not known to exist. Nonetheless, coercive labor practices do occur.²⁰

Migrant workers are particularly vulnerable to forced labor, because their employers typically hold their travel documents. Given the growing influx of migrant workers, forced labor may be on the rise. A migrant worker employed as a janitor in an Amman hospital told field researchers that the hospital regularly retains the travel documents of migrant workers, for whom it pays the government work permit fees. "Some workers here wrote to the employer and [the employer] never responded," she recalled. "It's very hard to leave, especially with the employer holding our passports."

Non-Jordanian QIZ workers must apply for special visas that restrict them to working in the factories that hire them. Moreover, they receive airline tickets for the return home only on completion of their contracts (see Chapter 3). Workers who wish to leave a particular employer before completing their contracts are trapped, having no way home except through their employers and no legal documentation that would enable them to work elsewhere.²¹

Employers often take further advantage of QIZ workers' vulnerability, compelling them to toil long hours in inadequate health and safety conditions, denying them rest breaks, delaying or withholding pay, and subjecting them to forced overtime. Contractually hired to work ten hours per day, from 8:00 a.m. to 6:00 p.m., migrant workers in many factories actually labor until long after midnight.

In 2004, at the Silver Planet factory in the Al-Tajamout QIZ, a Chinese worker collapsed on the shop floor. She was rushed to the hospital but died there. The woman had visited the company clinic repeatedly seeking a medical leave, but the doctor there had denied that anything was wrong with her. Following her death, her 400 Chinese co-workers went on strike, demanding shorter shifts. They remained in their residences and refused to go back to work. Finally, managers agreed to end shifts at 7:00 p.m. rather than midnight.²²

Although Jordanian QIZ workers are not similarly trapped, they are not immune from coercive labor practices. A worker told a USAS interviewer that he and his co-workers had been forced more than once to toil for 35 continuous hours and that workers commonly fainted on the job. When this happens, he said, the



When abuse happens, domestic workers will go to the police—and of course there are the Sri Lankan and Filipino embassies. But the police may further abuse the employee rather than punish the employer.

ers who have arrived since April 2003 have substantially better conditions than those who arrived previously.

“The new regulations are very beneficial,” he said. “The problems are [for] workers who came before the rules.” These workers are not retroactively covered. They still face possible employer abuse and being reported to immigration for deportation. The Ministry of Labor does not assist these workers with unpaid wages. “To be fair,” said the embassy official, “[immigration] does not care about [unpaid] wages. They just care if someone is here illegally.”

Asked about this gap in protection, Jordan’s chief labor inspector responded, “When [abuse] happens, domestic workers will go to the police—and of course there are the Sri Lankan and Filipino embassies.” But the police may further abuse the employee rather than punish the employer. Having been beaten by law enforcement authorities herself and having heard of similar experiences from others, Chithra said, “I cannot believe that our people would go to the police.”

Trafficking in persons, which often results in forced labor, is relatively uncommon in Jordan, despite the absence of laws directly prohibiting the practice. Nonetheless, it does occur. In 2002, the UNHCR reported that some networks established to aid Iraqi refugees in entering Jordan as a stop on the way to different destination countries were “clearly connected” with prostitution.^{30–31}

Traffickers “employ” a woman, ostensibly in a legal occupation, such as teaching or domestic work. Then they force her to work as a prostitute until she has earned an amount of money considered “sufficient” to pay off smuggling fees for the journey from Iraq. Psychological coercion and economic pressure suffice to keep victims in check, because Iraqis are isolated in Jordanian society, receive little protection from the government, and are tied to such arrangements as a means of survival.³²

In the past few years, some Filipino women recruited for work in Thailand also have ended up as prostitution trafficking victims in Jordan. The Filipino government has made efforts to combat this egregious violation of human and worker rights.³³





Endnotes

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- ² Mohammed Shahateet and Nihaya Dabdud, The Hashemite Kingdom of Jordan Ministry of Labor, *A Report on the Status of Child Labor in Jordan* (July 2002), pp. 17, 21, 23.
- ³ U.S. Department of Labor, *The Department of Labor’s 2002 Findings on the Worst Forms of Child Labor*, pp. 252-254 (U.S. Department of Labor Bureau of International Labor Affairs, 2003), at http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1134&context=key_workplace.
- ⁴ Shahateet and Dabdud, Note 2 above, p. 11.
- ⁵ Field researcher interview with Nihaya Dabdud, Director, Child Labor Unit, Jordan Ministry of Labor, Amman, May 27, 2004.
- ⁶ Shahateet and Dabdud, Note 2 above, pp. 28, 46.
- ⁷ *Ibid.*, p. 15. Approximately 40 percent of working children are employed by auto repair shops, 17 percent in casual labor, 11 percent in blacksmithing, 10 percent in carpentry, 7 percent in peddling, and 6.7 percent in food service.
- ⁸ “Child Labor in Aqaba Increasing,” *Jordan Times*, May 28, 2004.
- ⁹ U.S. Department of State, Note 1 above, Section 5.
- ¹⁰ See U.S. Department of State, Note 1 above, Section 6d.
- ¹¹ *UN Wire*, Note 1 above. According to the Ministry of Labor’s Nihaya Dabdud, remedial programs focused on the worst forms of child labor had not been implemented as of late May 2004. See also Note 3 above.
- ¹² Jumana Bississo, “ISPCAN Launches Arab Network to Eradicate Child Abuse,” *Jordan Times*, March 1, 2004.
- ¹³ U.S. Department of State, Note 1 above, section 6d.
- ¹⁴ Shahateet and Dabdud, Note 2 above, p. 33.
- ¹⁵ *Ibid.*, p. 34.
- ¹⁶ *Ibid.*, pp. 56-57 (finding that a vast majority of both fathers and mothers of working children had an elementary education or less).
- ¹⁷ U.S. Department of State, Note 1 above, section 6d.

- ¹⁸ Shahateet and Dabdub, Note 2 above, p. 35.
- ¹⁹ For example, Questscope—a UK-based NGO—has begun a pilot program in three Jordan locations whereby child laborers learn vocational skills and receive technical assistance to form their own businesses; Shahateet and Dabdub, Note 2 above; “Non-formal Education and Vocational Guidance for At-Risk Children: 2003 to Date,” *Questscope*, at www.questscope.org/Projects/pr_earnlearn_description.htm (last visited July 2, 2004).
- ²⁰ U.S. Department of State, Note 1 above, section 6d.
- ²¹ Aaron Glantz, “Jordan’s Sweatshops: the Carrot or the Stick of U.S. Policy?” *CorpWatch*, Feb. 26, 2003.
- ²² United Students Against Sweatshops, *Jordanian and Foreign Workers in EPZs in Jordan*, internal report, 2004, pp. 1-4.
- ²³ *Ibid.*
- ²⁴ U.S. Department of State, Note 1 above, Section 6c.
- ²⁵ Cited in Owen Clegg, “Contract Slavery: Int’l Legal and Regulatory Vacuum Leaves Women Migrant Labor Open to Abuse, Exploitation,” *Jordan Times*, April 21, 2001.
- ²⁶ “Jordanian Employers of Filipinos Block Their Registration to Vote: Report,” *Agence France Presse*, Sept. 10, 2003 (describing the confiscation of travel documents to hinder workers from migrating to new jobs). As the Sri Lankan Embassy official describes it, “[There are] difficult cases in which the employer does not want the employee to leave. Funds [to pay for travel] will be borne by the worker’s family, or the insurance.” Still, he says, “[T]he cases we don’t know of are very difficult.”
- ²⁷ U.S. Department of State, *Country Reports on Human Rights Practices 2002: Jordan*, Section 6e (2003), at www.state.gov/g/drl/rls/hrrpt/2002/18279.htm.
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- ²⁹ Jumana Heresh, “MoL, UNIFEM Endorse Contract for Foreign Domestic Workers,” *Jordan Times*, Jan. 22, 2003.
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- ³¹ Geraldine Chatelard, “Jordan as a Transit Country: Semi-Protectionist Immigration Policies and Their Effects on Iraqi Forced Migrants,” *UN High Commissioner for Refugees (UNHCR) Working Paper 61*, p. 33, August 2002, at www.unhcr.ch/cgi-bin/texis/vtx/research/opendoc.pdf?tbl=RESEARCH&id=3d57aa757.
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- ³³ “Young Philippine Women Flying to Bangkok to be Screened to Avoid Human Trafficking,” *Associated Press Worldstream*, May 8, 2003

CHAPTER 5

Forging a Path: The Future of **Worker Rights** in Jordan

In a regional context, Jordan's workers are in a relatively positive situation. Unions have enjoyed legal status in Jordan since 1952, whereas some neighboring Arab Gulf oil exporters still prohibit formal labor associations. While the corporatist union structure constrains freedom of association, it does not distinguish Jordan from Egypt, Syria, or Tunisia. Strikes, legalized in Egypt and Tunisia only in the past ten years, have been recognized, if restricted, in Jordan since 1953.¹

Jordan also is the first Arab country to sign an FTA with the United States that pledges the country to



uphold the core labor standards, as well as to maintain acceptable working conditions with respect to minimum wages, hours of work, and occupational safety and health. The Jordan FTA could signal the government's openness to working with labor organizations on improving labor standards in Jordan.

But being one of the best countries for worker rights in a region where these rights are generally not respected does not ensure good jobs and decent work for Jordanians. Jordan's application of labor standards is glaringly deficient in both law and practice, particularly with regard to freedom of association and to the rights of female, informal, and migrant workers. Economic developments expected in the next few years suggest that without positive government action, the dilemmas that these workers face could get worse, while other workers may confront new challenges.

The Jordanian government is pursuing an economic development agenda that so far has not fostered or encouraged input from civil society actors with an interest in the economy, such as unions. For example, the government has yet to invite union consultation in the Higher Committee for Privatization, the organizational structure created to set policies for the Jordan Privatization Program. Without the Jordanian labor movement's renewed commitment to develop concrete proposals that address these concerns, and without a simultaneous campaign to recruit new members, workers are in danger of being left behind by the changes that are shaping the new Jordanian economy.²

Privatization and Worker Rights

Along with other countries in the region that have committed themselves to structural adjustment, Jordan has promised multilateral lenders that it will divest a significant chunk of its state-owned enterprises (SOEs). Jordan's relatively few SOEs have been concentrated in five sectors—water, electricity, transport, telecommunications, and mining—where they have mostly enjoyed monopoly status. The government also participates in equity shareholding through the Jordan Investment Corporation.³⁻⁵

Jordan's privatization program aims to make firms more efficient, reduce the government's payroll burdens, and shrink the public sector workforce. Without a corresponding expansion of private sector job opportunities, however, privatization threatens to increase unemployment. Joblessness was officially estimated at around 15.3 percent in 2002, and many analysts believed that the actual unemployment rate was closer to 30 percent.⁶

Labor laws are most adequately enforced in the public (and mixed public/private) sector—it is in the private sector that violations of freedom of association, nonpayment of minimum wage, and lack of (legally mandated) maternity and child care occur. Private sector workers are largely underrepresented by unions and collective bargaining agreements. Consequently, privatization could result in downgraded working conditions overall in Jordan. It could also shift laid-off workers who succeed in finding new employment from the formal sector to the informal economy, where they will be unprotected by labor law. The union movement stands to lose membership in this manner as well.

Although Jordan officially announced its intention to privatize in 1986, in the context of discussions with the

IMF that resulted in the 1989 accord (see Chapter 1), privatization did not really begin until 1996. At first, progress was slower than projected. The pace picked up with the 2000 enactment of a privatization law, following the IMF accord. Foreign observers described the privatization effort as “reinvigorated” after the country negotiated a new IMF arrangement, as well as a Paris Club debt-rescheduling deal, in summer 2002. Ongoing transactions include the main mining companies, Jordan Phosphate Mines and Arab Potash. The electricity sector and postal services were restructured prior to sale. As of this writing, the government was still seeking a strategic partner to buy a portion of Royal Jordanian Airlines.⁷



Employers claim that their efforts to place more Jordanians in QIZ jobs have been stymied by a lack of skilled workers in Jordan's numerous garment and textile plants. The textile workers' union has countered by pushing for government-sponsored vocational training programs. In late 2003, the government committed to a 1.25 million JD (\$1.75 million) training program aimed at qualifying nearly 4,000 Jordanians to work in the clothing industry. This union intervention clearly exemplifies the value of consulting with worker representatives in formulating labor market policy.¹¹

The January 1, 2005, expiration of the Uruguay Round Agreement on Textiles and Clothing (ATC, formerly the Multi-Fiber Arrangement) has placed the fate of the textile industry in question. Under the ATC, industrialized nations phased out longstanding quotas on textile and apparel imports from developing countries that belong to the World Trade Organization (WTO). The quotas, combined with the tariff breaks provided through the QIZs, allowed countries like Jordan to attract investors that would export textiles and apparel from the QIZs to the United States and Europe. Observers now fear that most apparel suppliers, including Jordan, will become steadily less competitive in the world market as they are challenged by China's strong textile and garment industry.¹²

“China is set to dominate the world textile and apparel industry, grabbing a significant share of the market from many developing countries once quotas are lifted.... That could be devastating to less competitive countries...that employ millions of workers in the industry....”

In a 2004 report, the U.S. International Trade Commission admitted that “many countries may see their share of the U.S. market decline” when the ATC expires.

It noted that Jordan “may continue to be a niche supplier of apparel articles...such as man-made fiber garments,” but would be vulnerable if U.S. firms shift sourcing from this region to Central American countries under the recently enacted U.S.-Central America FTA.¹³

Jordan's own FTA with the United States seems unlikely to offset this vulnerability. Some unions have seen it as a vehicle for expanding jobs and therefore have been loath to criticize it. But exporters operating in the QIZs, an offshoot of the Oslo accords and Jordan's subsequent peace treaty with Israel, already enjoy privileged access to the U.S. market. At least during the transition period, while remaining tariffs are phased out, it is more economically advantageous for most companies to continue exporting through the QIZs, rather than follow the FTA rules, which require a larger amount of Jordanian content to qualify for the lower tariff status. In 2005, Egypt signed its own QIZ agreement with the United States, so Jordan could face competition in that arena as well.¹⁴

As QIZ firms struggle to stay afloat in the new global economy, Jordan's QIZ workers—both citizen and non-citizen—face the risk of even greater exploitation on the job. Late in 2004, as the expiration of the ATC approached, some QIZ employers used expectations of impending closure to justify denying workers' calls for higher wages.¹⁵

How Will More Free Trade Affect Worker Rights?

The U.S.-Jordan Free Trade Agreement entered into force in December 2001.¹⁶ Unlike previous free trade agreements signed by the United States, such as the North American Free Trade Agreement (NAFTA), the Jordan FTA was groundbreaking in two respects. First, it integrated enforceable worker rights provisions into

the actual text (in Article 6), aimed at shoring up worker rights while lowering trade barriers and creating new jobs. Second, it made labor and environmental provisions subject to the same consultation and dispute resolution process as the commercial provisions of the agreement.¹⁷

The agreement therefore embodies several significant positive steps in the linkage of worker rights to trade agreements. The labor provisions incorporate both international and domestic labor law norms. The FTA requires both countries to comply with their obligations to respect core worker rights under the ILO Declaration on Fundamental Principles and Rights at Work, and to effectively enforce their own labor laws, which have already codified most of these rights.

The agreement explicitly lists the right of association, the right to organize and bargain collectively, the prohibition on use of forced or compulsory labor, a minimum age for employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. These rights reflect all of the ILO core conventions except the prohibition on discrimination (which was left out because some members of Congress opposed its inclusion), as well as the “internationally recognized worker rights” incorporated into U.S. trade law.¹⁸

The FTA takes another step forward by promoting increased transparency, both at the WTO and through the agreement’s dispute resolution process. Each country agrees to solicit and consider public views, to open oral presentations to the public, to accept friend-of-the-court submissions by individuals or non-governmental organizations, to publish submissions within ten days, and to release reports to the public “at the earliest possible time.” Both countries also agree to support discussions on worker rights at the WTO.

The FTA also appears to move incrementally forward by authorizing each government to take “appropriate” measures if a dispute remains unresolved after completing all the steps in the dispute resolution process. Under the FTA’s terms, these measures may include an ILO delegation, a training program for workplace inspectors, a monetary fine, and/or the withdrawal of trade benefits covered in the agreement.

But these apparent advances become only symbolic when the agreement’s structural weaknesses are taken into account. First, the labor provisions have not yet been applied to test their potential impact, and it is not likely that they will be. Before Congress voted on the Jordan FTA, the U.S. Trade Representative under the Bush administration exchanged letters with the Jordanian government in which both agreed that they would not “expect or intend” to use trade sanctions to enforce any provisions in the agreement. This virtually ensures that sanctions will not be applied. The letters demonstrate a lack of willingness on the part of both governments to test their own agreement, although the labor provisions could be used in the future (the exchange of letters did not alter the text of the agreement itself and therefore will not be binding on future U.S. administrations).¹⁹

Second, the worker rights listed in Article 6 of the FTA omit the elimination of employment discrimination from the list of domestic labor laws that the parties pledge to enforce, even though it is included in the ILO Declaration (so the countries arguably have an obligation in this area). The omission of this principle suggests both countries’ lack of real commitment to it. The FTA also fails to include other significant issues, such as equal pay for men and women, compensation in cases of occupational injuries, and protection of migrant workers, all of which are important in the Jordanian labor context.²⁰

Jordan's passage of the Public Assemblies Law and other legislation that limits freedom of association and collective bargaining, after signing the FTA that pledges to uphold those principles, signals a lack of commitment to them. It also illustrates the weakness of an agreement that does not sustain strong enforcement mechanisms.

Human and worker rights advocates are especially concerned about the lack of adequate enforcement capabilities in the trade accords. A Joint Committee exists to resolve disputes and investigate violations within the framework of the FTA. However, only state parties (that is, the governments of the United States and Jordan) may submit allegations of worker rights violations, in contrast to NAFTA's labor side accord and General System of Preferences (GSP) worker rights clauses, which permit unions and NGOs to file complaints. The Jordan FTA only allows non-governmental parties to submit their views during governmental consultations and dispute settlement panels. According to Human Rights Watch, the system "relies exclusively on the trading partners' political



will to enforce the accord's labor rights commitments, thereby compromising the implementation of those commitments." However, it is worth noting that even in the case of the NAFTA side agreements or the GSP system, the government retains the final word in deciding whether or not to move forward with any particular complaint.²¹

Jordan's European trade agreements also cannot be counted on to confer greater protection on workers. The Jordan-European FTA, which includes Iceland, Liechtenstein, Norway, and Switzerland, does not mention labor. In addition, Jordan and the European Union (EU) have entered into an Association Agreement, designed to establish progressively over 12 years a free trade area between the EU and Jordan in conformity with WTO rules. Although one of the EU's stated priorities in Jordan is increasing social reforms, the agreement does not mention worker rights specifically; instead, it seeks to open a "political dialogue" aimed at reaching accord on, among other topics, human rights.²²⁻²³

Some groups have criticized the inclusion of human rights provisions in EU Association Agreements with other countries, since routine ratification of such provisions with no actual consideration of the countries' current human rights practices threatens to undermine the objectives that pertain to respect for human rights. A special issue of the British-based journal *Mediterranean Politics*, published in fall 2004 and devoted to economic and social rights in the Euro-Mediterranean Partnership, faulted the EU and the EuroMed institutions for inattention to these rights. "To a large extent," the introductory essay noted, "Euro-Mediterranean policy makers have neglected the issue of economic and social rights as an aim of international cooperation schemes, focusing instead almost exclusively on means and instruments such as the establishment of free trade areas, structural adjustment, or security dialogue."²⁴⁻²⁵

Next Steps

Jordan's worker rights violations point to specific problems that have achievable solutions—through compliance, in law and practice, with ILO core labor standards. All actors in the global arena—whether Jordan's government, its workers, the nations of the world, the international union movement, multinational employers, or the donor community—have some sort of impact on respect for worker rights in Jordan. All can cooperate to help Jordan meet its international obligations and improve respect for worker rights.

Role of the Jordanian Government

The Jordanian government can take several important steps to halt worker rights violations and ensure respect for worker rights. As a party to numerous conventions and treaties that call for respect for worker rights, Jordan can uphold its obligations under international law. The Jordanian government should bring its law into full compliance with ILO core labor standards, particularly those on freedom of association, the right to organize and bargain collectively, and eliminating discrimination in the workplace.

Jordan can specifically ratify ILO Convention 87 and respect its provisions by:

- Eliminating legal requirements for government supervision of union affairs and the practice thereof.
- Eliminating the prohibition on forming national labor federations other than the GJFTU.
- Removing the current cap of 17 trade unions that workers are allowed to join, giving workers the freedom to choose and form their own organizations.
- Lowering the numerical minimum for the number of workers required to form a union to fall within acceptable ILO standards.
- Allowing Jordanian unions to carry out their respon-

sibilities as independent trade unions to represent their members without interference, consistent with ILO principles on freedom of association.

- Ending restrictions on which occupations can unionize and permitting competitive unionism within occupations.

Jordan also can repeal standing laws that restrict freedom of political expression or assembly, such as the Public Assemblies Law, the Press and Publications Law, and the anti-collective action provisions of the Penal Code.

The key to halting labor law violations is consistent enforcement. Many labor problems in Jordan are similar to those experienced in other countries that have failed to enforce their labor laws and international obligations. To halt such violations, Jordan can strengthen the rule of law and improve labor law enforcement capacity and effectiveness on core labor standards, with special attention to safety and health on the job, nonpayment of wages, forced overtime, child care, and maternity leave.

The government can improve its implementation of ILO Convention 98 by:

- Amending the Labor Code to allow for speedier processing of complaints against harassment of labor activists.
- Removing restrictions on the right to organize for all categories of workers, including migrant workers.
- Ending both the requirement that unions seek government permission before striking and the legal penalties associated with unsanctioned strikes.
- Including the trade unions in ongoing preparations for the partial or complete sale of SOEs in any and all sectors involved.
- Inviting unions to participate fully in the High Commission for Privatization, as well as any other

standing or ad hoc bodies focused on economic restructuring.

Jordan can enhance the application of ILO Conventions 111 on Discrimination and 100 on Equal Remuneration, as well as the UN CERD and CEDAW conventions, by:

- Specifically prohibiting gender discrimination by law.
- Improving enforcement of existing laws against workplace discrimination.
- Enforcing laws that provide for maternity leave and child care.
- Enhancing the inspection system.
- Adding a non-discrimination clause to the Jordan FTA.
- Extending protection of the labor laws to informal workers, including non-citizens.
- Ending discrimination against women workers.
- Ending discrimination against migrant workers by granting them full protection under Jordanian law and in practice, so that they can receive benefits and services and join labor unions.

Jordan's compliance with ILO Conventions 138 and 182 on child labor and Conventions 29 and 105 on forced labor can be strengthened by:

- Establishing better mechanisms, including the allocation of additional resources if needed, for investigating child labor complaints.
- Enacting and enforcing laws that impose criminal penalties and/or sanctions that serve as deterrents on employers of child laborers.
- Enhancing efforts to reduce child labor by expanding employment opportunities for adults, such as through public works programs.
- Improving the enforcement of labor laws that mandate rest periods and prohibit forced overtime.
- Extending the recently enacted regulations governing

migrant domestic workers to cover those who arrived before July 2003.

- Improving police training for handling disputes between domestic workers and their employers.
- Enacting laws that explicitly prohibit trafficking in persons and training domestic security agencies to enforce such laws.

Role of Jordanian Unions and Workers

In mid-2005, the Jordanian labor movement was preparing for elections in all 17 unions. GFJTU by-laws require that the unions complete these elections by mid-2006.

From all appearances, this may be the union election cycle least marred in recent history by fraud and government agency interference. In at least a few unions, elections for executive councils were being hotly contested. A woman ran for president of the Petrochemical Union, and several other women were planning to declare their candidacy. Union leaders openly commented that this was the highest level of union women's activism they had ever seen and that they welcomed women's involvement. The GFJTU took major steps to improve the level of openness and transparency in the elections, first by initiating internal discussions with affiliate leaders on election procedures and then by inviting international organizations to observe the elections. By the fall, about half the unions had held elections, with encouraging results.

Like many institutions in Jordan, unions have yet to develop a comprehensive set of democratic processes, including checks and balances in their systems and practices, to ensure that in the end, union elections will be fair and accountable. It is up to the unions—particularly union leaders—to make this happen. Once the elections are completed, they will face the longer-term challenge of effectively representing Jordan's workers in a complex and rapidly evolving environment.

While trade agreements, government initiatives, and corporate codes of conduct may afford some benefit to Jordanian workers, Jordanian unions cannot rely on outside pressures alone to protect them. In the coming economic climate, Jordan's labor movement will need to struggle harder to enforce and expand worker rights.

A necessary first step is establishing greater union independence from the government, a principle recognized by the ILO. Jordanian unions can become stronger by intensifying their efforts to recruit larger numbers of members, especially in the private sector, to ensure that workers have a voice defending their rights and promoting their interests in the workplace. The pursuit of union freedoms and worker rights can then be linked to the broader movement for democratic reforms in Jordan, with international human rights and labor solidarity organizations playing a supporting role.

The GFJTU can greatly enhance its power to represent all Jordanian workers by increasing their numbers. This can be done by advocating strongly for collective bargaining rights for public sector workers, and extending collective bargaining agreements to cover migrant workers. By advocating for decent work for all workers in the kingdom, the GFJTU increases its ability to represent both current and future members more effectively, while affirming its solidarity with the principles laid out in international core labor standards—including those to which its government is already bound.

Ultimately, Jordanian workers will play the most important role in promoting the growth of freedom of association. They have many opportunities to do so in the current climate. For example, union activists can urge their government to embrace fully, in law and practice, its commitments to international worker rights. They can strengthen their influence by advocating publicly

for their rights and interests, and by exercising fully those that already exist in Jordanian law.

Jordanian workers have the freedom to choose the specific strategies and tactics by which they will defend and expand their rights. In this endeavor they will undoubtedly have the wholehearted support of the worker and human rights movements throughout the world.

Role of Multinational Enterprises

An increasing number of companies operating in Jordan have adopted codes of conduct that include freedom of association provisions. To strengthen the credibility of such codes, multinational companies have a particular responsibility to actively promote greater respect for freedom of association in both law and practice by ensuring that these provisions are implemented and respected in their enterprises and among their subcontractors. In so doing, they can help promote overall respect for democratic practices in the countries in which they operate.

Therefore, in their own factories and other enterprises, with or without the existence of a union, companies should permit their employees to exercise all of their existing rights, including the right to hold workers' meetings, elect representatives, and negotiate and democratically ratify collective contracts covering wages, hours, and working conditions as provided for under Jordanian labor law, and as stipulated in many codes of conduct. Companies should allow their employees to exercise this right without interference.

Companies should provide space at the worksite where workers—regardless of gender or national origin—can meet and discuss their conditions with one another, and where they can meet with their representatives, with no management interference or observation and no fear of

retaliation. They should also allow workers to take time off for union activities, as stipulated by Jordanian labor law.

Jordan, the U.S., and the International Community

The United States has a major interest in promoting respect for human rights and democracy in Jordan, a key ally in the Middle East. The U.S. government took a significant step toward promoting the rights of working people in Jordan when it signed on to the Jordan FTA, which included core labor standards as enforceable provisions. Both the American and Jordanian labor movements strongly supported the Jordan FTA, largely because of these workers rights provisions. Unfortunately, both governments have weakened this commitment by essentially agreeing not to enforce any FTA labor provision through trade sanctions.

The U.S. government should engage with the Jordanian government regarding its commitment to abide by the intent and spirit of the original FTA with respect to the worker rights provisions, and it should publicize this commitment. Specific actions would include the mutual consideration to withdraw the exchange of letters that weaken the agreement's original spirit and intent and to use the labor provisions for promoting respect for worker rights in both countries.

The U.S. government also can support Jordan's efforts to improve compliance by recommending provisions that call for full compliance in future bilateral trade pacts with other countries, particularly those in the Middle East region, recognizing that the United States cannot support Jordan's political stability and economic growth by negotiating weaker agreements with Jordan's neighbors.

In addition, the U.S. government should consider working with the Jordanian government and civil society organizations, including unions, to ensure that the ben-

efits of increased bilateral trade go to the local economy. The jobs created in the industrial and service sectors as a result of increased trade should benefit Jordanian workers, many of whom are unemployed or underemployed. If Jordanian workers are not qualified for these new jobs, the U.S. government should provide technical and financial aid to the Jordanian government for job/vocational training.

Finally, the United States can most effectively promote improved respect for worker rights in Jordan by leading through example. This means that the United States should strive to make every effort to identify its own laws and practices that are not in compliance with core labor principles and should take quick and effective corrective action. This will demonstrate not only the country's basic commitment to worker rights as human rights, as enshrined in the ILO standards, but also its commitment to the spirit of the Jordan FTA.

The United States has already recognized the importance of self-examination. In its 1999 *Annual Report to the ILO* on U.S. compliance with freedom of association and the effective recognition of the right to bargain collectively, the U.S. government under President Clinton stated:²⁶

[T]he United States acknowledges that there are aspects of this system that fail to fully protect the rights to organize and bargain collectively.... The United States is concerned about these limitations and acknowledges that to ensure respect, promotion and realization of the right to organize and bargain collectively, it is important to reexamine any system of labor laws from time to time to assure that the system continues to protect these fundamental rights.

Unfortunately, the Bush administration subsequently removed this language from the report, a move that illustrates ongoing U.S. uncertainty over its international obligations. By maintaining consistency in policy formulation and implementation, the United States would help clarify the importance of its rights policies to its various departments and agencies, the Jordanian government, other national governments, and the U.S.-based multinational companies that employ workers around the world.

Other countries also can work within their bilateral relationship with Jordan to ensure that their political and/or economic engagement supports the development of improved compliance with core labor standards. At the very least, the policies of other ILO member states should in no way interfere with or put obstacles before the Jordanian government in meeting this goal. This means, in particular, that economic development should not be the exclusive focus of the global community, nor should it be promoted at the expense of democratic development.

Role of Trade Union Solidarity

As the international labor movement seeks to build global solidarity and secure freedom of association for workers everywhere, it too has a vital role to play in supporting Jordanian workers' efforts to promote improved compliance with core labor standards in Jordan by:

- Building strategic alliances with unions in Jordan, through the ICFTU, the global union federations (GUFs), and national confederations in other countries, aimed at putting international support behind Jordanian unions' efforts to secure and defend rights for their members.
- Applying educational and technical resources where the Jordanian unions identify needs for additional

expertise or assistance, e.g., increasing public awareness of worker rights and the unions' role, advocacy for legal reform, outreach to migrant workers, and membership recruitment campaigns.

- Assisting Jordan's unions in reaching out to like-minded rights-based organizations and advocates in order to build a greater awareness of worker rights as human rights, and ultimately to create coalitions that will use their collective power to strengthen support for reform.
- Encouraging multinational companies operating in Jordan to live up to their codes of conduct and, where company codes do not meet core labor standards, to exceed them.

Jordan's Choice

For more than a half-century, Jordan has shown an admirable and remarkable ability to survive unrelenting political and economic storms. It has struggled to secure and maintain stability in a region that is a global flash-point for conflict. Jordan has displayed courage in building international partnerships. It has demonstrated solidarity and generosity with other people in the region by extending a home and a welcome hand, time and again, to waves of refugees and migrants pouring across its borders. Now, Jordan has stepped into the international arena as a full global economic partner.

Today, Jordan has a historic opportunity to move decisively and responsibly into its future, a future where the benefits of economic development are shared by those who actually create it—Jordan's workers. By living up to its international commitments on worker rights, Jordan can build a powerful democracy from the inside. By learning from and responding to the voices of its own workers, Jordan can forge a path toward peace and prosperity.

Endnotes

- ¹ Lebanon and Morocco are the only Arab countries known for fostering competitive unionism. See Marsha Posusney, "Globalization and Labor Protection in Oil-Poor Arab Countries: Racing to the Bottom?" Paper presented at conference on "The Jordanian Economy in a Changing Environment," University of Jordan, Amman, July 22-23, 2003.
- ² Jordan's privatization program is described on the web site of the Executive Privatization Commission, at www.epc.gov.jo/success_story.html.
- ³ Portions of this section are condensed from Posusney, Note 1 above. Original sources are cited therein.
- ⁴ The SOEs are mixed public/private ventures.
- ⁵ It was not clear whether partly government-owned enterprises were counted as public or private in these statistics.
- ⁶ Marwan Kardoosh, *The Jordanian Economy into the Third Millenium* (Amman: The Higher Council for Science and Technology, 2003), p. 12.
- ⁷ Online news sources and web site of the Executive Privatization Commission, www.epc.gov.jo/, accessed Dec. 2, 2005. Note: the Paris Club is a voluntary gathering of creditor countries that strive to find coordinated and sustainable solutions to the payment difficulties experienced by debtor nations. Paris Club creditors agree to reschedule debts due to them. Rescheduling is aimed at providing a country with debt relief through postponement and, in the case of concessional rescheduling, a reduction in debt service obligations.
- ⁸ See, for example, World Bank Country Assistance Strategy for the Hashemite Kingdom of Jordan, 2003, at <http://lnweb18.worldbank.org/mna/mena.nsf/0/D4D46C2B71E7CA6C8525694D0056435D?OpenDocument>.
- ⁹ In 2003, the ILO revived a program aimed at helping the Jordanian social partners develop social dialogue institutions. To date, this program has made good progress. If it succeeds, social dialogue may become a future avenue for institutionalized consultation.
- ¹⁰ See "Engines of Growth: Jordan's Leading Sectors to Growth and Prosperity," at www.jordanembassyus.org/new/aboutjordan/er4.shtml
- ¹¹ Jill Carroll, "Textile Companies Warn of Shortage of Skilled Labor," *Jordan Times*, Nov. 30, 2002.
- ¹² Evelyn Iritani, "China Likely to Dominate Textile Trade: It Will Grab Business From Many Other Nations Once Quotas Are Phased Out at Year-End, a Report Says," *Los Angeles Times*, Feb. 11, 2004, p. C1.
- ¹³ U.S. International Trade Commission, *Textiles and Apparel: Assessment of the Competitiveness of Certain Foreign Suppliers to the U.S. Market*, Pub. 3671 (January 2004), Table 3-3, at <http://hotdocs.usitc.gov/pub3671/chap3.pdf>

- ¹⁴ Under the QIZ initiative, goods are exported to the United States free of tariffs and quotas, and they require a low level of Jordanian inputs. Under the FTA, tariffs on apparel reach 30 percent and are scheduled to be reduced only over a ten-year period. However, very few projects face a 30 percent tariff. See the Embassy of Jordan at the US/Economic Commerce Bureau web site, www.jordanembassyus.org/new/commercial/fta/ftafaqs.shtml
- ¹⁵ United Students Against Sweatshops, *Jordanian and Foreign Workers in EPZs in Jordan*, internal report, 2004, pp. 1-4.
- ¹⁶ Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area, Oct. 24, 2000, U.S.-Jordan, 41 I.L.M. 63, at www.ustr.gov/assets/Trade_Agreements/Bilateral/Jordan/asset_upload_file250_5112.pdf.
- ¹⁷ Marley S. Weiss, *Two Steps Forward, One Step Back—Or Vice Versa: Labor Rights Under Free Trade Agreements from NAFTA, Through Jordan, via Chile, to Latin America, and Beyond*, 37 U.S.F.L. Rev. 689, 714 (2003).
- ¹⁸ U.S.-Jordan FTA, Note 16 above, Articles 6(a-e).
- ¹⁹ *Ibid.* See also Weiss, Note 17 above, p. 753.
- ²⁰ Human Rights Watch, *Labor Rights and Trade: Guidance for the United States in Trade Accord Negotiations*, Briefing Paper, Oct. 30, 2002, at <http://hrw.org/press/2002/10/laborrights-bck.htm>.
- ²¹ *Ibid.* Even in the case of the NAFTA side agreements or the GSP system, the government retains the final word in deciding whether or not to move forward with any particular complaint.
- ²² Agreement between the EFTA States and the Hashemite Kingdom of Jordan, June 21, 2001, at <http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Jordan/view>.
- ²³ Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States and the Hashemite Kingdom of Jordan, Nov. 24, 1997, 2002 O.J. (L 129). See also www.europa.eu.int/comm/trade/issues/bilateral/countries/jordan/index_en.htm.
- ²⁴ See *Memorandum, Preparing to Implement the Provisions Relative to Respect for Human Rights in the EU-Israel Association Agreement*, The Centre for International Human Rights Enforcement (Feb. 17, 1997).
- ²⁵ Ivan Martin, Iaian Byrne, and Marc Schade-Poulsen, "Economic and Social Rights in the Euro-Mediterranean Partnership: The Missing Link?" *Mediterranean Politics* vol. 9, no. 3 (Autumn, 2004), pp. 307-08.
- ²⁶ See *U.S. Annual Report to the ILO on Freedom of Association and the Effective Recognition of the Right to Collectively Bargain*, U.S. Department of Labor, Washington D.C., 1999, p. 13.

GLOSSARY

AMPCO	Agricultural Marketing Processing Company	ICESCR	UN International Covenant on Economic, Social, and Cultural Rights
ATC	Uruguay Round Agreement on Textiles and Clothing, formerly the Multi-Fiber Arrangement	ICFTU	International Confederation of Free Trade Unions
CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations	ILO	International Labor Organization
CEDAW	UN Convention on the Elimination of All Forms of Discrimination Against Women	IMF	International Monetary Fund
CERD	UN Convention on the Elimination of All Forms of Racial Discrimination	Intifada	Arabic word that, in its verb form, means to be shaken, or to rise; as a proper noun it has taken on the meaning of uprising, specifically, the Palestinian uprising against the Israeli occupation
EU	European Union	IPEC	ILO International Program for the Elimination of Child Labor
FTA	Free Trade Agreement	JD	Jordanian dinar; 1 JD = \$1.40
GDP	gross domestic product: the total value of final goods and services produced within a territory during a specified period (or, if not specified, annually)	Jordan FTA	U.S.-Jordan Free Trade Agreement
GFJTU	General Federation of Jordanian Trade Unions	NAFTA	North American Free Trade Agreement
GSP	General System of Preferences	PAC	Professional Associations Congress
GTUWTGCI	General Trade Union of Workers in Textile, Garment, and Clothing Industries	QIZ	Qualified Industrial Zone
GUHSE	General Union of Health Services Employees	SAP	structural adjustment program
GUWFI	General Union for Workers in Food Industries	SOE	state-owned enterprise
ICATU	International Confederation of Arab Trade Unions	UNHCR	UN High Commission for Refugees
ICCPR	UN International Covenant on Civil and Political Rights	UNIFEM	UN Development Fund for Women
		UNRWA	UN Relief and Works Agency for Palestine Refugees
		USAID	U.S. Agency for International Development
		WTO	World Trade Organization

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