

First Analytical Report

2021





Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embassy of Switzerland
Swiss Cooperation Office in Jordan

This report has been produced with the support of the Swiss Agency for Development and Cooperation and does not necessarily reflect the position or opinion of the Swiss Agency for Development and Cooperation.

Introduction

In 2021, Jordan took numerous important steps towards effectively regulating the labour market. The kingdom issued a number of regulations and decisions to facilitate workers' ability to pursue their rights. Due to the importance of these legislations, Tamkeen decided to outline them in this analytical report by assessing their contents and identifying possible gaps that might hinder workers' access to decent working conditions and their rights.

Official Statistics and Figures for 2021:

According to Ministry of Labour, 117,746 migrant workers issued work permits in 2021. The table below shows their distribution based on their nationality and the governorate where they work:

Number of non-Jordanian Workers who issued work permits in 2021													
Provinces	Irbid	Al Balqaa	Al Zargaa	Al Tafila	Amman	Aqaba	Karak	Al Mafraq	Jerash	Ajloun	Madaba	Maan	Total
Nationality													
Egypt	17,844	24,608	12,652	2580	91,274	1389	7668	8979	3009	1391	4620	4412	180,426
Pakistan	260	993	843	-	479	3	158	66	20	6	34	25	2887
Non-Arab African Countries	1461	251	119	14	26,146	-	153	27	50	14	105	30	28,370
European Countries	3	24	3	-	944	-	23	-	-	-	-	1	998
Philippines	272	323	79	4	11,543	-	33	9	15	3	36	19	12,336
India	6331	187	3506	5	5858	4	64	49	2	3	4	83	12,336
Indonesia	24	22	12	1	354	-	4	1	1	-	6	1	426
Other foreign countries	-	9	2	-	126	-	-	-	-	-	-	-	137
Other non-Arab Asian countries	1532	28	306	-	2389	-	33	4	4	2	13	4	4315
Bangladesh	18,029	751	9354	23	14,144	3	189	101	81	17	105	92	42,889
Sri Lanka	1266	30	2520	2	3924	-	15	2	-	1	13	3	7776
Myanmar	1245	-	-	-	8	-	263	-	-	-	-	-	1516
Total													117,746

The above table shows that workers from Egypt make up the largest number of migrant workers in the Kingdom, with 180,426 workers in Jordan, followed by workers from Bangladesh, non-Arab African countries, India, and the Philippines, respectively. It is also noted that most migrants reside in the governorates of Amman and Irbid.

Many of these workers are employed in qualified industrial zones (QIZ) or as domestic workers. Other sectors where migrants work include agriculture, construction, wholesale, and retail. The table below illustrates the number of non-Jordanian workers who have valid work permits in these five economic sectors in 2021.

Number of non-Jordanian workers with work permits between 1/1/2022 and 31/12/2021 based on their sector of work													
Provinces	Irbid	Al Balqaa	Al Zarqaa	Al Tafila	Amman	Aqaba	Karak	Al Mafraq	Jerash	Ajloun	Madaba	Maan	Total
Nationality													
Economic Activity													
Manufacturing	30,968	1212	19159	437	34,983	62	1411	1025	376	290	644	566	91,133
Construction	3321	610	1904	901	31,836	71	1705	738	750	279	492	398	43,005
Agriculture, forestry, and fishing	17,531	2170	7128	894	11,771	1131	3919	7363	2227	762	2512	2651	79,609
Domestic Workers	2273	1400	548	43	56625	0	389	128	168	39	366	123	63,102
Accommodation and food services	1241	1027	700	147	10,372	59	452	368	166	117	302	374	15,325
Wholesale and retail trade, repair of motor vehicles and bicycles	1237	760	1348	183	11,908	91	774	363	280	100	535	405	17,984

In terms of the number of domestic workers, the below table shows that 49,437 workers issued work permits in 2021. The table disaggregates these workers by sex and nationality. According to the data, Ethiopian workers issued the largest number of permits, followed by Filipina workers.

The high number of Ethiopian workers in this sector is due to the low cost of their recruitment, compared to other nationalities.

Nationality	Male	Female	Total
Ethiopia	11	23,731	23,742
Philippines	70	11,142	11,212
Indonesia	7	367	374
Uganda	0	1731	1731
Bangladesh	127	6882	7009
Sri Lanka	49	1420	1469
Ghana	2	2426	2428
Kenya	5	135	140
Nepal	3	1329	1332
Total	274	49,163	49,437

In 2021, Jordan amended or declared several legislations that are expected to impact the status of workers in the labour market. Below, Tamkeen will provide an overview of these amendments and its comments on them as well.

A. Amended Anti-Human Trafficking Law No.10 for 2021

In June 2021, the Amended Anti-Human Trafficking Law No. 10 was passed, ten years following the publication of the Anti-Human Trafficking law of 2009. The amendments included strengthening the penalties, whereby the penalty in non-aggravated situations is both imprisonment with hard labour and a fine that ranges from 3,000 JODs to 10,000 JODs. However, if the crime is committed under aggravating circumstances in accordance with Article (9) of the law, the stipulated penalty becomes hard labour for a period that is not less than seven years and a fine of no less than 5,000 JODs and not more than 20,000 JODs.

These aggravated circumstances are stipulated as follows:

- A. "The selling, offering to sell, buying, or promising any of these actions for a person who has not completed 18 years of age.
- B. Committing one of the forms of human trafficking as stipulated in Paragraph (A) of Article 3 of this Law.
- C. Committing crimes related to human trafficking under the following circumstances:
 - i) If the perpetrator of the crime established or managed an organized criminal syndicate or joined or participated in the activities of one.
 - ii) If there were multiple perpetrators or victims of the crime, or if a person with a disability or a female is among the victims.
 - iii) If the committed crime involved exploitation in prostitution, or any form of

sexual exploitation or the removal of organs.

- iv) If the crime was committed after using threats of death, grievous harm, physical or psychological torture, or by a person who was carrying a weapon.
- v) If the victim of the crime suffers a permanent disability or an incurable disease
- vi) If the perpetrator of the crime was a spouse.
- vii) If the perpetrator was a public servant or charged with a public service and committed the crime by exploiting his position or public service.
- viii) If the crime is of a transnational character.

The amended law also stipulates the right of the victim to temporary residence if they are migrant workers in the Kingdom. The temporary residency shall be granted until the necessary procedures related to their case is completed. It also stated that potential victims of trafficking shall be provided with legal translation and legal aid, to enable them to be compensated for the moral and material damage that they went through. Victims should also be provided with the means to communicate with their family and the embassy of their country.

These amendments were included in Article 12, which now states:

“A. Where possible, the competent authorities shall ensure the protection of the victim and their psychological, physical, and moral integrity and ensure their access to assistance and care, as well as offer them with health, psychological, educational and social rehabilitation and integration services that respect their humanity. Authorities shall also facilitate their safe and rapid return home, taking into account the best interests of the child, if the victim was a child.

B- Where possible, the competent authorities must guarantee the victims the following rights:

1. Allow them access to all stages of investigation and prosecution and ensure that they indicate their status and ensure their safety.
2. Have temporary residence in the Kingdom until the necessary procedures for investigation and prosecution are completed.
3. Obtain the necessary legal aid.
4. Provide them with translators
5. Provide them with legitimate means to obtain fair compensation for material and moral damage in accordance with the provisions of the law.
6. The right to confidentiality in relation to any information that is relevant to the crime of trafficking within the limits of the law.

7. Provide them with shelter and their family if necessary
8. Provision of the necessary protection
9. Ability to safely contact their family and the embassy of their country.’

While these amendments are positive, Tamkeen notes that there are some challenges in terms of their implementation, particularly in relation to exempting victims from restricted nationalities from their overstay fines. Moreover, there are still some cases that are classified as a human trafficking misdemeanor despite the existence of an aggravating circumstance, which instead should be classified as a felony. Such a classification affects the case as it leads to a change in the jurisdiction of the court that will then review the case.

Another article that was amended is article 14, which in the amended law states:

- A. A fund shall be established in the Ministry called “The Assistance to Victims of Human Trafficking Fund” to provide the necessary assistance to victims and those affected by the crimes stipulated in this law.
- B. The fund’s financial resources shall consist of donations, grants, gifts and any assistance received to it, subject to the approval of the Council of Ministers if it is provided from a non-Jordanian source.
- C. The management of the fund, including spending its resources and all other matters shall be determined by a regulation issued for this purpose.’

Finally, article 17 stipulates that the Judicial Council shall nominate the necessary number of public prosecutors or specialised judges at each Court of First Instance, who will then be assigned human trafficking cases. Following the publication of the law, a number of specialised prosecutors were indeed named. Yet, some cases were considered by public prosecutors whose names were not included in the list.

A Nepalese domestic worker has worked with her employer since 7/11/2019. After the contract was concluded, she wanted to return to Nepal, but the employer forced her to continue working for him. He also did not give her any wages for a year and a half and denied her from contacting her family.

After contacting Tamkeen, the worker’s case was referred to the Counter Trafficking Unit, where the case was resolved through mediation. She was then paid \$7,500 and returned to Nepal.

B. Agriculture Workers' System No. 19 for 2021:

In May of 2021, the Jordanian government approved the System to regulate the status of Agricultural Workers. The approval of the system was delayed for 13 years, following their inclusion under the provisions of the Labour Law in 2008. At the time, their inclusion was conditioned on the issuance of two systems, one for regulating the status of agricultural workers and the other for the status of domestic workers. While the system for domestic workers was issued the following year, the system for agricultural workers was not.

The approved system, which was later published in the official gazette, contained 17 articles. The most important of them was the inclusion of agricultural workers under the provisions of the Labour Law, as well as under the umbrella of Social Security Corporation. However, the system excluded employers who employ three workers or less from the provisions that regulate working hours, vacations, and inclusion in the Social Security Corporation.

The system states that: "working hours for agricultural workers should be eight hours a day and not exceed forty-eight hours a week for a period of 6 days. Workers should also be provided a break that should not be less than an hour that is divided into two intervals, based on working conditions."

However, the system allowed employers to extend the working hours during harvesting season or in emergencies to avoid any loss in crops. These workers should receive overtime though, as stipulated in the Labour Law.

Workers should also receive a weekly day off that is agreed upon between them and the employer. The Labour Law allowed employers and workers to reach an agreement whereby workers would get their combined days off within a two-month period when necessary. The system also obliged employers to prepare an appropriate residence for workers living at the farms, based on the conditions that were agreed upon in the contract and at the expense of the employers.

Although Tamkeen welcomes the issuance of the system, it noted some gaps that it would like to highlight, the first of which is the absence of any articles that regulate working contracts, besides what was stipulated upon in paragraph (b). This omission results in the continuance of practices in which workers do not sign contracts and thus face difficulties claiming their rights since they cannot prove the contractual relationships with the employers. Instead, these workers are treated as subcontractors, who do not have the same protections that are guaranteed in either the labour law or the larger legal system.

Therefore, the system must explicitly mention written work contracts to ensure that workers

are obliged to fulfill their contractual roles. Indeed, the Ministry of Labour could facilitate this process through the issuance of a unified contract form that is written in Arabic, English or a language that is understood by the worker. Three copies of the contract shall be signed, where the worker and the employer keep a copy each, while the MoL keeps the third. This procedure would later facilitate inspections arranged on agricultural entities. Tamkeen also recommends that the system include an article obliging employers to notify the MoL once they sign new contracts with employers. The notification shall include the number of new workers, their jobs, starting dates, and their wages.

Tamkeen also noted that the system did not include any articles that regulate the termination of defined or open contracts. Due to the characteristics of the agriculture sector, employers could unilaterally terminate contracts if the crops were damaged, or due to the inability of either parties to fulfill their roles. Thus, it is important that the system regulates these instances and ensures that workers have access to their rights if their contract was terminated, unless they commit a mistake that causes great losses for the employer.

Moreover, the system did not regulate the work of the shawish, even though they are very common in the sector, as highlighted above. It is important for the system to address this phenomenon to ensure that neither workers nor employers are exploited by the Shawish. Thus, the system should include provisions that inspect the work of the Shawishes and allow them to be registered under the umbrella of the Ministry of Labour.

Conversely, Tamkeen noted that while paragraph (a) of Article 17 stipulates that “employers are obligated to register their workers under the SSC, if the provisions of the Social Security Law are applicable on them, the Ministry of Labour announced that this requirement will be suspended till 2023.’

The delay was announced via notice no.41 under the Defense Law, where its third article stipulated that “employers can postpone the inclusion of agricultural workers under the old-age, disability, death, maternity, and unemployment programs that are covered by the SSC, provided that they are included by 1/1/2023.’

Therefore, the notice allowed employers to continue excluding agricultural workers from being covered under social security, except the work injuries insurance program. Later, the Social Security Corporation announced that the suspension was further extended until the end of 2023.

Tamkeen hopes that the government addresses these important legal gaps, and that the system is correctly and comprehensively implemented to ensure that workers have access to their rights as outlined in both the labour law and the new system.

Based on the system, the following instructions were issued:

▪ **Instructions on Inspection of Agricultural Activities for 2021**

The instructions, which came into force on 16 October 2021, identified the labour inspector as “the person authorised by the Minister to carry out inspections of agricultural facilities to verify the working conditions and abidance by occupational safety and health standards, in accordance with the enacted legislations.’’

Therefore, the role of the inspector shall include the following tasks:

- A. Inspection of working environment, including:
 - 1. Employment criteria in terms of age, gender, and nationalities
 - 2. Employment structure in terms of working hours, breaks, holidays, and vacations.
 - 3. Workers’ wages in terms of payment on time and deductions that are contrary to the labour law.
 - 4. Conditions and requirements for the employment of non-Jordanian agricultural workers.
- B. Working conditions, including:
 - 1. Provision of occupational safety and health tools, as provided for in the relevant legislations.
 - 2. Inspection of work injuries for workers who are not covered under the Social Security Law.
 - 3. Inspection of the living conditions of agricultural workers, in terms of the housing, if provided, in accordance with the relevant legislations.

The Labour Inspector also has the power, as provided by the Minster of Labour, to prevent agricultural employers from recruiting or transferring non-Jordanian agricultural workers for a specific period, in accordance with the effective procedures in these cases:

- A. The employer is suspected or convicted of employing workers in forced labour, using threats, fraud, or coercion, including the seizure of workers’ documents.
- B. The employer is accused or convicted of physical assault on workers, through beating or other forms of sexual assault or harassment.

▪ Instructions for Occupational Safety and Health conditions in Agricultural workplaces for 2021:

Based on these instructions, agricultural employers are obliged to take all necessary measures to provide occupational safety and health tools to lessen any risks that might occur in the working environment, including:

1. Mechanical hazards resulting from agricultural work with machines and tools, or the transportation of agricultural workers.
2. Physical risks such as risks caused by low or high temperatures; noise and vibrations; lighting, or changes in atmospheric pressure.
3. Electrical hazards associated with machinery and electrical instruments used in agricultural work.
4. Biological risks such as infection, allergies, bacteria poisoning, viruses, fungi, and parasites.
5. Chemical risks arising from dealing with solid, liquid, and gas chemicals.
6. Fire hazards, explosions, and tasks related to the storage, transportation, or destruction of hazardous flammable materials.
7. Providing workers with personal protection equipment to prevent the risks of diseases in accordance with relevant legislation. These PPEs include proper clothes, glasses, gloves, shoes, etc.,
8. Conducting of a medical examination for workers prior to their employment to ensure they are fit to carry out agricultural work and are not diagnosed with infectious diseases. The employer should also ensure that workers undergo periodic medical tests to check on their fitness and to detect the emergence of communicable or infectious diseases among them. The employer bears the cost of these medical examinations.
9. Taking immediate steps to stop any process that poses an imminent or serious threat to the safety and health of agricultural workers and to evacuate them if needed.
10. Providing guidance and warning panels and taking all measures to prevent risks of agricultural work, including drownings, or risks associated with working in high places.
11. Providing first aid and medical facilities and ensuring that hygienic and organisational standards are maintained in agricultural workplaces.
12. Providing training to agricultural workers on the dangers of agricultural work and preventive measures that should be followed.
13. Taking all measures to protect pregnant or nursing (breastfeeding) working women

from the dangers and diseases that may result from agricultural work and the machinery used therein.

14. Taking all measures to protect seasonal temporary workers from the risks of agricultural work.

15. Observing the health standards and conditions in terms of the accommodations that are provided to agricultural workers, in accordance with the relevant legislation.

16. Tasks related to lifting heavy weights should be carried out using machines, if possible. If the nature of agricultural work requires the agricultural worker to lift weights, the health status of the worker assigned to the task must be adequate, and he should be provided with proper training. Moreover, these weights should be in accordance with the relevant legislation.

17. When dealing with chemicals, the following should be considered:

a. Adherence to the permissible levels of chemicals to which agricultural workers are exposed to.

b. Provision of necessary precautions to protect agricultural workers when transporting, storing, trading, and using hazardous chemicals and disposing of their waste.

c. Keeping a record of the inventory of chemicals in use. The record shall contain all data on each substance to monitor the agricultural working environment.

d. Developing identification cards for all chemicals in use in agricultural work, explaining the scientific and commercial name, chemical composition, severity, safety precautions and emergency procedures.

e. Keeping the bulletin of safety procedure related to working with chemicals in agricultural work.

18. If an agricultural worker who is not covered under the Social Security Law suffers from a work injury, the employer is obliged to transport him to a hospital and to cover the medical expenses for the injury until the case is stabilized. The employer shall also cover any damages and wages for the worker through their period of treatment, or compensate them in case of a disability, in accordance with the relevant legislations.

19. The agricultural employer is obliged to inform the Ministry of accidents and injuries of agricultural work within 48 hours of the accident through the means specified by the ministry.

▪ **Decision concerning Agricultural workers issued on 4/11/2021:**

On November 4th, 2021, the Ministry of Labor issued a decision forbidding non-Jordanian workers from moving from one employer to another within the agricultural sector, within 45 days of their work permit expiration, unless they bring a clearance from their previous employer. However, the same decision stated that if the move occurred after the 45 days point, then the worker can transfer without the clearance.

Despite the decision though, Tamkeen notes that Labour Directorates still insist on workers obtaining a clearance when moving from one employer to another, even after the expiry of their work permit or contract. These procedures place workers at the mercy of the employer and could result in their exploitation while they seek to obtain the clearance. Indeed, some workers reported that employers asked them for sums of money in return of the clearance. Moreover, it is noted that while the decision specified a timeframe for when workers should obtain clearance, the timeframe itself is in contradiction with Article 12 of the Instructions for the terms and procedures for the recruitment and employment of non-Jordanian workers for 2012, which states that:

“Agricultural workers are allowed to move from one employer to another in the same agricultural sector without the need to obtain a clearance.”

A group of Egyptian groups worked with the same employer since 2019, for a salary of 25 JODs a day. The workers left their workplace following the non-payment of their wages, where each worker was owed 750 JODs. Due to their difficult situation, one worker was forced to return to Egypt.

Tamkeen tried to resolve their issue through mediation, but the employer was unresponsive. Thus, a court case was registered in South Amman Court. A decision was later issued that the employer should pay each worker 700 JODs, in addition to the lawyer's fees.

C. Amnesty Decision on Fines for non-Jordanian Workers for 2021:

The decision to regulate the status of non-Jordan workers and the amnesty to fines came into force on 4/7/2021 and ended on 2/9/2021. The decision was considered unprecedented compared to previous versions due to the exemptions it included. They included exemptions on overstay fines, permits issuance fees for workers of various nationalities, including domestic workers, as well as exemption on fines for delayed renewal of residence permits.

Workers were also allowed to move between various sectors and economic activities, and regularise their status, even if there was a complaint filed on them. Moreover, workers were exempted from their fines if they decided to leave the kingdom and return to their countries of origin.

The decision included the following exemptions:

1. Employers were exempted from all work permit fees for irregular non-Jordanian workers. Moreover, employers were exempted from any fines or fees when employing a non-Jordanian worker for the first time or renewing their work permit, or when transferring these workers to another employer in any of the various economic sectors.
2. Employers were also exempted from the fines that are incurred as a result of a delayed renewal of an expired work permit or the transfer of a worker to another employer.
3. Non-Jordanian workers of restricted nationalities were exempted from their overstay fines, as stipulated in the Residence and Foreigners Affairs Law No. (24) of 1973 and its amendments.

The decision also included specific procedures for non-Jordanian workers who wish to permanently leave the kingdom, as they were provided with numerous exemptions, which include:

1. Exemption from all work permit fees, including any additional costs, stamps, or incurred fines for previous periods until the date of their departure from the kingdom.
2. Non-Jordanian workers from restricted nationalities are exempted from overstay fines as stipulated in the Residence and Foreign Affairs Law No. (24) of 1973 and its amendments.
3. These workers are allowed to receive their contributions from the Social Security Corporation and are exempted from all work permit fees, additional amounts, stamp, or fines.
4. Non-Jordanian workers who have benefited from these exemptions must leave Jordanian territory before 31/10/2021. If they do not, then they must pay the sums that the exemptions covered.

The decision also specified the deportation procedures for non-Jordanian workers who did not regularise their status, which were as follows:

1. Once the amnesty period ends, non-Jordanian workers whose permits have expired within three months or more and did not regularise their status, shall be deported. The

deportation shall be coordinated between the Ministry of Labour, the Ministry of Interior and the Public Security Directorate through a joint committee that shall be formed by the Minister of Interior.

2. A comprehensive campaign shall be launched to apprehend irregular non-Jordanian workers.

The decision also contained the following additional provisions:

1. Employers were allowed to proceed with their applications to issue work and residency permits for non-Jordanian workers and benefit from the exemptions, provided that the Ministry of Labour has sent the application to the Ministry of Interior prior to the expiry of the amnesty period.

2. If non-Jordanian workers wish to move from one employer to another, they are not required to have a clearance from their previous employer, provided that their permit has expired or was cancelled.

3. Workers who previously received their final departure papers but have not yet left the country could benefit from the exemptions included in the amnesty

4. Workers whose employers have reported that they left their workplace can benefit from the exemptions, without obtaining the employer's approval, provided that their permit has expired or was cancelled.

5. Employers were exempted from showing evidence that workers were registered under the umbrella of the Social Security Corporation.

6. Non-Jordanian workers who benefited from previous amnesties were allowed to issue work permits and benefit from the exemptions included in the current amnesty.

7. Employers were allowed to employ non-Jordanians who were already in Jordan or in the Aqaba Economic Zone, regardless of their nationalities or set quotas.

8. Workers who received their SSC contributions but did not leave the country, were allowed to issue new work permits.

9. The start of the new or renewed work permit shall be set to the date when the Ministry of Labour approved the application.

Tamkeen Remarks on the Amnesty decision and its procedures

Tamkeen noted that some police departments did not comply with the decision, which led to Tamkeen sending an official letter to the Director of Public Security requesting that the decision be circulated to all departments to ensure that its correct implementation would allow migrant workers to benefit from the amnesty period and its exemptions.

The lack of commitment, however, led to some challenges, because while the decision stated that workers who left their workplaces two years prior to its issuance can benefit from the exemptions, some workers were detained by police stations.

At the same time, it is noted that the 2021 decision was much better than the previous decisions, since it is the only one that exempted workers from previous work permits fees. However, Tamkeen notes that employers are obliged to issue work permits, as stipulated in article 12 of the Labour Law. The article regulates the procedures that the employer must follow when employing or recruiting a non-Jordanian worker, and punishes employers who employ a migrant in violation of its provisions with a fine of no less than 500 JODs and no more than 1,000 JODs, which is doubled upon re-offenses, and cannot be reduced under any circumstances.

The same article granted the Minister of Labour the authority to deport any worker who is found in violation of this article's provisions. These workers may not be re-recruited for a period of three years following their deportation. Thus, it seems that the Jordanian laws punish workers for employers' violation, though it is the responsibility of the employer to issue these permits.

The same is also applicable on the residency permit since article 35 of the Residency and Foreign Affairs Law states that any company or employer employing a foreigner not holding a residence permit shall be liable to a fine of not less than 50 JODs and not more than 75 JODs for each irregular worker it employs. Meanwhile, workers must pay a fine of 45 JODs a month or 1.5 JOD a day for every day their permit was expired.

It was also noted that the issuance of the amnesty decision coincided with the judicial recess, which led to the postponement of several cases that were filed for workers whose passports were confiscated. Thus, these workers were unable to benefit from the exemptions since they could not leave the country prior to the expiry of the exemption period.

Finally, it was noted that the provisions on final departure did not include the children of migrant workers, or workers who entered the Kingdom by using tourist visas, and then proceeded to work without a work permit.

By the end of the amnesty and regularization period, around 112,000 migrant workers had benefited from its provisions and applied to issue work permits.

A Filipino domestic worker who came to Jordan in March 2006, worked for her employer for 11 years and received all her salaries, initially paid \$200 and then rose to \$300 and did not receive vacation allowance. Working in special needs, her working hours were long as she started working in the morning and finished work at 11 p.m.

The worker left work for her employer in September 2017 because the employer had not paid her salaries for a long time and told her that they did not have enough money to do so, and started working informally. Later, the worker was arrested and transferred to Al-Jweida prison for publicizing her and accusing her of theft, but when she went to the prosecutor, Tamkeen learned that the case had been dropped by amnesty.

Accordingly, she addressed the empowerment of both the Prosecutor general and the Directorate of Police for the purposes of obtaining the decisions to remove and exempt fines for the worker based on the decision of the laws and correction of the situation. A book was sent to the Directorate of Residence and Borders and the Ministry of Interior and the decisions were issued later, allowing the worker to return to her country.

D. Instructions for the Insurance Policy for non-Jordanian Domestic workers for 2021 issued under article (17) paragraph (b) of Instructions for Recruitment Offices of non-Jordanian Domestic Workers of 2020

Even though a previous version of these instructions was published in 2015, the Minister of the Labour at the time decided to suspend them. The decision was due to the exaggerated value of the premium required by the insurance companies and their refusal to issue insurance policies that cover the financial losses incurred by the homeowner resulting from the worker leaving work or refusing to work.

However, in 2021 the Ministry of Labour issued the new instructions, which stated that insurance policies should be issued for domestic workers as a prerequisite for the issuance of their work permit. The insurance policy should cover the following:

1. Death from any cause.
2. Work accidents

3. The transportation of the worker's body to their country of origin, or the cost of their burial in Jordan.
4. In-hospital medical insurance
5. Financial losses incurred by the employer or recruitment office resulting from the worker's refusal to work, their leaving of the workplace.

In terms of workers' medical insurance, it shall cover the following:

1. The cost of medical treatment that require hospitalisation, including doctors' fees, hospital treatment expenses, other medical procedures expenses, laboratory and radiological examination fees, medication costs, or other expenses.
2. Intensive care accommodation costs, CT and MRI, diagnostic procedures, doctors' fees for supervision, anesthesia, operations, and any other services provided by the hospital.
3. The costs of therapeutic surgeries, which do not include spending one or more nights in the hospital but require medical care, such as tonsillectomy, catheterization, endoscopy, or others.
4. Serious diseases that require the attention of specialists or requires medical treatment or surgery within the hospital, including cancer, cardiovascular disease, kidney failure, epilepsy, or stroke.
5. Treatment costs arising from attempted suicide or intentional self-harm.

Moreover, the policy covers financial losses that either the recruitment office or employer could incur, if the worker refused to work or left the workplace as it covers:

1. The recruitment or transfer cost for the worker, which will be calculated based on a decision issued by the Minister for this purpose.
2. A percentage of the worker's ticket for their return to their country of origin.
3. Medical expenses in case the worker needed them during their return journey, as long as they do not exceed 3,000 JODs.

The Bangladeshi domestic worker came to Jordan four years ago and worked for one employer throughout this period. She worked for long hours and did not have any vacations, but received all her salaries. After discovering that she has cancer, the employer initially sent her to a hospital and then back to the recruitment office, where she was physically assaulted and then sent to work for several employers. The worker would remain at each house for a period between 12-15 days before leaving. She does not know where her passport is, and a complaint was filed against her.

After reaching out to Tamkeen, she was provided with a consultation, after which Tamkeen contacted her employer and managed to return her passport.

Later, Tamkeen contacted the North Amman Police Directorate, which issued a deportation decision against the worker as well as an amnesty for her overstay fines. The worker was then provided with a ticket and returned to Bangladesh.

Conclusion and recommendations

The Nepalese worker arrived in Jordan on 8/9/2019. She was employed as a domestic worker for two years. She was not paid throughout her period of employment, except once, where she received 400 JODs. In May of 2021, she contacted her recruitment office in Nepal and told them that she was not paid. The office then contacted the Counter Trafficking Unit in Jordan, which reached out to the employer who promised that he will pay the worker her wages.

Instead, the employer filed a complaint against the worker and accused her of theft. She was then arrested and referred to the Prosecutor for two separate cases. Based on the first case, where the worker was accused of theft, she was administratively detained till the end of November, 2021. Later, she was acquitted but the prosecutor appealed the decision.

The second case revolved around the worker's unpaid wages, where the judge decided not to detain the employer because he paid the minimum fine during the first session for the case on 9/11/2021.

Despite the worker being acquitted for the theft case, she remains administratively detained in Juweida Rehabilitation Centre. Therefore, her lawyers filed another suit to accompany her unpaid wages case, appealing the governor's decision to continue detaining the worker and demanding both financial and moral compensation.

As highlighted in the case above, migrant workers continue to face numerous challenges in their quest for justice. Despite the legal amendments that were highlighted in this report and previous publications, applied policies and practices perpetuate the environment of violations within the labour market, and hinders workers ability to seek their rights or access justice.

These practices include malicious claims, which employers use to harm the workers. Employers usually resort to it if the workers went after their labour rights, like in the case aforementioned, or after a worker has left their workplace. These cases could eventually lead to the wrongful conviction of the worker and then their detention and ultimately to either their forcible return to the workplace or deportation.

Another practice is the administrative detention of migrant workers, as a result of the broad powers granted by the Crime Prevention law No. 7 (1954) to the Administrative Governor. The law allows governors to detain people if they fit any of the following categories:

- Anyone found in a private or public place in circumstances that convince the governor that s/he was about to commit or assist in committing any offence.
- Anyone who used to steal or was found to be in possession of stolen money, or used to protect thieves, shelter them, or help them hide or dispose of stolen money.
- Anyone who if released on bail would pose a danger to society.

Tamkeen has noted that this law is applied arbitrarily against migrant workers, in a manner that is contrary to Jordanian law and human rights conventions, in particular article (16) of the United Nations Convention against Torture and other cruel, inhuman or degrading treatment or punishment. Indeed, it is noted that detention could cause serious and prolonged material and moral damage to these workers.

Therefore, Tamkeen recommends:

1. Review the system of agricultural workers, with a focus on workers' rights, particularly in relation to the Shawish and child labour.
2. Build the capacity of labour inspectors in terms of mechanisms for inspecting specifically the agricultural sector, and the application of the system of agricultural workers.
3. Repeal article (15) that exempts employers who only have 3 workers or less from being covered from crucial provisions in the system. The current exemption leads employers to deliberately lessen their number of workers, which increases the rate of unemployment and the number of informal workers. Moreover, the current provision is discriminatory against workers as it does not provide everyone with the same level of protection.
4. Issue the special provisions to regulate the Assistance Fund for Victims of Human Trafficking, as provided in Article 14 of the Amended Anti Human Trafficking Law.
5. Strengthen the penalties for those convicted of human trafficking crimes that were committed with an aggravating circumstance, as stipulated in article (9) of the Anti-Human Trafficking Law.
6. Limit the use and duration of Administrative Detention and ensure that administrative detainees are held in conditions that are non-punitive and non-penal and that take into account their needs and their status as administrative, not criminal law, detainees.
7. Ensure that workers are only detained following a judicial decision and that their rights are guaranteed in terms of the period of their detention, and access to legal aid.
8. Stop the wrong implementation of the Crime Prevention Law, especially the overreaching jurisdictions of the Governor related to the administrative detention. Also, amend the current law to ensure that the Governor's jurisdictions are limited in regards to detention and are not overlapping with Judicial Authorities.