

Report

Agricultural Workers

Absence of Basic Rights and Suspicion of “Human-Trafficking”

Labor Watch Reports

Prepared by:

Jordan Labor Watch

Phenix Center for Economic and informatics Studies

In Cooperation with Friedrich-Ebert-Stiftung

December, 2010



للدراسات الاقتصادية والمعلوماتية
ECONOMIC & INFORMATICS STUDIES

Phenix Center for Economics and Informatics Studies

Is an independent scientific institute founded as a house for study, research and public opinion measurement in Amman in 2003. the Center seeks to contribute to the realisation of comprehensive development in Jordan through developing and modernising of the Jordanian community at the economic, social, political and legislative levels, working to foster democracy in Jordan on the basis of freedom and equity, ensuring basic human rights at the social, political and civil levels for all Jordanians through developing projects and conducting studies and opinion polls and reports, in addition to creating a database that covers all fields of development to help realise the centre's objectives.



Friedrich-Ebert-Stiftung (FES)

Is a German non-profit political foundation based on the principles of social democracy. FES was founded in 1925 , FES promotes international cooperation, education and research in Germany and abroad. FES opened it's office in Amman in 1986 for supporting and enhancing efforts of civil society organisations to become accepted partners of public bodies, enhancing furthers political dialogue between decision-makers from Jordan, Iraq, Germany and the region, and strengthening the participation of youth in the political process.



Labor Watch

Is a joint program between Phenix Center for Economics & Informatics and Friedrich - Ebert - Stiftung (FES). Labor Watch Works to Monitor the status of labour and trade union movements in Jordan, lobbying for the development of labour legislations in cooperation with the concerned parties and in accordance to the international labour standards, contributing to the development of work conditions in Jordan, publishing reports on the status of laborers in Jordan, to raise awareness among workers themselves, facilitating the exchange of expertise in trade unions among other Arab and foreign countries to benefit from their experiences.

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Introduction

This report was prepared to examine the circumstances of agricultural workers in terms of wages, working hours, access to annual and sick leave, enjoyment of social insurance from the Social Security Corporation and other core labor rights as stipulated by Jordanian labor legislations, including the Labour Code, the Social Security Law and other relevant regulations. In addition, the report presents a reading into the number of workers in this sector.

The report adopts a qualitative approach, whereby several visits are made to work sites, in addition to interviews with dozens of workers from different nationalities in the agricultural sector, a number of employers (farm owners), in addition to the Jordan Farmers Union (a professional association, whose membership is exclusive to agricultural holdings owners, i.e. owners of agricultural land and not agricultural workers) to form a clear picture of the nature of work in this sector.

Addressing the problems male and female agricultural workers face requires looking into the objective factors causing these problems in order to explain the challenges facing the agricultural sector, which have had adverse implications for workers, whether Jordanian or migrant (expatriate), such as water shortage, the lack of support for farmers from the competent authorities in terms of marketing their products and the high cost of agricultural supplies and materials such as the different kinds of fertilizers, seeds, treatments and pesticides.

The area of arable land in Jordan amounts to 31 million m², of which 736,000 dunums (a dunum is the equivalent of 1000 square meters) is irrigated agricultural land, including 316,000 dunums in the Jordan Valley and the Jordan Southern Jordan Valley, and 420,000 dunums in the highlands and desert areas. Findings indicate that the contribution of the agricultural sector to national income has declined; the area of agricultural land has diminished; agricultural land holdings have become fragmented, particularly among medium-sized groups; and the per capita agricultural land has declined.

Many agricultural workers complain that work in agriculture has become unfeasible because of the absence of effective government policies to solve the problems of this sector, including scarce water resources, and the high price of raw materials that are monopolized by some companies.

The problem is exacerbated with the spread of a culture among the Jordan

Valley inhabitants of the futility of working in agriculture given the poor financial returns when compared with the hard work entailed.

In addition, the reluctance of Jordanian nationals to work in the agricultural sector has opened the door for migrant workers, including Egyptians, Asians and Syrians, to replace the national workforce, which is limited to a small number of workers, who are predominantly women.

While expatriate workers have somewhat made up for the imbalance resulting from the absence of national workers and its negative implications for the agricultural sector, this state of affairs has created a number of problems related to workers, such as the harsh working conditions; the low wages; the denial of fundamental rights, including leaves and social security; and their commodification and exploitation by "traders in migrant- foreign workers." Conversely, expatriate workers have created certain problems for employers. In the absence of legislations regulating the work in this sector and ensuring the rights of both parties, employers have no recourse to any legal controls to address problems of some workers showing no commitment, or running away to work in other more profitable professions.

Figures and Statistics

Like other economic sectors in Jordan, there is great difficulty in obtaining accurate information on the number of workers

in the agricultural sector, whether local or immigrant/ expatriate. With the lack of other sources to provide information on workers in the Jordanian agricultural sector, the only other option for the report's authors was to rely on the number of work permits granted to migrant workers by the Ministry of Labour (MoL) to provide an approximate idea about the number of workers in the agricultural sector.

According to official statistics issued by the MoL for the year 2010 until the time this report was drafted (the end of November 2010), the Jordanian MoL has granted around 285,000 work permits, of which approximately 81,000 permits went to workers in agriculture and fishing.

Egyptian workers formed the overwhelming majority, nearly 97% (i.e. 79,000 workers), followed by East Asian (Pakistan, India and Bangladesh) workers (approximately 1,770), while Syrians amounted to 110 workers, with the remaining 220 from other nationalities.

In addition to the lack of accurate figures, if we take into account that there are very large numbers of migrant/expatriate workers without proper work permits, the actual number of expatriate workers in the labor market will far exceed official figures. With regard to national agricultural workers, there are no statistics on their number, but estimates place them at around 10% of the total agricultural workforce, with the majority being women. This low national participation in the agricultural

sector can be attributed to the lack of the minimum conditions of decent work, particularly the low wages, which are not commensurate with the hard nature of this work, compared with other sectors. Consequently, Jordanian workers refrain from engaging in this sector and opt for job opportunities in other sectors.

Obvious Violations and Transgressions:

Agricultural workers are the victims of difficult and harsh working conditions. In addition to the long working hours that exceed the maximum amount stipulated by the law, reaching 13 hours a day in some cases, agricultural workers are deprived of holidays, including the weekly day off (Friday), in a clear violation of the provisions of Article 57 of the Jordanian Labour Law, which prohibits employers from forcing workers to work for more than 8 hours a day, except in special cases and for a period not exceeding 30 days a year and a maximum of two hours a day. Extra hours are to be considered overtime, and be compensated accordingly, with a wage no less than 125% per hour of the ordinary wage as provided in Article 59 of the Labour Law. In addition, workers are sometimes forced to work long hours, which falls under the «suspicion of forced labor,» which is a crime in Jordanian laws and international labor standards.

The majority of agricultural workers receive low wages, which reflects negatively

on their standard of living. While the government has set the minimum wage at JOD 150, many migrant agricultural workers are paid less than minimum wage, in another violation of the legally binding resolution of the Tripartite Commission, which set the minimum wage at JOD 150 per month.

These low wages fail to meet the basic needs of agricultural workers. While many employers acknowledge that the vast majority of migrant workers receive the minimum wage or less, a few receive wages above the minimum wage, reaching up to JOD 250 per month, depending on their work experience in agriculture.

There are many forms of payment in this sector based on a prior agreement between the worker and the employer. Since the relationship between them is not equal, the form of payment is often determined according to the employer's wishes. A few receive their wages on a daily basis, while others, the majority, receive their wages on a monthly basis. In addition, a large number are only paid after the end of the agricultural season, and in the meantime get advance payments to cover their daily needs, in clear violation of the provisions of Article 46 of the Jordanian Labour Law, which stipulates that the wage shall be paid during a period not exceeding seven days from the date of its maturity. There are dozens of cases where employers (farm owners) have refused to pay workers their wages under the pretext that agricultural

season was a failure, either because of the low prices of agricultural products or the loss of the agricultural season.

While the majority of employers (farmers) provide accommodation for migrant workers, which is usually within the farm or near it, the majority of living quarters are made of tin or plastic, which is yet another abuse suffered by migrant workers. In some cases, up to 20 workers share the same room or two rooms, with one toilet. Several workers reported having sometimes to wait for more than half an hour to get their turn to use the toilet, especially in the morning. Although the majority of workers live within or near their farms, their employers do not provide them with food, which depletes their wages. These reports were confirmed by many employers who were interviewed for the study.

In another violation of the rights of workers and the Labor Law, migrant agricultural workers do not have access to health insurance or social security. Interviewed workers indicated that they usually have to treat any work injuries at their own expense, while others noted, which was also confirmed by some employers, that this varies from one employer to another. While some employers treat their workers' work injuries at their own expense for humanitarian reasons, others do not seem to care.

The vast majority of agricultural workers are not covered by social security. To justify, some employers indicated that they cannot

afford the additional expense, while others blamed it on the volatility of foreign labor. This is a clear violation of the provisions of Article 4 of the Social Security Law, which demands including all workers in Jordan, without discrimination, in social security schemes.

Given the seasonal nature of agricultural work, workers find themselves having to look for other work after being laid off by their employers at the end of the agricultural season and losing their wages. The agricultural season lasts eight months from October until May. At the end of May of each year, the majority of employers lay off workers to rehire them at the beginning of the following agricultural season to reduce financial costs, which aggravates the living conditions of workers.

Push Factors in the Work Environment

The difficult living conditions and absence of basic work conditions and rights, in addition to the low wages received by expatriate agricultural workers, especially Egyptians workers, drives workers to escape from farm work to other occupations in search for better working conditions and a better pay.

Workers acknowledge the high incidence of escapes, from which employers also complained. Workers often escape to the capital Amman and other major cities to work in construction and the service sector, which generate better income than that obtained

from their work in the agricultural sector. These escapes compel employers (farm owners) to employ day laborers, dubbed by employers as «free workers», who are often paid high wages determined by demand and supply of labor. «Free workers» are workers who pay their employers a sum of money in return for work permits to enable them to work freely in any field they desire. Some employers attribute the escapes of workers to the absence of an efficient system for the recruitment of foreign labor, noting that a large proportion of workers escape the moment they arrive in Jordan by not reporting to their assigned workplaces. To solve this problem, they call for creating a special regulatory body of the recruitment of foreign labor in the agricultural sector to ensure that workers arrive at their respective workplaces, to which they were contracted.

The majority of employers seize the passports of migrant workers. This is confirmed by employers, who describe this action as normal, justifying it by their fear that workers will escape to Amman and other major cities to work in other occupations. They consider that seizing passports is the only way to ensure that workers will not escape from their places of work.

Suspicion of “Human Trafficking”

Violations against migrant agricultural workers are not restricted to the poor living

conditions, the lack of the minimum level of human and labor rights, the low wages or the consequent problem of escaping from employment, but extend to a suspicion of «human trafficking.» A number of migrant workers describe the labor market as a «black market» in which migrant workers are exploited by being recruited in exchange for money paid to employers.

Employers’ share of migrant workers is distributed in coordination between Labour Bureaus and the Ministry of Agriculture. Labour Bureaus determine the share for each beneficiary, who should present supporting documents, including title deeds to or leases of agricultural land and an authorization to recruit workers as per one worker per ten dunums of agricultural land and one worker per three greenhouses. To control the process of recruitment, a committee at the Ministry of Agriculture inspects the agricultural holdings in order to ensure that the number of workers is commensurate with the area of the agricultural land.

Some employers and farm owners confirmed that migrant workers are sometimes financially exploited in return for work permits, noting that employers, and at times workers themselves, are involved in these cases of exploitation. In fact, numerous agricultural land owners sell work permits to migrant workers as a profession. Upon having their share of migrant labor determined by the ministries of agriculture and labour, they contact

individuals wishing to obtain permits to work in Jordan through intermediaries, offering them work permits in their names in return for payments ranging from JOD 500 to JOD 1000 per work permit.

Workers who agree to pay these large amounts in return for work permits are often professionals aspiring to work in their respective fields of specialization, and consider what they pay for a work permit in agricultural work as their “ticket” to the Jordanian labor market. However, this action is in direct contradiction with the terms of the work permits granted to them. Moreover, several migrant workers indicated that in some cases, when the workers arrive at the farms in which they were recruited to work after paying for the work permits, the employers (farmer owners) who recruited them seize their passports and demand additional payments to return them or, in their words, «set them free”.

Agricultural land owners «trade in work permits, and by extension migrant/expatriate workers» and then «set them free” in exchange for money because the return from this process is greater than the revenues expected from cultivating their lands. At the same time that they recruit workers and set them free them in exchange for amounts ranging from JOD 500 to JOD 1000, as mentioned previously, they rent out their agricultural land on the condition that the lease not include an authorization to recruit workers.

Other types of violations that can be considered a suspicion of «human trafficking» are practiced by migrant workers against each other. There are instances where employers ask migrant workers to search in their own countries for others wishing to be recruited to work in Jordan. In this case, workers exploit their own countrymen for sums of money in exchange for nominating them to their employers.

This process has grave ramifications for these transgressing agricultural workers, as they are hunted by the MoL and the Public Security, and usually end up being arrested and deported to their home countries, losing in the process their work and the money they paid to get to Jordan. However, in certain cases, they are released when their employers intervene on their behalf by pulling some strings.

Female and Asian Workers

In addition to the migrant workers in the Jordan Valley, there is a limited number of female Jordanian agricultural workers, who are often engaged in harvesting crops, planting seedlings and weeding. As is the case with migrant workers, women agricultural workers are paid low wages, which are usually in the form of daily wages ranging from JOD 4 to JOD 6. In return, their employers are responsible for their transportation from and to their homes. However, the means of transport are usually not passenger transport

vehicles but pick-up trucks. And like other agricultural workers, they are subject to exploitation related to the absence of safety and occupational health conditions, the lack of any form of health insurance or social insurance provided by the Social Security Corporation.

Pakistani agricultural workers in the Jordan Valley have a unique work pattern based on a partnership with the employer (farm owner). In exchange to their work,

Pakistani agricultural workers receive a percentage of the profits, amounting to 50% at times. In addition, some Pakistanis workers rent the agricultural land out from owners and cultivate it for their own benefit, when the owners are not willing to do so. These Pakistanis run the farms as family businesses, doing away with the need of recruiting workers, and mostly live in plastic shacks.

Recommendations

1. Reviewing and regulating the process of recruiting migrant workers to put an end to the current state of chaos, creating a balance and fair competition between national and migrant workers in occupations that employ migrant workers, and ensuring that migrant workers are working in the same professions for which they were issued working permits.
2. Intensifying inspections by competent authorities, especially the MoL, to put an end to the abuses suffered by workers in agricultural workers, and ensuring their rights under the labor legislation in Jordan.
3. Issuing an effective system to guarantee the rights of agricultural workers on the one hand and those of employers on the other.
4. Forming a special investigation committee to look into the conditions related to issuing work permits to agricultural workers and the extent to which beneficiaries among agricultural land owners are legitimately entitled to them, and whether workers who were issued with work permits are in fact working for these employers.
5. Providing a statistical database on the actual number of employees in the agricultural sector in Jordan.