

Report

Workers in the Land Transportation Sector “Drivers”

“Poor working conditions and flagrant violations to their rights”

Labor Watch Reports

Prepared by:

Jordan Labor Watch

Phenix Center for Economic and informatics Studies

In Cooperation with Friedrich-Ebert-Stiftung

January, 2012



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.



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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 is being prepared in order to shed light on the conditions under which the workers in the land transport sector (drivers) work in terms of wages, working hours, annual and sick leaves, social security coverage and other basic labor rights as stipulated in the Jordanian legislations represented in the Labor Law, Social Security Law and other relevant regulations; in addition to presenting a reading in the numbers of workers in this sector.

This report followed the qualitative approach, whereas many personal interviews were conducted with tens of workers in this sector, and with a number of the unionists in the General Trade Union of Land Transport Employees and Mechanics as well as actual visits carried out by the report team to working sites.

It is worth mentioning that this report covers the wage earning workers and not the self-employed drivers who run their own vehicles.

It was found that workers in this sector are deprived of most of their basic rights as stipulated in the various Jordanian legislations (Labor Law, Social Security Law and other relevant regulations, instructions and decisions), whether in terms of the low wages, long working hours and lack of official, sick or annual leaves, as well as their right in social security coverage and provision of the occupational safety and health conditions or other basic labor rights.

Ahmed Awad

Director

Phenix Center for Economics and Informatics Studies

Figures and Statistics:

Like other economic sectors in Jordan, we face a big difficulty in obtaining accurate information about the number of workers in the land transport sector “drivers”, whereby various sources give different figures regarding the number of workers. In this report, however, we considered the figures obtained from the General Trade Union of Land Transport Employees and Mechanics (GTULTEM) because the Land Transport Regulatory Commission has no statistics on the numbers of drivers, but the numbers of licensed vehicles for various public transport means.

Figures of the (GTULTEM) show that there are (62) thousand drivers throughout the Kingdom, about half of them work in the Capital Governorate. According to the figures of the (GTULTEM), these numbers are categorized as follows: 25 thousand truck drivers, 17 thousand taxi drivers, 7 thousand in-city line drivers, 8 thousand public bus drivers, 5 thousand touristic bus drivers.

The Land Transport Regulatory Commission showed in its annual report for 2010 that the number of the various types of licensed public transport vehicles reached 46722 means of public transport which include inside and outside transportation means, international transportation means, rental cars, touristic transportation means, taxies, as well as buses of schools, kindergartens, universities, companies and establishments.

Background of the public transport sector in Jordan:

Drivers in this sector work on various tracks as follows:

1. Main Tracks: which connect the capital with centers of governorates and connects between cities within the governorates and count 296 public transportation tracks.
2. Internal Tracks: which connect the villages and city suburbs with its centers and connect governorates with centers within the same city and count 1243 public transport tracks using small and medium taxis and buses.
3. External Transport Tracks: which connect any city of the Kingdom with any city outside the Kingdom. This service is provided through 16 external transport company and 41 external transport office
4. Rental Service: specialized in transportation of pilgrims and employees to their places of work and is provided through 20 rental companies and 254 car rental offices.
5. Taxis: which provide services of passengers transportation within the governorates and count approximately 16500 car in all governorates according to figures of the Trade Union and 16138 according to figures of the Land Transport Regulatory Commission in its 2010 report.

Wages and working hours:

In general, wages of workers in the land transport sector are very modest; it does not exceed a monthly amount of JD 300; some drivers may receive more or less than that, others are self-employed by driving their owned vehicles; large numbers of them, however, work for very long hours which may reach 16 hours a day in apparent violation of the provision of article 57 of the Labor Law which expressly outlaws the employment of workers for more than 8 hours a day, except in some cases and for a period not to exceed thirty days in a year, for a maximum of two hours a day to be considered overtime work against a minimum wage of an hour and a quarter for each hour of the regular work wage in accordance with article 59 of the Jordanian Labor Law. In addition, workers in this sector mostly do not receive an annual salary increase; their salaries remain the same no matter if they have a year or ten years of experience and therefore, their salaries remain similar regardless of their years of service.

In this regard, conditions of drivers vary; while drivers of touristic buses receive law wages close to the monthly minimum wage of JD 150 (the new monthly minimum wage of JD 190 will be applicable as of next February); many of them, however receive tips from tourists and their management considers this matter and assign low wages for them. In order to obtain these tips, those drivers have to work longer hours than

the daily eight hours. Moreover, in their work in the long touristic programs they are not provided with suitable sleeping and rest places in the touristic sites, so they are forced to sleep inside their buses and therefore do not get enough rest to enable them to concentrate during driving. In addition to the heavy pressures exerted on the drivers to sign annual employment contracts and in many cases force the driver to work for the legally allowed three month probation period only in violation and exploitation of the provisions of the Labor Law upon first time employment, which subject the drivers to uncomfortable working conditions and does not provide job stability for them.

As for the truck drivers, they also suffer like their colleagues in the sector in terms of the working hours with a difference in relation to the employer; while big companies assign working hours for its drivers and consider overtime pay, the small companies get around the law regarding the working hours and do not consider the overtime pay; salary is fixed between JD 180 and JD 200 in addition to JD 100 – 150 as a transportation allowance to cover the salary, fuel and any necessary repair of the vehicle.

Moreover, wages are not paid by the end of every month or within the first seven days of the next month, in an apparent violation to the provisions of article 46 of the Labor Law; many workers in this sector receive their salaries as late as a month. Delay in salary and wage payment represented one

of many reasons to carry out protests by workers in the land transport sector during the last two years.

The report team observed many cruise bus drivers and truck drivers who are employed through limited period contract, most of them for three months to be renewed upon the wish of the employer; the rest work for individuals and not companies and therefore, depend on the one-day wage and have to find additional work to secure more income.

Social Security:

Violations for which most of the workers in this sector are subjected are not limited to low wages, but reaches out to another violation represented in depriving them from social security coverage which is considered an essential demand of the drivers and was supported by the Social Security Corporation earlier. Drivers proposed linking the issuance of the public drivers' license with social security coverage; in addition to lack of health insurance for the vast majority of them; many of the interviewed drivers mentioned that in case of work injury, they have to pay for their treatment on their own. Many employers argue that social security coverage of the drivers would cause them to bear additional cost, others refer it to the fact that the drivers do not work with the same company or office for long periods, which, however, is an obvious violation to the provision of article 4 of the Social

Security Law which implies that all workers in Jordan be covered by the social security without discrimination.

While the touristic transportation companies provide social security for its drivers, the small transportation companies and establishments and some medium size establishments deprive its employees from social security coverage.

The painful reality suffered by the drivers due to their non-participation in the social security leaves them and their families in a very difficult situation in case any of them is injured, falls sick or dies, in addition to the tragic condition of their families for not receiving any salary after their death.

It is worth reminding here that there is a set of international standards issued by the International Labor Organization covering the various social security issues contained in five conventions to none of which Jordan has ratified yet; these are: ILO Convention No. 102 for 1952 on the minimum standards of social security, ILO Convention No. 121 for 1964 on employment injury benefits, ILO Convention No. 128 for 1967 on old-age and survivors' benefits, ILO Convention No. 130 for 1969 on medical care and sickness benefits, ILO Convention No. 183 for 2000 on maternity protection.

ILO Convention No. 102 on the minimum standards of social security is considered the most important convention among all; as it demands the provision of a set of social securities like medical care, whether covering the work injuries or the health

insurance, unemployment benefits, old age benefits, maternity benefits, disability benefits, survivors’ benefits upon death; while the other conventions address advanced levels of social securities.

Ultimately, most of workers in the driving profession do not enjoy the social protection rights of social security and health insurance.

Official and annual leaves:

Most of workers in the land transport sector “Drivers” are deprived of annual and sick leaves as well as official and national holidays. Any holiday whatsoever may deprive them of their only means of income which is a clear violation to the provision of article 61 of the Labor Law which entitles the worker for an annual leave of 14 days a year if his/her work in the same place continues for less than 5 years; and 21 days a year if his/her work in the same place reaches five years or more; furthermore, those workers do not receive wages for overtime during the official holidays which is a clear violation of the provision of article 59 of the Labor Law.

Rent for the use of the vehicle by the driver “Rental-Daman”

The rent value for using the vehicle by the driver, which are the daily fixed amounts paid by the drivers to the vehicle owners and is called “Rental-Daman” varies according to many elements related to the model of the vehicle and the number of

drivers using it, but reached in overall a daily amount of JD 22 – 27.

According to most interviewed drivers the “Rental-Daman” contract is always in favor of the owner of the car or vehicle and forces them to work under his mercy and mood. A driver stated that he pays a daily amount of JD 26 to the owner, “I work for long hours for the sake of the owner” and went on: “the high rental and high fuel price force me to work for long hours to secure my living after the expenses of the car and its rent”, he describes the drivers’ sector as being the most oppressed group due to their daily suffering and adds: “when the fuel prices rise, drivers work for many days before the counters are modified, and we have to pay modification fees of JD 8”, he adds: “Friday was agreed to be free for the driver, but now we have to pay JD 10 to the owner for the use of the car”.

The financial burden borne by the drivers in this sector forces them to work for long hours; one of them says that “he worked for 12 hours daily to secure living for his family of 9, after securing the expenses of the car and its JD 24 rental daily”; another says that “he works from 7 o’clock a.m. to 5 o’clock p.m. and the car is given over to another driver for a night shift against JD 10”.

Mahmoud, a public bus driver, says: “like the rest of the bus drivers, I suffer”, as he works for irregular hours, but starts as early as dawn to be able to earn the bus rent, his daily expenditures and the wage

of his assistant. This was confirmed by many other owners of buses operating on external and internal lines in Jordan.

One of the solutions to reduce their suffering, drivers propose the adoption of a new tariff for the taxi counters or to increase the fares in relation to the increase in fuel cost which cause them daily financial losses reaching as high as JD 8 borne by the driver, in addition to other financial burdens they bear like the periodic and non-periodic maintenance costs and the traffic fines.

Job stability:

Most of workers in the transport sector lack job stability, because their work fate is associated with the management mood and satisfaction. Many of the interviewed drivers in this sector complained of the high temperamental behavior on the part of the employers, as in case they object any decision, drivers will have to hand over the key of the transport means to the owner, which creates a state of concern on the part of the drivers and generates a sense of frustration and lack of sincere commitment to work, because their labor rights are being stolen before their eyes with no guarantee to restore it. Abu Khalid, who works since ten years with the same employer confirmed, "I bear the cost of any emergency so as not to lose my job, even in case of a death in the family, I cannot leave my work because I will lose it, and the car will go to someone else.

Many drivers indicated that "the priority

for the owners, even the companies, is to earn money and maximize profits; their last concerns are the labor, traffic and transportation laws and relevant regulations". Among the many tricks followed by many companies to give up the drivers, as confirmed by many workers in the internal and external transportation companies, is replacing the permanent employment contracts with limited duration contracts to be able to dispense them at any time.

Drivers confirmed to Labor Watch that many of their colleagues may be silently dismissed due to their fear to complain to the competent authorities; most of their colleagues are not aware of their rights or where to complain, they added.

Various difficulties faced by the drivers were confirmed by the General Trade Union of Land Transport Employees and Mechanics in many correspondences addressed to the concerned parties, whereby it confirmed that these abuses are the lack of a mechanism to include the workers in this sector in the social security coverage and the non-compliance on the part of the employers by the provisions of the Jordanian Labor Law regarding the daily working hours, as well as annual and sick leaves and holidays and overtime remuneration.

Employment contracts:

The General Trade Union of Land Transport Employees and Mechanics (GTULTEM) indicated that it is working

with the concerned parties to create a typical employment contract in line with the provisions of the Public Passengers Transportation Law No. 39 for 2006; such a contract is to preserve the right of drivers to social security coverage as well as obligate the employer to a monthly salary and the agreed entitlements, whereas the monthly salary shall not be less than the minimum wage limit and to determine mechanisms of the working hours, leaves and other labor rights.

The GTULTEM mentioned that the adoption of such a contract would prevent any intrusion or exploitation of the driver on the part of the owners of the public transportation means. On the possibility of adopting the contract, the Trade Union mentioned that so far it was rejected by Greater Amman Municipality and a number of employers. According to the Trade Union, 9801 drivers benefited from this contract representing not more than 15%.

Lack of regulation:

Many drivers indicated that one of the most important reasons causing the professional, social and economic retreat of the drivers in Jordan is the absence of a labor union organization to provide realistic protection on the ground. As many public transport drivers complained of the weak unionist background to defend their rights and achieve their demands represented in inclusion in the social security and health

insurance in addition to the intrusion of employers, which was denied by the Trade Union, who confirmed that it works hard through the years to set up a mechanism to force the employers to include drivers in the social security and health insurance as stipulated in the typical employment contract rejected both by employers and the concerned authorities.

Sources of the Trade Union mentioned that the idea of including the drivers in employment contracts aims to provide social security, determine working hours and create job stability and suitable working environment for the drivers. Drivers interviewed by Labor Watch team, however, confirmed that the Trade Union does not listen to their demands related to social security and health insurance; they added that the Trade Union never took action to organize the relation between the drivers and employers but, according to them, has become a fee collection party only.

The team of Labor Watch received many complaints from workers in the land transport sector like forcing them to pay an annual fee of JD 13 to the Trade Union without receiving any service against these fees; each driver, upon renewal of the license of his car, has to show the subscription receipt of the Trade Union; accordingly, membership in the Trade Union has been made obligatory in violation to the provisions of the Labor Law which provide for optional membership for the trade

unions.

Informal work phenomenal:

As a result of the hard life conditions for thousands of citizens who work in Government of private jobs as well as those who find no job opportunity, many find themselves forced to work as drivers on their private cars as a means to secure additional income for their families. This phenomenal has become widespread during the past years especially in governorates, towns and villages. This phenomenal represented another challenge for workers in the public transport sector, as they have to face, in addition to their difficult living conditions and their low wages, another competitor who is illegally transporting passengers. Many public transportation drivers protested against this phenomenal and demanded the government and the concerned parties to find solutions to those who assault their only means of living making, according to a number of them.

Labor protests in the transportation sector:

Labor protests of workers in the transportation sector escalated dramatically and unprecedentedly in Jordan during the year 2011 as it reached 104 strike and sit-in. These protests represented approximately 12% of the total protests in the same year; it concentrated on demanding the improvement of economic and living conditions of the drivers and objecting against a number of adopted regulations and laws, as well as demanding wage increases. These protests demonstrate an explicit expression of how deep the social and economic crisis suffered by workers in this sector, and a result of a set of elements mounted to push many of them to protest against their hard working conditions.

Recommendations:

In conclusion, the following recommendations, if adopted, may reduce the abuses to which workers in the land transport sector are subjected:

1. The creation of a suitable mechanism by the concerned parties to include the workers in the land transport sector in the social security and health insurance.
2. Reconsidering the unified employment contract to realize interests of all relevant parties (employers and drivers), and the creation of a mechanism to ensure the application of such a contract.
3. Reconsidering the mechanism of vehicles registration renewal regarding obtaining the trade union’s membership.
4. Intensifying the inspection efforts by inspectors of the Ministry of Labor to ensure the rights of workers in this sector, especially drivers of the small passenger cars.