

Report

Workers in the Sector of Health Support Services

Stolen Rights

Labor Watch Reports

Prepared by:

Jordan Labor Watch

Phenix Center for Economic and informatics Studies

In Cooperation with Friedrich-Ebert-Stiftung

October, 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.



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 examines the work circumstances of workers in the sector of health support services. Those workers are defined as workers in the fields of hygiene, nutrition, janitors in public and private hospitals, clinics and health centers, pharmacies, laboratories, and x-ray clinics in addition to other health related sectors.

The working conditions of this class of workers will be discussed in light of Jordanian labor legislations such as the Jordanian Labor Law, and the Social Security Law as well as other relevant laws. The report will also include an overview of the numbers of workers in this sector, distribution (Jordanian vs. guest non-Jordanian workers), their gender distribution, wage rates, access to social security services offered by the Social Security Corporation to contributors, annual leaves, national holidays, sick leaves, health insurance, daily working hours, level of safety and vocational health at their work, and job stability.

The report results show that the workers in this sector are denied the majority of basic rights guaranteed by the Jordanian Labor Law. This includes getting salaries below the standard minimum wage rates, long, and almost forced, working hours, denial to annual and sick leaves and national holidays; denial of overtime pay and contribution to social security, lack of occupational health and safety conditions, as well as other basic labor rights.

This report is the result of interviews with tens of workers in this sector and with a number of union workers at the General Trade Union of Workers in Health Services. It is also the result of field visits made to workplaces made by the report team as well as contacts made with some senior employees at the Ministry of Health and the Private Hospitals Association.

Ahmed Awad

Director

Phenix Center for Economics and Informatics Studies

Numbers and Statistics

Just like other secondary sectors, there are no precise figures for the numbers of workers in the sector of health support services. The estimates of their numbers vary because of the various bodies related to their employment. Those bodies include the General Trade Union of Workers in Health Services, Ministry of Health, Jordanian Hospitals Association, Private Hospitals Association, and other companies that employ these workers. However, in light of available information from relevant bodies such as the General Trade Union of Workers in Health Services, Ministry of Health, Private Hospitals Association, and a number of labor activists, we can estimate the number of workers in the field of health support services in the kingdom to range between 8000 and 10000 workers. Guest migrant workers make up the majority of workers in this field with a percentage of around 80%, the majority of which are Egyptians and a few are Asian workers. The low number of Jordanian workers in this field is attributed to the difficult work conditions in this sector which make it unattractive to national workers. Such conditions will be later discussed in this report.

Male comprise 75% of workers in this field. This can be attributed to the nature of work in hospitals that entails employees, whether males or females, to work for late hours at night which does not suit the majority of female workers.

The majority of workers in this sector work at public (government) hospitals rather than private ones. Even though the number of private hospitals exceeds that of the public, the large size of public hospitals require them to employ greater numbers of workers by contracting private companies that manage such health support services and hire those workers.

Wages and Working Hours

Generally, the wages of workers at the health support services are very humble and do not exceed the monthly national minimum wage rate of 150 JDs. Traditionally and theoretically, the wages of workers in this field have not exceeded the minimum wage rate. In reality, however, many of those workers receive wages that are below the minimum wage rate. Specifically, many workers are encouraged to, or forced to, work for longer working hours extending sometimes to up to 16 hours a day (which constitute two consecutive work shifts) for maximum salary of 250 JDs a month; hence the worker's salary does not exceed 125 JDs monthly. This is a clear violation of the minimum wage rate and a violation of article number (57) of the Labor Law that states that the employer cannot put an employee to work for more than the normal daily 8 working hours except in specific stated cases for no longer than thirty days per year and for no more than two extra working hours per day that shall be considered overtime work hours. The

remuneration of each extra working hour shall be no less than the remuneration of an hour and a quarter of the normal working hours according to article (59) of the Jordanian Labor Law. In addition to that, forcing workers to work for longer hours becomes similar to forced labor which forms an explicit violation of Jordanian legislations on the one side and the basic human rights and international labor standards from the other.

Furthermore, it is rare that a worker receives his humble wage without deductions. Such deductions are usually in the form of compensations for materials damaged or lost by the worker. The majority of workers in the sector state that damage or loss of materials or properties do not necessarily have to occur in order for the employee to deduct from their salaries. The «Other Deductions» item in the salary statement, in addition to deductions for social security, are common practice and only on rare occasions do workers take their full salaries.

Also, the wages of the vast majority of workers in this sector are not annually increased as is the case with all professions where workers receive regular annual salary increases. Contrary to that, the wages of the workers in this sector, whether having one, five, ten or more years of experience, remain the same regardless of their years of experience or service. Many workers pointed that many of the companies employing those workers and

that are consecutively awarded services tenders at hospitals, do not consider the years of experience of each worker.

In addition to that, if a worker wears out his uniform, the price of a new uniform is deducted from the salary of the worker who may not request replacing his uniform when but is forced instead to buy a new one by removing its price from his salary. Also the wages of the vast majority of workers in this sector are not paid on time at the end of each month, or within the following seven days of the next month. This is an explicit violation of article (46) of the Jordanian Labor Law. In fact, large numbers of workers in this sector are paid their salaries after long periods of time, sometimes months after they are due.

The delay of paying salaries was the main reason for the majority of protests and strikes that the workers of the health support services had previously held. Some companies delayed paying salaries for more than three consecutive months.

There is another aspect related to tips that many workers in the sector receive from some of the patients at hospitals. The worker is forced to share the tip with the employer, and if he rejected doing so, he is often threatened of relocation to another site where the chance of getting tips is not available or threatened to terminating his services.

Social Security and Health Insurance

Violations made against workers in this sector are not limited to getting salaries that are below minimum wage, but also extend to certain practices to deceive the workers by manipulating the time periods for paying social security contributions of a large numbers of workers. The contributions are not paid to the Social Security Corporation on time, even though the employing companies deduct social security contributions from the workers' salaries from the first month of their employment. This is a violation of article (20), paragraph (C) of the Social Security Law which stipulates that the employer is responsible for paying the contributions to the Social Security Corporation from the date of the workers employment. However, many workers discover that what was deducted from their salaries and what their employing companies should pay was not paid to the Social Security Corporation. Some even discover that the period of their contributions to the social security is less than the actual period of their employment at the company and less than the period in which the social security payments were deducted from their salaries.

There are many documented cases where workers in this field have faced such practices. One female worker who had worked for around 12 years at one of the companies discovered when quitting her job that she was not contributing to the

social security during her work period, except for three months, even though her employer deducted social security payments from her salary for the whole 12 years of service.

There is another case for a worker who was working at one of the health support services companies for 9 years. During his employment, social security contributions were deducted regularly. He was surprised when he quit his job that he was never registered as a contributor to the Social Security Corporation.

There is yet another type of workers manipulation by the hiring companies as they may register only a portion of their employees as contributors to the social security to avoid legal responsibilities. By that, the remaining employees are denied contribution to social security while the company keeps deducting social security allocations from their wages.

What makes such frauds easier is that the majority of workers at such companies are Egyptians although the Social Security Law covers guest non-Jordanian workers. Such guest workers care more for continuing working at those companies and keeping their work permits valid. They are unaware of how to check if their contributions to the social security were paid or not. As for Jordanian workers, most often they are uneducated unskilled workers who do not have the ability nor the knowledge needed to investigate that as well.

As to health insurance, all of the workers at the health support services do not benefit from any type of health insurance, despite the fact that most of them work at public or private hospitals. There are many cases where workers had to pay for the expenses of their treatment that resulted from work-related injuries. The management of such companies and employers reject taking responsibility towards their employees, or contacting the Social Security Corporation to cover the expenses of the workers' work-related injuries. Also, there is a documented case for a non-Jordanian worker who fell from the third floor during work. The management of the company refrained from covering his treatment or contacting the Social Security Corporation to cover his treatment. That worker now suffers from a permanent lifelong disability.

National Days and Annual Leaves

The vast majority of workers at the health support services are denied annual and sick leaves, national and religious holidays, and maternity leaves. The workers are only granted Fridays as the weekend, while some work on Fridays and are granted their weekends on another day.

This is in direct violation of article (61) of the Jordanian Labor Law that grants a worker an annual leave of 14 days in case the workers service for the same employer has lasted for less than five consecutive years, and 21 days in case their service

for the same employer has lasted for five or more consecutive years. Also, those workers do not receive remuneration for working on weekends, national days, or official holidays contrary to article (59) of the Labor Law which grants the worker remuneration that is not less than (150%) of his normal remuneration for working on weekends, national days or official holidays. Further, some companies tend to deduct any leaves taken by the workers, and some deduce two days for each day the worker takes as a leave under the pretext that the workers leave caused a breakdown in the department in which they work.

The same is true for sick leaves. The majority of workers in this sector are denied sick leaves. Also, female workers are denied the commonly established maternity leave which, if taken by a worker, is usually deducted from her salary. There are many cases where female workers had to go back to work only one or two weeks after giving birth to avoid being dismissed or have their leaves deducted from their salaries. That makes such female workers vulnerable to unpredictable health risks.

There are tens of cases where maternity leaves were deducted from the female workers salaries. Such practices establish an aggressive violation of their basic rights and a stark violation to article number (70) of the Jordanian Labor Law which states that the working woman shall be entitled to get a fully paid maternity leave before and after giving birth; the total term of which

shall be ten weeks provided that the term after giving birth shall not be less than six weeks during which she may not be forced to work before the expiry of such term.

Safety and Vocational Health

Among the violations made against workers in this field is the lack of availability of the health and safety conditions in their work place, despite the fact that those workers work in hazardous occupations since they primarily deal with patients, medical materials and wastes, medical laboratories wastes and tissues, and wastes disposal of various types. This, in turn, is considered a direct violation of article (78) of the Jordanian Labor Law which states that the employers shall provide for precautions and measures necessary for protecting the workers against risks and diseases that may occur from work or the tools used in it. Employers shall also provide personal protection and preservation means for workers related to work risks and industrial diseases such as clothes, glasses, gloves, shoes and others in addition to guiding them on how to use, preserve and clean such appliances.

Large numbers of workers in this sector stated that they had not been given any type of instructions or trainings related to the work risks or how to deal with them. That is also considered a violation to the articles of the Labor Law which requires the employer to draw the attention of the employees before commencing their work

to the work related risks and the protective measures the worker should take. The Labor Law demands the employer to place instructions and directions in an obvious place pointing out work risks and preservation means. Also, the employer has to provide medical aid means and tools for the laborers.

The companies working in this field provide aprons to their employees. Some of these aprons are paid for by the worker through salary deductions, and are not always new; most of them are used and almost worn out. Many workers complained that they receive clothes that had been used by others. Many workers, especially those working at medical waste incinerators, suffer from health problems that are mainly related to the respiratory system.

Job Stability

The level of job stability in this sector is considered to be very low. Workers in the health support services do not remain in their professions, especially Jordanians. That is attributed to the harsh conditions suffered by the workers in the field, such as low wages, long working hours, denial to annual and sick leaves, and national and official holidays, and the lack of basic social security.

Also, the workers instability at their professions is caused by the lack of work contracts between them and their employers. The employing companies only request workers to fill in employment applications

and consider those applications in the place of contracts. Many companies also request their employees to occasionally fill in new employment applications in order to deny the workers any rights they may have acquired after longer periods of service.

As to guest non-Jordanian workers, the vast majority of which are Egyptians, a large portion of them hold work permits for other occupations, mainly agricultural work permits. Some are forced by the employing companies to pay for the costs of obtaining work permits, and some have their passports retained at the companies, and are threatened with deportation incase they did not pay for the fees of the work permit. Those are considered serious legal violations since the laws require the employer to pay for the fees of issuing

work permits and not to retain employees' passports.

Some workers in this field perform several duties at the same time; they might be required to work as hygiene workers, janitors, and transporters of patients on wheelchairs, in medical incinerators, porters as well as other unlimited duties.

Many workers are subjected to insults and humiliations by some administrators at their work place whether the latters be employees of the companies, hospitals or institutions the workers worked in. In addition to that, many workers are also forced to resort to the nutrition departments to eat the leftovers of patients' meals, because of their exclusion from the meals systems at the hospitals at which they work.

Recommendations:

At the end of this report, there are many recommendations that, if followed, shall limit the violations that are faced by the workers in this sector. These recommendations are:

- Intensifying the monitoring of this sector by the Ministry of Labor inspectors to be informed of, and limit, violations committed against those workers, and to ensure that all workers in this sector receive the rights granted by Jordanian labor legislations and international agreements ratified by the Kingdom.
- Investigating the possibility that some of the workers are subjects of forced labor.
- Providing training courses that aim to educate workers in this field on proper means of handling medical and other types of wastes.
- Providing meals to all of the workers in health services.
- Providing a precise database for workers in this field.