



On the occasion of the International Day of Persons with Disabilities

Position Paper

Employment of Persons with Disabilities in Jordan

Meager conditions, scarce opportunities

Jordan Labor Watch

Phenix Center for Economic and Informatics Studies

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Introduction

Each year, on December 3rd, the world celebrates the International Day of People with Disabilities, reaffirming the equal entitlement of disabled persons to the rights enjoyed by all, and renewing the pledge to promote social integration worldwide.

The importance of including persons with disabilities in the developmental process by tending to their needs is duly enshrined in the 1st, 4th, 8th, 10th, 11th, and 16th Sustainable Development Goals for 2030 (SDGs). In this regard, it is important to note that disabled persons not only make up 10% of the world's population, but 20% of the world's poor as well. This fact underlines the importance of striving to integrate such people into the labor market, as a key step in achieving full inclusion and working towards a developmental model rooted in social justice.

In Jordan, according to data released in 2016 by the national Department of Statistics, 10.6% of the population suffers from some form of disability. Accordingly, on the occasion of the International Day of People with Disabilities, the Phenix Center for Economic and Informatics Studies releases this position paper on the realities faced by work-able disabled persons in the Jordanian labor market. This document includes an analysis of the policies and legislation affecting disabled persons in the labor market, as well as an overview of the conditions they live in, in terms of access to decent work, fair wages, reasonable working hours, and other such basic labor rights.

Legal framework

The Hashemite Kingdom of Jordan ratified the International Convention on the Rights of Persons with Disabilities in 2007, which entered into effect the following year. The Convention constitutes the foundation for the protection of the rights of disabled persons within the framework of international humanitarian law. Article 27 of the abovementioned Convention enshrines the right of people with disabilities to work without being subject to discrimination, and to being treated fairly, enjoying equal opportunity, equal pay for work of equal value, and safe and healthy working conditions. The Convention protects their right to form and join trade unions, and to participate in union activities on the same basis as any other worker, and emphasizes their claim to public services, technical and vocational training, and professional guidance and placement. It likewise protects the right of disabled persons to be employed in the public sector¹.

Jordan also ratified the 1983 ILO Convention No. 159 regarding the Vocational Rehabilitation and Employment of Disabled Persons, which calls on states to enable disabled persons to “secure, retain and advance in suitable employment” as a means to ensure social integration.

Concerning women with disabilities, the UN Convention on the Elimination of All Forms of Discrimination against Women has also been ratified by Jordan, though some reservations were pointed out regarding its contents. The Convention aims to protect, amongst others, the right of disabled women to work, pursue an education, and benefit from social insurance. Moreover, it requires that states include information on their yearly reports regarding disabled women, and that each make efforts to address such women's concerns regarding equal access to education, employment, and health services, as well as their ability to actively participate in all aspects of economic, social, political, and cultural life.

All of the abovementioned Conventions, and the principles they enshrine, are presently reflected in the country's legislative framework, in that the latter complies with international standards. Accordingly, the Jordanian Constitution mentions the protection of mothers, children, the elderly,

the youth, and persons with disabilities from abuse and exploitation as a fundamental function of the state².

Furthermore, a national strategy concerning disabled persons was adopted for the 2007-2015 period, encapsulated in the 2007 Act No. 31 regarding the Rights of Persons with Disabilities. As per this document, any company, public or private, employing between 25 and 50 workers, should employ at least one disabled person; should the number of employees exceed 50, the number of employed disabled persons should amount to at least 4% of workers, the nature of the work permitting³. As per the amended Art. 13 of the 2010 Jordanian Labor Code, it is required that any establishment employing 50 workers or more comply with Art. 4, Para. C, of the Rights of Persons with Disabilities Act No. 31, Art. 13, which specifies the percentage of disabled persons to be employed, and to provide the Ministry of Labor with regular reports regarding the type of work performed, and the wages earned, by persons with disabilities⁴.

Deficiencies in policy and legislation

In spite of the abovementioned provisions and ratifications, some gaps remain in the national legislative body regarding the rights of persons with disabilities. Namely, “the nature of the work permitting” has been shown to constitute a particularly imprecise form of phrasing, as its meaning and applicability have been largely left to the discretion of medical practitioners. For instance, Civil Service law No. 82, amended in 2013, mentions in its Art. 43 that, in order to hold public office, a person must be free of any diseases and other mental or physical disabilities as may prevent them from assuming the function for which they were hired, while stating that it shall be left to the criteria of a medical practitioner to decide whether an applicant fulfills said standards⁵. This, in turn, seems to contradict Civil Service Art. 4, which enshrines, namely, the principles of equal opportunity and non-discrimination as part of the Code’s inviolable foundation.

Moreover, the medical provisions contained in Reg. 58-1977 deprive large swathes of the country’s population of disabled persons from access to adequate employment. In Art. 13, for instance, it is required that a person possess a certain level of visual acuity, and that they not possess certain types of diseases. Such requirements, which also include possessing a certain degree of mental and auditory faculties, vascular, respiratory, and spinal integrity, and odontological health, effectively bar certain disabled persons from enjoying their rights to work and equal treatment⁶.

The realities of living with disabilities

In spite of the rights enshrined in the abovementioned 2007 Act No. 31, namely the required minimum rates of employment for persons with disabilities, based on the available data, under 1% and 0.5% of workers in the public and private sectors, respectively, classify as persons with disabilities. While figures pertaining to unemployment among this social group are not available, it is clear that the right of disabled persons to access decent work remains threatened.

Persons with disabilities in Jordan have been shown to work long hours in low-quality jobs, under difficult conditions, earning meager wages, and enjoying few – if any – benefits. In many cases, weekly workloads are in violation of Labor Code Art. 57, which stipulates that the number of working hours should not exceed that of 8 per day. In addition, persons with disabilities are vulnerable to job insecurity and live in fear of losing their position, in spite of the fact that they are often as productive

as their non-disabled colleagues. Disabled persons often feel like they're looked upon with pity by their peers, as opposed to human beings possessing equal rights.

Mobility is also a concern. Infrastructure in Jordan suffers from a lack of adequacy in terms of alternatives for disabled persons – namely, in terms of elevators and access to public transportation. They are broadly excluded from social protection systems such as social security and health insurance, which stems from a lack of organizational capacity in their sectors of employment, and their employment is largely incompatible with their qualifications.

In the public sector, persons with disabilities are not subject to the same rules and regulations as their peers. Many have reported being demotivated by the low degree of confidence placed upon their skill level by employers. These challenges seem to be all the more felt among disabled women, whose vulnerability to harassment further contributes to their discouragement from economic activity, and whose families often disapprove of their engagement in the labor market.

Rehabilitation and training

The Vocational Training Corporation Act guarantees the right of disabled persons to rehabilitation and equality in terms of access to the labor market⁷. Accordingly, several such programs and services have been implemented with the goal of promoting employment among persons with disabilities in such areas as maintenance, crafts, and food. Yet, these programs suffer from a lack of institutional capacity, slim annual budgets, inadequate trainers and curricula, and are not tailored to the needs of the labor market. As a result, persons with disabilities have been unable to boost their competitiveness as workers. In rural areas, especially those far from urban centers and more populated regions, such opportunities are scarce, and often too far away to benefit from.

Recommendations

- 1) Amend Art. 4 of the 2007 Act No. 37 on the Rights of Persons with Disabilities in a way that provides greater guarantees, including the enforcement of laws requiring that services and institutions be made available, aimed at improving the lives and working conditions of disabled persons.
- 2) Redevelop the medical provisions currently in place, namely those contained in Reg. 58-1977, in ways that better promote the employment of persons with disabilities in the public sector.
- 3) Activate the regulatory role of institutions with respect to the application of Labor Code Art. 13 and Art. 4 of the Persons with Disabilities Act, to ensure that both public and private sector actors are committed to promoting the employment of persons with disabilities.
- 4) Promote private sector employment of disabled persons by creating incentives, such as tax exemptions, and raising awareness of the importance of making vocational training available to persons with disabilities, in order to better integrate them into the labor market.
- 5) Provide vocational training programs tailored to different types of disabilities, within the framework of the Vocational Training Corporation, the Ministry of Development, and other related institutions.
- 6) Implement awareness-raising campaigns on the rights and challenges faced by people with disabilities, stressing the role of the private sector in ensuring their integration into the labor market.⁸

¹ Convention on the Rights of Persons with Disabilities, 2007

² Jordanian Constitution, 2011, Art. 7, Para. 5

³ Persons with Disabilities Act No. 31-2007, Para. 4

⁴ Jordanian Labor Code, 2010, Art. 13

⁵ Amended Civil Service Regulations, 2013, Art. 43

⁶ Ministry of Health, System of Medical Committees, 1977, No.58, Art. 13

⁷ Vocational Training Corporation Act No.11, 1985, Art. 4