



## Improving Employment and Recruitment Conditions for Non-Jordanian Agricultural Workers

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# Introduction



In Jordan's agricultural sector, non-Jordanian workers form the majority of the labor force. They are essential for meeting the sector's labor demands. However, their employment and recruitment face challenges that compromise fair working conditions and the fulfillment of their rights.

These workers often endure poor working conditions, including low pay, long hours, and a lack of social protection. Despite having work permits, many are employed informally in the sector. Employers are required to adhere to the "2012 Instructions on Conditions and Procedures for the Employment and Recruitment of Non-Jordanian Workers." Yet, these instructions have shortcomings that lead to inadequate working conditions and potential abuses, putting non-Jordanian workers at risk of deportation and denying them proper labor rights.

This paper examines these instructions and their impact on the rights of non-Jordanian workers. Our goal is to identify and address these gaps, ensuring a fair work environment for them in agriculture. This effort aligns with the Jordanian Constitutional Court's directive that laws must

not conflict with the obligations of treaties ratified by Jordan, and the Constitution's principle that legislation on rights and freedoms should not undermine the essence of these rights.



## Methodology

This paper is based on a study by the Phenix Center, focusing on labor market conditions and the needs of workers in the Jordanian agricultural sector. The study involved analyzing relevant international and national literature, laws, and reports, as well as examining national strategies and plans concerning agriculture. We developed tools to collect numerical data from both employees and employers. Additionally, the study included twelve focused group discussions with workers and farm owners, alongside twelve in-depth interviews with various stakeholders.

## Analysis of the paper problem



## 1. Inconsistent Application and Approval Processes



This ambiguity opens the door to potential biases and arbitrary decisions. The absence of a transparent and standardized procedure for application evaluation means that many non-Jordanian workers are left in a precarious position, unsure of the criteria used for their potential employment. Additionally, the Ministry of Labor's role in setting quotas for non-Jordanian workers in different sectors, without a clear rationale, further exacerbates the uncertainty and lack of fairness in employment opportunities.

## 2. Rampant Misuse of Financial Guarantees



The requirement for employers to hold a financial guarantee is intended to safeguard workers' rights, but it's being systematically misused. Many employers pass the burden of these guarantees onto the workers themselves, which is a

clear violation of the intended policy. The shift from bank to judicial guarantees in agriculture has unintentionally encouraged the proliferation of a black market for fake guarantees. Workers are forced to navigate this risky market, often at high personal and financial costs, which undermines the very purpose of these guarantees.

## 3. Manipulation in Permit Issuance and Contract Agreements



The manipulation in the issuance of work permits and the drafting of employment contracts is a significant concern. The practice of trading permits and making false promises through so-called "free contracts" is prevalent. These contracts are often misleading, promising workers legal flexibility and more opportunities, but in reality, they trap workers in illegal and exploitative situations. The inability of agricultural workers to switch sectors even after their permits expire is a major restriction that limits their mobility and bargaining power in the labor market.

## 4. Contract Signing and Exploitation Vulnerabilities



The process and timing of contract signings are mired in confusion and exploitation. Workers are often required to sign contracts before fully understanding the terms or even before arriving in Jordan. This premature signing, coupled with the lack of clarity about the obligations of employers in these contracts, places workers in a vulnerable position. They are often compelled to pay significant sums to employers or intermediaries just to complete basic employment procedures. This system not only exploits the workers financially but also leaves them vulnerable to further exploitation and mistreatment once they commence their work.

## 5. Lack of Legal Protection and Support



Non-Jordanian workers face a lack of legal protection and support, which exacerbates their vulnerability. The absence of a clear legal framework or support system means that workers

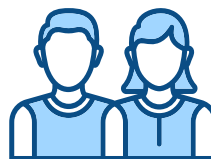
have limited recourse in cases of rights violations. The legal ambiguity surrounding their employment status, rights, and obligations under Jordanian law leaves them exposed to various forms of exploitation and abuse.

## 6. Cultural and Language Barriers



Many non-Jordanian workers face cultural and language barriers that hinder their understanding of their rights and the legal processes in Jordan. These barriers not only impact their ability to secure fair employment but also affect their ability to seek help or navigate the legal system when their rights are violated.

## 7. Discrimination Based on Nationality



### 7.1 Joining Procedures for Employers

The employment and recruitment guidelines differentiate between non-Jordanian workers based on nationality. For instance, Egyptian



workers are required to pay \$250 or its equivalent in Jordanian dinars as insurance when entering Jordan through the Aqaba border crossing. This fee ensures they join the employer responsible for their recruitment. However, this imposes a financial burden on Egyptian workers and is discriminatory. Additionally, this measure has not effectively curbed the issue of fake permits and contracts.

## 7.2 Exit and Return Procedures

The requirement for employer approval for Egyptian workers to take leave outside Jordan adversely impacts their family life, particularly affecting their children. It's also challenging for these workers to bring their families to Jordan, even for short vacations. This problem is exacerbated for workers under commercial or freelance contracts, as they may be working for a different employer than stated in their contract. As a result, workers may be exploited by both brokers and legal sponsors to secure permission to travel to Egypt.

**“I have a work permit, but as a cleaner, not as a farmer.”<sup>17</sup>**

## 7.3 Clearance Procedures

While clearance procedures are meant for non-Jordanian workers in sectors other than agriculture, many in agriculture still hold permits for other sectors. They are, therefore, required to follow these clearance procedures. For example, a worker might have a permit as a cleaner, not as a farmer. This situation can lead to exploitation, with employers demanding money in exchange for granting clearance. Consequently, workers may lose their legal rights and entitlements from the Social Security Institution.

# Alternative policies

1. Clarify the decision-making process of the committee responsible for employment and recruitment requests, including providing reasons for rejections. This can be achieved by amending “Article (3)” of the employment and recruitment instructions.
2. Exclude non-Jordanian agricultural workers from the bank guarantee requirement and introduce flexible contract systems suited to the sector. Amend Article (5), Paragraph one for this purpose. Introduce self-employment options in the instructions with simple, low-cost conditions to prevent illegal deals and abuses. Amend “Article (12)”, Paragraph A/1 accordingly.
3. Ensure both the worker and employer sign the employment contract within the same time frame by amending “Article (14)”, Paragraph B.
4. Align “Article (10)”, Paragraph one with human rights principles and migrant labor treaties by replacing the gradual replacement policy with a fair ratio of non-Jordanian to Jordanian workers, based on thorough labor market studies.
5. Shift from a forced labor narrative to a human rights approach by changing the term “worker absconding” in “Article (11)”, Paragraph C to “leaving work before the end of the contract period.”
6. Remove the requirement for both the current and new employers’ approval when a worker changes jobs, by amending “Article (12)”, Paragraph B.
7. Address nationality-based discrimination against Egyptian workers:
  - 7.1 Modify the financial insurance joining procedures in “Article (14)”, Paragraph 6.
  - 7.2 Include provisions for family visits to prioritize family unity in the employment and recruitment instructions.
  - 7.3 Standardize the release formula to balance the rights of both employers and non-Jordanian workers now and in the future.



# Recommendations

1. Ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).
2. Develop measures to end exploitation by brokers and the illegal trade in sponsorships, permits, and fake contracts.
3. Enhance confidential complaint and reporting procedures for violations against non-Jordanian workers.
4. Increase inspection campaigns, integrate anti-corruption measures, and strengthen penalties for exploitation.
5. Conduct awareness campaigns for non-Jordanian workers about the risks of illegal transactions and loss of labor rights.
6. Encourage employers to comply with legal standards by providing incentives for adherence to the law.

## References

<sup>1</sup> Jordanian Constitution, Articles 16, 23 and 128. Jordan

<sup>2</sup> Agricultural Workers Regulations for the year 2021, Article No. (16).

<sup>3</sup> The Jordanian Labor Watch, on the recommendation of employers... new classifications for trade unions, 2022.

<sup>4</sup> Jordanian Labor Law No. 8 of 1996, Article (44), Jordan

<sup>5</sup> Resolution No. (45) of 2022 issued under the Labor Law.

<sup>6</sup> The Basic Law of the General Union and the Unified Law of Labor Unions 2020, Article (45), Jordan.

<sup>7</sup> Abu Najma, Hamada, The right to organize a union and its impact on social protections for workers, Workers' House for Studies, 2022



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