



## Improving Working Conditions for Workers in the Agricultural Sector in Jordan

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## Introduction



Jordan's agricultural sector, encompassing both plant and animal production, is a fundamental pillar supporting the national economy, contributing a significant percentage to the Gross Domestic Product (GDP), which reached 4.9% in 2023<sup>1</sup> and 4.3% in the third quarter of 2024<sup>2</sup>. This strengthens the Jordan kingdom's independence in securing basic food needs and enhances its food security.

The sector also employs 2.6% of the country's total workforce<sup>3</sup>. Finally, as Jordan pursues its goal of sustainable development, the agricultural sector offers a huge opportunity in its use of natural resources to help realize a process of economic growth that maintains ecological balance.

Despite the important contributions of agricultural workers, particularly non-Jordanian laborers, towards the production processes, the sector's current working conditions are characterised by low wages, the absence of social protections, and a lack of occupational health and safety standards. Monitoring and inspection procedures for employers are also ineffective, facilitating the continued violation of rights without deterrence.

## General Context

Although the 2021 Agricultural Workers' Regulation was a long-awaited step to enhance the rights of agricultural workers, significant challenges affected its optimal implementation. Several of the provisions also require amendment for example, take the exemption of employers who hire three or fewer workers from many obligations, such as determining working hours, rest periods, and weekly holidays, and including them in the social security system. In September 2024, the Jordanian government announced a set of proposed amendments to the Agricultural Workers' Regulation No. (19) of 2021. These

amendments focus on including all workers in the agricultural sector under social insurance without exception, ensuring their rights to annual and sick leave, maternity leave, weekly holidays, regulated working hours, and the calculation of overtime pay, regardless of the number of workers employed by the agricultural employer.

This paper reviews the current legislative gaps that still hinder decent working environments for all workers in the agricultural sector, and proposes alternative solutions and policies to overcome these challenges and ensure their rights.







## Methodology for Preparing the Paper

This paper was built based on a thorough review of all relevant national legislations concerning agricultural workers, including the Labor Law, the Social Security Law, the Agricultural Workers Regulation, and the instructions for the conditions and procedures for hiring and recruiting non-Jordanian workers.

Focused discussion sessions were organized with farm owners, workers, and employees in the agricultural sector, including both Jordanian and non-Jordanian laborers, to explore the legal and administrative obstacles that limit their access to decent working conditions, and to gather their opinions and suggestions on ways to improve working conditions and ensure their rights.



# Issues Related to Gaps in Existing Policies

## 1. Exemption of Agricultural Workers from the Labor Law

Despite the numerous amendments made to the Labor Law in recent years, Article (3) of the law <sup>4</sup>, which exempts agricultural workers from the provisions of the law and the protections and rights it provides, has not been amended. Instead, the law leaves the regulation of these workers to the Agricultural Workers' Regulation. These exemptions have created a significant gap in the legal protection for agricultural workers.

As a result, the vast majority of workers in the agricultural sector, especially those working on small and medium-sized farms, have been deprived of the rights and protections provided by the Labor Law, preventing them from enjoying decent work standards. This is particularly true for migrant and refugee workers, who represent the most prominent groups in these sectors, with non-Jordanian workers accounting for 3.9% of the workforce in the sector, compared to 1.5% of Jordanian workers <sup>5</sup>; This leads this group to fall under the category and concept of informal work.

As pointed out by most of the agricultural workers during the focus group discussions, exempting agricultural workers from the main law that regulates labor relations is one of the primary reasons that has exacerbated the problem of declining labor standards for workers in the sector. The absence of legal protections leads to the worsening of unfair treatment and places this group in a socially and economically vulnerable position.

## 2. Weak Coverage of Agricultural Workers under Social Security

The reality indicates that a large number of agricultural workers are not covered by social security, despite the issuance of the Agricultural Workers' Regulation No. (19) of 2021, which obligated employers in the agricultural sector to include workers in the social security system <sup>6</sup>.

One primary reason is the Regulation's exclusion of employers who hire three or fewer workers, as stated in Article (15) <sup>7</sup>, Which specifies that Articles (4), (7), and (12) do not apply to farmers who employ three workers or fewer. In this case, the working conditions are determined between the employer and the workers themselves – an exemption which undermines the social protections for that class of workers.

Accordingly, the most significant proposed amendment from the new government to the Agricultural Workers' Regulation is Article (15)'s cancellation, which would be a positive step toward strengthening the social protection system in Jordan and achieving the goals and objectives of the National Social Protection Strategy, especially its first axis, titled 'Opportunity.' However, this amendment should be accompanied by an amendment to Article (59) of the Social Security Law, which currently allows agricultural workers to be covered only by work injury and maternity insurance until a decision is made by the Cabinet to include them in all forms of insurance.

Furthermore, the Social Security Law does not include appropriate mechanisms and tools to involve self-employed workers in the social security system, despite having been amended several times. The only options available are limited to what is known as 'voluntary subscription,' where the worker pays 17.5% of their salary for a social security subscription<sup>8</sup>. This high percentage discourages the participation of agricultural workers, especially in the face of their low wages. As a result, tens of thousands of migrant and refugee workers remain outside the social security system.

### 3. Challenges of Temporary and Seasonal Labor in the Agricultural Sector

Temporary and seasonal labor constitutes a large part of the workforce in the agricultural sector, where workers are hired based on the needs of the agricultural season. These laborers are involved in activities such as the production of crops like grains, vegetables, and fruits, the management of animal husbandry, and the production of meat and dairy products. Despite their pivotal role in supporting agricultural production, these temporary and seasonal laborers face multiple challenges related to harsh working conditions and weak legal protections.

These challenges reflect gaps in the current policies that have not kept up with the nature of seasonal work and its challenges. The nature of seasonal work leaves workers without employment once

the season ends, leading to financial and social instability. Seasonal workers are often hired without written contracts, which makes them vulnerable to sudden dismissal or non-payment of their full wages. Workers face difficulties in securing sustainable job opportunities, which makes them prone to poverty and instability<sup>9</sup>.

Most seasonal workers are not included in social security systems. The Social Security Law does not apply to workers in the informal sector, day laborers, or hourly workers who work less than 16 days a month. This leaves them vulnerable to health risks without any coverage. Due to the temporary nature of their work, workers do not receive paid leave or compensation in the case of illness or injury while on the job. Seasonal workers often earn wages below the legally defined minimum wage, and some workers experience delays or refusal in the payment of their wages, especially in the absence of legal contracts<sup>10</sup>.

The proposed amendments to the Social Security Law currently include the cancellation of item (3) of paragraph (b) of Article (4), which discusses the cases in which a labor relationship is considered regular and thus subject to the provisions of the Social Security Law. This will be replaced by regulations issued by the Cabinet under the provisions of this law, which will define the conditions for considering a labor relationship as regular. A new paragraph will also be added to Article (4) to regulate the mechanisms, conditions, and provisions for including all types of work, including flexible work, according to regulations issued under this law, which could benefit temporary and seasonal workers<sup>11</sup>.



## 4. The Impact of Brokers (Shawish) on Labor Rights

The Agricultural Workers' Regulation still does not protect a large number of workers who are employed on a daily wage (day laborers) or hourly workers who work less than 16 days a month. This group works through intermediaries on multiple farms and during specific seasons, which means there is no fixed employer from whom the worker can claim their labor rights, such as annual leave, sick leave, or maternity leave. The contractual relationship between the worker and the farm owner ends once the workday is over and the agreed-upon wage is paid.

According to what was mentioned by workers in the focus group discussions, brokers (shawish) play the role of an intermediary between employers and workers to organize work, especially for migrant or refugee workers. This relationship is legally unregulated and often involves practices that negatively impact the workers' rights in this sector. Brokers play a monopolistic role in controlling job opportunities, which entrenches the workers' dependence on them and limits their ability to negotiate for better working conditions. These practices reflect the absence of regulatory policies that define the relationship between brokers, workers, and employers, creating a legislative gap that is exploited for the benefit of brokers at the expense of the workers.

The current reality shows the weakness of existing policies in addressing the issues of workers in the agricultural sector, especially in terms of activating formal contracts, ensuring compliance with laws,

and strengthening monitoring and inspection mechanisms. These gaps weaken social justice, as brokers and employers' benefit from the lack of regulation at the expense of workers, who work for meagre wages and in inhumane conditions without any legal protection.

## 5. Challenges of Non-Jordanian Labor in the Agricultural Sector

Non-Jordanian labor, particularly Egyptian workers (51,608 workers) and Syrian workers (41,192 workers), constitutes a large part of the workforce in the agricultural sector<sup>12</sup>. While any employer hiring or recruiting a non-Jordanian worker must adhere to the 'Instructions for Conditions and Procedures for Hiring and Recruiting Non-Jordanian Workers of 2012,' the content of these instructions contains several gaps that weaken decent work conditions in the sector and contribute to violations that expose non-Jordanian workers to the risk of deportation and the lack of guarantees for enforcing their labor rights.

Once the employer obtains approval from the Ministry of Labor, a work permit is issued, after which the worker joins the employer or farm listed on the permit<sup>13</sup>. Agricultural workers are not allowed to change sectors even after their work permits (as farmers) expire<sup>14</sup>. If the worker wishes to renew their work permit, they are allowed to work for another employer, provided they remain in the agricultural sector.

As a result of these provisions, many non-Jordanian workers in the agricultural sector fall victim to what is known as the 'sponsorship system' in Jordan. This system ties the fate of migrant workers and all their transactions upon arrival in Jordan to the condition of having an employer (sponsor), which means that their freedom to move, travel, and choose an employer, in addition to wages, leave, and working hours, is restricted by the sponsor's discretion. This sometimes leads to workers being subjected to pressure and threats from sponsors, who may report them for deportation or revoke their sponsorship if they do not perform the required work, which is a form of exploitation. This system makes it easier for employers (sponsors) to exploit migrant workers by requiring them to pay large sums of money in exchange for working on other agricultural holdings.

What facilitates these violations is that the instructions do not explicitly require the consent or presence of the workers in order to issue or renew their work permits. Employers often submit requests for work permits from the directorate without the workers themselves being present. For example, the requirement for the employer's approval for Egyptian workers to take leave outside the country negatively affects the unity of their families, especially their children. It also makes it difficult for workers to bring their families to Jordan, even for short vacation purposes. The issue of requiring the employer's approval for leave becomes more problematic if the worker is employed under a freelance or commercial contract, meaning they work for an employer other than the one named in the contract. This

creates a need for intermediaries who are familiar with the sponsor (employer), which results in additional financial costs that the worker must pay to the sponsor and the broker to be able to go to Egypt<sup>15</sup>.

The requirement for a clearance certificate<sup>16</sup> This can lead to the exploitation of Egyptian workers through employers refusing to grant them the certificate unless they pay a certain amount of money. The wording of the clearance certificate model provided by the employer means that the worker waives the employer's responsibility and agrees not to claim any rights, either currently or in the future, which benefits the employer and may cause workers to lose their legal rights. As a result, they will not be able to receive their entitlements from the Social Security Institution.

The instructions for the employment and recruitment of non-Jordanian workers differ based on the worker's nationality, resulting particularly in economic discrimination against Egyptian workers. For example, an Egyptian worker must pay an amount of \$250, or its equivalent in Jordanian dinars, upon entering the Kingdom through the Aqaba border crossing as a guarantee of compliance with the obligation to work for the employer who recruited them<sup>17</sup>. Although this provision aims to ensure the worker's commitment to the legal employer, depositing this amount creates a heavy burden on the workers and is discriminatory against Egyptian workers. The reality indicates that this provision has not effectively curbed the trade of permits and fake contracts.

## 6. Weak Union Representation for Agricultural Workers

The Labor Law grants the Minister of Labor the right to classify industries and economic activities in which workers are allowed to establish unions to represent them <sup>18</sup>, Limiting it to a specific number. According to this decision <sup>19</sup>, Agricultural activity is classified under the General Union of Workers in Water, Agriculture, and Food Industries. However, the approach followed in classifying economic activities is no longer logical, as the agricultural sector is a vital sector that should be classified under a union specific to its sector, according to the demands of agricultural workers and their repeated attempts in recent years to legislate the establishment of a union specifically for them.

According to the provisions of the Labor Law <sup>20</sup>, Workers who are not members of unions are deprived of the benefits of dispute resolution tools and the right to collective bargaining. This means that hundreds of workers in agriculture, including 192,826 seasonal workers and 59,767 temporary workers <sup>21</sup>, – despite their need for enforcement of union aims, such as advocating for fair working conditions – are working in environments that do not meet decent work standards. This includes inadequate health and safety conditions, unpaid annual and sick leave, lack of social security, and other recognized labor standards.

## 7. Weak Mechanisms for Monitoring and Inspection of Working Conditions

Although the Agricultural Workers' Regulation No. (19) of 2021 states that the Ministry of Labor is responsible for inspecting and monitoring the implementation of this system's provisions, including providing all workers' rights such as leave, minimum wages, and occupational health and safety conditions, inspection processes are not considered effective. Inspections related to labor standards are weak <sup>22</sup>.

Workers in the agricultural sector have confirmed that inspection procedures in the agricultural sector suffer from several shortcomings that negatively impact the protection of workers and their rights. The most prominent shortcomings include the low number of inspectors, weak geographical coverage, and a lack of necessary training for inspectors on agricultural labor issues. Additionally, inspection procedures lack comprehensiveness. Moreover, workers in the agricultural sector face the absence of effective and safe channels for reporting violations, as well as a lack of awareness of their rights and available protection mechanisms.

## 8. Challenges Faced by Owners of Small and Medium Farms

Owners of small and medium-sized farms suffer from continuous financial pressures due to high production costs, limited government support, and fluctuating market prices. This leads to a reduction in the budgets allocated for labor costs,



which negatively impacts working conditions on their farms, such as paying fair wages or providing social and health insurance for workers. Additionally, farmers may be forced to reduce the number of workers or rely on seasonal or unstable labor, increasing the likelihood of worker exploitation<sup>23</sup>.

Workers in the focus group discussions pointed out that small and medium-sized farms often lack the resources needed to provide ongoing training for workers on modern agricultural techniques or workplace safety. The lack of training contributes to unsafe working environments, as workers are unaware of how to handle modern agricultural equipment or how to prevent health risks, leading to repeated accidents and injuries in the workplace.

Farm owners in the focus group discussions indicated that the absence of effective support policies for small and medium-sized farms, such as affordable loans or financial incentives, contributes to the limited ability of these farmers to improve working conditions. Furthermore, current policies do not strengthen the capacity of these farms to meet occupational safety and health standards.

In connection with this, current policies do not provide adequate support to farm owners to cover the costs associated with providing social protection. On the contrary, the policy of exempting small and medium-sized farms from social security or relieving them from adhering to certain provisions of labor law creates a gap in legal protection for workers.

## **9. Lack of awareness among workers of their labor and legal rights.**

A large segment of workers in agriculture, particularly migrant and refugee workers, suffers from a significant lack of knowledge and awareness of their legal and labor rights. This facilitates their exploitation and makes them more vulnerable to working in harsh and unsafe conditions. This situation reflects clear gaps in the existing policies, which have not established effective mechanisms to empower workers to understand their rights and ensure the fair implementation of laws.

One of the biggest gaps in the policies is the absence of sustainable awareness programs that inform workers of their legal rights, such as the minimum wage, working hours, sick leave, annual leave, and social security. The lack of educational campaigns in multiple languages suitable for migrant workers exacerbates this issue, as many workers rely on intermediaries (shawish') to obtain information, which exposes them to exploitation. Workers lack clear and accessible channels to obtain legal information or file complaints. Many of them do not know how to communicate with the relevant authorities or the union. Existing policies often focus on the text of the legislation itself without creating practical mechanisms to ensure that information reaches the target groups, creating a gap between written laws and their actual implementation.

There are several reasons for the lack of knowledge and awareness among agricultural workers about their rights as outlined in labor legislation, the most important of which are the absence of effective union representation and the low educational level of the workers.

## Alternative policies

Based on the above analysis, this policy paper presents a set of alternative policies that, if adopted, would contribute to improving working conditions in the agricultural sector in Jordan.

1. Amending Article (3) of the Labor Law to abolish the exemption of agricultural workers from the provisions of the law, so that they enjoy all the rights and protections stipulated in the law.
2. Accelerating the implementation of the amendment to Article (15) of the amended Agricultural Workers Regulation 2024 to remove the exemption for farmers employing three or fewer workers.
3. Amending Article (3) of the Agricultural Workers Regulation related to employment contracts, so that the agricultural worker is a key party in the process of retirement between them and the employer. Additionally, adding new provisions to this article grants the worker the freedom to terminate the employment contract when desired, under certain conditions in line with the nature of the agricultural sector, while ensuring all their rights are protected.
4. Abolishing the “sponsorship system” for migrant workers currently practised in Jordan, and replacing it with a special system that covers all sectors where migrant labor is present, particularly the agricultural sector, under the supervision of the Ministry of Labor. This new system should be flexible and ensure that migrant workers’ rights are protected according to international standards. It should grant migrant workers the freedom to travel, move, work, and choose their employer, making them a primary party in the contracting process between them and the employer.
5. Amending the “Conditions and Procedures for Employing and Recruiting Non-Jordanian Workers” regulations to introduce the concept of freelance work, attaching it with simplified conditions and procedures at lower costs that ensure the balance of rights between employers and non-Jordanian workers, to reduce illegal deals and violations. Additionally, the regulations should eliminate any discriminatory provisions based on nationality against Egyptian workers, including the financial security requirements mentioned in Article (14), Paragraph 6, and the procedures preventing the family members of workers from visiting Jordan. This can be addressed by including regulations that organize family visits. Furthermore, standardizing the exit clearance process to align the rights of both employers and non-Jordanian workers.
6. Reviewing and amending the Minister of Labor’s decision regarding the classification of professions and industries whose workers have the right to establish unions, as referred to in Article 98, Paragraph (d) of the Labor Law, to expand the base for union formation across various sectors and professions, without prior limitations on specific professions or industries.

7. Including all workers in the agricultural sector in social security coverage on a mandatory basis, by amending Article (59) of the Social Security Law to cover all workers in agricultural holdings, not just in work injury and maternity insurance, regardless of the nature of their contracts (permanent, temporary, seasonal) or the duration of their work. This should ensure that all categories are covered by all types of insurance.
8. Amending Article (4), paragraph (e), which refers to the Minister of Labor's authority during exceptional weather conditions to determine the hours in which agricultural workers are prohibited from working, to explicitly state the prohibition of working in open areas under direct sunlight during peak hours in the summer. It should also include the prohibition of working during hazardous weather conditions, such as sandstorms, heavy rain, sharp drops in temperature, or any other conditions that pose a direct risk to the health and safety of workers, based on reports issued by the Meteorological Department.



## Recommendations



Providing advanced training programs for inspectors on the nature of agricultural work and mechanisms for monitoring compliance with laws.



Increasing the number of inspectors specialized in the agricultural sector and providing them with training on how to handle the nature of this sector, as well as inspecting farms to ensure compliance.



Organizing awareness campaigns in collaboration with civil society organizations to educate workers about their rights and duties.



Providing subsidized loans and tax exemptions for farmers to support the improvement of the work environment without increasing their financial burdens.



Developing a unified and mandatory employment contract model that ensures transparency and clearly outlines the terms of employment, wages, working hours, and rest periods.



Issuing regulations to organize the work of intermediaries (such as brokers or “Shawish”) in the agricultural sector, by providing a clear definition of the intermediary and their legal role, and requiring intermediaries to register with the Ministry of Labor and obtain a license to practice the profession.



Providing government advisory offices in agricultural areas that offer free legal services to workers.



Encouraging social dialogue among stakeholders, including the Agricultural Workers’ Union, to reach solutions and policies that strike a balance between the rights of workers in the agricultural sector and the needs of employers. This includes strengthening the union’s role in representing workers’ interests and actively participating in decision-making processes.

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- <sup>22</sup> Policy Paper on Increasing the Effectiveness of Labor Inspection in Jordan, Phenix Center for Economic and Informatics Studies, 2021.
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