



UNITED NATIONS  
JORDAN



## LABOUR RIGHTS ARE HUMAN RIGHTS

# Jordan's Engagement with the Supervisory Mechanisms of the ILO

# Introduction

The history of the International Labour Organization (ILO) shows that it was established to adopt international labour standards to protect the most vulnerable, as a humanitarian and an economic concern. The ILO's standards aim to ensure countries provide, in law and practice, a minimum level of respect for the rights of workers, as well as employers in some instances. In doing so, they also aim to create a level playing field to prevent countries from profiting from low labour standards when producing goods for export, as compared to countries that have higher labour standards. In this respect, **the 1919 Constitution of the ILO** proclaimed that "...universal and lasting peace can be established only if it is based on social justice".

**The ILO's 1944 Declaration of Philadelphia** (incorporated into the ILO Constitution in 1946) was the first international instrument to proclaim human rights and their relation to development, by affirming that "... all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity." Nowadays, the ILO pursues the realization of its mandate by promoting Decent Work, which simply put means that it is not enough for people to have a job, but that this job must be of a certain quality. In essence, it is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration.<sup>1</sup>

Since its inception, the ILO has adopted several instruments that are considered human rights instruments. It is noteworthy that a number of these instruments inspired the adoption and/or content of more general human rights instruments adopted later by the United Nations (UN). For instance, Article 22 of the International Covenant on Civil and Political Rights, which was adopted in 1966, provides rights concerning freedom of association. This article, however, gives precedence to an ILO Convention concerning freedom of association adopted almost 20 years earlier, by stating that "[n]othing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention".<sup>2</sup>

Since 1926, the ILO has administered a supervisory system that seeks to provide guidance to its Member States when their national law and practice is not in conformity with the ILO instruments they have accepted to implement. This system consists of periodic country reporting, as well as several complaints mechanisms, known as special procedures.

The processes for the development and supervision of the ILO's standards reflect its unique tripartite structure, as governments, and employers' and worker's organizations play an equal role.



“ This background paper outlines opportunities for engagement by workers and employers in Jordan with the ILO's supervisory mechanisms to implement human rights obligations in Jordan - realizing human rights for all, Jordanians and non-Jordanians alike. Because of its tripartite structure, the supervisory mechanisms of the ILO provide different opportunities for workers' and employers' organizations to submit information and/or complaints. These opportunities are not available to individuals/individual workers and employers. If individuals wish to submit information and/or a complaint they must do so through a national or international workers' or employers' organization.

<sup>1</sup> United Nations Economic and Social Council, E/C.12/GC/186 February 2006, Committee on Economic, Social and Cultural Rights, Thirty fifth session, Geneva, 7 25 November 2005, The Right to Work, General comment No. 18, Adopted on 24 November 2005, paragraph 7.

<sup>2</sup> The same precedence is contained in Article 8(3) of the International Covenant on Economic, Social and Cultural Rights, which was also adopted in 1966.

# Overview

## Main ILO Conventions giving expression to human rights at work<sup>3</sup>

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either:

- **Conventions (or Protocols)**, which are legally binding international treaties that may be ratified by member states, **OR**
- **Recommendations**, which serve as non-binding guidelines

In many cases, a Convention lays down the basic provisions to be implemented by ratifying countries, while a related Recommendation supplements the Convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to a Convention.

The ILO has adopted 190 Conventions, 6 Protocols and 206 Recommendations. From amongst all the Conventions adopted, the ILO considers 10 to be fundamental Conventions. These 10 Conventions cover 5 human rights subjects, namely freedom of association, non-discrimination and equality, forced labour, child labour and a safe and healthy working environment. Jordan has ratified 7 of these 10 Conventions.



	Convention	Ratification by Jordan
1	Forced Labour Convention, 1930 (No. 29) <sup>4</sup>	Yes
2	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	No
3	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	yes
4	Equal Remuneration Convention, 1951 (No. 100)	Yes
5	Abolition of Forced Labour Convention, 1957 (No. 105)	Yes
6	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Yes
7	Minimum Age Convention, 1973 (No. 138)	Yes
8	Occupational Safety and Health Convention, 1981 (No. 155)	No
9	Worst Forms of Child Labour Convention, 1999 (No. 182)	Yes
10	Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	No

Jordan has also ratified seven out of the nine core United Nations human rights treaties, several of which contain relevant provisions to protect the right to decent work, the right of everyone to form and join the trade union of his or her choice, the right of trade unions to function freely, and the right to strike; to eliminate discrimination against women in the field of employment; or the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.<sup>5</sup>

<sup>3</sup> The ILO has adopted numerous Conventions giving expression to human rights at work. Some of these are included in a non-exhaustive list of universal human rights instruments which can be found at [OHCHR | Human Rights Instruments](#). This brief focuses only on the 10 fundamental Conventions of the ILO in the interest of brevity.

<sup>4</sup> This Convention is accompanied by the Protocol of 2014 to the Forced Labour Convention, 1930. Jordan has not ratified this Protocol.

<sup>5</sup> For more details on Jordan's engagement with UN human rights mechanisms, see [United Nations Human Rights Mechanisms Jordan's Engagement | United Nations in Jordan](#).

# Supervisory mechanisms

There are two kinds of supervisory mechanisms within the ILO:

## The regular system of supervision

This mechanism consists of a review by independent experts (Committee on the Application of Conventions and Recommendations – CEACR) of periodic country reports submitted by member states, as well observations submitted by employers’ and workers’ organizations on the application of a ratified Convention. The experts meet in November/December each year. For fundamental human rights Conventions countries must report every 3 years. For those countries where compliance gaps of particular concern have been identified, a tripartite body may also invite country representatives to explain in-person the challenges they face in implementing a convention. This Committee on the Application of Standards meets annually in May/June as a standing committee of the International Labour Conference. In the past 5 years, Jordan has not been invited to appear before this tripartite body.

## Special procedures- There are three special complaints procedures in the ILO:

- **The representation procedure** is governed by articles 24 and 25 of the ILO Constitution, under which an industrial association of employers or of workers has the right to present to the ILO Governing Body, which is its executive body, a representation against any member State which, in its view, “has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party”.
- **The complaint procedure** is governed by articles 26 to 34 of the ILO Constitution, under which a complaint may be filed against a member State for not complying with a ratified Convention by another member State which has ratified the same Convention, a delegate to the International Labour Conference or the Governing Body of its own motion.
- **Complaints concerning freedom of association** may be brought against a member State by employers’ and workers’ organizations, whether the country concerned has ratified the relevant Conventions or not. These complaints are considered by a standing committee of the ILO Governing Body, the Committee on Freedom of Association. In recent years, Jordan has been the subject of one complaint concerning freedom of association.

All the information concerning Jordan’s ratification and application of international labour standards can be found in a database called Normlex. It can be searched by country, Convention, and supervisory mechanism. See [NORMLEX - Information System on International Labour Standards \(ilo.org\)](#).



## Main Comments by the ILO Supervisory Bodies

During the past 5 years, the ILO Supervisory Bodies have raised several issues concerning the application of ILO fundamental Conventions by Jordan:

**Freedom of Association.** The CEACR last examined the application of Convention No. 98 by Jordan in 2021, at which time it considered information concerning anti-union measures against the Jordanian Teachers Association. The Committee urged the Government to take the necessary measures without delay to guarantee the right to organize and to bargain collectively in the education sector and to ensure full respect of the independence of workers’ organizations in the sector. See [CEACR - Jordan, observation 2021](#).

# Comments by the ILO Supervisory Bodies .....

The CEACR also considered legal impediments for agricultural workers, domestic workers, migrant workers, workers between the ages of 16 and 18, workers from certain sectors currently not covered by the relevant law, and public sector workers to fully enjoy the right to freedom of association and collective bargaining, as well as for workers to establish more than 1 union at sectoral and national level. See [CEACR - Jordan, observation, 2021](#).

A number of these issues were raised in follow up to a complaint submitted to the Committee on Freedom of Association in 2018. See [FOA case text \(ilo.org\)](#).<sup>6</sup> Within the framework of this complaint, the CFA also considered issues related to Ministerial powers to dissolve an administrative body of a trade union/employers' organization, alleged cases of detention and acts of discrimination against trade union leaders, alleged cases of interference and discrimination against leaders and activists of independent trade unions, and the recognition of independent trade unions.

**Non-discrimination and equality.** With respect to the application of Convention No. 111, in 2020 the CEACR noted certain gaps within Jordan's legislative framework and urged the Government to take the necessary measures without delay to amend the Labour Law No. 8, 1996, to: (i) prohibit direct and indirect discrimination with respect to all aspects of employment and occupation; and (ii) cover all categories of workers, in both the formal and informal economies, including domestic workers. It also asked the Government to step up its efforts to ensure that a comprehensive definition and a clear prohibition of both forms of sexual harassment in employment and occupation (*quid pro quo* and hostile work environment) is included in the Labour Law and to ensure the use of gender-neutral language, and to continue to take preventative measures, including awareness-raising initiatives on sexual harassment for workers, employers, and law enforcement officials. In addition, the Committee asked the Government to review its approach to restrictions on women's employment and to take the necessary steps to ensure that section 69 of the Labour Code and the corresponding Ordinance No. 6828 are modified so that any restrictions on the work that can be done by women are limited to maternity protection in the strict sense and are not based on stereotypical assumptions regarding their capacity and role in society. See [CEACR - Jordan, observation, 2020](#).

Regarding the application of Convention No. 100, in 2020 the CEACR noted with satisfaction the adoption of an amendment of the Labour Code recognizing the principle of equal remuneration for work of equal value regardless of gender. It also urged the Government to take steps without delay to amend a certain Regulation pertaining to civil servants to ensure that women and men are entitled to all allowances, including the family allowance, on an equal basis. See [CEACR - Jordan, observation, 2020](#).

**Forced labour:** No major substantive issues were raised by the ILO Supervisory Bodies concerning forced labour..

**Child labour:** The CEACR last examined the application of Convention No. 138 by Jordan in 2018 and, while taking note of the measures adopted to combat child labour, observed that the number of child labourers nearly doubled between 2007 and 2016, especially in hazardous work. It strongly encouraged the Government to strengthen its efforts to ensure the elimination of child labour in all economic activities. Furthermore, observing the prevalence of Syrian children under the age of 15 working in agricultural fields and taking note of the reports according to which labour inspectors rarely visited these places of work, the CEACR strongly encouraged the Government to take the necessary measures to strengthen the capacity of the labour inspectorate and to expand the labour inspection services to all sectors, including the agricultural sector, to ensure that children benefit from the protection established by the Convention. See [CEACR - Jordan, observation, 2018](#).

In its latest examination of the application of Convention No. 182, in 2018, the CEACR addressed the prevalence of Syrian refugee children engaged in child labour in hazardous conditions in the agricultural and urban informal sector. It noted with interest the achievements made following the implementation of the "3RP Regional Refugee and Resilience Plan 2017-18", which was developed by over 270 actors (UN and international and national NGOs) to tackle Syrian refugee crisis and implemented under the leadership of the national authorities of Egypt, Jordan, Turkey and Iraq. It noted that, according to a 2018 UNICEF assessment, 85 per cent of Syrian refugee children in Jordan are living in poverty and are deprived of the most basic needs, including education, and are vulnerable to exploitation, while also noting the various measures taken by the Government to identify, reach out to, remove, and reintegrate Syrian refugee children who are exposed to the worst forms of child labour. In light of these considerations, the Committee strongly encouraged the Government to continue to take effective and time-bound measures to protect Syrian refugee children from the worst forms of child labour and to provide the necessary and appropriate direct assistance for their removal and for their rehabilitation and social integration. See [CEACR - Jordan, observation, 2018](#).

6 FOA Cases (ilo.org)

# TIMELINE

of Jordan's provisional reporting obligations for the next 2 years concerning the 7 fundamental Conventions of the ILO that it has ratified.

Year	Convention	Pending Comment	Report from
2002	C98 – Right to organise and collective bargaining	<a href="#">CEACR - Jordan, observation 2021</a>	<a href="#">Convention No. 98 - Report Form</a>
	C29 – Forced labour	<a href="#">CEACR - Jordan, direct request, 2018</a>	<a href="#">Convention No. 29 - Report Form</a>
	C105 – Forced labour		<a href="#">Convention No. 105 - Report Form</a>
	C138 – Child labour	<a href="#">CEACR - Jordan, observation, 2018</a>	<a href="#">Convention No. 138 - Report Form</a>
	C182 – Worst forms of child labour	<a href="#">CEACR - Jordan, observation, 2018, CEACR - Jordan, direct request, 2018</a>	<a href="#">Convention No. 182 - Report Form</a>
2023	C100 – Equal remuneration	<a href="#">CEACR - Jordan, observation, 2020, CEACR - Jordan, direct request, 2020</a>	<a href="#">Convention No. 100 - Report Form</a>
	C111 – Non-discrimination	<a href="#">CEACR - Jordan, observation, 2020, CEACR - Jordan, direct request, 2020</a>	<a href="#">Convention No. 111 - Report Form</a>

# RESOURCES





## ACKNOWLEDGEMENT

This background paper is part of a series of “norms and standards papers” developed by the United Nations in Jordan under the leadership of the Resident Coordinator’s Office to highlight Jordan’s commitments under international treaties or other commitments made and to inform ongoing national initiatives and reform processes. The series also aims to familiarize a wider audience with international norms and standards and the work of the United Nations in Jordan.



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