



## Jordan

**Labour Code, Law No. 8 of 1996.** Dated 2nd March, 1996.

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## Chapter I: Preliminary

### Section 1

This Law shall be called the Labour Code of 1996 and shall come into force on the expiry of sixty days from the date of its publication in the Official Gazette.

### Section 2

For the purposes of this Code, the following words and expressions shall, unless there is ground to presume otherwise, have the meanings assigned to them below:

- *the Ministry* : the Ministry of Labour;
- *the Minister* : the Minister of Labour;
- *the Secretary General* : the Secretary General of the Ministry;
- *employer* : any natural or legal person employing, in any capacity, one or more persons against remuneration;

- *association* : an organization representing employers;
- *worker* : any person, male or female, performing work against remuneration for an employer and under his direction, including minors, trainees and persons on a trial period;
- *work* : any intellectual or manual effort made by a worker for remuneration, be it for an indefinite period, or on a casual, temporary or seasonal basis;
- *casual work* : work necessitated by unforeseen contingencies the completion of which does not require more than three months;
- *temporary work* : work that requires, in view of its nature, a limited period of time to be completed;
- *seasonal work* : work carried out in specific seasons of the year and the completion of which does not require more than six months;
- *collective agreement*: a written agreement regulating terms of employment between an employer or an association on the one hand, and a group of workers or a trade union on the other;
- *contract of employment* : an agreement, verbal or written, explicit or implicit, whereby a worker undertakes to work for an employer, under his supervision or direction, in return for remuneration; contracts of employment may be for a specified period or of indefinite duration, or for specified or unspecified work;
- *remuneration* : any compensation a worker is entitled to for his work, in cash or in kind, in addition to any other payments due to him by virtue of law, a contract of employment, internal regulations or common practice, except payments for overtime;
- *young person* : any person, male or female, who has attained the age of seven but is less than eighteen years old;
- *establishment* : an entity that provides services, or produces or distributes goods;
- *medical authority* : a medical practitioner or medical commission approved by the Minister;
- *occupational disease* : an industrial disease or occupational injury listed in Tables I or II of this Code;
- *industrial injury* : an injury sustained by a worker due to an accident that occurs during the performance of his work or as a result thereof, including commuting accidents;
- *dependent* : the worker's family member or members stipulated as beneficiaries by the Social Security Law in force;
- *trade union* : an organization of workers in a trade, formed in accordance with the provisions of this Code;
- *administrative board* : the administrative board of a trade union;
- *collective labour dispute* : any dispute occurring between a group of workers or a trade union on the one hand, and an employer or association on the other, concerning the application or interpretation of a collective agreement or terms and conditions of employment.

### Section 3

The provisions of this Code shall apply to all workers and employers, except:

- (1) government and municipal officials;
- (2) an employer's family members working without remuneration in his undertakings;
- (3) domestic servants, gardeners, cooks and the like;
- (4) agricultural workers excluding those who shall be covered by this Code pursuant to a decision taken by the Council of Ministers on the basis of a recommendation by the Minister.

### Section 4

- (1) The provisions of this Code shall be without prejudice to any rights that a worker may have under any other law, or any contract of employment, agreement or award, provided that such rights are more favorable than those granted to him by this Code.
  - (2) Any contract or agreement made before or after the commencement of this Code, whereby a worker relinquishes any right conferred on him by this Code, shall be deemed null and void.
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## **Chapter II: Labour Inspection**

### **Section 5**

The Ministry shall be in charge of inspection tasks in application of this Code.

### **Section 6**

Any person undertaking inspection activities shall sign a statement whereby he takes an oath to discharge his duties in all honesty and good faith and to abstain from revealing secrets brought to his knowledge through his work.

### **Section 7**

Qualifications, duties, powers and emoluments of labour inspectors as well as obligations of employers towards the latter shall be governed by regulations issued for that purpose.

### **Section 8**

Every employer or person acting on his behalf shall:

- (1) on the first month of every year, send to the Ministry or to the inspectorate in the work area a statement specifying the number of workers in his employment, as well as the place and type of work, date of entry into employment and remuneration of every worker;
- (2) keep in his establishment the records that he is required to hold, including records of workers and trainees.

### **Section 9**

- (1) In the discharge of their duties, labour inspectors shall be vested with the powers of criminal investigators as prescribed by the Criminal Procedures Code in force. Their reports, drafted within the limits of their mandate, shall be enforceable, until otherwise established.
- (2) An inspector may demand that an employer ceases a violation within a period not exceeding seven days from the date on which the latter receives written notice to that effect. If the employer fails to do so, the Minister, or his duly mandated representative, may decide to close down the establishment until the violation ceases or until a court rules on the matter.
- (3) The offender shall be ordered by court to cease the violation and shall be fined no less than fifty and no more than five hundred Dinars. The minimum fine shall not be reduced on the grounds of any mitigating circumstances.

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## **Chapter III: Recruitment and Careers Guidance**

### **Section 10**

- (1) The Ministry shall be in charge of the organization of the labour market and of careers guidance, and shall draw up the necessary guidelines for the promotion of jobs and recruitment opportunities for Jordanians within the Kingdom and abroad, in cooperation with the appropriate bodies.
- (2) Private employment offices may be established upon authorization by the Minister. Their conditions of establishment, objectives, functions and methods of management, as well as their supervision by the Ministry shall be set out in regulations that shall be issued for that purpose. The Minister may determine the fees charged by such offices for their services.

### **Section 11**

Public and authorized private employment offices shall be the sole intermediaries empowered to recruit or facilitate the recruitment of workers within the Kingdom or abroad. The Minister may close down offices violating the provisions of this section and bring judicial proceedings against them. Convicted violators shall be fined no less than two hundred and no more than one thousand Dinars and/or shall be sentenced to a minimum of thirty days in prison; offices found to be acting in violation of the provisions of this section shall be closed down, and all their assets relating to employment activities shall be confiscated.

## **Section 12**

- (1) Non-Jordanian workers shall only be employed upon authorization by the Minister, or his duly mandated representative, provided that the work they undertake requires expertise and skills unavailable or insufficient within the Jordanian workforce. In such cases, priority shall be given to Arab experts, technical specialists and workers.
- (2) Non-Jordanian workers shall obtain a work permit from the Minister, or his duly mandated representative, before being brought into the country or entering employment. Such work permits shall be valid for a maximum of one year and may be renewable on an annual basis.
- (3) The Ministry shall collect a fee from the employer for the issuance or renewal of the work permit of a non-Jordanian worker. Such a fee shall be received as public revenue, and its amount shall be fixed by statute.
- (4) Upon recommendation by the Ministry of Social Development, a severely handicapped person, or his guardian or trustee, may be exempted from the payment of the work permit fee for one non-Jordanian worker, if the disabled is in constant acute need of assistance in his day-to-day life, and if the functions of the non-Jordanian worker are limited to assisting the disabled.
- (5) An employer or manager of an establishment, as the case may be, shall be fined no less than fifty and no more than one hundred Dinars for every month or fraction of a month during which a non-Jordanian worker is employed in violation of the provisions of this Code. The fixed minimum fine shall not be reduced in any circumstances and for any reasons whatsoever.
- (6) The Minister shall order the deportation of a worker violating the provisions of this section, at the expense of the employer or manager of the establishment. Such orders shall be executed by the competent authorities.

## **Section 13**

An employer having fifty or more workers in his employment, and undertaking a type of work that allows for the employment of disabled workers who have received vocational training through specialized programs, arrangements or institutes approved by the Ministry, or established by it in cooperation with public or private institutions, shall employ such disabled workers so that they represent no less than 2% (two percent) of his total workforce, and shall send the Ministry a statement specifying the type of work and the remuneration of each trained disabled worker.

## **Section 14**

If a worker sustains an industrial injury leading to permanent partial disability not preventing him from performing a different type of work, his employer shall employ him in such type of work as is compatible with his condition, if such work is available, and pay him the remuneration set for that work. The worker's financial entitlements for the period preceding the injury shall be calculated on the basis of the last remuneration he received, before the injury was sustained.

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# **Chapter IV: Contracts of Employment**

## **Section 15**

- (1) Contracts of employment shall be drawn up in Arabic and in two copies at least; each party shall keep a copy. If no such contract is made, the worker may establish his rights by all legal means of evidence.
- (2) A worker employed for an indefinite duration shall be considered in service until his employment is terminated in accordance with the provisions of this Code. If a worker is employed for a specified period, he shall be considered in service throughout that period.
- (3) Where the contract of employment is for a specified period, it is automatically terminated at the end of that period. If both parties to the contract continue implementing it after that period has expired, the contract shall be considered to have been renewed as a contract for an indefinite duration, and shall be deemed as such from its commencement.
- (4) A worker who is regularly employed for piece-work in the workplace, or performs a series of tasks by piece-work, shall be considered as a worker employed for an indefinite duration.
- (5)
  - (a) Workers employed by a contractor for the execution of a project may take direct legal action against the project owner, to claim the entitlements due to them from the contractor. Such claims shall not exceed the amount of payments due to the contractor from the owner at the time when action is taken.
  - (b) Workers employed by a subcontractor may take direct legal action against the principal contractor and the project owner. The amounts claimed in such action may not exceed payments that are due, at the time when action is taken, to the principal contractor from the owner and to the subcontractor from the principal contractor.
  - (c) Workers mentioned in subparagraphs (5)(a) and (b) of this section shall have a preferential claim to the payments due to the principal contractor and the subcontractor, and their claims shall be settled proportionately, each according to his share.

## **Section 16**

A contract of employment shall remain in force notwithstanding a change of employer, whether such a change is due to the sale of the undertaking or its transfer by inheritance, the merger of the establishment or any other reason. The original employer and the new employer shall, for a period of six months, be jointly liable in the discharge of any obligations arising out of the contract of employment and maturing before the date of change. After the expiry of that period the new employer shall have sole liability.

## **Section 17**

No worker shall be under the obligation to perform work that is markedly different from the type of work agreed in the contract of employment, except where such work is required to prevent an accident or carry out repairs necessitated thereby, in cases of force majeure or under other circumstances stipulated by this Code. Such work shall, in any case, remain within the limits of the capacities of the worker and the circumstances necessitating it.

## **Section 18**

No worker shall be under the obligation to work in a place other than his assigned workplace if that were to lead to a change of residence and where that is not expressly stipulated in the contract of employment.

## **Section 19**

Every worker shall:

- (1) perform his own work himself, exerting reasonable diligence, and follow the instructions of his employer concerning the performance of the agreed work, within the limits of the worker's safety, provisions of laws in force and general rules of moral conduct.
- (2) keep the industrial and commercial secrets of his employer and refrain from disclosing them in any way, even after the expiry of the contract of employment, as stipulated in an agreement thereon or in

- accordance with common practice;
- (3) take adequate care of all items he receives to perform his work such as his working tools, materials or utensils;
  - (4) undergo, before or after commencing work, the medical check-up required by his type of work to ascertain that he does not have any occupational or contagious diseases.

## **Section 20**

- (1) Subject to the provisions of paragraph (2) of this section, an employer shall have no claim over a new invention made by a worker even where the worker has developed it in the course of his work. Priority in the sale of the invention shall, however, be given to the employer.
- (2) Where the nature of the tasks assigned to a worker require him to put effort into the development of an invention, he may be entitled to a share in the interests arising out of the invention. That share shall not exceed 50% (fifty percent) and shall be assessed taking into consideration the mental and physical effort made by the worker, and the materials, tools, installations and other facilities provided by the employer.

## **Section 21**

A contract of employment shall be considered terminated if:

- (1) both parties agree to terminate it;
- (2) the duration of the contract has expired or the work itself has been completed;
- (3) the worker dies or is no longer capable of working due to a disease or disability certified by the medical authority.

## **Section 22**

The death of an employer shall not bring about the termination of the contract of employment unless the contract took into consideration the personality of the employer.

## **Section 23**

- (1) If one of the two parties to a contract of employment of indefinite duration wishes to terminate it, such party shall give the other party written notice to that effect at least one month in advance. Notice can then only be withdrawn with the approval of both parties.
- (2) Such contract of employment shall remain in force throughout the notice period which shall be considered as part of the period of service.
- (3) If notice is given by the employer, he may release the worker from work for the duration of the notice period, or he may not do so except for the last seven days of that period. In any case, the worker shall be entitled to his remuneration for the notice period.
- (4) If it is the worker who gives notice, and he leaves work before the end of the notice period, he shall not be entitled to any remuneration for the period of absence and shall compensate the employer by paying him the equivalent of his own remuneration for that period.

## **Section 24**

Subject to the provisions of section 31 of this Code, no worker may be dismissed and no disciplinary measures may be taken against him for reasons related to complaints or claims submitted by him to the appropriate bodies, in relation to the non-application of the provisions of this Code with regard to him.

## **Section 25**

If a worker institutes judicial proceedings within sixty days of his dismissal, and a competent court finds the dismissal arbitrary and in violation of the provisions of this Code, the employer may be ordered to reinstate

the worker or pay him damages, in addition to compensation in lieu of notice and all other entitlements stipulated in sections 32 and 33 of this Code, provided that the total amount awarded shall not be less than the worker's remuneration for three months and not more than his remuneration for six months, and shall be calculated on the basis of the last remuneration he received.

## **Section 26**

- (1) If a contract of employment for a specified period is terminated before its expiry date by either the employer or the worker for any of the reasons set forth in section 29 of this Code, the worker shall have the right to receive all his entitlements and benefits as stipulated by the contract. He shall also be entitled to receive any remuneration payable to him throughout the remaining period, unless the termination of the contract is considered as a dismissal, in accordance with the provisions of section 28 of this Code.
- (2) If a contract of employment for a specified period is terminated by a worker for none of the reasons set forth in section 29 of this Code, the employer may claim damages from the worker. Such damages shall be assessed by a competent court. The worker shall not be ordered to pay more than the equivalent of half his remuneration for every month remaining in the contract period.

## **Section 27**

- (1) Subject to the provisions of paragraph (2) of this section, an employer may not terminate the employment of a worker or give the latter notice, if the worker is:
  - (a) a pregnant woman who has reached at least her sixth month of pregnancy, or a woman on maternity leave;
  - (b) performing military or reserve service;
  - (c) on annual or sick leave, on leave granted for worker education or pilgrimage or on leave agreed by both parties to take up trade union office or studies in a recognized institute, college or university.
- (2) An employer shall be freed from the obligation stipulated in paragraph (1) of this section if the worker is employed by another employer during any of the periods mentioned therein.

## **Section 28**

An employer may dismiss a worker without notice, if:

- (1) the worker assumes false identity or submits false certificates or documents with the purpose of acquiring a benefit or causing prejudice to others;
- (2) the worker fails to fulfill the obligations stipulated in the contract of employment;
- (3) the worker commits a fault causing the employer considerable material damage, provided that the employer notifies the appropriate bodies of the accident within five days from the date on which he learns of its occurrence;
- (4) the worker, in spite of receiving two written warnings, fails to observe the internal regulations of the establishment, including safety regulations;
- (5) the worker is absent from work without good cause for more than twenty days intermittently, during any one year, or for more than ten consecutive days, provided that, prior to the dismissal, written notice is sent to his address by registered mail and published, at least once, in a daily local newspaper;
- (6) the worker discloses work secrets;
- (7) a court, in a final judgment, finds the worker guilty of a criminal offense or a misdemeanor involving dishonorable or immoral conduct;
- (h) the worker is found at work in a manifest state of intoxication or under the influence of any drugs or psycho-tropic substances, or if he has committed, at the workplace, an act violating principles of moral conduct;
- (a) the worker strikes or insults the employer, the manager in charge, a superior, a fellow worker or any other person in the course or on account of work.

## **Section 29**

A worker shall be entitled to leave his employment without giving notice while preserving his legal rights to end of service indemnities and entitlements to damages, if:

- (1) he is employed in work markedly different in nature from that agreed in the contract of employment, unless it is for reasons stipulated in section 17 of this Code;
- (2) he is employed in conditions necessitating a change of residence, unless such a change is stipulated in the contract;
- (3) he is downgraded from the agreed level of employment;
- (4) his remuneration is lowered, unless it is for reasons stipulated in section 14 of this Code;
- (5) a medical report issued by a medical authority, proves that his work, if continued, could be hazardous to his health;
- (6) the employer, or the person acting on his behalf, strikes or insults the worker in the course or on account of his work;
- (7) the employer fails to comply with any provisions in this Code or any regulations issued thereunder, provided that he has received notification from the appropriate body in the Ministry calling for compliance with such provisions.

## **Section 30**

An employer shall, if a worker so requests, give the latter, upon termination of his employment, a certificate of employment specifying the worker's name, his type of work and the dates on which he entered and left employment. The employer shall also be under the obligation to return to the worker any papers, certificates or tools deposited with him by the worker.

## **Section 31**

- (1) An employer may terminate or suspend all or some contracts of employment of indefinite duration, if economic or technical conditions were to require it, such as a reduction of the workload, the replacement of the old production system by a new one or the total stoppage of work, provided that the Ministry is duly notified.
- (2) The Minister of Labour may set up a tripartite commission to examine the validity of such measures.
- (3) Workers whose employment has been terminated in accordance with paragraphs (1) and (2) of this section shall be entitled to return to work within one year, if work resumes its normal course and it is possible for the employer to reemploy them.
- (4) A worker whose contract of employment is suspended in accordance with paragraph (1) of this section shall be entitled to leave work without notice while retaining his legal rights with respect to the end of service.

## **Section 32**

Subject to the provisions of section 28 of this Code, a worker employed for an indefinite duration and not covered by the Social Security Law, shall, if his employment is terminated for any reason whatsoever, be entitled to receive his end of service indemnity which shall be calculated on the basis of the last remuneration the worker received and at the rate of one month's remuneration for every year of effective service and a proportionate indemnity for any fraction of a year of such service. If the worker is paid wholly or partly by piece-rate or commission, his indemnity shall be calculated on the basis of the average monthly remuneration he effectively received over the last twelve months of his employment, or, if his service did not extend over such a period, the average monthly remuneration he received for the duration of his service. In the calculation of the end of service indemnity, any intermittent periods of work, not separated by more than one month, shall be considered as a continuous period of employment.

## **Section 33**



- (1) In addition to his end of service indemnity, a worker covered by a special scheme of savings, pension or other such funds in his establishment shall, at the end of his service, receive any allowances he is entitled to under such a scheme.
- (2) The regulations governing funds mentioned in paragraph (1) shall be subject to approval by the Minister.

#### **Section 34**

In case of a worker's death, all his end of service entitlements stipulated in this Code shall revert to his legal heirs, as if his employment had been terminated by the employer, as well as all allowances from funds mentioned in section 33 of this Code.

#### **Section 35**

- (1) An employer may employ any worker on a trial basis to verify his competence and capacities for the work that is required of him, provided that the trial period shall not, in any case, exceed three months and that the above-mentioned worker shall not be paid less than the fixed minimum remuneration.
- (2) The employer shall have the right to terminate the employment of a worker under probation without notice or indemnity during the trial period.
- (3) If a worker continues work after the end of his trial period, his contract of employment shall be considered of indefinite duration and the trial period shall be considered as part of the service period of the worker with the employer.

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## **Chapter V: Vocational Training Contracts**

#### **Section 36**

- (1) A vocational training contract entered into by a worker and an employer shall be concluded in writing. The trainer shall have sufficient qualifications and experience in the profession or craft in which the trainee is intended to be trained and the establishment shall fulfill the required conditions for training.
- (2) Vocational training contracts shall be drawn up in accordance with the format and terms prescribed by the Vocational Training Institution in instructions issued for that purpose and published in the Official Gazette. Such contracts shall be free from stamp duty.
- (3) Trainees having attained eighteen years of age shall enter into the contract directly. Minors shall be represented by their guardian or trustee.

#### **Section 37**

Vocational training contracts shall specify the duration and stages of training as well as the level of remuneration at each training stage. Remuneration in the last stage shall not be less than the minimum remuneration granted for similar work, and shall in no case be calculated on a piece-rate or productivity basis. Training shall be dispensed in accordance with the Vocational Training Institution programs as found in instructions issued for that purpose and published in the Official Gazette.

#### **Section 38**

A vocational training contract may be terminated by either party, if:

- (1) one of the two parties violates the provisions of this Code or the regulations issued thereunder;
- (2) one of the two parties fails to discharge its duties in accordance with the terms of the contract;
- (3) it is impossible to execute the terms of the contract due to reasons beyond the control of one of the parties;

- (4) the employer transfers the training place specified in the contract, and such a transfer raises difficulties for the trainee or is prejudicial to his interests; the trainee may not invoke such a reason if one month has already elapsed from the date of his transfer to the new training place;
  - (5) the continuation of the work of the trainee is hazardous to his safety or health, as certified by the report of a labour inspector or by a medical report issued by an approved medical commission.
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## Chapter VI: Collective Agreements

### Section 39

Collective agreements shall be drawn up in at least three original copies. Each party shall retain one copy and the third shall be deposited with the Ministry, to be kept in a special register. Such agreements shall be binding from the date specified therein or, in the absence of such a date, from the date on which they are registered in the Ministry.

### Section 40

Collective agreements may be for a specified period or of indefinite duration. In the first case, the specified period shall not exceed two years. In the second, either party shall have the right to terminate the agreement after it has been implemented for at least two years, by giving the other party notice to that effect at least one month before the termination date. The Ministry shall be notified accordingly by a copy of the above-mentioned notice.

### Section 41

- (1) If, in accordance with the provisions of section 40 of this Code, a collective agreement expires or is terminated by one of the two parties, and negotiations are being conducted to renew, extend or amend the agreement, it shall remain in force throughout the duration of the negotiations, but not for more than six months. If negotiations are not completed during such a period, the agreement shall be considered to have expired.
- (2) The expiry of a collective agreement shall not entitle the employer to undermine, in any way, the rights acquired by workers who had been covered by the agreement.

### Section 42

- (1) A collective agreement shall be binding on:
  - (a) employers and their successors, including their heirs and the persons to whom the establishment has been transferred in any way, including by way of merger;
  - (b) workers covered by the agreement, even after they withdraw from their trade union, or their trade union withdraws from the federation party to the collective agreement, if they had been members of the trade union or the trade union had been a member of the federation at the time when the agreement was entered into;
  - (c) workers in any establishment that is covered by the provisions of the agreement even if they are not members of any trade union;
  - (e) workers in any establishment that is covered by the provisions of the agreement, having entered into less favorable individual contracts of employment with the establishment.
- (2) Any clause in an individual contract of employment, entered into by persons covered by a collective agreement, shall be null and void if it runs counter to the collective agreement, unless it is more favorable to the workers.

### Section 43

Upon the request of any employer or worker and after due examination of such a request, including the consideration of recommendations of a commission set up by the Minister with the participation of the

employers and workers concerned, the Minister may decide to expand the scope of application of any collective agreement that has been executed for at least two months, so as to render it, with all its clauses, binding on all employers and workers in a specific sector or a group of employers and workers, in all regions or in a specific region. Decisions taken pursuant to this section shall be published in the Official Gazette.

#### **Section 44**

The Minister shall issue instructions specifying the manner in which collective agreements shall be registered and joined and in which copies shall be made thereof as well as any other relevant organizational matters. An announcement indicating the existence of a collective agreement, the parties to it and the date and place at which it was concluded, shall be posted inside the establishment and at all working places.

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### **Chapter VII: Protection of Remuneration**

#### **Section 45**

Remuneration shall be specified in the contract. In the absence of such provision, the worker shall be paid the remuneration that would be assessed for work of the same type, if such type of work exists. Otherwise, remuneration shall be assessed in accordance with common practice. In the absence of such practice, payable remuneration shall be assessed by court in accordance with the provisions of this Code, considering the case as a labour dispute over remuneration.

#### **Section 46**

(1) Remuneration shall be paid within a period not exceeding seven days from the date on which it becomes payable. An employer may not make any deductions therefrom other than those authorized by this Code.

(2) the presence of a worker's signature on any statement or record of remuneration, or any receipt for a specified amount, shall not extinguish his right to any sum additional to the payment made, by virtue of law, regulations or contract.

#### **Section 47**

No deductions shall be made from a worker's remuneration, except:

- (1) for the recovery of advances, provided that no single deduction shall exceed 10% of the worker's remuneration;
- (2) for the adjustment of overpayments;
- (3) in respect of social security contributions payable by the worker, or other deductions prescribed by other laws;
- (4) in respect of the worker's contributions to a savings fund;
- (5) in respect of housing accommodation and other amenities and services provided by the employer, at such rates or percentages as agreed upon by the two parties;
- (6) to pay a debt in execution of a court decision;
- (7) for payments imposed on the worker, in accordance with the provisions of this Code, for a breach of the internal regulations of the establishment or the contract of employment, or as compensation for damage caused by his negligence or fault on any materials or tools.

#### **Section 48**

No disciplinary measures shall be taken and no fines shall be imposed by an employer on a worker for an offense that is not stipulated in the regulation of disciplinary penalties approved by the Minister, while taking account of the following:

- (1) no worker shall, in any one month, be fined more than three days' remuneration or suspended without remuneration for more than three days; in any case, he shall first be given an opportunity to show cause against the penalty and shall be entitled to make opposition to it before the labour inspector within one week of notification;
- (2) no disciplinary measures shall be taken and no fines shall be imposed on a worker for any offense stipulated in the approved regulation of disciplinary penalties if fifteen days have elapsed since the offense was committed;
- (3) fines imposed in accordance with this section shall be entered in a special record stating the name of the worker, his remuneration and the reasons for which he was fined. Such fines shall be used to provide social services to workers in the establishment as prescribed by the Minister.

#### **Section 49**

If it is established that a worker was responsible for misplacing or damaging tools, machines or products in the ownership or possession of the employer or under the care of the worker, and if such loss or damage was caused by the worker's fault or violation of the employer's instructions, the employer may deduct from the worker's remuneration the value of the loss or damage or the cost of repairs, provided that such a deduction does not exceed five days' remuneration in any one month. The employer shall have the right to seek remedy for damage caused by the worker in an ordinary competent court.

#### **Section 50**

If an employer is forced to stop work temporarily for reasons that cannot be attributed to him and which are beyond his control, workers shall be entitled to full remuneration for no more than the first ten days from the date on which work stopped in any one year and half their remuneration for the remaining period. The total remunerated period with full work stoppage shall not exceed sixty days in any one year.

#### **Section 51**

- (1) Notwithstanding the provisions of any other law, remuneration and payments due under this Code to a worker or, after his death, to his heirs or dependents, shall be deemed first-class privileged debts preferred over all other debts, including taxes, duties and any other government dues as well as debts guaranteed by mortgage or security.
- (2) In case of the liquidation of an establishment or bankruptcy of an employer, the liquidator or bankruptcy administrator shall immediately, upon taking possession of the employer's estate, pay the worker, or his heirs, the equivalent of one month's remuneration out of the amounts due to him, before settling any other payments, including court, bankruptcy or liquidation costs.

#### **Section 52**

- (1) The Council of Ministers shall, upon the recommendation of the Minister, set up a committee consisting of representatives of the Ministry, workers and employers in equal numbers and appoint a committee chairman from the committee's members. The committee shall be in charge of fixing minimum remuneration in Jordanian currency either generally or for a particular area or trade. Members of the committee shall hold a two-year renewable mandate.
- (2) The committee shall hold session as necessary upon invitation by its chairman, and shall submit decisions not adopted by unanimity to the Minister, to be referred to the Council of Ministers which shall adopt its decision taking into consideration the cost of living estimated by the appropriate bodies. Final decisions adopted under this Code and their date of entry into force shall be published in the Official Gazette.

#### **Section 53**

An employer, or person acting on his behalf, who has paid a worker less than the minimum rate of remuneration shall be punishable by a fine of no less than twenty five and no more than one hundred Dinars in

respect of each offense, and shall also be ordered to pay the worker the difference. The penalty shall be doubled every time the offense is repeated.

## **Section 54**

- (1) Upon recommendation by the Minister, the Council of Ministers may set up a body called the Remuneration Authority, consisting of one or more labour experts and specialists to hear claims in respect of remuneration in a particular region, including claims regarding underpayment, unlawful deductions, delayed payment or overtime. Such claims shall be settled by summary process and shall only be receivable, if the worker has remained in the same employment or no more than six months have elapsed since the termination of his employment. If that condition is not fulfilled, the worker shall have the right to take his case to an ordinary competent court.
- (2) The Remuneration Authority shall not be bound to adopt the proceedings and procedures of ordinary courts, but shall have the competence of the ordinary courts to:
  - (a) summon any person, to hear his testimony under oath, and to have him brought by the competent security forces if he fails to appear before it;
  - (b) order the parties concerned, to submit any documents or information it deems necessary to settle the case.
- (3) Action shall be brought in writing by the worker himself or by a trade union on his behalf. A single action may be brought by a number of workers employed in the same establishment and having the same cause for action. Each of the two parties to the dispute shall have the right to authorize a representative to act on its behalf before the competent remuneration authority.
- (4) The Remuneration Authority may demand that the employer pay the worker, within a specified time-limit, any unlawful deductions, unpaid remuneration or remuneration which has fallen due for payment or in arrears. It may also award the worker damages that it shall assess, provided that the amount of damages shall not exceed the amounts deducted or unpaid in the claim period, and that the employer shall not be required to pay damages in respect of underpaid or delayed remuneration if the Authority is satisfied that the delay was due to a bona fide error, a dispute as to the payable amount, an emergency or the failure of the worker to request or accept payment of his remuneration.
- (5) Cases shall be heard by the Remuneration Authority in the presence of the parties or persons acting on their behalf. If the worker who brought the action fails to appear, the case shall be extinct. If the employer against whom action has been brought fails to appear, but the worker is present, then the case shall be heard. The decision of the Authority shall in that case be taken in absentia and fall in favor of the worker. An appeal may be filed against the Authority's decision before the Appeal's Court within ten days of notification, provided that the amount awarded to the worker exceeds one hundred Dinars.
- (6) Decisions of the Remuneration Authority shall be executed by the enforcing authorities in the same manner as those issued by ordinary courts, provided that the amounts awarded are not payable by installments.
- (7) Actions brought before the Remuneration Authority by workers and decisions referred to the enforcing authorities by the Remuneration Authority for execution, shall be exempt from legal fees and stamp duty.
- (h) The Authority and its staff shall receive payment as decided by the Minister, taking into consideration the number of cases submitted to and settled by the Authority, provided that it did not discharge its functions during official working hours.

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## **Chapter VIII: Organization of Work and Leave Time**

### **Section 55**

Any employer having ten or more workers in his employment shall, to organize work in his establishment, draw up internal regulations stating daily and weekly work and rest periods, work offenses, and penalties and measures taken to that effect including dismissal, as well as the manner in which such measures are

implemented and any other details relevant to the nature of the work of the establishment. Such internal regulations shall be submitted to the Minister for ratification and shall be in force from the date of ratification.

## **Section 56**

Normal working hours shall be eight hours a day and shall not exceed in any one week forty eight hours over a maximum of six days, excluding meal breaks and rest periods. Working hours shall not exceed that limit except in cases stipulated by this Code.

## **Section 57**

A worker may be employed by an employer in excess of normal working hours, provided that he is paid overtime in accordance with this Code, in any of the following cases:

- (1) to perform the annual inventory, finalize the budget or close the accounts of the establishment, or to prepare for a sales period, provided that such work shall not account for more than thirty days a year and that maximum effective hours of work on any such day shall not exceed ten hours.
- (2) to avoid losses in goods or any perishable material, for the prevention of any technical hazards related to a technical type of work or to receive, deliver or transport specific material.

## **Section 58**

The provisions of sections in this Code relating to working hours shall not apply to persons occupying supervisory or managerial positions in any establishment, persons who work, in some cases, outside the establishment or those whose duties involve travel within the Kingdom or abroad.

## **Section 59**

- (1) A worker may be employed, with his consent, in excess of normal working hours, provided that he is paid overtime at a minimum rate of 125% of his regular remuneration.
- (2) If a worker works on his weekly rest day or on religious or official holidays, he shall be paid overtime at a minimum rate of 150% of his regular remuneration.

## **Section 60**

- (1) Friday shall be observed as the day of weekly rest unless the nature of work requires otherwise.
- (2) A worker may, with the approval of his employer, accumulate his weekly rest days to use them all together as leave, for a period not exceeding one month.
- (3) Weekly rest days shall be paid in full unless a worker is employed on a daily or weekly basis. In such cases, he shall be entitled to receive full remuneration for the weekly rest day if he worked for six consecutive days before the specified rest day, and partial remuneration proportionate to the number of days worked, if he worked for three or more days.

## **Section 61**

- (1) Every worker shall be entitled to annual leave with full pay for a period of fourteen days for every year of employment, unless a longer period is agreed. Annual leave shall be extended to twenty one days where the worker has been in the employment of the same employer for five consecutive years. Official and religious holidays and weekly rest days shall not be counted as part of a worker's annual leave unless they fall in its course.
- (2) If the period of service of a worker is less than one year, he shall be entitled to paid leave, calculated proportionately to the duration of his employment in that year.
- (3) Upon agreement between a worker and employer, a worker's leave for any year may be carried over to the following year. A worker's right to take such delayed leave shall be extinct if he does not request

to take it during the year to which it was carried over. An employer may not refuse the request of a worker to take his delayed leave.

- (4) An employer may, on the first month of the year, set the date of annual leave for every worker, as well as the manner in which it shall be taken, in accordance with work requirements, while taking into consideration the interests of the worker.

## **Section 62**

If a worker's annual leave is not taken all at once, no part taken thereof shall be less than six days long.

## **Section 63**

If a worker's employment is terminated for any reason before he uses up his annual leave, he shall be entitled to receive his remuneration for all remaining leave days.

## **Section 64**

Any agreement by which a worker relinquishes his right to annual leave in full or in part shall be null and void.

## **Section 65**

Every worker shall be entitled to fourteen days a year of sick leave with full pay on the basis of a report by the medical practitioner approved by the establishment. Sick leave may be extended to a further fourteen days with full pay if the worker is hospitalized and with half pay if the worker is not hospitalized but provides a report from a medical commission approved by the establishment.

## **Section 66**

- (1) Every worker shall be entitled to fourteen days a year of paid leave on any of the following grounds:
  - (a) to follow a Ministry approved workers' education course, upon his nomination by the employer or manager of the establishment in coordination with the trade union concerned;
  - (b) to go on pilgrimage, provided that he has been in the employer's service for at least five consecutive years. Such leave shall only be granted once during the worker's period of service.
- (2) Every worker shall be entitled to four months of unpaid leave if he wishes to study in an officially recognized university, institute or college.

## **Section 67**

Every woman worker in an establishment employing ten or more workers shall be entitled to a maximum of one year unpaid leave to bring up her children. She shall have the right to be reinstated at the end of her leave, but shall lose that right if she was engaged in gainful employment during that period.

## **Section 68**

Every worker, male or female, shall have the right to take unpaid leave once for a maximum period of two years to accompany his or her spouse if the latter is moved to a work place in a province other than the one in which he or she normally works or abroad.

## **Section 69**

Upon consultation with the competent official bodies, the Minister shall adopt a decision specifying:

- (1) industries and trades where women's work shall be prohibited;
- (2) hours in which women may not be employed and exceptions thereto.

## **Section 70**

Women workers shall be entitled to maternity leave with full pay for ten weeks including rest before and after delivery. Leave after delivery shall be no less than six weeks long and employment before the expiry of such a period shall be prohibited.

## **Section 71**

After expiry of the maternity leave period prescribed in section 70 of this Code, every woman worker shall have the right, within one year of delivery, to take time off with pay for the purpose of nursing her newborn baby, provided that total time off does not exceed one hour a day.

## **Section 72**

Employers with at least twenty married women workers in their employment shall provide an adequate facility under the care of a trained nurse for the women workers' children under four years of age, if at least ten of them are in such an age group.

## **Section 73**

Subject to the provisions relating to vocational training, no minor under sixteen shall be employed in any form.

## **Section 74**

No minor under seventeen shall be employed for work involving danger, hardship or health hazards. Such types of work shall be defined by decisions issued by the Minister upon consultation with the competent official bodies.

## **Section 75**

The employment of minors shall be prohibited:

- (1) in excess of six hours a day, and minors shall be granted a rest period of at least one hour after four consecutive working hours;
- (2) between eight in the evening and six in the morning;
- (3) on religious and official holidays and on weekly rest days.

## **Section 76**

Before employing a minor, an employer shall request him or his guardian to submit the following documents:

- (1) a certified copy of his birth certificate;
- (2) a report of physical fitness for the proposed work, issued by a specialized physician and certified by the Ministry of Health;
- (3) the guardian's written consent to the work to be undertaken by the minor in the establishment. All such documents shall be kept in a special file together with adequate data about the minor's place of residence, date of employment, occupation, remuneration and leave periods.

## **Section 77**

Any employer or manager of an establishment who violates any provisions of this chapter or any regulations or decisions adopted thereunder, shall be liable to a fine of no less than one hundred and no more than five hundred Dinars. The fine shall be doubled every time the offense is repeated and may not be reduced beneath the minimum rate on any mitigating grounds.

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## Chapter IX: Occupational Safety and Health

### Section 78

- (1) Every employer shall:
  - (a) take the necessary precautions and measures to protect workers against hazards and diseases that may result from work or machines used therein;
  - (b) provide workers with the necessary personal material, such as special clothes, glasses, gloves or shoes, to protect them from work hazards and occupational diseases, and shall instruct them in the use, maintenance, keeping and cleaning of such material;
  - (c) inform workers, before they take up work, of any occupational hazards and precautionary measures to be taken, and shall post up, in clear view, instructions and guidelines about occupational hazards and protection methods, in accordance with the relevant regulations and decisions;
  - (e) provide workers with first-aid material and equipment in the establishment in accordance with standards prescribed by a decision to be adopted by the Minister after consultation with the competent official bodies.
- (2) Workers shall not be liable for any costs resulting from the implementation of paragraph (1) of this section.

### Section 79

Upon consultation with the competent official bodies, the Minister shall issue instructions prescribing:

- (1) precautions or measures to be taken in all or any establishments to protect workers and establishments against work hazards and occupational diseases;
- (2) equipment and material to be provided in all or any establishments for the protection of workers from work hazards and occupational diseases and the prevention thereof;
- (3) conditions and standards that shall be met in industrial establishments to provide an environment free of any form of pollution, excessive noise and vibration or any potential health hazard for workers, in accordance with adopted international standards. The above-mentioned instructions shall also specify standard testing and verification methods.

### Section 80

Employers shall take the necessary precautions to protect establishments and workers against fire and explosion hazards as well as dangers resulting from the storage, transportation and handling of highly inflammable products. They shall also provide adequate technical material and equipment in accordance with the instructions of the competent authorities.

### Section 81

No employer or worker shall authorize any kind of alcohol, illegal or dangerous drugs or psycho-tropic substances to be brought into the work-place, or display any such substances therein, and no person under the influence of alcohol or drugs shall enter or stay on work premises for any reason whatsoever.

### Section 82

Workers in an establishment shall abide by the rules, regulations and decisions pertaining to accident prevention, occupational safety and health and the use and maintenance of relevant equipment. They shall also refrain from any act that may undermine the implementation of such rules, decisions or regulations and shall not misuse, damage or spoil such equipment. They shall, otherwise, be liable to disciplinary measures prescribed by the establishment's internal regulations.

### Section 83

After consultation with the relevant bodies, the Minister may issue instructions specifying types of work where a person cannot be employed without a medical check-up to certify his physical fitness for such work. Any instructions issued pursuant to this section shall be published in two local daily newspapers and the Official Gazette.

#### **Section 84**

- (1) If an employer violates any provisions in this chapter, endangering the workers, establishment or machinery, the Minister may close down the establishment or place of work, totally or partially, or suspend the operation of any machinery therein, until the violation is ceased by the employer.
- (2) The Minister shall not adopt any decision in application of paragraph (1) of this section before notifying the employer to cease the violation within a time limit identified in the notice, taking into consideration the gravity of the violation and the danger involved.
- (3) Where an establishment or work-place is closed down or the operation of machinery therein is suspended, the workers' right to receive full remuneration throughout the closure or suspension shall not be undermined.
- (4) The Minister may institute judicial proceedings before a competent court against the violator who, in such a case, shall be fined no less than one hundred and no more than five hundred Dinars. The fine shall be doubled if the offense is repeated and may not be reduced below the fixed minimum rate for any reason whatsoever.

#### **Section 85**

Upon the recommendation of the Minister, the Council of Ministers shall issue the necessary regulations:

- (1) to set up occupational safety and health committees, appoint supervisors for public and private establishments and determine the committees' and supervisors' terms of reference and functions;
- (2) to prescribe appropriate preventive and therapeutic medical care for workers, and the employers' obligations in providing such care, describe the manner in which joint medical units can be created and financed by two or more establishments, specify technical equipment to be found in such units and fix regular medical check-ups for workers.
- (3) to regulate prevention and safety measures in the operation of industrial machinery and at the work-place.

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## **Chapter X: Work Injuries and Occupational Diseases**

#### **Section 86**

The provisions of this chapter pertaining to work injuries and occupational diseases shall apply to workers not covered by the Social Security Law in force.

#### **Section 87**

- (1) If a worker sustains a work injury that results in his death or involves a bodily injury that prevents him from continuing work, the employer shall transport him to a hospital or medical center, notify the competent security authorities of the accident and send notice of the accident to the Ministry within a time limit of 48 hours. The employer shall bear the costs of the worker's transportation to the hospital or medical center for treatment.
- (2) An employer, or manager or representative of an establishment, who violates the provisions of paragraph (1) of this section shall be liable to a fine of no less than one hundred and no more than five hundred Dinars for each offense. The fine shall be doubled if the violation is repeated.

#### **Section 88**

Employers shall be responsible for the payment of compensation prescribed by this Code in the case where a worker develops an occupational disease resulting from his work, as certified by a report from the Medical Authority.

### **Section 89**

Subject to the provisions of any other law or statute, the injured worker or his dependents shall not have the right to claim from the employer compensation not prescribed by this Code for a work injury unless it was caused by the employer's fault.

### **Section 90**

- (1) Where a work injury results in the death or total disability of a worker, the employer shall be liable to pay compensation equal to the remuneration payable to the worker for one thousand and two hundred working days, provided that such compensation shall be no more than five thousand and no less than two thousand Dinars.
- (2) Where a work injury results in the temporary disability of a worker, he shall be entitled to a daily allowance equivalent to 75% of his average daily remuneration, as of the day on which the injury was sustained and throughout the period of treatment, as certified by a report from the Medical Authority, if he is treated by a hospital as an out-patient. His allowance shall be reduced to 65% if he is treated with an approved medical facility.
- (3) Where the work injury results in permanent but partial disability, certified by a report from the Medical Authority, the worker shall be paid compensation in proportion to the degree of disability as compared to compensation for total disability prescribed in Table II of this Code.
- (4) Where a single work injury involves more than one bodily injury, the injured worker shall be entitled to compensation for each bodily injury in accordance with the provisions of this Code, provided that the aggregate amount payable does not exceed the amount payable in the case of total disability.

### **Section 91**

Compensation prescribed by this Code shall be calculated on the basis of the last remuneration received by the worker. Where the worker is paid at a piece-rate, compensation shall be calculated on the basis of his average remuneration over the last six months of work.

### **Section 92**

- (1) Compensation due under this Code shall be assessed upon the request of the employer or the worker or his dependents. In case of failure to reach agreement on compensation due, the Secretary General, in his capacity as workers' compensation commissioner, shall assess the compensation due and shall be deemed a party to any legal action brought thereon. The Minister may appoint other Ministry officials to perform the functions of the workers' compensation commissioner in any region within the Kingdom. Compensation shall be payable as a lump-sum within thirty days from the date on which the parties concerned are notified of the commissioner's assessment decision.
- (2) Payment of compensation under this Code shall not deprive workers or their dependents of their entitlements to end of service indemnities.
- (3) No legal action pertaining to compensation prescribed by this Code shall be heard in court if a claim on the matter is pending before a compensation commissioner.

### **Section 93**

No claim for compensation in respect of any work injury shall be receivable unless it is submitted to a commissioner within two years of the date on which it was sustained or the injured worker died. A commissioner may, however, deem a claim receivable after the expiry of two years from the date on which the injury or death occurred, if there was good cause for the delay in submission, including the fact that the final consequences of the injury were not definitively determined within that period.

## **Section 94**

- (1) Subject to paragraph (2) of this section, the injured worker's rights to daily allowances and financial compensation shall be extinct in the following cases but may be reconfirmed by the findings of an investigation undertaken by the appropriate bodies after hearing the employer or his representative and the worker once he is fit to be heard:
  - (a) where a worker has been injured as a result of his own willful act or gross fault or negligence;
  - (b) where the injury has been caused by the influence of alcohol, drugs or psycho-tropic substances;
  - (c) where the injured worker has violated posted instructions prescribing the treatment of his injury or industrial prevention and security measures to be observed, and where that violation had a bearing on the occurrence of the injury.
- (2) the provisions of paragraph (1) shall not apply in any work injury cases, including the cases mentioned in that paragraph, if the injury results in the death or at least 30% permanent disability of the injured worker. The latter or his dependents shall, in such cases, be paid daily allowances or financial compensation as appropriate.

## **Section 95**

Compensation payable under this Code may in no case be charged or attached except for payment of alimony, in which case only a third of the amount of compensation may be charged or attached. Compensation payable under this Code may further not be assigned to any person other than the worker himself or his dependents and no claim may be set off against it after the death of the worker.

## **Section 96**

Subject to the provisions of section 95 of this Code, compensation payable on the death of a worker shall be apportioned among his dependents in the manner specified in Table III of this Code.

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# **Chapter XI: Trade Unions and Employers' Associations**

## **Section 97**

- (1) Workers in any trade may organize themselves in a trade union in accordance with the provisions of this Code. Any worker in such trade shall have the right to join the trade union if he fulfills membership conditions.
- (2) No employer shall make the employment of a worker subject to the condition that he does not join a trade union or withdraws from membership of a trade union, attempt to bring about the expulsion of a worker from a trade union or cause prejudice to a worker's rights by reason of his membership in a trade union or participation in its activities outside working hours.

## **Section 98**

- (1) Subject to the provisions of paragraph (2) of this section, a trade union may be established by at least fifty founding members working in the same trade or engaged in similar or interdependent occupations within one field of production.
- (2) The Minister may, in agreement with the General Confederation of Trade Unions, issue a decision classifying trades and industries where workers are entitled to organize themselves in a trade union and specifying groups of trades and industries where no more than one general trade union may be established, covering all workers in such groups, in view of their similarity, interdependence or participation in a single or integrated field of production. Such a decision may be applicable to already existing trade unions.

## **Section 99**

- (1) Trade unions shall work for the following objectives:
  - (a) protect the interests of workers in the trade and defend their rights within the framework of this Code;
  - (b) provide health and social services to members and set up clinics, social welfare organizations and consumer associations for their benefit;
  - (c) raise the professional, economic and cultural level of workers.
- (2) A trade union may set up subsidiary branches within the Kingdom. Rules and procedures governing the relationship between the trade union and its branches shall be determined in its statutes.

## **Section 100**

Upon consultation with the Ministry, the General Confederation of Trade Unions shall draw up its statutes and those of the trade unions. Trade union statutes shall include:

- (1) the name of the trade union and the address of its head office;
- (2) the objectives for which the trade union is founded;
- (3) admission and expulsion procedures;
- (4) the manner in which union branches shall be established in various regions of the Kingdom and conditions for the creation of their committees as well as the procedures of the latter;
- (5) the number of members on the administrative board and their term of office, board election procedures, frequency of board meetings, the manner in which board vacancies are filled and the board's terms of reference;
- (6) members' rights and obligations and cases where disciplinary measures may be taken, including fines and expulsion;
- (7) services and financial assistance provided to members on an ad hoc basis, including participation in covering costs of medical treatment and legal representation;
- (8) conditions and procedures subject to which officers and employees of the union may be appointed and dismissed;
- (9) procedures regarding the trade union's assets, accounting books and financial statements;
- (10) procedures to convene the trade union's general assembly in regular and extraordinary session.

## **Section 101**

- (1) Trade unions registered before the entry into force of this Code shall be deemed to be registered thereunder.
- (2) Employers' organizations registered before the entry into force of this Code shall be considered as associations registered thereunder.
- (3) The above-mentioned trade unions and employers' associations shall adjust their functioning, statutes and official names to comply with the provisions of this Code within a period not exceeding six months from the date of its entry into force.

## **Section 102**

- (1) Applications to set up a trade union or an employers' association shall be submitted to the Registrar of Trade Unions and Associations in the Ministry, signed by the founding members and accompanied by the following:
  - (a) the union's or association's statutes, including name, head office and address;
  - (b) the composition of the administrative board after the first elections held by the founding members.
- (2) The Registrar may demand from the administrative board any additional information he deems necessary to examine the union's or association's application and finalize the registration procedures.
- (3) The Registrar shall issue his decision in respect of the registration application of any trade union or association within a period not exceeding thirty days from the date of submission. If an application is approved, the Registrar shall issue a certificate of registration for the trade union or association and his decision shall be published in the Official Gazette. If the Registrar decides to reject an application, the

founding members may appeal to the Supreme Court within thirty days from the date on which they are notified of the decision.

- (4) Any person who has suffered damage as a result of the registration of a trade union or association may lodge an appeal with the Supreme Court against the registration decision within thirty days from the date of publication of the decision in the Official Gazette.

### **Section 103**

- (1) A trade union or association shall carry the name it is registered under and shall be considered a corporate body, in which capacity it shall carry out all activities authorized under this Code and any regulations issued thereunder, in accordance with its statutes, from the date of:
  - (a) publication of the Registrar's decision to register the trade union or association in the Official Gazette;
  - (b) the Supreme Court ruling to recall the Registrar's decision refusing registration of the trade union or association; or
  - (c) expiry of the appeal period stipulated in section 102 of this Code.
- (2) Trade unions and associations shall notify the Registrar of any changes or amendments to their statutes within fifteen days of their adoption.

### **Section 104**

All communications and notifications addressed to a trade union or association shall be sent to its registered address. The Registrar shall be notified of any change of such address within seven days and such changes shall be recorded in the trade union and association register. Otherwise, the original registered address shall remain valid.

### **Section 105**

The Registrar shall cancel the certificate of registration of a trade union or association if he has sufficient grounds to believe that it has ceased to exist either by reason of voluntary dissolution or by reason of dissolution by virtue of the provisions of this Code or a court decision.

### **Section 106**

A trade union or association may, with the consent of two-thirds of the members whose contributions have been duly paid, be voluntarily dissolved, in an extraordinary session of the general assembly, convened for that sole purpose. In such a case, all its assets and claims shall be liquidated and disposed of in accordance with its statutes, and both the Minister and the General Confederation of Trade Unions shall be notified of the dissolution decision within fifteen days of its adoption. The decision shall further be published in the Official Gazette.

### **Section 107**

- (1) If a trade union or association fails to submit to the Ministry any notification, statement or regular budget or any accounts or documents it is bound to submit under this Code or regulations issued thereunder, the trade union or association or its legal representative shall be liable to a fine of no less than fifty and no more than one hundred Dinars. The fine imposed may not be reduced for any reason.
- (2) If a trade union or association violates the provisions of its statutes, it shall cease such a violation within a period not exceeding three months, either of its own accord or upon the demand of the Ministry or General Confederation of Trade Unions. If the violation is not ceased within that period, the Minister or a person acting on his behalf shall institute judicial proceedings before a competent court of first instance against the trade union or association in respect of the above-mentioned violation. The functioning of the trade union or association may be suspended by court until its decision is issued.

### **Section 108**

- (1) Employers in any trade may organize themselves in an association to promote their professional interests in respect of the application of this Code.
- (2) To be established, an employers' association shall have, as founding members, at least thirty employers engaged in the same trade or in similar or interdependent trades or in a single field of production. Such occupational groups shall be defined by a decision of the Minister, in agreement with the representatives of the association. Any employer shall be entitled to join or not join the association representing his trade.
- (3) To be a founding member of or apply for membership in an employers' association or a trade union, the following conditions shall be met:
  - (a) to be of Jordanian nationality;
  - (b) to be no less than twenty-five years of age;
  - (c) not to have been convicted of a criminal offense or a misdemeanor involving dishonorable or immoral conduct.

### **Section 109**

Funds of a trade union may only be spent for lawful purposes relating to the interests of the trade union, including:

- (1) payment of salaries, allowances and expenses to union employees and officers;
- (2) administrative costs, including auditing fees;
- (3) fees and expenses incurred in judicial proceedings instituted by or against the union or any member thereof, where such proceedings are concerned with the securing or protection of any union rights or rights rising out of the relations of any member with his employer;
- (4) expenses in respect of any labour dispute relating to the union or any member thereof;
- (5) compensation of members for any loss arising out of a labour dispute;
- (6) payment of grants to members of a trade union or their family members in cases of death, old age, sickness, unemployment or accidents;
- (7) costs of educational and social services provided by the union to its members.

### **Section 110**

- (1) Trade unions shall set up the General Confederation of Trade Unions which shall be a corporate body, each trade union preserving its own rights.
- (2) The Confederation shall consist of the members of trade unions affiliated thereto and shall have the same rights as a trade union.
- (3) In agreement with the General Confederation of Trade Unions, two or more trade unions may set up a federation, provided that each union obtains approval from its general assembly by a simple majority and that the Registrar is informed accordingly in writing.
- (4) The General Confederation of Trade Unions and registered federations of trade unions shall have the right to affiliate with any Arab or international workers' organization having lawful objectives and means.
- (5) The functioning of the General Confederation and trade union federations shall be regulated by special rules issued for that purpose.

### **Section 111**

No officer or member in a trade union may be punishable or liable to any legal or judicial proceedings by reason of an agreement concluded by members of the trade union in respect of any lawful purposes of the union, provided that such an agreement is not in violation of laws and regulations in force.

### **Section 112**

No trade union shall be deemed an unlawful organization on the sole ground that any of its objectives are alleged to aim at restricting freedom of trade.

### **Section 113**

- (1) Every trade union shall hold registers and books in accordance with standards and conditions prescribed by the Minister.
- (2) Labour inspectors may examine accounting books as well as other records, registers and lists of members kept by a trade union, and any union officer or member shall be entitled to examine such books, records and registers and lists at such times as are specified in the statutes of the union, provided that such inspection take place on union premises.

### **Section 114**

No person shall be elected to the membership of the administrative board of a trade union if he is not a registered worker or full-time employee therein, or if he has been convicted of a felony or of an offense involving dishonorable or immoral conduct.

### **Section 115**

A trade union may establish regional branches anywhere within the Kingdom. Relations between a trade union and its branches and between a trade union and the General Confederation of Trade Unions shall be governed by the union's statutes.

### **Section 116**

- (1) The Minister may institute judicial proceedings before the court of first instance for the dissolution of any trade union, if it:
  - (a) violates any provision of this Code, provided that the Minister had already sent the union, before instituting the proceedings, written notice to cease the violation within a determined time-limit and that the trade union did not respond to such notice;
  - (b) instigates walkouts, work stoppage, stay-in strikes or demonstrations in cases where such actions are prohibited under this Code or any other legislation in force;
  - (c) resorts to the use of force, violence, threats or any other unlawful measures in infringing or attempting to infringe upon a third party's right to work, or any other right.
- (2) An appeal may be lodged with the Court of Appeals against an order of the court of first instance to dissolve the trade union, within thirty days from the date of its issue, if made in the presence of the parties, or thirty days from the date of notification of such an order if it was issued in a situation tantamount to the presence of the parties. The decision of the Court of Appeals shall be final.

### **Section 117**

If a trade union is dissolved involuntarily for any reason, its funds shall be deposited with a bank appointed by the General Confederation of Trade Unions until such time as a new union is established for the same trade or group of trades. If no such trade union is established within one year from the date of dissolution of the original union, the latter's moveable and non-moveable property shall revert to the General Confederation of Trade Unions.

### **Section 118**

- (1) Every trade union shall submit to the Registrar before the first of April of every year a copy of its regular budget, drafted following an approved format and audited according to the rules by a chartered accountant. The budget shall include a statement of revenues, expenditures, assets and liabilities for the past year until the thirty-first of December. The Registrar may request from the union additional data or clarification regarding the budget.
- (2) The copy of the budget sent by the union to the Registrar shall have attached a statement including names of employees and all persons working in the union, as well as changes involving them or their status during the budget year.



## **Section 119**

- (1) If a trade union fails to submit any notification, statement or budget or any other document required by this Code or demanded by the Minister or Registrar, the employee or person in charge of submitting or sending such documents shall, under the statutes of the union, be liable to a fine of no less than fifty and no more than one hundred Dinars. The fine shall be doubled, with reference to its maximum rate, if the offense is repeated.
  - (2) Any person who willfully enters inaccurate data into the regular budget of a trade union or takes part in such an act, misrepresents any provisions or amendments in the union's statutes or takes part in such an act or omits any language in such statutes shall be liable to a fine of no less than five hundred and no more than one thousand Dinars or a prison sentence of no less than three months and no more than one year. The penalty shall be doubled with reference to its maximum limit if the offense is repeated.
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## **Chapter XII: Settlement of Collective Labour Disputes**

### **Section 120**

The Minister may appoint one or more Ministry officials as conciliation officers to carry out mediation in the settlement of collective labour disputes for the region that he specifies and duration that he deems appropriate.

### **Section 121**

- (1) If a collective labour dispute arises, the conciliation officer shall initiate mediation proceedings between the two parties to settle the dispute. If the dispute is settled by means of a collective or other agreement, the conciliation officer shall keep a copy of the agreement ratified by both parties.
- (2) If, for any reason, it is not possible to conduct negotiations between the two parties or if negotiations that have been initiated are not likely to lead to the settlement of the dispute, the conciliation officer shall, within a period not exceeding twenty-one days from the date on which the dispute was brought before him, submit a report to the Minister describing the reasons of the dispute, negotiations that have taken place between the two parties and his own conclusions.
- (3) If the Minister also fails to settle the dispute, he shall refer it to a conciliation board that he shall set up, consisting of:
  - (a) a chairman who shall be appointed by the Minister, and who shall have no connection with the dispute or with trade unions or employers' associations;
  - (b) two or more members representing employers and workers in equal numbers, each party appointing its own representatives on the board.

### **Section 122**

- (1) Where a labour dispute has been referred to a conciliation board, the latter shall endeavor to bring about a settlement in such manner as it deems fit. If it does reach such a settlement, be it fully or partially, it shall send a report thereon to the Minister, together with a memorandum of the settlement signed by both parties.
- (2) If the conciliation board fails to bring about a settlement to the dispute, it shall send the Minister a report on the reasons of the dispute, steps taken for its settlement, causes of the failure to reach a settlement and the recommendations that the board deems appropriate on the matter.
- (3) In any case, the board shall complete conciliation procedures and submit a report with its conclusions within a period not exceeding twenty-one days from the date on which the dispute was referred to it.

### **Section 123**

Neither party to a labour dispute brought before a conciliation officer or board may be represented by a lawyer.

### **Section 124**

- (1) If the conciliation board fails to put an end to a collective labour dispute, the Minister shall refer the dispute to an industrial tribunal that shall be set up consisting of three ordinary judges commissioned by the judicial council for that purpose, upon the request of the Minister. The tribunal shall be chaired by the most senior judge. It may hold session in presence of only two of its members. If they fail to agree, the third judge shall be invited to take part in hearing the case and issuing the award.
- (2) Where a labour dispute has been referred to an industrial tribunal, the tribunal shall conduct its proceedings expeditiously, commencing consideration of the case within a period not exceeding seven days from the date on which the dispute is referred to it. Its award shall be issued and notified to the Minister within thirty days from that date, and shall be final. No appeal may be lodged against such a decision before any judicial or administrative body.
- (3) An industrial tribunal shall consider and settle a labour dispute referred to it following such procedures as it deems fit to do justice to both parties, while abiding by any special procedures prescribed by this Code. Both parties may be represented in the tribunal by one or more lawyers.

### **Section 125**

An industrial tribunal or conciliation board examining a labour dispute shall be vested with the following powers:

- (1) to hear the testimony of any person and seek the opinion of any expert on the dispute, under oath;
- (2) to order any party to the dispute to produce any documents or data at its disposal if the tribunal or board deems them necessary for the consideration or settlement of the dispute.

### **Section 126**

An industrial tribunal may, upon the request of the Minister or any party to the dispute, interpret any award it has issued with a view to dissipating any ambiguity, provided that the interpretation does not move the award away from the conclusions reached initially. The tribunal may also, of its own accord or upon the request of the Minister or of one of the parties to the dispute and at any time, correct mistakes or drafting or calculation errors that it may have inadvertently overlooked in its decisions or awards.

### **Section 127**

Industrial tribunals and conciliation boards shall hold session in the Ministry which shall provide all administrative and logistic facilities required by their work.

### **Section 128**

- (1) Reports of conciliation boards and awards of industrial tribunals shall be in writing and shall be signed by all members of the board or tribunal as the case may be. Awards of tribunals shall be issued either unanimously or by majority. Every dissenting member of a board or tribunal shall record his opinion in writing in the report or award.
- (2) Reports of conciliation boards and awards of industrial tribunals shall be published in one or more local newspapers at the expense of the parties to the dispute within thirty days from the date on which the Minister receives the report or award.

### **Section 129**

The chairman and members of an industrial tribunal and the chairman of a conciliation board, as well as the clerks servicing the meetings shall be paid as decided by the Council of Ministers, upon the recommendation

of the Minister.

### **Section 130**

Settlements reached as a result of conciliation proceedings conducted in accordance with this Code and industrial tribunal awards shall be binding on:

- (1) the parties to the labour dispute;
- (2) the successors of the employer, including heirs to whom the establishment concerned in the dispute has been transferred;
- (3) all persons who were working in the establishment concerned with the dispute or in any part thereof, as the case may be, on the date on which the dispute arose, and all persons subsequently employed in the establishment or any part thereof, if the settlement report or industrial tribunal award decides so, on the condition that no provisions in this Code or any regulations issued thereunder stipulate otherwise.

### **Section 131**

- (1) The award of an industrial tribunal shall be in force as of the date determined by the tribunal itself.
- (2) The settlement reached as a result of conciliation proceedings shall come into operation as of the date agreed upon by the parties to the labour dispute. If no such date is agreed upon, the settlement shall come into operation as of the date on which the settlement report was signed. The settlement shall be binding on all parties to it, in the terms it prescribes.

### **Section 132**

While proceedings of a conciliation officer or board or an industrial tribunal concerning a labour dispute are pending, no employer shall:

- (1) alter the terms of employment in force;
- (2) dismiss any worker without written authorization from the conciliation officer or board or the industrial tribunal, as the case may be.

### **Section 133**

- (1) If a worker violates any provisions of a settlement or award by which he is bound under this Code, he shall be liable to a fine of no less than fifty and no more than two hundred Dinars, the first time he commits such a violation. The fine shall be doubled if the offense is repeated and may not be reduced beneath the fixed minimum rate on the basis of any mitigating grounds.
- (2) If an employer violates any provisions of a settlement or award by which he is bound under this Code, he shall be liable to a fine of no less than two hundred and no more than four hundred Dinars, the first time he commits such a violation. The fine shall be doubled if the offense is repeated and may not be reduced beneath the fixed minimum rate on the basis of any mitigating grounds.

### **Section 134**

No worker may go on strike and no employer may proceed to a lock-out:

- (1) while proceedings concerning a dispute are pending before a conciliation officer or board or an industrial tribunal;
- (2) during a period in which a settlement or award is in force and where the strike or lock-out is in connection with any matters covered by such a settlement or award.

### **Section 135**

- (1) No worker shall go on strike without giving the employer notice thereof at least fourteen days before the date set for the strike. Where work is related to a public service, the notice period shall be double.

- (2) No employer shall proceed to a lock-out without giving workers notice thereof at least fourteen days before the date set for the lock-out. Where work is related to a public service, the notice period shall be double.
- (3) Other conditions and procedures relating to strikes and lock-outs shall be determined in rules issued for that purpose.

### **Section 136**

- (1) If a worker goes on strike in a manner prohibited under this Code, he shall be liable to a fine of no less than fifty Dinars the first day and five Dinars for every subsequent day on which he continues the strike, and shall be deprived of his remuneration for days during which he is on strike.
- (2) If an employer proceeds to a lock-out in a manner prohibited under this Code, he shall be liable to a fine of five hundred Dinars the first day and fifty Dinars for every subsequent day on which he continues the lock-out, and shall be bound to pay workers their remuneration for days during which the lock-out is maintained.

### **Section 137**

- (1) The conciliation court shall be the competent court for individual labour disputes, except for cases concerning remuneration, where, in accordance with this Code, competence shall lie with the Remuneration Authority. Such disputes shall be treated expeditiously and each case shall be settled within three months from the date on which it is brought to court.
- (2) Appeal may be lodged against a court decision issued pursuant to paragraph (1) of this section within ten days from the date of issue, if made in the presence of the parties concerned, and from the date of notification if the situation was tantamount to their presence. The appeal shall be ruled on within thirty days of its receipt.
- (3) Cases brought before a conciliation court shall be exempt from all duties, including those concerning the execution of its decisions.
- (4) Courts of first instance shall continue the examination of labour related cases brought before them prior to the entry into force of this Code.

### **Section 138**

- (1) No court shall take cognizance of any judicial proceedings concerning any violation of this Code, or of regulations or instructions issued thereunder, unless such proceedings are instituted within one month from the date on which the violation is committed.
- (2) No court shall take cognizance of any judicial proceedings concerning claims over rights granted by this Code, including payments of overtime, whatever their source or origin may be, if two years have already elapsed from the date on which the grounds for claiming such rights or remuneration arose.

### **Section 139**

Any violation of this Code or any regulations issued thereunder, for which no fine has been set, shall give rise to a fine of no less than fifty and no more than one hundred Dinars, provided that the person who committed the violation shall be liable to the penalty prescribed by the penal code in force for such an offense, if such a penalty is more severe than the one provided for in this Code.

### **Section 140**

The Council of Ministers may, upon the recommendation of the Minister, issue such regulations as may be necessary for the implementation of this Code.

### **Section 141**

The Labour Code (Law no.21) of 1960 and all amendments made thereon shall hereby be repealed while regulations, instructions and decisions issued thereunder shall, if they do not run counter to the provisions of this Code, remain in force for a maximum period of two years, until such time as they are repealed or replaced by other provisions, in accordance with this Code.

## **Section 142**

The Prime Minister and ministers shall be in charge of the administration of this Code.



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