

An Overview of the Agricultural Workers Regulation No. (19) of 2021 and Key Insights



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Introduction

The issue of workers' rights in the agricultural sector represents one of the most pressing matters that requires continuous attention and research. This is due to the significant challenges these workers face under difficult working conditions, which necessitate effective intervention from relevant authorities to ensure their protection and provide decent working conditions. As notably, the majority of workers in this sector are employed in an informal manner and lack social protections. Workers are subjected to numerous violations, including wage discrimination, lack of access to healthcare, and exclusion from social security. There is also a deficiency in occupational safety and health standards. Moreover, women workers in the agricultural sector face additional challenges, as they are often deprived of their rights as working women, such as maternity leave and paid breastfeeding hours. Alongside this, the legislative challenges that have denied workers' rights for many years.

The first labor law in Jordan was enacted in 1960 (Law No. 21), which excluded agricultural workers from its provisions, except those employed in government institutions. This exclusion continued in the subsequent law of 1996 (Law No. 8), which remains in effect to this day. However, an amendment in 2002 granted the Council of Ministers the authority to extend the law's application to specific groups through regulations issued for that purpose. As a result, Regulation No. 4 of 2003 was issued, which included certain categories of agricultural workers under the law, such as agricultural engineers, veterinarians, agricultural workers in government institutions, technical workers on agricultural machinery, and workers in nurseries and animal farms. However, this inclusion deprived them of provisions related to union organization, collective bargaining, and vocational training. Meanwhile, workers from other categories, who represent the vast majority of those employed in agriculture, remained outside the scope of the labor law and are not covered by any of its provisions.

In 2008, a new amendment to the Labor Law was introduced, which repealed the legal provision in Article 3 that excluded agricultural and domestic workers from the law. This was replaced with a clause requiring the government to issue special regulations specifying the provisions that apply to agricultural and domestic workers. While the regulation for domestic workers was issued, the regulation for agricultural workers was not approved until 2021.

The regulation grants agricultural workers rights such as setting working hours, leaves, social security, and the right to union organization. However, it exempts those employed by employers who have three or fewer workers from these rights.¹ This indicates that there are

¹ [Agricultural Workers Regulation No.19 of 2021](#)

still gaps that need to be reviewed and improved, especially since workers in the agricultural sector face numerous challenges related to working conditions and legal protection. This regulation does not provide adequate solutions to these issues. It is therefore important to highlight some points that reveal the shortcomings of this regulation, which require revision and amendment.

Agricultural workers have faced numerous practical challenges that require resolution, which the provisions of the Agricultural Workers Regulation haven't incorporated adequately. The specific conditions under which these workers operate call for special protections and additional guarantees that contribute to improving their circumstances and ensuring their rights. Therefore, the goal of any labor regulation should be to achieve sustainable development and uphold human rights, which must include agricultural workers. As such, the Agricultural Workers Regulation No. (19) of 2021 requires a comprehensive review to ensure these objectives are met and to provide sufficient protection and guarantees for workers in this sector. And accordingly, Tamkeen aims, through this paper, to highlight the key observations on the Agricultural Workers Regulation No. (19) of 2021 and provide recommendations that advocate for improving the working conditions in the sector through the implementation of the regulation's provisions.

Key Observations on the Agricultural Workers Regulation No. (19) of 2021²

The Jordanian government approved the Agricultural Workers Regulation in early May 2021 and published it in the official gazette, following a delay of approximately 13 years. Its approval came in response to an article in the Labor Law introduced in 2008, which mandates the inclusion of agricultural and domestic workers in regulations issued for this purpose. At that time, the regulation for domestic workers was only issued, while no regulation for agricultural workers was established.

The Agricultural Workers Regulation consists of 17 articles³, the most significant of which stipulates that agricultural workers are subject to the provisions of the Labor Law for any issues not addressed by the regulation. This means that agricultural workers are fully covered by the law and social security. However, the regulation exempts employers and their workers from the provisions regarding working hours and holidays if they employ three or fewer workers, as well as from social security coverage.

The regulation specifies that “The agricultural working hours shall be eight hours per day, provided that they do not exceed forty-eight hours per week, distributed to a maximum of six days, and the agricultural worker shall be granted a minimum of one hour of rest and eating period per day, and this period shall not be considered a part of the agricultural working hours. And in exceptional circumstances, such as to prevent the loss or damage of plant or animal products, an agricultural worker may be permitted to work beyond the daily or weekly maximum working hours, provided that the agricultural worker is entitled to receive the overtime wage stipulated by Law.”

It is confirmed that agricultural workers are entitled to a weekly day off, according to the nature of agricultural work. However, it is permissible to agree between the agricultural worker and the agricultural employer to collect their weekly days off and obtain it within a period not exceeding one month. And shall be obliged, at their own expense, to provide suitable accommodation for agricultural workers and necessary facilities when the nature of the agricultural work so demands or according to the conditions contained in the employment contract.

² The observations of the Agricultural Workers Law No. (19) of 2021 are based on the experience of Tamkeen for Legal Aid and Human Rights team working in the agricultural sector, in addition to carrying out interviews with employers and workers in the sector.

³ Agricultural Workers Regulation No.19 of 2021

Considering the provisions included in the Agricultural Workers Regulation No. (19) of 2021, we find that it does not cover many aspects of workers' rights and does not sufficiently define employers' obligations. The following are the key observations on the regulation:

1. The regulation should ensure that employers are obligated to document employment contracts. In this context, a provision can be added to adopt a unified employment contract model approved by the Ministry of Labor, organized in three copies: in Arabic and in a language understood by the worker. Each of the worker, employer, and ministry should retain a copy. The regulation should also include provisions requiring the employer to organize the contract and send a notification to the ministry containing the number of workers, the nature of their work, their starting date, and their wages, as well as to maintain records that include this information. Given the widespread illiteracy among agricultural workers, a mechanism should be established within the Ministry of Labor that allows workers to verify the content of their contracts before signing them.
2. Regarding indefinite-term contracts, including piecework, it is essential to establish a mechanism for notice of contract termination. Since the nature of agricultural work may require short-term engagements that do not align with the one-month notice period stipulated in the Labor Law. Therefore, a more flexible notification system should be implemented to accommodate the unique demands of the agricultural sector.
3. The regulation does not address the issue of labor brokers, commonly known as the (Shaweesh) system, which is prevalent in agricultural work. This creates confusion in the employment relationship and deprives workers of their labor rights, as they are caught between the employer and the intermediary (Shaweesh).
4. The regulation does not include specific provisions regarding the termination of employment contracts, whether they are fixed-term or indefinite. This includes cases where contract execution becomes impossible due to crop damage, the agricultural season failing, or the death of the worker, or in cases where one party does not wish to continue the contract. Additionally, the draft regulation does not address scenarios where the contract is terminated by the employer while ensuring the worker retains their rights, such as in cases where the employer commits serious violations against the worker, or by the worker, such as causing significant loss to the employer.

5. The regulation does not address the mediation process in the agricultural sector, despite this practice being prevalent on the ground through what is commonly referred to as the shaweesh or moallem (supervisor). To ensure that workers are not exploited by intermediaries, the regulation should include provisions granting labor inspectors the authority to oversee the activities of intermediaries in this sector, whether individuals or institutions. This would require establishing rules for intermediary registration, as well as mechanisms and procedures for their operations, and granting the Ministry of Labor the right to inspect their activities.
6. In the definition of agricultural work in Article 2, it is unclear what constitutes plant and animal production activities and related tasks, leaving it to judicial discretion to determine whether a job is agricultural or not. Therefore, it is necessary to expand the definition to explicitly include the various tasks related to plant and animal production. Examples include packaging, canning, and delivering plant and animal products, as well as other associated activities.
7. Regarding working hours in Article 4, it is important to include the time spent commuting to and from work, as well as during work, within the working hours. The work journey takes a long time both ways due to the transportation of a large number of workers, and it may also involve the transportation of agricultural products and equipment during the same trip at the workers' expense.
8. In terms of weekly days off in Article 5, this article applies to workers employed by a single employer. However, it is unclear how the weekly days off are calculated for workers who work throughout the week for different employers. A mechanism must be established to ensure that these workers can enjoy their right to a weekly holiday.
9. Regarding annual, sick, and maternity leave in Article 7, calculating annual and sick leave as a percentage may be easier in monthly or yearly contracts. However, the mechanism for applying such leave is unclear when contracting for shorter periods.
10. Pertaining to accommodation for non-Jordanian workers in Article 9, practical guarantees must be provided to ensure that accommodation costs are not deducted from the worker's wage. To further elaborate, the situations in which the worker is entitled to employer-provided accommodation at the employer's expense must be explicitly defined.

11. Regarding the requirement for establishments to implement an internal system as stated in Article 10, it is important to adhere to the number of workers specified in the Labor Law, which is 10 workers or more, to prevent the system from reducing the protections provided by the Labor Law. A mandatory template for the system should also be established, incorporating the basic rules that must be included, while considering the specific nature of agricultural work.
12. With regard to coverage under social security insurance in Article 12, it is relatively easy to include workers of agricultural private sector companies who are employed under annual contracts in social security insurance. However, a mechanism must be found to include workers with short-term or intermittent contracts. In addition to the need to cover full maternity leave for female agricultural workers through the Social Security Corporation, their right to benefit from the maternity fund within Social Security must also be ensured. Furthermore, work injury coverage should include injuries that occur during the commute to and from work.
13. Regarding violations of the provisions of the regulation mentioned in Article 13, where forced labor, threats, fraud, coercion, withholding of travel documents, and physical and sexual assault are considered merely violations of the system, despite being crimes punishable under the Penal Code and the Anti- Human Trafficking Law, therefore, there must be a clear reference to the laws that impose penalties for these crimes to enhance protection and access to justice.
14. Regarding the exemption of establishments which employ 3 workers or fewer from the provisions related to working hours, weekly holidays, leave, and social security insurance in Article 15, this text constitutes a blatant violation of workers' rights in these establishments and discrimination against them. Employers may resort to loopholes to evade their legal responsibilities, and this exemption will also complicate legal procedures.

In Practice⁴

The agricultural sector faces the issue of labor organization, especially in small and medium-sized establishments, where temporary and seasonal work (daily, weekly, and monthly) dominates most labor relationships. This calls for more sustainable and fair frameworks that protect the rights of both workers and employers. Farmers, in particular, face a number of challenges that they share with workers, such as the seasonality of work, crop damage, and high production costs. In addition to that, the agricultural labor regulation doesn't take into account the unique nature and conditions of agricultural work.

According to farm owners, the failure to consider the specific needs of the agricultural sector in the clauses of the regulation will increase costs, which they cannot afford, especially since most farm owners have small holdings and are unable to bear these costs, particularly given that the government provides no support to the agricultural sector in any form.

They view that the regulation does not protect farmers, as the majority of workers are day laborers who move from one farm to another. They assert that the regulation provisions only apply to workers who are continuously employed by one farm owner and receive monthly salaries. However, it is difficult to apply these provisions to day laborers and those who move between farms. According to workers and employers, the lack of worker stability in the agricultural sector, combined with the continuous search for higher wages from other employers, is the reason why the regulation cannot be applied effectively. They emphasize that the implementation of labor rights reflects the state of the sector, which has seen declining income due to the lack of organized agricultural exports, as well as the impact of weather conditions leading to widespread crop damage. Therefore, the application of the regulation is closely linked to the conditions of the agricultural sector.

Regarding working hours and holidays, they point out that the regulation does not account for the fact that long working hours, including during holidays and official and annual leave, are customary and natural in the Jordan Valley, which both workers and employers agree on.

⁴ From Tamkeen team interviews with agricultural workers and employers during the years 2023-2024.

Conclusion and recommendations

In summary, the Agricultural Workers Regulation No. (19) of 2021 requires a comprehensive review to ensure it effectively achieves its objectives. This review should play a crucial role in identifying the issues and gaps in the current regulation and offering recommendations for its overall improvement. If these steps are taken, the Agricultural Workers Regulation No. (19) of 2021 could become an effective tool for protecting workers' rights in the agricultural sector and improving their working conditions.

And accordingly, we recommend

1. Review the Agricultural Workers Regulation in relation to workers' rights in this sector in more detail, especially concerning Shaweesh and child labor.
2. Build the capacity of labor inspectors regarding the agricultural sector, inspection mechanisms for agricultural holdings, and the implementation of the agricultural workers regulation.
3. The government should focus on agricultural sector data, and the Department of Statistics should conduct comprehensive and regular field surveys of its components to provide a database and digital data about the sector.
4. Issue a ministerial decision to prohibit work during certain hours in exceptional weather conditions as soon as possible to prevent the recurrence of fainting incidents and fatalities.
5. Issue a ministerial decision to define hazardous, strenuous, and health-damaging agricultural work as soon as possible.
6. Support farm owners by providing financial and technical assistance to develop and improve production processes, with the aim of enhancing the agricultural sector's role in achieving sustainable development.

