Under curfew: 11

Work Disruption in Construction.... Worsened the living conditions of its workers

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Introduction:

Governments around the world have taken precautionary and preventive measures to curtail the emerging Corona virus epidemic. Following in the footsteps of the world, Jordan began enacting numerous precautionary measures. The most important of the decisions it took is the declaration of the Defense Law of 1992 and its amendments. Based on it, it enacted a number of decisions, including the announcement of the curfew in the Kingdom. As a result, all the public and private establishments were closed except for those deemed as working in vital sectors. The decision has affected the lives of citizens and residents alike in Jordan, as these conditions did not distinguish between Jordanians and non-Jordanians.

One of the sectors most affected is the Construction sector, which is one of the most important economic sectors in Jordan. As such, it is considered one of the most vital sectors where a large percentage of workers are employed in it. These workers are employed either formally, daily or by piece. Nationally, the sector is seen as a major driver of both the economy and the development wheel. It is also a major contributor to GDP and a provider of employment opportunities.

The pandemic was not the first crisis that affected the sector. Previously, the construction sector was greatly challenged because of the economic recession and decline that hit the country. These events were caused by the crises that numerous Arab countries were going through, as well as the international economic crisis in recent years; all of which led to limiting the activities in the sector.

Due to the pandemic and the subsequent government measures including the Defense Law and the holiday decision, the challenges faced by the sector increased. Indeed, the stoppage of work had major repercussions on it, which required urgent

action to confront them. Quick solutions thus had to be identified that will limit its deterioration and enable the creation of new job opportunities that will keep the sector going.

Tamkeen for Legal Aid and Human Rights monitored the conditions of workers in the sector between the 18th of March and the 6th of April 2020. The monitoring relied on phone calls with workers, as well as their communication with the organization through its Social Media platforms, including Facebook and WhatsApp.

The monitoring report is divided into two sections. The first of which focused on the general working conditions in the sector before the onset of the virus in Jordan. The second on the other hand, highlighted the conditions following the emergence of the virus and its impact on the sector as a result of the government preventive measures to reduce its spread.

It should be noted that the sector is attractive to workers from various nationalities, which is reflected in the diversity of the nationalities of the 314 workers who were covered in this monitoring report. 110 of these workers are Jordanians, 170 are Syrians; in addition to 19 Palestinians, 9 Egyptians, 4 Iraqis and 2 Yemenis.

The Repercussions of the Preventive Measures on Construction Workers

The complaints by the workers who were affected by the pandemic and its consequences due to the were distributed as follows:

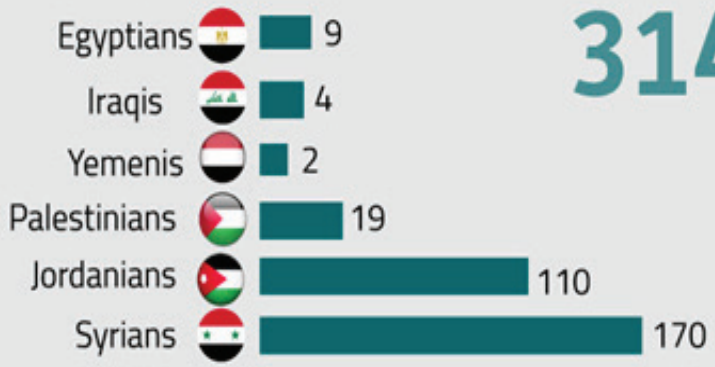
- 11% related to wages and vacations, including withholding wages for the month of March; forcing workers to sign unpaid leave requests; or calculating the days of the lockdown holiday as an annual vacation.

- 77% of workers reported that they had completely stopped working, due to the holiday in the private sector, and then the imposed curfew. These decisions led to the loss of their income, especially those who are paid on a daily basis.

* 1% reported that their services were terminated by the employer due to the pandemic.

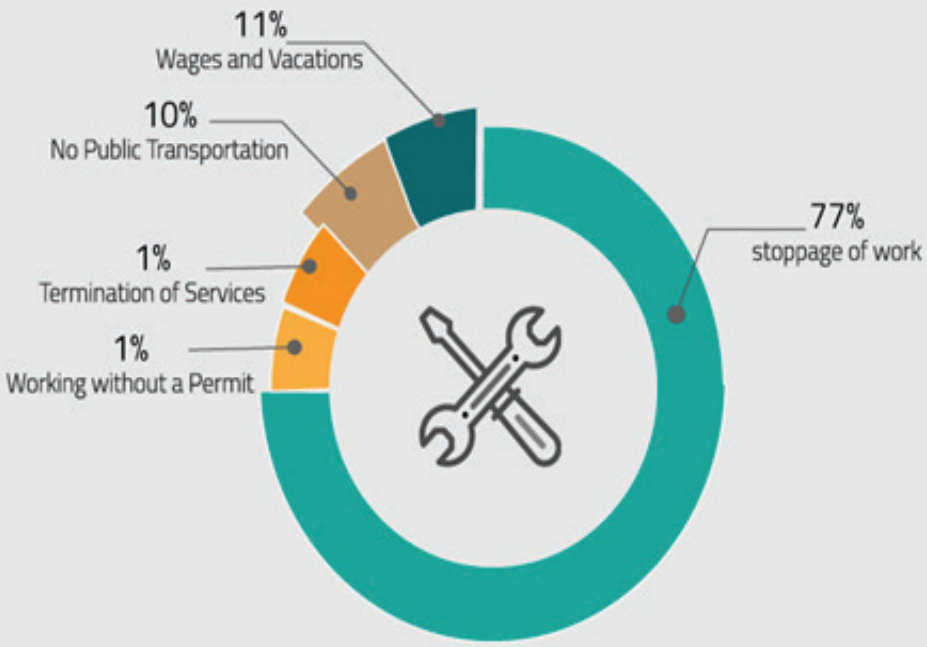
- 1% said they were forced to work, even though they were not issued a permit, they were working with a contractor in Mafraq.

- 10% of the workers reported that while they were not subjected to any violations, that they were incurring large financial burdens due to the lack of public transport and them being forced to use applications for transportation instead.



314 workers in the Construction Sector were monitored. Their nationalities are disaggregated as follows:

The workers' complaints were distributed as follows:



Pre-Pandemic working conditions

The majority of workers in the sector are characterized as informal workers. Their employment is usually based on labour agreements that lacks any social protection guarantees or compensations. Their working conditions could be summarized as follows:

First: Contractual Relationship
Construction workers are employed in numerous contexts and varying working conditions. They could be working for their own account in various projects; or employed with different employers at the same time and receive daily wages based on their work.
Others work in workshops, through contractors where they get paid after the work ends or on a daily basis. Another group consists of those who are employed in construction companies, either through temporary oral or written employment contracts that extends for a number of months, or in some cases to even annual contracts.
It is worth noting that work in the sector is very active in the summer and spring seasons, while its rate declines during the other seasons.

Second: Working hours and wages
There are no fixed parameters for construction work in terms of determining working hours. They thus depend on the contractual relationship, whether it is daily, monthly, or according to the project. As for calculating the wages, they are based on years of experience.

Third: Occupational Safety and Health, Social Security and Regularized work
The conditions related to the nature of the tasks and the risks to which the worker is exposed to are similar from one worker to the other. These include exposure to sunlight and dust; the risk of falling from altitudes; exposure to unsafe electricity wires, among the many other risks. As for occupational safety and health measures, they are often provided by the worker himself, especially those who are self-employed.

Conditions are made worse by the fact that many workers are not covered under the umbrella of social security. The lack of coverage deprives them of benefiting from the many insurances that they could utilize; including those related to work injury and disability; unemployment benefits, or those that would enable the worker from obtaining old age insurances after retirement or even a death insurance to his family (in case the worker had 24 subscriptions with the SSC or more).
Often, construction workers are not covered under the umbrella of social security for the following reasons:

- Daily Workers: workers - regardless of nationality - move between different employers, and their work does not last for more than 16 consecutive days, which prevents them from being covered in social security, according to the law.

- Legality of Employment: Non-Jordanian workers must obtain work permits to be able to work legally, but many migrant workers and Syrian refugees work illegally based on one or more of the following practices:

- Issuing a permit for a profession that is different from the one in which the worker works, such as working in construction but having an agricultural work permit.
- Having a work permit issued by one employer, but being employed by another.
- Working with an expired work permit.
- The lack of desire of the employers or even workers themselves to issue work permits.

The above leaves the worker working informally as he is unable or unwilling to renew the permit; as well as being unable to participate in social security. Another situation that could be added to the above related to flexible work permits issued by Syrian refugees. These permits replace social security with insurance policies that cover the costs of work injury if any occurred to a worker while he is working, in addition to covering the compensation that would be provided for the family to cover for the funeral in case the worker died while on the job. However, the policy does not cover any other insurances or benefits covered by the social security system.

Fourth: Annual and Sick Leaves as well as other Weekly, Religious or Official Holidays.

Often workers who are working for their own account prefer to complete their work in the shortest possible period and then move to other projects. Thus, they do not mind resorting to working seven days a week when necessary.

As for workers who work on projects with contractors, their wages are calculated, either based on the number of working days or upon completion of the task, according to the agreement concluded between the two parties.

In most agreements, annual leave is unpaid, and the same rule applies to other types of vacations or holidays.

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Work in construction during the pandemic

The start of the spread of the virus coincided with the end of winter, which is usually when construction workers expect the new projects to start. Therefore, workers' expectations ranged from those who expected to resume working to those who expected to be allowed to work partially. These workers' expectations stemmed from their thinking that the nature of their work is far from being a threat to public safety, unlike other professions where the virus can be transmitted, such as restaurants and barbershops.

However, these expectations did not materialize. Instead, a complete cessation of activities in the construction sector was announced following the activation of the Defense Law. The decision was thereby strengthened by another one issued by the Ministry of Industry, Trade and Supply No. (39) for the year 2020, which did not include the sector within its list of vital professions and was thus bound to adhere by the curfew.

The curfew placed additional burdens on workers of different nationalities, overburdened them and left them unable to meet their basic needs, causing them to accumulate debts.

Due to these decisions, Egyptian and Syrian construction workers are currently sharing a cruel reality, after they lost their income and being uncovered by any social protection compensation scheme. However, the decision had a greater impact on Syrian workers than Egyptian workers, due to the fact that Syrian workers reside with their families in Jordan, unlike the Egyptians, whose families remained back in Egypt.

On the 18th of April 2020, Defense Order (9) was announced, which stipulated that workers who are either Jordanian, Palestinians, or children of Jordanian women are eligible to receive a temporary unemployment compensation as part of a program called Solidarity 2. The program will cover workers employed in private sector facilities and are not registered in social security. However, the program excluded workers from other nationalities; depriving them of any social protection, or any means to provide them with even a basic income.

Likewise, daily-workers, who are self-employed from the nationalities included in the program, could not benefit from Solidarity (2), as they do not work for a specific employer.

After the country began controlling the spread of the virus, registering an uptick in the number of those who have recovered during the 3rd week of April, the Jordanian government approved the issuance of temporary movement permits. These permits are linked to employers and obliges that workers be registered in social security. These regulations confused workers, who were left unsure whether they would be able to resume working on their projects or starting new ones. The confusion was especially felt by those who have flexible work permits that are not linked with a specific employer, who as a result of the regulations were not able to return to work, for fear that they might be apprehended by the police.

It is noteworthy that the Ministry of Public Works has drawn up a plan to resume work in the construction sector. Accordingly, work was allowed to begin on five strategic projects, namely: Al-Bashir Hospital Emergency Building, Desert Road, Amman-Zarqa High Speed Bus, Dead Sea Bridges, and Al-Hadalat Road. These projects resumed working after it was ensured that they are in full compliance with public health instructions, and the requirements of the Ministries of Health and Labor. As for the rest of the projects in the public and private sectors, the Ministry is still working as the date of this writing on receiving and studying the applications for projects who asked to resume working.

According to a press briefing by the Minister of Public Works and Housing, Falah Al-Amoush on the 20th of April, the current plan aims at supporting the construction sector; stimulate it and ensure its continuity after this current crisis. Moreover, the plan aims at revitalizing the economy and daily workers.

The head of Contractors union, Ahmed Al-Yacoub, said that the sector is connected with all sectors in the Kingdom. Therefore, the disruption to its work has affected everybody, whether directly or indirectly. He pointed out that the direct impact occurred after contractors left their projects, as a result of the virus outbreak. As these projects are bound by implementation and financial schedules, the pandemic has greatly impacted the sector in terms of their implementation on time and the financial flows of projects, due to the sudden cessation of work.

He also stressed that the sector workers were affected by many negative results during the past period. Many of these workers have lost their income, especially those who are employed as daily workers; adding that 30% of Jordanians work in the construction and support professions. He then added that construction is considered a huge sector in Jordan as well as the rest of the world, which is why many countries have invested money in it to ensure that it remains operational due to its importance in their economies.

Recommendations:

1. Carry out a study on the economic implications of the virus on the construction sector, and finding workable solutions to protect its workers.

2. Adhere to public safety standards in the workplace, and increase inspection campaigns

3. Provide workers with public safety tools, especially preventive ones, to avoid cross-infection and spread

4. Carry out regular medical checks for workers, to ensure that they continue to work in light of the risks to which they are exposed.

5. Providing workers with sterilizers continuously

13 May 2020

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